

## Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards (25 March 2024)

---

1. Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards ("the Committee") took place on 25 March 2024, from 2 p.m. to 5 p.m.
2. The meeting was facilitated by Ms Corinne Vargha (Director of the International Labour Standards Department). The Worker Vice-Chairperson of the Committee, Mr Marc Leemans, spoke on behalf of the Workers' group and Mr Kaizer Moyane, designated by the Employers' group to replace Mr Paul Mackay as Employer Vice-Chairperson, spoke on behalf of the Employers' group. The Government representatives of Egypt and Gabon spoke on behalf of the Africa region, the Government representative of China spoke on behalf of the Asia and the Pacific region, the Government representatives of Croatia and Netherlands spoke on behalf of the Europe Region. For the Americas region, the Government representative of Guatemala spoke on behalf of the group of Latin American and Caribbean countries (GRULAC), and the Government representative of the United States of America spoke also on behalf of Canada. A number of observers from all regions also participated in the meeting.
3. **The Director of the International Labour Standards Department** welcomed the meeting participants. She proposed that the discussion be structured around the topics addressed in the background note. She also indicated that she would welcome the participants' feedback on last year's Committee as well as any introductory remarks.
4. **The Employer spokesperson** thanked the Office for the background note which was very helpful, especially for newcomers. He appreciated that the working methods of the Committee had improved in recent years. Given the Committee's heavy workload, one issue of deep concern remained time management and the two Vice-chairs and the Chair should remain vigilant in this regard. The parties working together closely in this regard had helped the Committee to work more efficiently and complete its work on time.
5. **The Worker spokesperson** congratulated the Employer spokesperson on his appointment and wished him every success. He reiterated the importance of holding tripartite consultations on the working methods every year to reaffirm good practices and to ensure the greatest possible coherence and predictability to prevent any feelings of anxiety and chaos which went hand in hand with unpredictability. Good time management was also essential to the success of the Committee's work.
6. **The Government representative of Egypt, speaking on behalf of the Africa group**, noted that significant improvements had been made to the working methods of the Committee since the tripartite consultations in 2006, including the exceptional adjustments introduced during the COVID-19 pandemic as well as the arrangements adopted last year as part of the return to normal practice. The Africa group was looking forward to further optimizing the Committee's working methods.
7. **The Government representative of the United States, speaking also on behalf of Canada**, expressed appreciation for the work of the tripartite working group and the improvements made to the working methods since 2006, as illustrated in the Annex I of the background note.

8. **The Government representative of China, speaking on behalf of the Asia and Pacific group (ASPAG)**, stated that the Committee was very important within the ILO and had a heavy workload. She thanked the Office for organizing more than 20 tripartite meetings on the working methods since 2006 and considered that they were a toolkit for the Committee and led to many improvements as shown in Annex I of the background note.
9. **The Government representative of the Netherlands, speaking on behalf of the Western European Group (WEG)**, noted that the methods of work of the Committee had worked well and proposed that the current practices be maintained.
10. **The Government representative of Guatemala, speaking on behalf of GRULAC**, recognized the progress achieved since the start of the tripartite consultations and underscored the importance of continuing to make improvements to the Committee's working methods, particularly in connection with greater involvement of the Governments and the need to take account of national circumstances.

### Preliminary list and submission of written information

11. **The Director of the International Labour Standards Department** presented the proposal to reconduct the established practice of publishing the preliminary list of cases 30 days before the start of the work of the Committee, which would be on 3 May 2024. Governments on that list would have until 20 May 2024, if they so wish, to submit written information on new developments which had not been examined by the Committee of Experts. There was a strong invitation to limit the information to 2,000 words, with the understanding that some flexibility would be applied. Written information would be published in the language in which it was received, from among the three official languages.
12. **The Worker spokesperson** expressed appreciation for the fact that the Governments on the preliminary list could voluntarily submit information on new developments that had arisen in their country, and highlighted that that was useful when establishing the list of individual cases. He indicated that any such new developments must not be disregarded in the discussion and the drafting of conclusions on the individual cases. While understanding that there could be exceptional circumstances, the Workers' group indicated that Governments taking advantage of this opportunity should comply with the formal requirements, in particular the word limit, the deadline and the fact that the information should relate to new developments only.
13. **The Employer spokesperson** agreed that the 30-day period prior to the beginning of the Committee for the publication of the preliminary list was sufficient. The Office should publish at the same time the draft of Document D.1, in order to give the constituents time to review it. As for the supplementary information, while voluntary, these were very useful for the discussion of the case and could also assist in the decision on the final list of cases. The Employers urged the Governments to avail themselves of this opportunity and to submit the information within the established deadlines.
14. **The Government representative of Egypt, speaking on behalf of the Africa group**, requested that the practice of publishing the preliminary list 30 days before the start of the Committee be extended to 40 days to help the Governments concerned to prepare for their appearance before the Committee. He expressed his appreciation for the possibility of sending supplementary information and agreed that the practice should be maintained, and the deadline set at 20 May. Concerning the demands regarding the deadlines and length of the documents, flexibility should continue to be applied.

15. **The Government representative of Guatemala, speaking on behalf of GRULAC**, reiterated that online participation was of great importance to his group, as it meant that high-level individuals could participate in the work of the Committee. He supported the practice of publishing the preliminary list 30 days before the opening of the Conference, and the opportunity for Governments to submit written information by 20 May. In that connection, he sought clarification from the spokespersons of the social partners as to how they could understand the information provided by Governments when they did not master the language in which it was submitted.
16. **The Government representative of the United States, speaking also on behalf of Canada, and the Government representative of Croatia**, speaking on behalf of the EEG, supported the continuation of the practice of allowing Governments to send supplementary information as well as the publication of the preliminary list 30 days in advance, while noting that earlier publication would always be welcome.
17. **The Government representative of China, speaking on behalf of ASPAG**, also agreed with maintaining that practice, as it had proved to be effective.
18. **The Government representative of Croatia, speaking on behalf of the Eastern European Governments (EEG)**, agreed to go with the consensus.
19. **The Worker spokesperson** recalled that, while the social partners had only two months to digest the hundreds of comments of the Committee of Experts, they would do their best to reach an agreement on the 40 cases on the preliminary list by 3 May. Regarding the question on the information submitted by a government in a language other than that of the spokesperson, such information was effectively taken into account as the discussions on individual cases were prepared by a team with command of the three official languages of the ILO.
20. **The Employer spokesperson** agreed with the Workers and pointed out that, while a 40-day period would be ideal, the 30-day period was the best they could do and should give Governments sufficient time to prepare. With regard to the language of the supplementary information, as long as the word limit was respected, the information had always been and would continue to be taken into account.
21. **The Government representative of Egypt, speaking on behalf of the Africa group**, understood the position of the Workers and Employers, and asked for similar understanding for the governments whose main language was not one of the ILO's three official languages. Those Governments faced additional pressure that should be taken into account in the future.
22. **The Government of the United States, speaking also on behalf of Canada**, thanked the Worker spokesperson and the Government representative of Egypt for their explanations on the challenges they faced. She indicated that when a Convention or a case involved issues under the responsibility of more than one ministry, this could also contribute to the need for Governments to have more time to prepare.
23. **The Government representative of Guatemala, speaking on behalf of GRULAC**, thanked the social partners for their replies and agreed with the speakers who had said that it would be beneficial for the Governments to have more preparation time.

## Adoption of the final list of cases

24. **The Director of the International Labour Standards Department** recalled that the Committee had to be established for the list of individual cases to be adopted. As part of the improvements to advance the adoption of the final list of cases, it was proposed to reconduct the decision to adopt the list during the first sitting of the Committee, on the afternoon of Monday, 3 June 2024.
25. **Both the Employer spokesperson and the Worker spokesperson** supported the proposal.
26. **The Government representative of Egypt, speaking on behalf of the Africa group**, commended the practice of adopting the final list at the first sitting of the Committee as one of the major improvements achieved through the tripartite consultations.
27. **The Government representative of Guatemala, speaking on behalf of GRULAC**, while acknowledging that there had been an improvement, reiterated that, if the Governments were aware of the list beforehand, they could participate better in the discussion, which would ultimately result in the adoption of even more relevant conclusions that would lead to concrete improvements in practice. To that end, he mentioned the possibility of adopting the list in a prior virtual meeting. He also indicated that examining at least one case of progress would be very valuable in order to give visibility to positive steps that had been taken.
28. **The Government representative of the United States, speaking also on behalf of Canada**, supported the proposal and welcomed the earlier adoption of the list over the years as well as the work of the social partners in that regard. While acknowledging that the final list of cases could not be officially adopted before the opening of the Conference, she indicated that an announcement of the list as early as possible would always be welcomed. Any innovation to that end, through virtual or other means, would be supported. An early announcement of the final list would enable governments to prepare fully, including by ensuring high-level participation.
29. **The Government representatives of China, Croatia and the Netherlands** also supported the proposal.
30. **The Worker spokesperson** indicated that the Conference needed to start for its standing committees to begin their work. The adoption of the list at the first sitting of the Committee was already exceptional because the Workers' and Employers' groups had to discuss it before its adoption by the Committee. They were already reaching the limits of what was possible. Any legal advice regarding the adoption of the list before the opening of the Conference would probably point out that this would be contrary to the ILO Constitution.
31. **The Employer spokesperson** fully agreed with the Worker spokesperson.

## General discussion

32. **The Director of the International Labour Standards Department** recalled that the speaking times for the general discussion had been organized in the same way as for the discussion on the General Survey and that this arrangement had worked well the previous year. It was therefore proposed to continue in the same manner.
33. **The Employer spokesperson** stressed the importance of the general discussion and the allocation of maximum speaking times, which were reasonable and should be

maintained. The possibility for governments to provide information in advance was innovative and should also be maintained.

34. **The Worker spokesperson** agreed to continue to proceed on the basis of the modalities of 2023, provided that the other modalities remained the same.
35. **The Government representatives of Egypt, Guatemala, Croatia and the Netherlands, speaking respectively on behalf of the Africa Group, GRULAC, the EEG and the WEG, and the Government representative of the USA, speaking also on behalf of Canada,** all supported the proposals on speaking time and the possibility for Governments to submit written information in advance of the discussion.
36. **The Government representative of China, speaking on behalf of ASPAG,** also supported the proposal and suggested to include discussion of cases of progress in the context of the general discussion.

### Cases of serious failure to respect reporting obligations

37. **The Director of the International Labour Standards Department** referred to the proposal to continue the practice whereby the governments who so wish may submit written information before the sitting on cases of serious failure to respect their reporting obligations.
38. **The Worker spokesperson** said that it was important for Governments to submit their reports after ratifying a Convention. He noted that there had been an increasing number of cases of serious failure and encouraged Governments to take advantage of the opportunity to submit supplementary information in advance in order to keep the length of the discussion to a strict minimum.
39. **The Employer spokesperson** also expressed concern at the fact that 57 governments failed to meet their reporting obligations last year given that the obligation to send reports was at the core of the ILO supervisory system. The Employers agreed that the practice adopted in 2022 of allowing governments to submit written information in advance should be maintained as well as the limitation of speaking times.
40. **All the Government representatives** agreed with the Office's proposal and echoed the concerns expressed regarding the serious failures to submit reports, underlining the importance of submitting reports as the linchpin of the ILO supervisory system.

### Discussion of the General Survey

41. **The Director of the International Labour Standards Department** indicated that the proposal was to reconduct the speaking times applicable in 2023 and recalled that there was an agreement that the discussion should not exceed four hours. In order to achieve that objective, the Chair and Vice-chairs would adjust the speaking times as necessary.
42. **The Employer spokesperson** stated that, to ensure effective time management, the discussion on the General Survey should not exceed four hours. With regard to speaking times, he agreed with the measures instituted the previous year.
43. **The Worker spokesperson** considered that the discussion of the General Survey in 2023 had shown that it was possible to have a serious debate in a reasonable time. Four hours was the maximum time needed for a good discussion.
44. **The Government representative of Egypt, speaking on behalf of the Africa group,** supported the proposal, with the understanding that the Chairperson may decide to reduce speaking times to keep to the four hours limit. He requested clarification from

the Office on the previous practice of structuring the discussion around three or four main elements.

45. **The Director of the International Labour Standards Department** indicated that, while there had been agreement in the past to structure the debate around three questions, this had not been successful as the delegates did not prepare their statement along the questions proposed for the discussion. This proposal was therefore not reconducted.
46. **All the Government representatives** supported the Office proposal.

### Discussion of individual cases

47. **The Director of the International Labour Standards Department** requested the views of the participants on the proposal to maintain the speaking time limits for the discussion of individual cases. With regard to the scheduling of the cases, she recalled that the practice was to follow the alphabetical order, starting with a different letter each year, and that the discussion of a case should conclude on the same day it started. She expressed appreciation for the flexibility allowed in the scheduling of cases, as it had worked efficiently last year.
48. **The Employer spokesperson** supported the arrangements for the scheduling of the cases, as well as the flexibility requested to accommodate the scheduling, in agreement with the Officers. As regards speaking times, some cases generated more interest than others and might require more time than was originally planned. Some flexibility should also be maintained in that respect. As for taking the floor remotely, ideally, every speaker should be in the room as it is important that the conclusions accurately reflect the discussions. However, remote participation could be allowed in exceptional cases.
49. **The Worker spokesperson** aligned himself with the views of the Employer spokesperson.
50. **The Government representative of Gabon, speaking on behalf of the Africa group**, supported the proposed speaking times, but requested a degree of flexibility so that the Governments could agree on the order of the cases.
51. **The Government representative of Guatemala, speaking on behalf of GRULAC**, indicated that the adjustments in the scheduling of the order in which the individual cases were examined had been very useful and that it was important to ensure that the discussion ended at the same sitting or on the same day as it began. He also underscored the importance of receiving the conclusions in advance (at least 24 hours) to allow for national dialogue before they were adopted.
52. **The Government representative of the United States, speaking also on behalf of Canada**, supported the Office proposal on speaking times as well as the measures for adjusting the order of the discussion of the individual cases, maintaining a degree of flexibility.
53. **The Government representative of China, speaking on behalf of ASPAG**, fully supported the proposal, but suggested that the Chairperson could be given more discretion to manage the time, including increasing speaking times, as each case had its own nature and complexity. She also requested clarification of the terms “some hours”, as used in the background note.
54. **The Government representative of the Netherlands, speaking on behalf of the WEG**, agreed with the proposal. He underlined the added value of in-person presence and that remote participation should remain the exception. He also stressed the value of passive

participation and that people should continue to be able to follow the discussions from the capitals without speaking rights.

55. **The Government representative of Egypt, speaking on behalf of the Africa group**, reiterated its request to the Office concerning the possibility of sharing the conclusions on the eve of the sitting dedicated to their adoption.
56. **The Worker spokesperson** specified that the Chairperson of the Committee was always an experienced member of the Government group who was well acquainted with the functioning of the organization and knew what was needed to keep track of the timing. The vice-chairs were ready to assist the Chairperson in that regard. Regarding the clarification of “some hours” and the delivering of the conclusions in advance, he asked for indulgence. Conclusions were negotiated between the two spokespersons in the evenings after participation in the discussion of many individual cases, and then had to be translated. Drafting straightforward conclusions that are useful to governments takes time. While he could not commit to submitting the conclusions the day before the sitting, everything would be done to give the conclusions beforehand.
57. **The Employer spokesperson** agreed with the views expressed by the Worker spokesperson.
58. **The Worker spokesperson** added that, since the preliminary list of cases was published in advance, the governments concerned knew that they should be prepared to come to Geneva for possible discussion before the Committee, which included ensuring tripartite representation. He reiterated that only in very exceptional circumstances could remote participation be allowed.
59. **The Director of the International Labour Standards Department** recalled that, in 2017, governments used to receive a hard copy of the conclusions in the Committee’s room while these conclusions were being read out. The distribution of the conclusions prior to the sitting was a result of the COVID-19 pandemic and constituted a great improvement. She indicated that, in practice, “some hours” had meant that the conclusions were shared two hours before the sitting, as far as possible. With regard to the flexibility afforded to the Chairperson on speaking times, it had generally been used to reduce speaking times when a large number of speakers were registered.

## Programme of work

60. **The Director of the International Labour Standards Department** indicated that it was proposed to reconduct the practice of registering on the list of speakers 24 hours prior the discussion, which enabled the Officers to anticipate the duration of the discussion of the case and conclude the discussion on time. She stated that the meetings would take place in the renovated Governing Body room and that Room II would also be available. The seating in the room would be organized so that all governments would have one seat. The country whose case was being discussed would have reserved seats in the front row. Exceptional remote connections, when granted, would be tested in advance.
61. **Both the Employer and Worker spokespersons** supported maintaining past practices with regard to the limitation of speaking times, efficient time management, early registration on the list of speakers, as well as the streamlining of communication with delegates through the Committee’s web page. **The Worker spokesperson** stressed the importance of the early registration of speakers so that the Officers could decide on reduced speaking times before the start of the discussion.

62. **The Government representative of Gabon, speaking on behalf of the Africa group**, supported the proposed programme of work and welcomed the progress made in recent years that had led to increased predictability. The Government **representative of Guatemala, speaking on behalf of GRULAC**, also called for continued action to facilitate participation in the work of the Committee.
63. **The Government representative of the United States, speaking also on behalf of Canada**, agreed with the Office proposal. She recalled that only four of the six possible night sittings had been held in 2023, and that even those had been finished early, which was remarkable. She welcomed the streamlining of the adoption of the conclusions and asked that this practice be continued, as well as the practice of giving governments the floor after the conclusions. While recognizing the constraints, efforts should continue to give governments more time to prepare before the adoption of the conclusions. She also commended the Committee's web page, which contained very useful information. She expressed a strong preference for in-person presence and invited the Office to encourage governments to attend in person. She supported the continued practice of having passive observers, as this created a more inclusive process.
64. **The Government representatives of China, Croatia and the Netherlands** also agreed with the Office proposals, with **the Government representative of the Netherlands** emphasizing efficient time management, the importance of early registration of speakers and the efforts to share the conclusions as far in advance as possible.
65. **The Director of the International Labour Standards Department** clarified that the list of speakers was closed at the start of the discussion of an individual case, making this a firm deadline. She thanked the participants for their appreciation of the efforts made with respect to communication and indicated that the Committee's web page was already live and contained information on the follow-up to previous years' discussions. Document D.1 and the preliminary list would be uploaded on 3 May 2024, as agreed. In addition, she indicated that international labour standards specialists in the field would be mobilized as soon as the preliminary list of cases was published to assist the Governments concerned in their preparations for the Committee.

### Special sitting: Belarus

66. **The Director of the International Labour Standards Department** recalled that the Conference adopted last year a resolution pursuant to Article 33 of the ILO Constitution, deciding that the Committee would be holding a special sitting for the purpose of examining the follow up given by the Government of Belarus to the recommendations of the Commission of Inquiry established to examine the application of Conventions Nos 87 and 98 in the country. The background note referred to the unique precedent of the Committee holding a special sittings when it examined the application of Convention No. 29 in Myanmar. It was therefore proposed to follow the past practice and to hold the special sitting before the discussion of the 24 individual cases.
67. **The Employer spokesperson** supported the proposal to hold the special sitting on Belarus before the discussion of individual cases, but had several questions concerning the modalities: what would be the focus of the report of the Director-General in respect of Conventions Nos 87 and 98? When would it be made available? Would the modalities for the special sitting be the same as for the individual cases? Would the conclusions be adopted at the special sitting or along with the conclusions of the individual cases? Would the special sitting be considered as one of the 24 individual cases or as an additional case?

68. **The Worker spokesperson** recalled the various steps that had led to the examination of the application of Conventions Nos 87 and 98 by Belarus by the Governing Body under Article 33 of the ILO Constitution. The discussion on freedom of association in Belarus by the Committee this year was important and ensured coherence within the supervisory bodies. The special sitting on Belarus should therefore be a 25th case as it differed from the other individual cases which were based only on the report of the Committee of Experts. The Worker spokesperson added that this should be possible timewise, as there would be no discussion of the UNESCO report in 2024, which was one example of where additional time would be freed.
69. **The Government representatives** supported the principle of holding a special sitting, while requesting additional information on the practical arrangements for the sitting.
70. **The Director of the International Labour Standards Department** clarified that the Governing Body requested the Government of Belarus to submit information by 15 April, and the Director General to prepare an updated report to inform the Committee of the latest developments. This information would be published on the CAS web page as soon as possible after translation. As regards the connection with the Committee of Experts, the Director recalled that the conclusions of the Conference Committee and of the Governing Body were typically brought to the attention of the Committee of Experts for their consideration. The Committee of Experts would assess the follow-up to the conclusions as would the Governing Body. As regards the modalities of the special sitting, it was proposed that speaking times be the same as for the discussion of individual cases and that the conclusions be adopted at the same time as the other conclusions, on Wednesday 12 June. Finally, regarding the number of cases, when Myanmar was discussed in the framework of special sittings, the discussion was in addition to the individual cases.
71. **The Employer spokesperson** clarified that his question related to what was covered by the Committee of Experts, in its examination of the case, as opposed to what should be covered by the report of the Director General. Furthermore, while understanding that the special sittings on Myanmar had been in addition to the list of individual cases, he recalled that the International Labour Conference used to take place over a period of three weeks, rather than two, and that the special sitting had taken place on a Saturday. The speaking times allocated for individual cases might also have been different. He asked again whether the modalities for the discussion of individual cases would apply to the special sitting.
72. **The Director of the International Labour Standards Department** indicated that the Office proposal was to apply the same rules and modalities to the special sitting as to the individual cases. She recalled that while the Conference had previously lasted three weeks and the special sitting had been held on a Saturday, there had been no limitation on speaking times. With regard to the link between the Director-General's report and the report of the Committee of Experts, the updated report of the Director-General would pertain to the high-level roundtable held before the Committee, as requested by the Governing Body, and to any information that the social partners might wish to share. The Government reply would be published earlier on the dedicated section of the Committee's web page.
73. **The Worker spokesperson** pointed out that the special sitting on Belarus would take place on 5 June, followed by three individual cases. Eight and a half hours were available on that day for these discussions whereas six hours should be sufficient if the discussions took place within the average time frame for the discussion of individual cases.

- 74. The Employer spokesperson** said that, in terms of time management, holding discussions on 24 individual cases in addition to the special sitting might not be as difficult as anticipated, but it could very well be. It was important to use all the time management tools available and to draw, at the end, all the lessons learned so that these could inform future decisions in this respect. The decision to hold 25 discussions should be reviewed for the next session of the Conference.
- 75. The Director of the International Labour Standards Department** concluded that the consensus in the room was that there would be 24 individual cases in addition to the special sitting on Belarus, with a commitment to efficiency in terms of time management and an understanding that the decision could be revisited next year in the light of lessons learned from this year's session.