



Governing Body

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Legal Issues and International Labour Standards Section

LILS

Minutes of the Legal Issues and International Labour Standards Section

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Legal Issues Segment

1. Proposed amendments to the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization (GB.350/LILS/1)

1. **The Employer spokesperson** welcomed the proposed amendments to the Standing Orders concerning the procedure for the examination of representations and the associated introductory note, which largely responded to the issues raised during earlier discussions and consultations. In the introductory note, his group supported the indication in paragraph 14 that the Governing Body should appoint the members of the tripartite committee “as soon as possible”, as it was unnecessary to specify a strict deadline. The group supported the proposed new paragraph 15, under which the Employers’ and Workers’ groups and the regional groups of governments could submit the names of up to six potential committee members. However, the final selection of committee members must continue to be made by the respective secretariat of each group, rather than the Office; that would allow the groups to appoint a member other than the six they had previously proposed. The new paragraph 16 on the timely delivery of Office documents was very important, as committee members needed to examine the subject in detail as from their first meeting.
2. Regarding new paragraph 18 on the suspension of the examination of the merits of the representation, he noted that that was not possible prior to the establishment of the tripartite committee. He therefore proposed that “of the procedure” should be added in the penultimate sentence of the paragraph, to read: “If a suspension of the procedure is requested before a tripartite committee has been set up”. New paragraph 24 was a positive addition, as the requirement to keep the Governing Body informed of any pending representations would increase transparency and clarity.
3. In the Standing Orders, there was an inconsistency between article 2(2)(d) and new article 12: the former specified that representations must concern a Member of the Organization, while the latter provided for representations against States that were no longer Members. That could be resolved by inserting wording at the end of article 2(2)(d) to indicate that it applied “subject to the provisions of article 12”, to mirror the proposed insertion in new article 12. On new article 5, his group supported the proposal to allow a representation to be suspended for up to six months, with a potential extension of up to six months, if there was a realistic possibility that the dispute would be resolved through optional voluntary conciliation or other voluntary measures at the national level, based on the progress made thus far. The group also welcomed the proposal to limit such a step to one extension other than in exceptional cases, and supported the option for the association in question to withdraw its representation if it felt able to resolve the case itself with the relevant Government.
4. Lastly, he expressed tentative support for new article 7(2), which the group understood to mean that, if an association decided to withdraw a representation, the committee would have to recommend that the Governing Body close it, unless there was evidence to suggest that the withdrawal was not voluntary, similar to paragraph 50 of the special procedures governing the examination of complaints alleging violations of freedom of association. However, it should be made clear in the introductory note that the examination of the merits of a case would not be continued against the genuine and voluntarily expressed will of the association, as that would

be contrary to the purpose of the procedure and procedural economy. The subject matter of the representation could nevertheless still be examined in the context of regular reporting to the Committee of Experts on the Application of Conventions and Recommendations.

5. **The Worker spokesperson** acknowledged that optional voluntary conciliation could be an effective means to resolve the issues raised in an article 24 procedure, but only if the conditions of good faith and constructive efforts to resolve the dispute were met, and complainants were provided with the necessary resources and procedural guarantees. In addition, complainants must be clearly informed that conciliation was voluntary, that declining to enter into it would not affect the Organization's management of the case and that acceptance of conciliation would suspend the article 24 procedure for a maximum period of six months. Parties should not be proactively informed of the possibility of an additional extension, as it should not be abused to delay the article 24 procedure. Although her group would have preferred no exceptions to the rule allowing only one six-month extension, it could accept the proposed text. However, if parties were unable to meaningfully engage in conciliation after a year, it was unlikely that a further extension could change the outcome. Any further extensions must therefore only be permitted on a strictly exceptional basis where conciliation was clearly viable. In that light, she requested an evaluation of the voluntary conciliation period in several years' time.
6. The Workers' group supported the proposed new article 5(2) of the Standing Orders, which clarified the procedural steps for the Officers to suspend the examination of a representation at the request of the parties, immediately after the examination of its receivability, which guaranteed the tripartite nature of the procedure. That depended on the timely establishment of an ad hoc committee to evaluate the prospects of success of the conciliation process if a further extension was requested. The group also welcomed new article 7(2) on the withdrawal of representations.
7. The Workers' group supported paragraph 24 of the introductory note on Office updates to the Governing Body, and paragraph 16 on the requirement for documents and information to be provided 15 days ahead of the meeting. It was concerning to note in the report on the status of pending representations¹ that the designation of Government members was urgently awaited in four ad hoc tripartite committees, while the designation of an Employer member was awaited in two committees. The delays ranged from one year to 19 months; in one case, more than three and a half years had elapsed since the representation was declared receivable. Continued failure to establish the committees harmed the credibility of the Organization; the group therefore supported the proposed amendments to paragraph 14 of the introductory note. The group also proposed to insert, in article 3(1) of the Standing Orders, wording to provide that the Governing Body must set up the committee "before the first following session of the Governing Body". The Office had clarified that Governing Body members did not need to submit formal amendments to the proposed Standing Orders, as the decision adopted would be adjusted to read "as amended by the Governing Body".
8. In addition, the Workers' group supported the provision in paragraph 14 of the introductory note that, to the extent possible, the Government member of an ad hoc committee must be a representative of a Member that had ratified the Convention concerned by the representation. It could also support the proposal in new paragraph 15 to have a list of potential committee members, as that could help accelerate the process for the Government members. However, the Workers' group would continue to propose candidates autonomously on the basis of

¹ GB.350/INS/INF/3.

factors such as expertise and geographical considerations. Her group also supported the changes to new article 12. She asked for clarification of the Employers' group's proposals before taking a position on them.

9. **Speaking on behalf of the Government group**, a Government representative of Namibia reaffirmed her group's support for the ILO supervisory system, which must be adapted according to new challenges in the world of work and the impact of new technologies on the labour market. In that context, and based on the decisions at the 349th Session (October–November 2023) article 24 and 25 representations, it was important to improve the voluntary conciliation procedure, in terms of both timeline and the role of the Office. Her group supported the amendments to paragraphs 14 and 15 of the introductory note aimed at facilitating the appointment of ad hoc tripartite committee members, and the proposal that Government members should, as far as possible, represent Member States that had ratified the Conventions in question. The group also agreed with the proposed new article 5 on the suspension of the examination of the representation, including for an additional period of six months, to allow for voluntary conciliation. She commended the Office's efforts to develop the proposals and the ongoing engagement of the social partners, and expressed support for the draft decision.
10. **Speaking on behalf of the Africa group**, a Government representative of Algeria welcomed the proposed new article 5 as a useful addition, as the option of suspending the examination of the representation to allow for optional voluntary conciliation or other voluntary measures would enable the rights and interests of all parties to be taken into account. The possibility of requesting a suspension before the committee had been established would also allow greater flexibility and responsiveness. The limit of one extension of the suspension other than in exceptional cases was reasonable to avoid excessively lengthy procedures; however, the term "exceptional cases" should be clarified to avoid any subjective interpretations. The proposed new article 7(2) allowing the association concerned to request the discontinuation of a procedure before the completion of the committee's examination was reasonable, provided that the decision was voluntary, and would also provide for further flexibility in the event of positive developments in the circumstances. The proposals would ensure transparency and equity in the procedure for examining representations. All parties should be fully informed at all stages of the procedure, and their rights must be respected. The Africa group supported the proposed amendments.
11. **Speaking on behalf of the group of industrialized market economy countries (IMEC)**, a Government representative of the United States of America said that her group continued to support the ILO supervisory system while welcoming efforts to resolve issues through social dialogue, notably via optional voluntary conciliation. On the proposed new article 5 of the Standing Orders and paragraph 18 of the introductory note, IMEC agreed that conciliation should be time-bound, as a deadline would encourage parties to engage in earnest and would promote efficient case handling. Given its earlier concerns that an initial six-month period, extended for another six months, might provide too short a time for conciliation, IMEC welcomed the provision for "limited exceptions" in paragraph 18, which would be helpful, particularly where lengthy changes in legislation were planned. The clarification in the same paragraph that "other measures at national level" referred to "institutionalized procedures or bodies with a specific mandate to solve labour disputes" was also welcome. However, the group sought reassurance that it was not intended as a limitation; governments should have the option of setting up mediation to resolve the issues concerned. In article 5, it was positive that the Governing Body could suspend the examination of the representation before an ad

hoc tripartite committee was set up. IMEC supported the proposed new article 5 and paragraph 18.

12. On the proposed new article 7(2) regarding the withdrawal of a representation, she asked for further details on current practice related to closing a procedure under articles 24 and 25. Turning to the proposed amendments to paragraph 14 and the proposed new paragraph 15, she stressed the need to expedite the appointment of tripartite committee members and therefore welcomed the provision to establish a list of possible candidates. Furthermore, the group proposed that representatives of non-members of the Governing Body that had ratified the relevant Conventions should be eligible for appointment to an ad hoc committee. That would broaden the pool of potential candidates and guarantee more stability, as article 24 procedures might continue across the terms of office of Governing Body members. She asked whether such appointments would comply with legal and procedural rules; if they did, her group would propose amending article 3(1) of the Standing Orders to allow the appointment of non-Governing Body members. IMEC strongly supported the appointment of representatives of Members that had ratified the Convention concerned, as they had a better understanding of the Convention and the challenges and complexities of implementing its provisions, which would reinforce the credibility of the mechanism. Concerning the other amendments, IMEC welcomed the efforts to increase transparency, awareness and understanding of the option for voluntary conciliation, and the measures aimed at ensuring timely submission of information and relevant documents.
13. **A Government representative of the Islamic Republic of Iran** welcomed the efforts made to enhance the transparency, efficiency and integrity of procedures under articles 24 and 25 of the Constitution. In relation to article 5(1) of the Standing Orders, he suggested clarifying the term “exceptional cases”, as clear criteria were needed to ensure consistent application of the provision. In addition, article 5(2) should specify the role and responsibilities of the Officers of the Governing Body in recommending the suspension of the examination before an ad hoc committee had been set up, as that would promote greater accountability and transparency. Paragraph 16 of the introductory note should include a provision to ensure the timely sharing of documents with the Government concerned, in line with the requirements regarding committee members. Lastly, he asked the Office what measures it envisaged to protect ad hoc committee members from undue interference. Subject to the incorporation of those points, his Government supported the draft decision.
14. **A Government representative of Mexico** welcomed the proposed amendments, especially the new article 5, which would help to improve the optional voluntary conciliation procedure. Concerning the receivability of representations, he reiterated the need for strategies that would ensure, as far as possible, that all relevant national procedures had been exhausted in addressing the allegations, without prejudice to the rights of the tripartite constituents to request the intervention of the ILO. It was also important to make provision for extensions to allow the continuation of the process where necessary, and to define the period in which committees formulate recommendations to submit to the Governing Body. His Government supported the draft decision.
15. **A Government representative of Chile** agreed that the voluntary conciliation system needed to be strengthened, particularly with regard to the establishment of a reasonable deadline, the role of the Office and the role of the social partners. In Chile, a recent ILO technical mission had clearly demonstrated the positive impact of ILO support on the ground, in coordination with the social partners. The Office was working towards the establishment of a voluntary tripartite conflict resolution mechanism in the hope that all complaints submitted to the supervisory bodies could go through a process of conciliation. After the ILO technical mission,

two national conciliation procedures had been launched relating to recently submitted representations. He supported the draft decision.

16. **The Employer spokesperson** clarified that his group was proposing to amend the penultimate sentence of paragraph 18 of the introductory note to specify that the suspension referred to the suspension of the procedure, since the ad hoc committee would not yet have been set up. The second proposal involved adding, to article 2(2)(d) of the Standing Orders, the phrase “subject to the provisions of article 12”, because article 12 contained an exception to the rule that a representation must concern a Member of the Organization. As the Office was proposing to add the phrase “notwithstanding article 2, paragraph 2(d)” to article 12, it would be useful to ensure consistency by also including a cross-reference in article 2(2)(d).
17. It would be for the Government members to decide on IMEC’s proposal to include, in ad hoc tripartite committees, non-members of the Governing Body that had ratified the relevant Convention, but the Employers’ group could support it. The group was also prepared to support the Workers’ group’s proposal that the committee should be set up before the next session of the Governing Body, as it shared the concern that representations needed to be addressed in a timely manner.
18. **The Worker spokesperson** welcomed the clarifications from the Employer spokesperson and said that she could accept the addition of a reference to “suspension of the procedure”. She noted that the Employers’ group’s second proposed amendment had been discussed in informal consultations and there had been an understanding that no change was needed; she requested clarification from the Office. She was hesitant to accept IMEC’s proposal to include non-members of the Governing Body in ad hoc tripartite committees, as Governing Body members were better informed and more involved in the functioning of the Organization, including representations, than non-members. She asked whether the proposal referred only to Government members, or also Worker and Employer members. It was appropriate to first increase the pressure on groups to nominate committee members in a timely manner, as envisaged by her group’s proposed amendment, before considering further the possibility of including non-members of the Governing Body.
19. **A representative of the Director-General** (Director, International Labour Standards Department) thanked the Governing Body for its broad support for and engagement in the discussion. She noted that the nomination of the members of the committee would indeed remain the prerogative of each of the three groups, and that even where a pool of potential candidates had been submitted, the final nomination would be made by each group.
20. With regard to the reference to “exceptional cases” in article 5, that determination would be made by the three members of the ad hoc committee, guided by the terms of article 5, which stated that any extension would be assessed in view of the progress made towards the resolution of the dispute, if the committee considered that there was a realistic possibility that the dispute could be resolved. There had been broad acknowledgement that a firm timeline helped to motivate the parties to engage in conciliation, but in certain cases some additional weeks might be needed, for instance if a change in legislation was due to come into effect, as IMEC had noted, or if a meeting needed to be postponed slightly beyond the deadline for unforeseen reasons. Since not all exceptional cases could be anticipated, it would not be possible to specify them in more detail in the Standing Orders.
21. It was currently not possible to appoint non-members of the Governing Body to the ad hoc tripartite committees, as they were subsidiary bodies of the Governing Body. There had been instances when a committee had not been able to complete its work during the mandate of

the Governing Body members, and in those cases new committee members had had to be appointed.

22. As to the comments from the Government representative of the Islamic Republic of Iran, she noted that it was already the practice for the committee to share information with both the complainant and the Government concerned. As paragraph 16 of the introductory note was intended to ensure that members of the committee received documents and information from the Office in a timely manner, she suggested that it was not necessary to include the parties to the representation in that provision. With regard to protection of committee members against undue interference, she noted that the Office always organized preliminary meetings with all new committee members to explain the Standing Orders and practices, when it reminded them that the procedure was confidential, that they should not be faced with undue interference and that the Office was there to ensure that action was taken, if necessary. No instances of undue interference had been reported during her term of office. With regard to the proposal to specify the role of the Officers of the Governing Body with respect to article 5(2), she noted that, once the Officers had decided that the representation was receivable, if both parties had already indicated an interest in conciliation, the Officers would consider the request for suspension at the same time.
23. On IMEC's request for information about withdrawals of representations, she replied that they did happen, but not very frequently. The last time had been in March 2021, when a representation against Nepal relating to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), had been withdrawn. The three members of the committee had noted the withdrawal and recommended the closure of the procedure, and the Governing Body had decided to close it.
24. **Another representative of the Director-General** (Legal Adviser) said that the Governing Body could decide to amend any of the provisions of the Standing Orders, including article 3, to make provision for the inclusion of non-members. Consequentially the relevant paragraphs of the introductory note should also be modified. As regards the two amendments proposed by the Employers' group, he remarked that the suspension referred to in paragraph 18 could only be the suspension of the procedure, as the examination of the merits had not yet begun. Furthermore, since in article 12 it was proposed to include a cross-reference to article 2(2)(d), it was not necessary to include a corresponding reference in article 2(2)(d). That would imply that if the words "Subject to the provisions of article 12" were retained in article 2(2)(d), the proposed words "Notwithstanding article 2, paragraph 2(d)" in article 12 would become redundant and should be omitted. Therefore, the two proposed amendments of the Employers' group were not essential, but could be included if the Governing Body agreed. On the Workers' group's proposed amendment, he suggested that "the first following session" could be reworded as "the following session". Lastly, he noted that the term "exceptional cases", or even "very exceptional cases", was often used in international labour instruments to refer to situations where a degree of appreciation and flexibility was required.
25. **The Worker spokesperson** accepted the proposal to remove "first" before "following" in her group's proposed amendment, and wished to hear the Government representatives' views on the amendment. While the Employers' group's proposals were not strictly necessary, she did not object to them. However, she was not prepared to support the inclusion of non-members of the Governing Body at that time. If IMEC wanted to pursue the proposal, the Governing Body would need time for further consideration.
26. **The Employer spokesperson** said that his group would like to insist on the inclusion of its two adjustments to the drafting for the sake of clarity, since the membership of the Governing

Body rotated and not all members were ILO specialists. He thanked the Director of the International Labour Standards for her explanations. It was important for the Governing Body to know that members of the ad hoc committees always took decisions by consensus, with guidance from the Office. It was reassuring that exceptions could be made to extend a deadline in cases where there was a realistic possibility of resolving matters in a few extra days.

27. **Speaking on behalf of IMEC**, the Government representative of the United States acknowledged that her group's proposal was new and that the Governing Body members had not had time to fully consider its implications. Therefore, IMEC would be happy to proceed without its inclusion. However, the group's view was that it would be a useful proposal to consider in the future, as many governments followed the proceedings of the Governing Body quite closely, irrespective of whether they were members. She requested the Office to help identify an occasion when the proposal could be discussed further at a future session, with the possibility of trialling the measure before moving straight to implementation.
28. **The representative of the Director-General** (Director, International Labour Standards Department) summed up the discussion by noting that there appeared to be consensus on the Employers' group's proposals. She understood that IMEC was withdrawing its proposal; it could be included at a future session when the Governing Body continued its discussion of the work plan on the strengthening of the supervisory system. The Employers' group had supported the Workers' group's proposal, but there had been no comments from Governments on it.
29. **A Government representative of Mexico** said that he supported the amendment proposed by the Workers' group.
30. **The Chairperson** observed that Government members were nodding in agreement.

Decision

31. **The Governing Body adopted the amendments to the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution and corresponding modifications to the Introductory note, as set out in Appendix I of document GB.350/LILS/1 and as amended by the Governing Body.**

(GB.350/LILS/1, paragraph 19, as amended by the Governing Body)

International Labour Standards and Human Rights Segment

2. Proposed form for the report to be submitted under article 19, paragraph (6)(d), of the ILO Constitution on the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) (GB.350/LILS/2)

32. **The Worker spokesperson** underscored the importance of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and the associated General Survey in the current context of multiple crises due to conflict and disaster. The ILO must play a key role in guiding constituents and the international community on work in that area. The Workers' group welcomed the decision to focus the General Survey on Recommendation No. 205 alone, as that would effectively promote its follow-up. However, the group also hoped that the General Survey would contribute to promoting the other international labour standards to which it referred and their capacity to support the development of resilient economies and societies.

33. Noting that the proposed report form for Recommendation No. 205 was clear, concise and comprehensive, she expressed support for the draft decision and encouraged constituents to submit the requested reports for 2025. The subsequent discussion by the Conference Committee on the Application of Standards must be substantive and guide the Office on future work on the issue. That discussion would also provide an opportunity to develop a comprehensive strategic vision of the ILO's role in the humanitarian-development-peace nexus, especially in view of the ongoing conflicts in Europe and the Middle East. She therefore called on the Office to prioritize follow-up to the conclusions of that Committee, and to develop a comprehensive ILO strategy for peace and resilience, with a corresponding plan of action. Lastly, she encouraged the Office to work with constituents to further streamline the consultation process on forms for reports under article 19 of the ILO Constitution, especially in relation to the use of electronic platforms.
34. **The Employer spokesperson** welcomed the Office's efforts to incorporate feedback in its development of the report form. However, he regretted that the comments and proposals submitted by Governing Body members had not all been made available on the dedicated online platform. Having access to the proposals for optimization facilitated attempts to reach consensus before the formal discussion; he therefore encouraged the Office to make provisions to that effect in future. In terms of the structure of the proposed report form, it would be more transparent and helpful for respondents if references to related provisions of the recommendation were provided separately for each sub-question, instead of being grouped together under the main question. His group supported the draft decision.
35. **Speaking on behalf of the Africa group**, a Government representative of Nigeria said that employment and decent work played a fundamental role in sustainable development, notably in promoting economic growth, social cohesion and human dignity. Beyond their intrinsic value, employment and decent work also had significant implications for peace and resilience within societies. In order to leverage that potential, policymakers, social partners and other relevant stakeholders should prioritize the development of comprehensive, integrated approaches to job creation and skills development, and address underlying structural inequalities to promote social justice and decent work for all. Those elements were central to Recommendation No. 205. However, the proposed report form was both broad and detailed, which might prove to be a barrier to timely completion by Member States. Consideration should therefore be given to improving the structure of the form in subsequent versions. In the meantime, technical assistance should be provided to Member States as necessary. Her group supported the draft decision.
36. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, a Government representative of Mexico underscored the importance of compliance with article 19 of the ILO Constitution, noting that governments in the region sought to provide detailed reports on their implementation of Conventions and Recommendations based on tripartite consultations. Indeed, article 19 reports were central to the ILO's unique supervisory system. The proposed report form was comprehensive and gave due prominence to the guiding principles set out in Paragraph 7 of Recommendation No. 205. However, the specific nature of the questions would require close coordination within and between labour authorities and, therefore, entail considerable effort. The Office should therefore provide support to complete the form in order to ensure that the Committee of Experts on the Application of Conventions and Recommendations could obtain a full overview of the situation with regard to employment and decent work for peace and resilience. Her group supported the draft decision.

37. **A representative of the Director-General** (Director, International Labour Standards Department) noted the requests to streamline the report form development process, including by making comments available to consultation participants on the online platform. The Office sought to balance flexibility and transparency in that regard. She acknowledged that the completion of report forms required significant work and commended all who contributed to that task. In order to facilitate their efforts, the Office would continue to provide technical assistance as required, including in the form of webinars.

Decision

38. The Governing Body:

- (a) **requested governments to submit reports for 2025, under article 19 of the ILO Constitution, on the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205);**
- (b) **approved the report form concerning this instrument, as set out in the appendix to document GB.350/LILS/2.**

(GB.350/LILS/2, paragraph 5)

3. Fourth evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group (GB.350/LILS/3)

39. **The Chairperson of the Standards Review Mechanism Tripartite Working Group (SRM TWG)** said that the SRM TWG had held two meetings since the third evaluation of its functioning and that the report of its Officers reflected on the outcomes of its work at those meetings. Despite complex and challenging discussions, the SRM TWG had reached consensual recommendations. Its members had demonstrated their continuing commitment and were mindful of the impact that the recommendations had on the world of work. Furthermore, the outcomes were multidimensional, with practical and time-bound packages of follow-up action with complementary and mutually reinforcing components. The follow-up to the recommendations of the SRM TWG was a matter of institutional priority and had far-reaching significance for the Organization. The SRM TWG had welcomed the opportunity to have an exchange with the Director-General at its eighth meeting and had decided to accelerate its reviews with a view to completing its initial programme of work in 2028, without, of course, compromising the quality of its work.
40. **The Worker spokesperson** thanked the Office for the invaluable assistance and guidance provided to the SRM TWG to ensure that deliberations and conclusions were robust, consistent and coherent with the normative mandate of the ILO and other work of the Office. She also thanked the outgoing Chairperson for having successfully chaired the SRM TWG and wished her every success in her future endeavours. She reiterated that the success of the SRM TWG should be measured by whether it was fulfilling its core mandate, which was to ensure that the ILO had a clear, robust and up-to-date body of international labour standards that protected workers, was responsive to the changing patterns of the world of work and took into account the needs of sustainable enterprises. Central to the fulfilment of that mandate was making recommendations on the status of the standards examined, identifying gaps in coverage and allowing for practical and time-bound follow-up action.
41. As on previous occasions, she expressed her deep concern that the SRM TWG was increasingly proposing the abrogation or withdrawal of standards without the balance of the ratification of more modern Conventions, the identification of gaps in coverage or the setting of new

standards, leaving workers without protection in practice. Noting that governments had responded inadequately to the calls to ratify more up-to-date Conventions, she reiterated that, where ratifications of modern Conventions with better protections were pending, the previous versions of instruments should be maintained, even if they afforded limited protection.

42. Also of concern was that the SRM TWG had decided to postpone its decision on the classification of night work of children and young persons and the identification of gaps in coverage relating to paternity and parental leave, pending further research, thereby departing from its practice of identifying gaps in coverage during its meetings and delaying further the identification of gaps in protection. Regarding the inclusion of standard-setting items on the agenda of the International Labour Conference, she noted that so far only one out of five of the SRM TWG's recommendations for standard-setting had resulted in the adoption of an instrument, namely the Quality Apprenticeships Recommendation, 2023 (No. 208), and only one of the four recommendations it had made on standard-setting in relation to occupational safety and health had been included on the agenda of the Conference at that point. Her group expected the Governing Body finally to place the standard-setting item on chemical hazards on the Conference agenda for 2026 and 2027. She observed that the non-normative measures recommended by the SRM TWG were considered to be longer-term initiatives and, in most cases, their development by the Office was still under way. In that regard, there appeared to be no evidence of the SRM TWG's pivotal and continuing role in the ILO's institutional response to international labour standards policy.
43. It was imperative that the implementation of the SRM TWG's recommendations was effective, integrated, comprehensive and timely. The role of all three constituent groups in ensuring that standards were ratified and effectively implemented at the national level was indispensable. In that regard, the Office should provide technical assistance and capacity-building support. When carrying out promotional activities, particularly in relation to ratification, the social partners at the national level should be involved, as well as the Bureau for Workers' Activities and the Bureau for Employers' Activities. The Office should increase its efforts to design and implement solid, proactive and well-resourced campaigns to encourage the ratification of up-to-date Conventions to ensure that workers were protected in law and in practice. Where gaps in coverage were identified, standard-setting should be expedited as a matter of institutional priority. Options such as special standard-setting sessions of the Conference or technical preparatory conferences should be seriously explored.
44. She recalled that at its seventh and eighth meetings, the SRM TWG had recommended a package of actions to follow-up on decisions to abrogate an instrument, which allowed for an interim evaluation by the Governing Body in order to assess progress made by Member States towards the ratification of up-to-date Conventions. Those modalities provided clarity and gave Member States sufficient time to seek technical assistance as necessary. Noting that the SRM TWG was aiming to complete its work by 2028, she said that such an ambitious workplan would be achieved only if its work programme was considered in the ILO's strategic planning and future resource allocations, to ensure adequate funding in that regard.
45. The Workers' group reserved the right to reconsider its participation in the standards review process if it became clear that the SRM TWG was not fulfilling its mandate. It supported the draft decision.
46. **The Employer spokesperson** also wished the outgoing Chairperson of the SRM TWG every success in her future endeavours. He appreciated the Office's efforts to incorporate in the report the comments that had been made during the Officers' meeting in January 2024. Nonetheless, in order to better assist the Governing Body in its evaluation task, future reports

should contain more in-depth analysis, in particular regarding how the various components of the packages of follow-up actions were mutually reinforcing. His group welcomed the opportunity to evaluate the functioning of the SRM TWG at regular intervals as a chance to reflect on lessons learned and lay the groundwork for the successful completion of the SRM TWG's programme of work by 2028. He noted that the SRM TWG's work contributed to the functioning of the ILO's standards system as a whole. The SRM TWG should be seen as part of an overall institutional effort to realize the objectives set out in the ILO Centenary Declaration for the Future of Work.

47. The group wished to make four concrete suggestions for the improvement of the SRM TWG's functioning. First, the complex and challenging nature of the discussions at the SRM TWG's meetings, which made it difficult to reach consensus, reflected the multifaceted nature of the issues discussed and did not represent a weakness in SRM TWG's work. All members of the SRM TWG should maintain a constructive approach, in order to achieve meaningful and sustainable outcomes. Where consensus could not be reached, the Officers' report should accurately present all the options and arguments put forward, to enable the Governing Body to make independent and informed decisions. As the Employers' group had previously noted, the roles of the SRM TWG and the Governing Body should be kept separate. While the SRM TWG formulated recommendations on the standards it reviewed, the Governing Body maintained the prerogative to decide on those recommendations in the context of the overall standards policy and should not simply "rubber stamp" them. Regarding the recommendations on standard-setting, the Governing Body had to consider, and might have given priority to, other competing items proposed for the agenda of the Conference. The SRM TWG's recommendations should therefore respect the Governing Body's autonomy and competence to take the final decision.
48. Second, it was important for the SRM TWG to hold open-ended tripartite discussions in which all members could share their respective points of view and experiences. Any preparatory documents provided by the Office should support that approach and refrain from suggesting any particular outcomes. The Office should only present possible options and stop issuing its own proposals for SRM TWG recommendations, because that discouraged open dialogue and the active engagement of the SRM TWG's members, who might feel pressured to accept the Office's proposals.
49. Third, recommendations regarding follow-up actions should be realistic, particularly in relation to promoting the ratification of up-to-date standards. The Office should assist Governments in assessing their ability to ratify and comply with the obligations of a Convention, in close consultation with the social partners. An informed and well-founded decision not to ratify and instead to implement only certain parts of a Convention should be respected as much as a decision to ratify a Convention was.
50. Fourth, for the SRM TWG's assessments to be meaningful, the abrogation or withdrawal of instruments determined to be outdated should be swift. The Employers noted with concern the increasing tendency in SRM TWG recommendations to delay abrogation. The unduly long retention of outdated Conventions alongside up-to-date Conventions in the same area created legal fragmentation and confusion. Moreover, the abrogation of an outdated Convention did not necessarily result in gaps in protection. It was unlikely that a country would immediately repeal the national laws and practices prescribed by an abrogated Convention. The Employers' group supported the draft decision.
51. **Speaking on behalf of the Government group**, a Government representative of Namibia reiterated her group's support for the work of the SRM TWG and welcomed the many

significant achievements of the SRM TWG since its establishment, despite the complexity of the issues discussed. Those achievements could largely be attributed to the dedication of its tripartite members and to the excellent support provided by the Office, which included the advance provision of detailed technical notes and proposals for the work moving forward. The participation of Government advisors during the review of highly technical instruments had also proven useful. Those practices should be continued.

52. In view of the considerable work that remained to be done, her group welcomed the adoption of the provisional five-year work plan with the goal of completing the work in 2028. The Office should offer its insights on ways to make the SRM TWG's meetings more efficient and ways to ensure that the SRM TWG could successfully complete its mandate within the established time frame, without compromising the quality of the standards review process.
53. Noting that many of the SRM TWG's recommendations pertained to the provision of technical assistance, which was critically important for the implementation of the ILO's normative agenda, she said that the Office should provide additional targeted technical assistance to facilitate the ratification of up-to-date standards and the more efficient implementation of ratified Conventions, taking into account the unique challenges faced by each Member State. The recommendations, as adopted by the Governing Body, should be acted upon as a matter of institutional priority. She reiterated her group's appreciation to the Director-General for having identified the standards review process as a priority in the 2024–25 biennium and emphasized the need for the strategic use of resources and internal policy coherence to support the ongoing work of the SRM TWG and ensure the comprehensive implementation of its recommendations. Her group supported the draft decision.
54. **Speaking on behalf of the Africa group**, a Government representative of Namibia noted that the Governing Body had considered and approved at its 346th and 349th Sessions the recommendations most recently formulated by the SRM TWG. Referring to those recommendations, he noted with satisfaction that an item on addressing the implications of gendered and other obsolete and inappropriate terms and references in international labour standards would be included on the agenda of the Governing Body at its 352nd Session and called for speedy follow-up in respect of gaps in paternity and parental protection.
55. The SRM TWG should not only systematically review the robustness of designated standards, but also analyse their impact and application. In view of the low rate of ratification of many of the standards reviewed by the SRM TWG, the fourth evaluation of the SRM TWG should serve as a call to promote the ratification of up-to-date Conventions globally. The Office should gain better understanding of the reasons for low levels of ratification and recommend effective and time-bound measures to overcome the challenges. The Africa group shared the concerns of the Workers' group in that respect. Furthermore, it agreed that monitoring the implementation of the SRM TWG's recommendations was essential to ensure that its work had an impact. Given that the SRM TWG intended to conclude its work in 2028, it should present to the Governing Body at a future session some recommendations on follow-up and monitoring after the expiry of its mandate. The Africa group supported the draft decision.
56. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of the Islamic Republic of Iran said that the SRM TWG had made significant progress in fulfilling its critical mandate and had demonstrated its ability to reach consensus and provide authoritative recommendations. ASPAG agreed on the vital importance of timely follow-up to the SRM TWG's recommendations and agreed that the SRM TWG should aim to finalize the reviews of the instruments in its initial programme of work by 2028, while maintaining the quality and thoroughness of the review process. The Office should ensure adequate resourcing

of the SRM TWG and the relevant departments to enable them to carry out their work. Despite the positive developments, there had been some delays in the implementation of some recommendations, in particular in respect of the provision of technical assistance and the development of non-normative tools. For the next evaluation of the SRM TWG, the Office should prepare a comprehensive status report, identifying implementation gaps and proposing remedial action. To facilitate broader engagement in the meetings of the SRM TWG, virtual participation should continue where feasible. The Office should inform the tripartite constituents of the progress made at each meeting in a more timely manner. His group would continue its constructive engagement in the SRM TWG and in the implementation of its outcomes.

57. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of Belgium said that Türkiye, North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova, Georgia, Iceland and Norway aligned themselves with her statement. She welcomed the fact that, despite the complex and challenging discussions, the SRM TWG had formulated consensual recommendations during its seventh and eighth meetings. The Office had been indispensable, providing crucial support to the SRM TWG through meticulous preparation and invaluable documents, which equipped delegates with the essential information required for complex discussions and the drafting of recommendations. The SRM TWG should continue to receive the Office's support in that regard. Notwithstanding the achievements documented, challenges remained. It was regrettable, given the alarming global figures for child labour, that final conclusions had not been adopted on the classification of the instruments on night work of children and young persons. It was hoped that conclusions would be reached on all those instruments in the future. The EU and its Member States commended the Director-General for his continued strong support to the SRM TWG and the ILO supervisory mechanism and fully supported the work of the SRM TWG and the draft decision.
58. **A Government representative of Saudi Arabia** underscored the importance of the SRM TWG's work and of the continuous need to follow up on its recommendations. Noting the decision to postpone the classification of instruments on night work of children and young persons pending research, he urged the Office to carefully monitor the situation and to assist the SRM TWG in collecting and collating the relevant data. He welcomed the efforts made to promote the ratification and effective implementation of updated standards and requested the Office to provide guidance and technical assistance to Member States where required, in conducting research and in amending and adopting legislation. Furthermore, the Office should synchronize information on implementation by Member States, particularly with regard to standards pertaining to agricultural workers. He welcomed the SRM TWG's plans to review inappropriate and obsolete terms and references. Regarding the recommendation that research be undertaken into maternity protection and night work by young persons in order to assess whether there were any gaps in the ILO body of standards, he emphasized the importance of considering measures, legislative or otherwise, that needed to be taken to plug those gaps.
59. He welcomed the fact that the SRM TWG had dealt with all the issues on its agenda at its last meeting and supported the decision to set a deadline of 2028 for the completion of its work. He also supported the recommendation that its planned programme of work be considered in ILO's strategic planning and in future resource allocations to ensure that relevant departments were appropriately resourced to support its work. His Government supported the draft decision.

60. **A Government representative of the Islamic Republic of Iran** commended the SRM TWG's efforts in contributing to ensuring a clear, robust and up-to-date body of international labour standards and noted with satisfaction the consensual recommendations reached, despite the complexity and sensitivity of the issues. He requested clarification on the timeline and the specific steps envisaged to implement the recommended research on the application of old age, invalidity and survivors' benefits to agricultural workers, and on the invitations to the Committee of Experts on the Application of Conventions and Recommendations to consider seeking information from Member States on the exemptions possible under the relevant Conventions. Furthermore, the Office should prioritize the development of technical guidance and capacity-building efforts to support Member States in the effective implementation of the up-to-date Conventions, particularly those related to vulnerable groups of workers such as agricultural workers and migrants. His Government supported the draft decision.
61. **The Worker spokesperson** noted that there were certain fundamental disagreements between the groups pertaining to the work of the SRM TWG, which made it difficult to achieve consensus. She recalled that there was an ongoing discussion on the usefulness of including more details in the report of the Officers; she continued to disagree with the Employers on that point. She clarified that the SRM TWG was a subsidiary body of the Governing Body that made recommendations to it. The Governing Body did not simply engage in "rubber-stamping" those recommendations. The SRM TWG had a tripartite composition, and she expected a commitment from all members to explain in good faith to their groups the arguments for accepting a certain consensual outcome and to bring that outcome forward in the Governing Body.
62. The Office's preparatory documents were of very high quality and its advice was highly valued. She noted that the Government group also recognized the contribution of the Office. Without such advice, the members of the SRM TWG might lack the necessary background to undertake their work properly. She took issue with the suggestion that, by providing background information and advice, the Office was placing undue pressure on the members.
63. Ratification was indeed voluntary, but there was an expectation that Member States should pursue the ratification of relevant ILO standards. She could not agree with the Employers' position that an instrument, once outdated, should be abrogated immediately to avoid confusion. If a standard was considered not to be as modern as it might be, there should be debates on the issue. Of course, it was important to adopt more modern approaches, but until the Governing Body could agree exactly on how to do so, the old instruments remained useful. If a national government adopted a revised law, then the old law disappeared. If the ILO adopted a more modern instrument, the old instruments remained in place. Irrespective of the Office's good work in promoting ratification of more modern instruments, the reality was that it would not always be successful.
64. Recalling that it had not been possible for the SRM TWG to agree on the need for clear rules and regulations on night work for children and young persons, she said that she categorically rejected the Employers' position that the issue should not be dealt with as proposed because the world was changing and there was a need for flexibility in labour markets. The work of the SRM TWG was not only to ensure an up-to-date body of international labour standards; primarily it was about the protection of workers.
65. **The Employer spokesperson** recalled, with regard to the need to separate the roles of the SRM TWG and the Governing Body, that the SRM TWG had been set up to conduct the technical review of the standards and to make recommendations to the Governing Body. The Governing Body, which had greater representation in its membership, should never abdicate its role to

the SRM TWG. Regarding the advice provided to the SRM TWG by the Office, he had not meant to suggest that the members of the SRM TWG were somehow incapable of bringing their own independent thinking to the SRM TWG's work. Rather, it was important for the Office to provide information to help members conduct a technical analysis of the matters facing them, rather than to channel them into any particular way of thinking.

66. To suggest that ratification was not voluntary was a curious statement. All governments had to look at their own national circumstances, consult with the social partners and decide whether they had the capacity to ratify an instrument. Many ILO instruments had not been ratified because governments lacked the capacity to do so. The Office should focus its work on assisting governments in analysing whether it was appropriate or advisable to ratify a particular instrument in view of the obligations that ratification entailed. The work of the Committee of Experts and the Committee on the Application of Standards was rife with examples of governments unable to comply with the obligations of ratified instruments; that was what the Employers were seeking to avoid.
67. Following up to his point about the swift removal of outdated instruments, he emphasized that it was not the quantity, but the quality of protection that mattered. He reiterated that, once an instrument had been declared outdated, there was no point in keeping it active. Efforts should be focused on whether there was a gap in coverage and on trying to bridge that gap with more modern instruments. ILO standards had to remain relevant to the changing world of work. Furthermore, in almost all cases, national laws relevant for worker protection would continue to be applied, regardless of the abrogation of an outdated instrument at the level of the ILO.
68. **A representative of the Director-General (Director, International Labour Standards Department)** thanked speakers for their guidance. The Office would continue its work to further improve both the preparation of the documents and the preparation of the members of the SRM TWG. This included the information sessions for governments, which had proved helpful, and orientation on recommendations, that was acknowledged by Governments as contributing to the efficiency of the meetings. Additional possibilities for improving efficiency would be considered. The Office would also prioritize follow-up to the recommendations of the SRM TWG in the form of additional targeted technical assistance, seeking support from the Employers' and Workers' groups, as needed and in response to their offer of support. Lastly, the research requested on the application of old age, invalidity and survivors' benefits to agricultural workers was well advanced, with a brief summarising it and considering good practices due by the end of the year. That research would supplement the existing online guide on extending social security to workers in the informal economy, which included sector-specific elements on the agricultural sector, among others.

Decision

69. **The Governing Body:**
 - (a) **thanked the Officers and members of the Standards Review Mechanism Tripartite Working Group (SRM TWG) for the information allowing it to undertake a fourth evaluation of the functioning of the SRM TWG;**
 - (b) **reiterated the importance of the SRM TWG in contributing to ensuring a clear, robust and up-to-date body of international labour standards and stressed the need for timely follow-up action by Member States, social partners as well as by the Office to its recommendations as adopted by the Governing Body;**

- (c) requested the SRM TWG to take its guidance into account in continuing its work and that it continue to be kept informed of the functioning of the SRM TWG so as to allow it to undertake a further evaluation in March 2026.

([GB.350/LILS/3](#), paragraph 3)