

Committee on the Application of Standards

Date: 13 June 2024

Part One

► Draft General Report

A. Introduction

1. In accordance with article 7 of the Standing Orders, the Conference set up a Committee to consider and report on item III on the agenda: "Information and reports on the application of Conventions and Recommendations". The Committee was composed of XX members (XX Government members, XX Employer members and XX Worker members). It also included XX Government deputy members, XX Employer deputy members and XX Worker deputy members. In addition, XX international non-governmental organizations were represented by observers.
2. The Committee elected its Officers as follows:

Chairperson:	Mr Łukasz Różycki Government member, Poland
Vice-Chairpersons:	Mr Kaizer Moyane (Employer member, South Africa) and Mr Marc Leemans (Worker member, Belgium)
Reporter:	Mr Abdelkrim Siyoucef (Government member, Algeria)
3. The Committee held XX sittings.
4. In accordance with its terms of reference, the Committee considered information reflected in the annual report of the Committee of Experts on the Application of Conventions and Recommendations¹ regarding (i) the reports supplied under articles 22 and 35 of the ILO Constitution on the application of ratified Conventions; (ii) the reports requested by the Governing Body under article 19 of the Constitution on the [Labour Administration Convention, 1978 \(No. 150\)](#), and the [Labour Administration Recommendation, 1978 \(No. 158\)](#); (iii) the submission to the competent authorities of Conventions and Recommendations adopted by

¹ Report III to the International Labour Conference – Part A: [Report of the Committee of Experts on the Application of Conventions and Recommendations](#); Part B: [General Survey](#).

the Conference, in line with article 19 of the Constitution. The Committee also considered additional written information supplied to it by the governments.

Opening sitting

5. **Chairperson:** Let me start by thanking you for the confidence you have placed in me by electing me to preside over the work of this Committee. It is a great honour and privilege for me and for my country, Poland, to be given the responsibility for chairing the Committee this year. In the spirit of collaboration and mutual respect, I am eager to work alongside each and every one of you and am particularly keen on fostering an environment where every voice is heard and every concern is addressed with the seriousness it deserves. I would like to congratulate the two Vice-Chairpersons as well as the Reporter on their election as Officers of this Committee. I look forward to working closely with you over the course of the next two weeks. I count on your experience, cooperation and wise counsel in steering the work of this Committee.
6. The ILO and its supervisory system have a special meaning for my country. Democratic changes in Poland would not have been possible without ILO assistance which – effectively implemented over the course of many years – has borne its fruit. It was the rise of the Solidarity or “Solidarność” in Polish, in the 1980s – the first independent, self-governing trade union in the then Eastern bloc, established in line with the [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#) – that truly highlighted the significance of this assistance. The story of an electrician named Lech Wałęsa scaling the walls of the Shipyard in Gdansk 44 years ago still resonates despite the passing of almost half a century. The imposition of martial law in Poland a few months later, followed by the suspension of all trade unions by the Government, met with the reaction of the ILO resulting in the establishment of a Commission of Inquiry to monitor the situation in my country. Based on the Commission’s conclusions, the ILO and numerous countries and organizations urged Poland to fulfil its obligations under Convention No. 87 and the [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#). The Polish Government subsequently recognized Solidarność and finally granted it legal status. According to Lech Wałęsa, the leader of Solidarność and later President of Poland “the Commission of Inquiry created by the ILO after the imposition of martial law made significant contributions to the changes which brought democracy to Poland”. From there, the road first opened in 1980, ultimately led to the transition to democracy, European Union membership – the 20th anniversary of which we celebrate this year and Poland’s new role in the international arena. The Polish example illustrates that the ILO and its well-functioning and authoritative supervisory system continues to play a crucial role in ensuring the implementation and compliance of international labour standards.
7. This Committee has always been the pillar of the regular ILO supervisory system and at the heart of the ILO’s tripartite system. It is the forum for tripartite dialogue in which the Organization debates the application of international labour standards and the functioning of the standards system since 1926. The conclusions adopted by the Committee and the technical work of the Committee of Experts, together with the technical assistance of the Office, are essential tools for Member States when implementing international labour standards. I am pleased to observe that the report of the Committee of Experts provides a solid basis for our debates once again this year. I would like to take this opportunity to acknowledge the presence of Judge Thomas-Felix, on behalf of the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations, who will address the Committee in a short while. For personal reasons beyond her control, the Chairperson of the Committee of Experts, Judge Dixon Caton, has been unable to travel to Geneva to address the Committee this year. I

also acknowledge the presence of the Chairperson of the Committee on Freedom of Association, Professor Evance Kalula.

8. I strongly encourage you to participate actively in the debates and trust that, in the course of the two-week session of the Conference, the Committee will be able to meet the high expectations of the ILO constituents in a spirit of constructive dialogue. I would also like to particularly welcome those Government representatives who have been asked to coordinate the work of the regional groups in this Committee. Your contribution and cooperation will be central to ensuring the full involvement of all governments. I would like to bring to your attention the fact that, unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Government members of the group or organization in question, who are members of the ILO and are attending the Conference.
9. **Worker members:** Our Committee is commencing its work at a time when murderous conflicts are being waged in several parts of the world. This flood of innocent victims racks our consciences and requires us to use our intelligence. The majority of the victims are among the weakest, and are in their great majority women and children. More generally, they consist of women and men who have lost their means of subsistence and have been plunged into distress. Clearly, the causes of these conflicts are multiple and very diverse. But, in their diversity, they are related to deep-rooted dysfunctions that require structural responses. These dysfunctions are not confined to the areas where armed conflicts have arisen, but also include countries where the social balance is disturbed and fundamental rights are flouted. All of that lies within a context in which our societies are having to face multiple challenges, including the just transition, the persistence of informality and, more generally, transformations in work processes and, of course, the climate challenge.
10. This year sees important democratic events, as practically half of the world will go to the polls to decide their future. Moreover, democracy and its institutions are facing severe tests. The fact that workers throughout the world are becoming increasingly aware that they are not receiving their share of the prosperity that they are helping to create is eroding support for democracy. Defenders of democracy have to understand that decent work goes hand-in-hand with the consolidation of democratic institutions.
11. We have referred to the need to find structural responses to these challenges. These responses should take the form of a new social contract, for which workers have been calling for several years. We need to reform democratic institutions in order to create inclusive societies that find peace once again, and which respect human dignity. This must be part of the messages that we will be addressing to the World Social Summit next year, in 2025.
12. That is also the meaning of the report of the Director-General addressed to the Conference this year. We will have the opportunity to come back to this, but we can already note that – as indicated by the Director-General – this exercise does not involve the reinvention of the wheel. Indeed, we can already base ourselves on the heritage of the ILO and its multiple levers and means of action. In this respect, it should be recalled that this year we are celebrating the 80th anniversary of the [Declaration of Philadelphia](#). As an integral part of the ILO Constitution, this Declaration cannot be compared to the Declaration on Social Justice for a Fair Globalization, 2008, as amended in 2022, and the Centenary Declaration for the Future of Work (2019). The latter, despite their respective focus areas, are much more limited in scope. However, the text adopted in Philadelphia plays the role of a compass for our Organization. It shines by its topicality and identifies the issues and challenges that we have to confront.

13. The heritage to which we were alluding of course includes the ILO supervisory bodies. Focusing on our Committee, it can be seen that it constitutes a valuable observatory for the identification of the obstacles that international labour standards have to overcome. It also offers a means of helping governments, through direct assistance and the appropriate use of solidarity and international cooperation. During the course of our work, we will have the opportunity to examine several cases which illustrate the different forms taken by these dysfunctions.
14. Certain cases demonstrate the rise in authoritarianism through violations of freedoms of association while others weaken institutions responsible for protecting workers, as well as the persistence of discrimination and inequalities, and the exploitation of workers. It is very important to look towards tomorrow's issues and to follow the transformations in the world of work, but it is also necessary to bear in mind that the future already exists as a seed in the present and takes nourishment from the past.
15. To close this introductory statement, the Worker members wish to recall, as usual, that the role of our Committee does not consist of determining the culpability of a government. It consists more of identifying gaps in compliance by Member States and proposing a way forward for their resolution. As at the opening of each session, the Worker members appeal to all the participants in our Committee, all the participants in our work, to bear these considerations in mind so that they can contribute constructively to improving the lives of women and men workers the world over.
16. **Employer members:** Once again, this year, the discussion in the Committee takes place against the backdrop of an increasingly challenging and unstable geopolitical situation that continues to shake the world in many ways. Conflicts around the world inevitably impact the world of work with sometimes very serious implications for the implementation and supervision of ILO standards. Let me highlight one particularly concerning development: In an increasing number of countries, we are seeing that the autonomy and independence of employers' and workers' organizations are under threat. Like many other civil society organizations, they are seen by autocratic governments as unwanted critical voices that must be silenced. In the most radical cases, these organizations are criminalized, disbanded and their leaders imprisoned or forced to leave the country. However, there are also more subtle forms in which governments set up their "own" employers' and workers' organizations and use incentives or pressure to persuade members of independent organizations to switch to their "own" organizations. There are also cases where independent organizations are infiltrated by governments or where governments create confusion by setting up "double" organizations. Finally, Chairperson, we are confronted with situations in which independent organizations, faced with the threat of sanctions or reprisals, buy their continued existence by ceasing to advocate for the needs of their members or by bringing their advocacy activities into line with government expectations. We need to pay more attention to such situations, regardless of whether they concern employers' organizations or workers' organizations, and treat them equally, with the employers and the workers in the Committee supporting each other. It should be reiterated that independent employers' and workers' organizations, like other civil society organizations, are not only guarantors of democracy, fundamental rights, market economy and political stability in their respective countries, but that their existence is also a prerequisite for the functioning of the ILO as a tripartite organization. Thus, the value of the ILO's tripartite standards supervision in the Committee lies in the fact that employers' and workers' representatives can contribute with their respective perspectives to the compliance assessments. However, this only works if they are independent of each other and of governments.

17. There have also been developments within the ILO that represent both a novelty and a challenge for the work of our Committee. Last November, the Governing Body of the ILO decided to refer to the International Court of Justice the question of whether ILO Convention No. 87 protects the right to strike. As is well known, this decision was taken after highly controversial discussions and votes in two special sessions, during which the Governing Body was divided on the appropriateness of this approach and its ability to find a lasting solution. We do not believe that this decision can completely avert the risk of a split among constituents that threatens the credibility and effectiveness of the ILO standards supervisory system. In order not to burden this year's Committee's session with this pending dispute and given the uncertainty about the outcome of the International Court of Justice proceedings, we believe, Chairperson, it would be good to exclude the right to strike from our discussions. This would also be appropriate to avoid interfering in the International Court of Justice's advisory opinion process. We therefore consider it unhelpful that the Committee of Experts not only continued its comments on the right to strike unchanged, but even proposed a case containing elements of the right to strike for discussion in the Committee, as one of the so-called double-footnoted cases. For their part, the Employer members will ensure that the right to strike is not mentioned in the outcomes of this Committee.
18. The Employer members are committed to participating in this year's Conference discussions in a constructive spirit with the aim of achieving balanced and relevant outcomes. While there may be differences of opinions on substantive issues among the Committee members and between the Committee and the Committee of Experts, we trust that these will continue to be expressed in a spirit of mutual respect and understanding. We request that the views expressed in the Committee and in the Committee's conclusions be fully taken into account by the ILO supervisory bodies, by the Office in its technical assistance, and in all ILO initiatives and discussions in the context of the 2030 Agenda for Sustainable Development. We look forward to productive discussions and the completion of the work of our Committee in the next two weeks.

Work of the Committee

19. During its opening sitting, the Committee adopted document D.1, which sets out the manner in which the work of the Committee is carried out.²
20. The Committee also adopted, during the course of the opening sitting, the list of individual cases to be discussed (document D.2).³
21. In accordance with its usual practice, the Committee continued its work with a discussion on general aspects of the application of Conventions and Recommendations and the discharge by Member States of standards-related obligations under the ILO Constitution. In this general discussion, reference was made to Part One of the report of the Committee of Experts on the Application of Conventions and Recommendations. A summary of the general discussion is found under relevant headings in sections A and B of this Part (Part One) of the Committee's report.

² Work of the Committee on the Application of Standards, International Labour Conference, 112th Session, [CAN/D.1](#) (see Appendix 1).

³ International Labour Conference, 112th Session, Committee on the Application of Standards, [CAN/D.2](#).

22. The final part of the general discussion focused on the General Survey entitled *Labour administration in a changing world of work*. This discussion is contained in section I of Part Two of this report. The outcome of this discussion is contained in section C of Part One of this report.
23. Following these discussions, the Committee considered the cases of serious failure by Member States to respect their reporting and other standards-related obligations. The result of the examination of these cases is contained in section D of Part One of this report. More detailed information on that discussion is contained in section II of Part Two of this report.
24. The Committee held a special sitting for the purpose of discussing the application of Convention No. 87 and Convention No. 98 in Belarus as decided at the 111th Session of the International Labour Conference⁴ with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance of these two Conventions by the Government of Belarus. The record of this discussion and related documentation is contained in Part Three of this report. The conclusions are reflected in section E of Part One of this report.
25. The Committee then considered 24 individual cases relating to the application of various Conventions. The examination of the individual cases was based principally on the observations contained in the Committee of Experts' report and the oral and written explanations provided by the governments concerned. As usual, the Committee also referred to its discussions in previous years, comments received from employers' and workers' organizations and, where appropriate, reports of other supervisory bodies of the ILO and other international organizations. With reference to its examination of these cases, the Committee reiterated the importance it placed on the role of tripartite dialogue in its work and trusted that the governments of the countries selected would make every effort to take the necessary measures to fulfil their obligations under ratified Conventions. The information submitted by governments and the discussions on the examination of individual cases, are contained in section III of Part Two of this report. The conclusions adopted by the Committee are contained in section F of Part One of this report.
26. The adoption of the report and the closing remarks are contained in section G of Part One of this report.

Working methods of the Committee and list of individual cases

27. **Chairperson:** One of the important challenges that our Committee will have to face once again this year will be to complete its crucial work in a tight time frame and this brings me to the question of how best to manage our time. To ensure success we have to abide by our working schedule and implement strictly the measures contained in document D.1, in particular concerning time management. Let me emphasize certain key steps in this respect. First, maximum speaking time will apply during the general discussion, the discussion of the General Survey and during the examination of individual cases. I intend to enforce these limits very strictly and I count on your support and understanding. Details about time limits are contained in Part IX of document D.1 which is also available on the Committee's web page. During the interventions, screens will indicate the remaining time for speakers. Once the maximum speaking time has been reached, the time indication will turn red on the screen, and I will have the unpleasant duty of interrupting the speaker. The speaking times will be adjusted according to the number of speakers who may have registered. Where necessary, I will have recourse to

⁴ Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus, 111th Session, International Labour Conference, Geneva, June 2023.

the possibility of deciding, in consultation with the Officers of the Committee, to reduce speaking time limits, for instance where there is a very long list of speakers. Where such a decision is warranted, the Committee will be informed and the secretariat will try, as far as possible, to inform the delegates on the list of speakers, thus allowing them to adapt the text (more precisely shorten the text) of their statements to the time they will finally be allocated. Speakers who have not registered in advance may only be given the floor if time allows.

28. Let me now turn to registration on the list of speakers. To allow efficient time management, delegates are requested to register on the list of speakers as early as possible. As indicated in document D.1, the practice of drawing up a list of speakers 24 hours before the examination of each item on the Committee's agenda remains in force. Delegates who are accredited to the Conference and registered in the Committee should request their inclusion on the list of speakers by filling in the relevant form which is available on the Committee's web page and by sending this form by email to can@ilo.org. In addition, in line with the practice of the Committee, observers can be placed on the list of speakers after approval by the Officers of the Committee. The list of speakers will be visible on screens in both the rooms for each sitting of the Committee. The number of speakers registered to take the floor will be clearly indicated. Moreover, group interventions are encouraged over individual statements or interventions.
29. Let me now turn to the minutes of the sitting. The discussions of the Committee will be produced in the form of verbatim transcripts. Each intervention will be reported in extenso in the working language in which it has been delivered or, failing that, the language chosen by the government, which is English, French or Spanish. The verbatim draft minutes will be made available online on the Committee's dedicated web page.
30. It has been the Committee's practice to accept amendments to the verbatim draft minutes of previous sittings prior to their adoption by the Committee. The time available to delegates to submit amendments to the verbatim draft minutes will be clearly indicated by me when they are made available to the Committee. Delegates are kindly requested to send their amendments to the secretariat by email with track changes. Where needed, in order to make track changes, delegates are invited to request the Word version of the draft verbatim minutes by sending an email. Also, to avoid delays in the preparation of the Committee's Report, no amendments may be accepted once the draft minutes have been approved.
31. Finally, in accordance with Part X of document D.1, all delegates have an obligation to the Conference to abide by Parliamentary language and by the generally accepted procedure. Interventions should be relevant to the subject under discussion and should avoid references to extraneous matters. It is my responsibility as Chairperson of this Committee to ensure that the rules of decorum are respected. During the Committee's sittings, filming is not allowed and delegates may not take photos of delegations other than their own. Nor is it allowed to send live tweets during Committee sittings.
32. In conclusion, let me underline that while the challenges ahead of us are great, I trust that we can count on our collective wisdom and experience, as well as on that of our dedicated secretariat to ensure the success of this Committee.
33. **Worker members:** The content of document D.1 is the product of informal tripartite consultations which are held each year before the Conference. These consultations offer an opportunity for the three groups to agree on the working methods of our Committee.
34. The Members who have followed the work of our Committee over recent years will recall the major perturbations in our working methods due to the COVID-19 pandemic. And yet, this is the second consecutive year in which our Committee has been able to return to the normal

course of its work. We have nevertheless retained a number of improvements introduced during that troubled period which enable us to carry out our work more effectively, without however undermining the quality and intensity of the discussions. That does not take away from the fact that we have very fine margins to complete all the work of our Committee during the allotted time. It is therefore essential to ensure scrupulous observance, as just recalled by the Chairperson, of the rules agreed in document D.1 so as not to jeopardize the sound functioning of our Committee.

35. With reference to the right to strike, raised by the Employer spokesperson in his opening statement, I limit myself to recalling that this difference of interpretation has existed for years. But we nevertheless found a *modus operandi* in 2015, ten years ago, and the referral of the question by the ILO Governing Body to the International Court of Justice should not change anything in our current functioning.
36. We have also adopted document D.2, which contains the list of cases that will be examined by our Committee. Even though this is more a matter for our general discussion, I would already like to recall that the selection of cases is carried out on the basis of the report of the Committee of Experts. We thank the Committee of Experts for the professionalism, impartiality and independence that it has demonstrated in the exercise of its mandate. We welcome its impartiality, and we respect its autonomy within the framework of the ILO supervisory system.
37. With regard to the list that we have just adopted, it consists of cases on which we will have the opportunity to engage in a constructive dialogue with a view to contributing to the resolution of the issues which arise in the Member States concerned. The selection of these cases is the product of negotiations between the Employer spokesperson and the Worker spokesperson of our Committee. The selection criteria are set out in paragraph 26 of document D.1. It is clear from the criteria listed that it is the substance of a case that must primarily guide us in the establishment of a list of cases. Any other considerations, whether political or strategic, which lose sight of the substance of the discussions in our Committee should not in any event influence the negotiations concerning the list. That involves the risk of our Committee losing sight of the objectives of its action, the founding principles of which are set out in the Constitution of our Organization and the Declaration of Philadelphia. And each of the three groups that make up the Organization subscribes to these founding principles.
38. Inclusion on the list of cases to be examined by our Committee should be seen more as an opportunity than a burden by the Member States concerned. While it offers an opportunity for Member States to work in collaboration with the ILO for the resolution of the issues that have arisen, it is often a fundamental requirement for those who are the victims of the violations noted in the application of international labour Conventions. These victims are mainly women and men workers who hold out the hope of the ILO finding a solution to the difficulties with which they are confronted. The examination of a case by our Committee gives rise to hope. Such hopes are therefore materializing for all those who are concerned by the 24 cases adopted today for examination.
39. Many other situations that would have also merited examination by our Committee will unfortunately not be discussed this year. They are too numerous for them all to be reviewed exhaustively. We will limit ourselves to some of those which were on the long list.
40. In Indonesia, we have to note with deep concern that the serious problems that we examined last year in our Committee have not disappeared. There remain important violations of Convention No. 98 in relation to protection against anti-union discrimination, restrictions on the scope of collective agreements and interference in free and voluntary collective bargaining. And, at this stage, we see no prospects of an improvement in the situation. A new Government

has recently been elected in Indonesia. We call on this new Government to ensure the implementation of the conclusions agreed through consensus last year in consultation with the social partners and with the assistance of the Office.

41. Also in Costa Rica, workers are victims of anti-union discrimination, and collective bargaining, particularly in the public sector, has been left without substance. Moreover, the generalized practice of direct agreements with non-unionized workers runs counter to the promotion of collective bargaining with trade unions, as set out in Convention No. 98. Technical assistance is currently being provided by the ILO to improve the situation in the country. We hope that the implementation of the conclusions adopted last year will be covered in this framework and that the social partners will be fully involved in the process.
42. Young male and female workers in the Republic of Korea, often barely 16 or 17 years old, are exposed, under the pretext of apprenticeship programmes, to hazardous conditions of work. These cannot be apprenticeship programmes, as these young people do not benefit from any supervision or guidance, which means that on-the-job training is almost non-existent. These hazardous conditions of work expose the young workers to occupational accidents, which often result in serious and sometimes fatal injuries. We regret not being able to discuss this within the context of the final list of cases.
43. Finally, in Guinea-Bissau, a new minimum wage has still not been set for the private sector even though, following its examination of the case last year, our Committee requested the Government, among other action, to review without delay the minimum wage in the public and private sectors, in close consultation with independent and freely constituted unions and employers' organizations. We are deeply concerned by Government interference in the selection of workers' representatives for technical assistance and follow-up activities. This amounts to interference in trade union activities, in clear violation of Convention No. 87, which the Government ratified last year.
44. We will not fail to follow closely developments in the situations in these countries and in many others in which violations have been noted in the application of international labour Conventions. The Workers' group underlines its full solidarity with the women and men workers who are suffering the consequences of these violations. We will continue to mobilize, within and outside the context of this Committee, to ensure positive developments in these Member States. The report produced by the Committee of Experts and the recommendations that it makes in any event allow Member States to glimpse the solutions that need to be adopted to resolve the violations noted in the application of international labour Conventions.
45. **Employer members:** We agree to the adoption of the list of cases this year, but we would like to make the following points for the record. We are still not satisfied with the selection of double-footnoted cases. For instance, we cannot see in what way the case of Paraguay, [Labour Inspection Convention, 1947 \(No. 81\)](#), meets the Committee of Experts' criteria for double-footnoted cases. To make the selection more transparent and comprehensive, we request the Committee of Experts to provide detailed justification for each chosen double-footnoted case in the future.
46. In addition, we would like to be clear at the outset that, in line with the standing practice, any issues regarding a right to strike in Convention No. 87 which is contentious will not be included in the conclusions of the cases of Cambodia, Nicaragua, Netherlands – St Maarten, Philippines, Tunisia, El Salvador, Ecuador, Eswatini, and Japan, all of which concern Convention No. 87.
47. We all need to continue our efforts to arrive at a balanced list of cases, that is, a set of cases that can derive real benefit from the discussion in the Committee. We also wish to reiterate

that the Committee is not a tribunal and the countries on the list are not defendants. The Committee tries to find solutions to compliance issues together, and in a tripartite dialogue with the governments concerned. In this regard, we appreciate that a number of governments have already provided additional information which will be taken into account, and we look forward to a fruitful tripartite discussion.

- 48. Government Colombia:** We are included in the final list of cases under the [Vocational Rehabilitation and Employment \(Disabled Persons\) Convention, 1983 \(No. 159\)](#). We will approach this exercise as an opportunity to enter into dialogue with the experts and demonstrate to them the progress that Colombia has made in this domain. In this regard, we thank you for having included us in the list because we consider that it is a good opportunity for this Government to report on what it has really done in this area, that is, great efforts to end discrimination of persons with disabilities. We would like to ask what criteria is applied for the selection of countries for the final list. Without drawing conclusions, I am curious about how countries in my region which supported the referral of this old conflict regarding the right to strike are those on the list. We hope to participate constructively and positively in this debate before the Committee and we will do so with great pleasure in contributing to the development of labour standards.
- 49. Government Algeria:** The delegation notes that Algeria is included in the list of 24 cases. With regard to Convention No. 98, the Committee of Experts invited the Government to provide its replies in full in 2025, even though we are included because of accusations in 2024. We also note that the list of 24 countries includes 2 countries in the same subregion, whereas the criteria for the selection of cases, as adopted in 2015 and contained in paragraph 25 of document D.1, states that the selection must take into account geographic balance. Nevertheless, this is an opportunity for the Algerian delegation to present progress made and its responses to the recommendations and observations made by the Committee of Experts.

B. General questions relating to international labour standards

Statement by the representative of the Secretary-General ⁵

- 50.** As the representative of the Secretary-General for your Committee, I have the privilege of leading the Secretariat team that is ready to provide you with all the necessary assistance to ensure the effective functioning of your Committee which, as you know, is a permanent Committee of the International Labour Conference.
- 51.** The mandate of your Committee is to examine and bring to the attention of the Plenary of the Conference the measures taken by Members at the national level, on the one hand, to give effect to the provisions of the international labour Conventions to which they are parties and, on the other, to comply with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution. The work of your Committee and its role of regularly supervising compliance with the international obligations of the Members of the Organization accordingly goes to the very essence of the ILO's historical normative role. For this purpose, your Committee has before it the [report](#) produced by the Committee of Experts at its last session and the General Survey of the Committee of Experts entitled "Labour administration in a changing world of work", as already indicated by the Chairperson of the Committee. Through their respective and distinct mandates, your two Committees are the pillars of the regular supervisory system and work together to ensure that all the Member

⁵ International Labour Conference, 112th Session, Committee on the Application of Standards, [CAN/D.3](#).

States of the Organization comply with their commitment to give effect to the standards that you – the Governments, workers and employers of the world – have collectively adopted and decided to apply at the national level in full sovereignty in order to keep the promise of social justice, the promise of social progress and a better future, as set out in the Declaration of Philadelphia, of which we are celebrating the 80th anniversary.

52. In her inaugural speech at the opening of the Conference this morning, Professor Jayati Ghosh demonstrated the extent to which the principles and values of the Declaration of Philadelphia remain a project that unites us. The project that unites us is our common determination to achieve freedom and dignity for all humanity, as Wilfred Jenks, former Director-General of the Organization and one of the co-authors of this founding text, reminded us. And to this end, in his own words – and I quote:

Our common determination is to pursue peace; to live together with tolerance and good neighbourliness; to found our common life on good faith and respect for truth; to practice and uphold the equality of man; to preserve and expand personal freedom; to devote science and technology to the common good; and to promote social justice by economic growth and translate economic growth into social justice.

53. Given the crises that are profoundly disrupting our world, I thought it essential to take a moment at the start of your work to recall and put into perspective the purpose of your Committee's discussions, which are one of the barometers of social justice, just as you did, Mr Chairman, in your opening remarks.
54. Let me now turn to the work of your Committee. All the measures that will allow your Committee to discharge its constitutional obligations are set out in document D.1. They reflect the outcome of the informal tripartite consultations on the Committee's working methods held for the 18th time in March 2024. These informal tripartite consultations have resulted in numerous improvements in your Committee's working methods. They are summarized in the information provided on the Committee's web page. I am pleased to inform the Government delegates that, once again this year, the adoption of the final list of "individual cases" to be discussed by the Committee has been scheduled during today's opening session. This should no doubt facilitate preparations for the examination of the 24 individual cases. I would like to remind you that the Committee's report will be submitted for adoption to the Plenary of the International Labour Conference on Friday, 14 June.
55. I would now like to draw to your attention to certain standards-related developments that are relevant to your discussions. Since the Committee's last meeting in June 2023, 40 ratifications of ILO Conventions have been registered, confirming the continued commitment of Member States to a rules-based multilateral system. The great majority of the ratifications registered have been to the [Violence and Harassment Convention, 2019 \(No. 190\)](#), which now has a total of 39 ratifications, as well as the two new fundamental Conventions on occupational safety and health – the [Occupational Safety and Health Convention, 1981 \(No. 155\)](#), and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#).
56. However, there have been no ratifications registered for the three Conventions of which we are celebrating the anniversaries this year: quite logically, in the case of the [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#), adopted 25 years ago, which is the only ILO Convention to have achieved universal ratification. Protecting every child throughout the 187 ILO Member States against the worst forms of child labour, Convention No. 182 marked a turning point in the ILO's history as, alongside the [Minimum Age Convention, 1973 \(No. 138\)](#), it has become the normative pillar of the fundamental principle of combating child labour and the first standard to be promoted through a fully-fledged development cooperation project,

which has now become Alliance 8.7 to end forced labour, modern slavery, human trafficking and child labour.

57. In the case of Convention No. 98, adopted 75 years ago, no ratifications have been registered over the past 12 months. Forming, together with Convention No. 87, the DNA of our Organization, in November 2023, the Governing Body adopted an integrated strategy for the promotion and implementation of the right to collective bargaining, which aims to strengthen the coherence and effectiveness of the ILO's approach to collective bargaining and the Organization's capacity to promote policy coherence in this area within the multilateral system. The Conference this year will be holding a Recurrent Discussion on the fundamental principles and rights at work, and its conclusions will inform decisions relating to the programme and budget and will guide the Organization in promoting the achievement of the fundamental principles and rights at work over the next five years.
58. Finally, adopted 35 years ago, the [Indigenous and Tribal Peoples Convention, 1989 \(No. 169\)](#), is a beacon for the entire United Nations system, as the only internationally binding instrument on the rights of indigenous peoples. As such, it is one of the ILO instruments referred to most often in the Universal Peer Review (UPR) process. Convention No. 169 is an example of the impact that national and international solidarity can have on those most left behind. It also illustrates how international labour standards, adopted decades ago, can remain at the forefront of today's challenges, including the just transition and the protection of the environment. Despite its global influence, the Convention has received 24 ratifications, with a skewed regional focus. The Convention will be reviewed this year by the [Standards Review Mechanism Tripartite Working Group](#) during its ninth meeting, which will be held from 16 to 20 September 2024.
59. I would now like to refer briefly to the important steps that are being taken to modernize the ILO's normative activities and promote a body of standards that is robust, clear and up to date. First of all, the Tripartite Working Group established under the Standards Review Mechanism (SRM) met for the eighth time in September 2023. It reached consensual conclusions in relation to the instruments concerning maternity protection, social security (old-age, invalidity and survivors' benefits) and minimum age; and it postponed its decision on the classification of certain instruments concerning the night work of children and young persons, pending research that it requested from the Office, until its next review at an appropriate time. The follow up to the SRM's recommendations is an institutional priority that calls for a redoubling of efforts to ensure that the relevant Governing Body decisions result in the promotion of ratifications at the national level and the modernization of certain standards that have been identified. For example, as a follow up to the identification by the SRM in 2017 of a gap in the body of standards concerning protection against biological hazards, the Conference will commence a discussion with a view to the development of new international standards on the subject. Finally, and again with a view to giving effect to the recommendations of the SRM, the General Affairs Committee will examine the abrogation of four international Conventions which have been found to be obsolete.
60. In November 2023, the Governing Body requested the Office to develop proposals to streamline the reports requested under article 22 of the ILO Constitution with a view to facilitating compliance with the obligations to provide information and reports to the Committee of Experts. These proposals will be developed in consultation with the tripartite constituents, and you will have received our invitation to the separate meetings that we are organizing with each of the three groups on 24 June.

61. Finally, the Office is continuing to make technical assistance available to Members to ensure that normative guidance gives rise to tangible results at the national level. As can be seen on your Committee's web page, the Office is in the process of following up on practically all the cases discussed at the Committee's previous session in order to promote the effective implementation of the conclusions and recommendations adopted in June 2023. We have also just closed the International Labour Standards Academy, which was delivered both online and in person at the ILO International Training Centre in Turin.
62. This brief overview of certain standards-related developments that are of relevance to your discussions shows, as you have seen, that the Organization's standards policy is dynamic. Constantly evolving, it is sensitive to the needs of social justice in our time. In conclusion, the International Labour Standards Department is honoured once again this year to place its expertise at the service of your Committee. I wish to take this opportunity to acknowledge the many invisible colleagues in my Department who are at the service of your Committee under the able leadership of Ms Karen Curtis, Chief of the Freedom of Association Branch, and Mr Horacio Guido, Chief of the Application of Standards Branch. Once again this year, they will accompany me in leading the secretariat of your Committee. I would also like to thank the two coordinators of the Committee's secretariat, Ms. Rosinda Silva and Mr. Carlos Magalhaes, for their great professionalism, Chairperson, Vice-Chairpersons, Reporter and all the participants, I would like to wish you productive discussions on standards.

Statement by the Representative of the Chairperson of the Committee of Experts

63. I am honoured to be here today to bring remarks on behalf of the Chairperson and members of the Committee of Experts. I am grateful for the invitation for the Committee of Experts to participate at the start of this meeting and welcome this practice. The exchange of information is highly appreciated and demonstrates the linkages, complementarity and synergy essential to the effective functioning of the system for supervising the application of standards. In 2023, as in previous years, the Committee of Experts held a special sitting with the Vice-Chairpersons of your Committee and during this exchange we underlined how important it is for workers' and employers' organizations to send their comments on the application of the Conventions, as this enables the Committee of Experts to obtain a comprehensive picture of the situation in the countries, based on first-hand information. In 2023, we also held another information session with Government representatives, which provided a valuable opportunity to explain the working methods of the Committee of Experts and to reiterate the importance, of sending complete and timely reports, so that it can carry out its work with full knowledge of the facts.
64. We remain mindful of the comments of the tripartite constituents concerning the functioning of various aspects of the supervisory system and in particular, the challenges faced by national administrations, when preparing reports and replies to detailed comments. I wish to emphasize the critical importance of supervision and the pivotal role and responsibility of the Committee of Experts: to monitor compliance through an impartial, thorough and sound examination that will form the basis of the work of your Committee, which is the institutional forum for supervision and dialogue, in which employers and workers play a fundamental role. It is also essential to recall the complementarity of the regular supervisory mechanism and the special procedures. The Committee of Experts reviewed, in several of its comments adopted at its last meeting, the measures taken by Member States, to follow up on the recommendations of the tripartite committees, established in the framework of the representations submitted under article 24 of the Constitution. In this regard, it is noted that there has been an increase in the number of representations submitted, which demonstrates that the social partners have confidence in the various supervisory procedures of the ILO. Similarly, the Committee of

Experts pays serious attention to the legislative aspects referred to it, by the Committee on Freedom of Association. I take this opportunity to greet Professor Kalula and to commend him on the excellent work carried out by the Committee on Freedom of Association, that he so ably chairs.

65. With respect to the composition of the Committee of Experts, it is of great importance for the Committee to be able to function with all of its nominated experts – a total of 20. Each expert, with his or her individual and professional background, offers invaluable insights and knowledge and represents their own culture and tradition. Currently there are three new experts and I wish to welcome them: Advocate Irene Kashindi from Kenya, Professor Mia Rönnmar from Sweden and Judge Iain Ross from Australia. At the end of our meeting in 2023, the Committee of Experts bid farewell to two experts, Professor Filali Meknassi and Professor Paul-Gerard Pougoué, who have completed their 15 years of service. I wish to express my deepest appreciation to these two gentlemen for their work at the Committee of Experts. Now, with the departure of Professor Meknassi and Professor Pougoué, there will be two vacancies for experts, and we are hopeful that these vacancies will be filled shortly.
66. I now turn to our report. In the course of its work, the Committee of Experts always takes into account the current situation in the world and the challenges faced by countries at the national and regional levels. During the crisis caused by the COVID-19 pandemic, supervisory systems played a key role in upholding labour rights provided for in the standards, and in limiting the adverse effects of the crisis on the application of standards. For instance, during the pandemic, in relation to the [Maritime Labour Convention, 2006, as amended \(MLC, 2006\)](#), the Committee adopted a general observation urging governments to restore the protection of seafarers' rights.
67. In today's world, a considerable number of geopolitical challenges as well as economic, social and environmental challenges are affecting labour market institutions, employment and labour rights. The Committee of Experts refers, in its report, to the triple planetary crisis; the increasing indebtedness of Member States; austerity measures; growing poverty; greater inequality; and pressure on labour administrations and labour market institutions. In this respect, the Committee of Experts has highlighted the importance, in the context of these crises, of maintaining permanent and intensive dialogue with workers' and employers' organizations, particularly when adopting legislative texts that may have an effect on workers' rights, including those intended to alleviate a serious crisis situation. The Committee of Experts is cognizant of the problems and challenges in various regions globally and has made this clear in its General Report. The Committee of Experts has reiterated that, it is precisely in times of crisis that international labour standards acquire their full significance, by providing guidance on a way forward and safeguarding and promoting social justice. We trust that in the context of its general discussion, your Committee will be able to discuss these issues and contribute to overcoming the challenges that exist. In view of these challenges, which call for greater vigilance and a more proactive approach by all, the opportunity to continue to carry out our work by including it in the framework of the work of the monitoring and supervisory bodies of the United Nations system, is relevant.
68. In this context, and as a follow-up to the Joint Statement of the Committee of Experts and the Chairs of eight UN Human Rights Treaty Bodies underlining the importance of realizing labour rights as human rights, the Committee of Experts considered that it is appropriate to organize and to hold a thematic discussion with the Treaty Bodies to commemorate the 75th anniversary of the Declaration of Human Rights and Convention No. 87. This is the first time that the Committee of Experts has had this type of exchange and it is hoped that it will be followed by other key meetings on other relevant thematic issues.

69. As far as working methods are concerned, the Subcommittee on Working Methods has continued to meet during each of the Committee of Experts sessions. As in the past, there has been discussion and adoption of adjustments to modernize and strengthen the Committee of Experts' working methods and incorporate new technologies. We are aware that the Governing Body is considering proposals to streamline reporting. There is no doubt that governments have a very heavy workload with respect to preparing reports, and the processing of reports by the Committee of Experts also represents a very significant workload.
70. The General Survey of 2024 is on labour administration. This Survey is an in-depth examination of Convention No. 150 and Recommendation No. 158. The Committee of Experts' last General Survey on this subject was in 1997. The 2024 General Survey has provided the Committee of Experts with an opportunity to review developments in this area and to highlight the lasting importance of labour administration systems in the management of labour issues. The General Survey emphasizes how effective labour administration systems can make decent work a reality for all workers by promoting full employment, respecting labour standards, improving working and employment conditions and creating a framework of sound industrial relations. The General Survey underscores the importance of some of the key principles included in Convention No. 150 and Recommendation No. 158, such as respect for social dialogue and cooperation and coordination between the different stakeholders, especially in times of crisis, such as the COVID-19 pandemic. During this time, labour administrations had to face the unprecedented challenges created by the pandemic by rapidly addressing occupational safety and health issues while preserving employment and ensuring respect for social dialogue in the adoption of emergency measures. In the General Survey, the Committee of Experts also examines the structural and functional development of labour administrations in a rapidly changing world of work. Digitalization, including the use of artificial intelligence, the rise of non-standard forms of employment, and work in global supply chains are key considerations in the formulation and implementation of labour policies. The General Survey emphasizes the need for labour administrations to ensure that national labour and employment policies remain relevant and effective for all workers, especially those in vulnerable situations, while taking advantage of the opportunities presented by these changes. The Committee of Experts hopes that its comprehensive analysis of law and practice in relation to the instruments examined will enable the constituents to put in place effective labour administration systems capable of responding to the changes in the world of work.
71. Even in the light of the serious problems facing the world of work, I believe that we must remain optimistic and continue our work with confidence and determination. Why do I say this? Because it is important to stress that there is a commitment to international labour standards. This commitment is manifested through concrete actions in recent years. Before I close, I will quickly say, in the recent years there has been the adoption and discussion of new standards in areas of major importance, such as violence and harassment in the world of work, a safe and healthy working environment, protection against biological hazards. There has been a steady increase in the number of ratifications of Conventions and Protocols, and we now have universal ratification of Convention No. 182. I want to acknowledge that we have a supervisory system that works. The number of reports received has steadily increased since 2021 and has exceeded pre-pandemic levels. In addition, in 2021 the Committee of Experts identified almost 180 cases of progress, and in 2022 it identified more than 250, and now in 2023 it has identified almost 220 cases of progress. I wish to underscore, therefore, the unwavering commitment of the Committee of Experts to continue to carry out its work with the highest sense of responsibility, impartiality and objectivity in the fulfilment of its mandate, as noted in paragraph 30 of the General Report. In times of crisis, the work of the Committee of Experts will always be available to the constituents to support them in seeking sustainable solutions.

The independence and objectivity, as well as the persistence, with which issues relating to the application of the standards adopted by the Conference, and ratified as a sovereign act by States, are analysed, will always be a guarantee in this regard. I am confident that, on the basis of this work, your Committee will hold robust discussions and fruitful dialogue with a view to finding solutions to resolve non-compliance issues.

- 72.** I will end by commending the International Labour Standards Department, led by Ms Corinne Vargha, for its exemplary work. The commitment and dedication shown by the staff of this Department is truly laudable, and it enables us, the Committee of Experts, to produce high quality documents and analyses, ensuring that we perform our work in the best way possible.

Statement by the Chairperson of the Committee on Freedom of Association

- 73.** It is an honour and a privilege for me to once again come before your esteemed Committee to report on the activity of the Committee on Freedom of Association. We last met a year ago. Since then, the Committee on Freedom of Association has issued its 7th annual report, which covers the year 2023. The Committee on Freedom of Association's annual reports are intended to provide useful information on the work undertaken throughout the year and assist constituents' understanding its work and functioning. They contain information, supported by visual statistical data, on the developments over the years in the use of the Committee on Freedom of Association's special procedure, the progress made, and the serious and urgent cases examined. Furthermore, the annual report and its presentation to your august body fulfils an important objective of the Workers' and Employers' groups 2015 Joint Statement to support the complementarity of the ILO supervisory system while avoiding duplication of procedures.
- 74.** I would like to recall that the role of the Committee on Freedom of Association is to examine violations of freedom of association regardless of ratification of the relevant Freedom of Association Conventions. The object of the complaint procedure of the Committee of Freedom of Association is not to blame governments, but rather engage in a constructive tripartite dialogue to ensure the respect of freedom of association both in law and in practice. I would like to underline that the conclusions of the Committee on Freedom of Association in specific cases are issued following very robust, like in your Committee, discussions guided by shared values and intention to promote universal respect for freedom of association and the right to collective bargaining both in law and in practice. In turn, the decisions of the Committee on Freedom of Association are intended to guide governments and national authorities in their discussion of actions to be taken to follow up on the recommendations of the Committee on Freedom of Association through a constructive tripartite dialogue.
- 75.** In 2023, the Committee on Freedom of Association examined 60 active cases and 24 cases concerning the effect given to its recommendations through its follow-up procedure. Freedom of association is a fundamental right which must be ensured for both workers' and employers' organizations. Last year, the Committee on Freedom of Association examined one important complaint brought by an employers' organization. The allegations received over the year globally covered both the public and the private sectors. The annual report outlines, among other information, the types of allegations that came before it most often. In 2023, similar to the previous year, these were: trade union rights and civil liberties, protection against acts of anti-union discrimination, and violation of collective bargaining rights.
- 76.** While a lot remains to be done it is my pleasure to inform you that there has been important progress noted by the Committee on Freedom of Association with interest or satisfaction during this period as well as positive developments that have been welcomed by the

Committee on Freedom of Association in the various cases examined. The progress noted has encompassed a variety of measures, including, for example, legislative amendments to further freedom of association and collective bargaining in the state sector; the signing of new collective agreements, including a centralized collective agreement in the state sector; significant action taken by the competent authorities, including the doubling of the budget allocation, to ensure that the fight against anti-union violence constitutes a state priority; progress reported in the investigations of acts of anti-union violence; the reinstatement of workers; the restoration of trade union status following court decisions, etc. I invite you, Members of the Committee, to consult the report which contains tables and graphs on the cases of progress by the type of allegations as well as on the cases of progress by region.

77. Aware of the fact that the ILO technical assistance is a critically important tool for governments and social partners alike to resolve outstanding matters, in 2023, the Committee on Freedom of Association suggested to governments to avail themselves of ILO technical assistance in 12 cases with a view to addressing its conclusions and recommendations. Furthermore, with a view to facilitating the dialogue between governments concerned and to identifying solutions to the issues raised, the Committee on Freedom of Association may propose on-the-spot missions, and governments may invite such missions, at various stages of the examination of the complaints submitted to it. The Committee on Freedom of Association has proposed five missions during the period covered by the report. The engagement over the years with the procedures of the Committee on Freedom of Association demonstrates that its work is well known and appreciated as an authoritative voice for identifying shortcomings and finding workable solutions, thereby promoting social dialogue at national level for full resolution. You will recall that just three years ago, the Committee on Freedom of Association adjusted its methods of procedure to further promote that space for crucial national dialogue when the parties to a complaint agree. That is work in progress and every indication is that it will make an invaluable contribution to social dialogue.
78. In order to ensure complementarity while avoiding duplication, the Committee on Freedom of Association often transmits the legislative aspects of the cases where governments have ratified the relevant Conventions to the Committee of Experts. In 2023, comparable to previous years, this practice was used in eight cases. This also ensures a pertinent dialogue between the Committee on Freedom of Association, which is a complaint-based procedure on the one hand, and the Committee of Experts and your Committee. The regular review provided by the Committee of Experts and your Committee provides an important key to ensuring sustainable progress in respect of freedom of association.
79. This statement would not be complete without my acknowledging, in a similar way as my colleague from the Committee of Experts, the commitment of my colleagues in the Committee on Freedom of Association, and the work of the Office, in particular the Director of the International Labour Standards Department, and the Chief of the Freedom of Association branch. In our work, it cannot be over emphasized that the service that the department and the branch provide to the Committee on Freedom of Association, surpasses the limited resources that are at their hand. This support by the department and the branch, enables constructive engagement between governments and their social partners. As your Committee begins this important work, may I extend my sincere wishes for a very constructive and fruitful debate that would further boost the achievement of our common objectives.

Statement by the Employer members

80. On behalf of the Employer members, I would like to welcome all Committee members to our general discussion. I would also like to welcome Judge Thomas-Felix, representing the

Committee of Experts. The Employer members value the opportunity to continue the dialogue with her and by extension the Committee of Experts. Let me also extend our congratulations on their appointment to the three new members of the Committee of Experts, Advocate Irene Kashindi, Professor Mia Rönömar and Judge Iain Ross.

- 81.** I would now like to address a few points that the Employer members consider important for the supervisory work of our Committee. On the status of compliance with ratified Conventions, the Employer members note that this year's report of the Committee of Experts, which is an important basis of our work, has around 1,100 pages and contains approximately 612 observations. In addition, the Committee of Experts has made 1,053 direct requests which are not contained in the report itself. These figures show once again that there exists large-scale non-compliance with ratified Conventions or related Committee of Experts' views of them. For the Employers, this again raises questions about Member States' approach to the ratification of ILO Conventions and their application:
- Do Member States carry out reliable pre-ratification assessments to have a clear idea of what changes in law and practice are necessary to comply the Convention and if they have the ability to implement it?
 - Do Member States also consider in their pre-ratification assessments Committee of Experts' interpretations that are not evident from the text of the Conventions, as well as the related reporting obligations for ratified Conventions?
 - Are the national social partners, including representative and independent employers' organizations, adequately consulted by the government and their needs and views adequately taken into account in making a decision on ratification and implementation?
 - Do Member States follow up on the results of pre-ratification assessments and develop action plans to ensure correct implementation prior to ratification?
- 82.** The Employer members have strong doubts that this is the case and note the following in this regard: the Committee of Experts lists in its 2024 report some 90 countries which could benefit from ILO technical assistance as regards implementation of one or more ILO Conventions. This indicates to us that many countries ratify Conventions without necessarily having the technical capacity to ensure correct implementation. The Director-General's Reports to the Governing Body, which regularly provide information on new ratifications since previous sessions, show that certain Member States ratify Conventions, sometimes several at the same time, despite significant problems with the implementation of or reporting on already ratified Conventions. The Employer members wish to reiterate that ratification should only take place once there is reasonable clarity that proper implementation can be ensured, ideally in a way that reconciles the needs of all tripartite constituents. The large number of comments made by the Committee of Experts however suggests that ratifications often take place prematurely or without proper pre-ratification assessments.
- 83.** The Employer members would like to stress that the Office and the Committee of Experts have an important role to play in providing guidance in this regard. In its promotion of the ratification of ILO Conventions, the Office should advise constituents to take a careful and considered approach to ensure that ratification comes only at the end of the process when it is clear that the envisaged Convention can be correctly implemented. The Committee of Experts may stress in its annual report that the ratification of a Convention is not just a political statement but the assumption of an obligation under international law to implement the Convention. The Employer members believe that the application of ratified Conventions could be considerably improved if ratification were approached in a consistent and strictly

compliance-oriented manner. This would significantly reduce the number of comments by the Committee of Experts and thus the burden on the supervisory system, allowing it to focus on particularly persistent and complicated cases of non-compliance.

84. The Employer members once again need to come back to the issue of the distinction between direct requests and observations in the Committee of Experts' report. The Employer members noted the explanations given by the Committee of Experts as regards the differences between observations and direct requests in paragraph 101, however, they do not find this differentiation meaningful. In particular, the Employer members wonder why substantial compliance issues of a "technical nature" or emerging from a "first report" are dealt with only in direct requests and not in observations. Given that direct requests are not part of the Committee of Experts' report and are thus not discussed in the Committee, this is not just a theoretical question. The Employer members noted the view of the Worker members according to which nothing prevented the Committee from taking into account direct requests during the examination of individual cases. However, this only shows that the distinction between observations and direct requests is not really needed. The Employer members therefore wish to suggest that any compliance assessments by the Committee of Experts, whether technical or not and whether concerning first or later reports, are made in the form of observations, and that direct requests are discontinued altogether. Mere requests for clarification or additional information could be informally obtained by the Office from the governments concerned, for example, via email, without the need for the Committee of Experts to make a formal direct request. In the Employer members' view, this would not only simplify matters but also make the difference between the preparation of the information basis for standards supervision on the one hand, and the actual standards supervision on the other, more transparent.
85. As regards the long-standing issue of the right to strike in relation to Convention No. 87, the Employer members would like to recall that the matter was referred to the International Court of Justice for an advisory opinion in November 2023. This referral followed a controversial debate and vote in the Governing Body which left ILO constituents divided. The Employer members and many governments were not in favour of the referral to the International Court of Justice as they considered that a balanced and sustainable solution could only be achieved through tripartite social dialogue in the ILO, including through standard-setting. The Employer members are deeply concerned that the Committee of Experts while noting the referral of the matter to the International Court of Justice in paragraph 40 of this General Report, maintained its comments on the right to strike in relation to Convention No. 87 unchanged and unabated. Of its 65 comments on Convention No. 87, 55, that is 84 per cent, relate partly or exclusively to the question on the right to strike. Moreover, of its 43 direct requests, 35, or 81 per cent, deal one way or another with the right to strike. Finally, one case on Convention No. 87 that includes the contentious views on the right to strike has been double footnoted by the Committee of Experts. For the Employer members, the best way forward would have been to suspend any comments on the right to strike until the International Court of Justice's advisory opinion was published as we have asked at the Committee of Experts' special sitting. Indeed, as part of the ILO supervisory system, the Committee of Experts should act in accordance with the ILO Governing Body decisions. This would have been appropriate to avoid any appearance of interference or of intention to influence the cause and outcome of the proceedings by the Committee of Experts. We should not give the impression that the International Court of Justice has no choice but to confirm the contentious interpretation of the right to strike. This would be to disrespect the International Court of Justice's autonomy and disregard the position of those ILO constituents who do not share the Committee of Experts' opinion on this issue. For the same reasons, the Employer members would have preferred the dispute on the right to

strike and therefore the comments that are based on the disputed interpretations to have been excluded from this Committee's meeting. However, as this has not occurred, the Employers will reaffirm their disagreement with the Committee of Experts' comments on this topic in all Convention No. 87 cases that will be discussed. Furthermore, as usual, the right to strike in all related aspects will not be mentioned in the conclusions of Convention No. 87 cases.

86. The Employer members noted that the Committee of Experts welcomed the Governing Body's adoption of an ILO strategy for achieving decent work in supply chains. The Committee of Experts states in this context that it will "follow up on these tripartite-agreed objectives within its mandate, recalling that it has considered in the past the issue of supply chains in its supervision of international labour standards, given its relevance to many key decent work deficits." The Employer members would like to recall that the mandate of the Committee of Experts is to examine compliance by governments with obligations under ratified Conventions at national level. This is different from ensuring the compliance with ratified Conventions within supply chains. It must be emphasized that on the one hand, governments have a responsibility under ratified Conventions to implement these Conventions everywhere in their countries, not just in supply chains within their countries. On the other hand, governments have no responsibility for ensuring compliance with ratified Conventions in those parts of supply chains that are outside their countries. The Employers trust that the Committee of Experts will take due account of this difference. The consideration of supply chains in the supervision of standards must not lead to a blurring of the responsibilities of national governments for the obligations arising from ratified Conventions.
87. The Employer members also noted the Committee of Experts' remarks on sustainable enterprises in paragraphs 50–54 of its General Report. The Committee of Experts seems to take the view that: "the mandate given to it, notably to undertake an impartial and technical analysis of how ratified Conventions are applied in law and practice by Member States, is an important contribution ... to the enabling environment in which sustainable enterprises can flourish". It appears from this that the Committee of Experts does not consider it necessary to pay particular attention to the needs of sustainable enterprises in its standards supervisory work. The Employer members find even more concerning the Committee of Experts 's primarily negative perception of "regulatory reform and the removal of business constraints" in this context which the Committee of Experts sees as potentially undermining labour standards. The Committee of Experts does not seem to recognize that sustainable enterprises comply with national laws and regulations and contribute to economic growth, employment creation and socio-economic progress. While respect for international labour standards can be seen as one of the prerequisites for a favourable environment for sustainable businesses, it is equally true that only sustainable businesses can guarantee the proper application of international labour standards providing for decent jobs and decent job creation. The Employer members would reiterate that the ILO Centenary Declaration is clear in stating that: "International labour standards ... need to ... protect workers and take into account the needs of sustainable enterprises ...", and thus recognizes that protecting workers and taking into account the needs of sustainable enterprises should go hand in hand. The Employers therefore trust that the Committee of Experts will duly take into account the needs of sustainable enterprises in its supervisory work, including when determining the scope and meaning of obligations under ratified Conventions. Giving due attention to the needs of sustainable enterprises would, in fact, improve the balance and thus the relevance and acceptance of the Committee of Experts' recommendations. The Employers will pay particular attention to this point when considering the Committee of Experts' comments on ratified Conventions.

- 88.** The Employer members also noted from paragraph 61 onwards that a thematic discussion to commemorate the 75th anniversary of the Universal Declaration of Human Rights and Convention No. 87, took place this year. While the Employer members support the idea of creating synergies between ILO standards and different UN Human Rights treaties, we would like to stress the distinct nature and content of the individual instruments, as well as the distinct mandates and competences of the individual treaty bodies concerned. In particular, it is important not to blur the differences between Convention No. 87 on the one hand and the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on the other. Although the protection of freedom of association is included in all these instruments, the modalities of protection are different. It should also be noted that these instruments were adopted in different contexts and with different intentions. Of particular importance is the fact that the ILO, unlike the UN, is a tripartite organization. Tripartite participation in standard-setting and supervision is a special feature that fundamentally distinguishes Convention No. 87 from the other UN human rights instruments. Finally, we would like to emphasize that although the Committee of Experts has a specific technical mandate for the monitoring of ILO standards, it does not represent the ILO standards monitoring system as such and cannot speak on its behalf.
- 89.** In conclusion, the Employer members would like to affirm their ongoing commitment to the ILO standards supervisory system. In order for ILO standards supervision to have a real and lasting impact, it needs to be balanced and take duly into account the situation and needs of ILO's three constituents. In this spirit, we look forward to cooperating with Government and Worker representatives at this session of the Committee.

Statement by the Worker members

- 90.** The Worker members would first of all like to welcome the representative of the Committee of Experts, Judge Thomas-Felix, and the chairperson of the Committee on Freedom of Association, Professor Kalula, who honour us with their presence.
- 91.** As usual, the Worker members wish to recall that the aim of this exchange is not to expose divergences between any particular group and the Committee of Experts. Rather, we see it as an opportunity to discuss on equal terms ways and means for increasing the efficacy of the supervisory system. For example, we do not see why the Committee of Experts, which is an independent and impartial body, should refrain from making comments on the right to strike. The fact that the issue is pending in the International Court of Justice does not entail any consequences for the supervisory work of the Committee of Experts. Of course this in no way affects the work of our Committee.
- 92.** The Worker members reject the requests made to the Committee of Experts to justify in detail the choice of double-footnoted cases, which is a choice for the Committee of Experts to make. These requests constitute a further attempt to undermine the independence of the Committee of Experts, and we cannot condone this.
- 93.** The Worker members would also like to emphasize that we have heard people singing the praises of social dialogue in recent months. These grandiloquent speeches are not compatible with the practice of voicing reservations on the result of what has been negotiated. The same applies to remarks aimed at pre-empting the possible conclusions of discussions by setting limits. This is especially true as it does not contribute anything new to the *modus operandi* followed by our Committee for a number of years without any problem.

94. The Worker members have noted with great interest the various topics discussed within the Committee of Experts, as reflected in this report. But the time allocated for our discussion does not allow us to address everything in detail. We will therefore return briefly to a few aspects. The Worker members have duly noted the developments related to the supervision of standards in a context of austerity. They therefore agree with the finding that the Committee of Experts often learns of the impact of economic reforms a posteriori but is never informed ex ante of the preparation and implementation of these reforms. If we agree that one of the key elements of the future social contract must be the coherence between economic and social policies, this aspect will need to be remedied. The Worker members propose that we should reflect on what means exist to enable the ILO to play a preventive role in this field. There will certainly be a need for creativity, but this is an exercise that will generate added value.
95. The Worker members have also noted with interest the points made by the Committee of Experts concerning the concept of sustainable enterprises. We have already explained our point of view on this subject on several occasions. Nevertheless, we will take the liberty of underlining a number of aspects. Firstly, the Worker members are the first group affected by the sustainability of enterprises. Some people tend to forget but it is the workers who contribute to the production of goods and services. When an enterprise is obliged to cease operating, for example because of poor choices by the management, the first victims are to be found among men and women workers and their families. It goes without saying that there is no enterprise without workers. The latter are very attached to the sustainability of enterprises. As recalled by the conclusions of the 2007 general discussion, one of the conditions of sustainability is respect for the rights of workers.
96. Another important point is that if we support the promotion of enterprises, it is solely with a view to improving the life of workers. And contrary to what has sometimes been said, it is not a question of us denying that enterprises pursue legitimate economic goals. Our work at the ILO does not entail discussions without definition or substance. The discussions are aligned to the mandate of the Organization and its *raison d'être*. And so, the pursuit of economic objectives is a legitimate quest but one that must serve the objectives of the Organization and in particular seek to improve the lives of workers and their families. On this basis, in the context of the ILO, enterprises must be seen as a means, not an end.
97. Seeking to optimize the work of the supervisory bodies is an endless quest. We commend the work done by the Office to give visibility to the follow-up work related to our Committee's conclusions. And we continue to advocate the setting up of a mechanism to raise the profile of the colossal amount of work done by the Office in this regard. Looking at the information available on the website, we can see that the vast majority of governments react positively to the observations of the supervisory bodies, and this is something we appreciate enormously. This is evidence of the credibility of our supervisory system and the capacity of the Office to play a key role in the matter.
98. We will finish by referring to the record in the report regarding the exchange that took place between the Committee of Experts and various UN treaty bodies. This exchange took place in the context of the celebration of the 75th anniversary of the Universal Declaration of Human Rights. And this once again illustrates the vitality of the Committee of Experts and its capacity for opening up to other bodies which pursue objectives similar to its own. It is further evidence of this rapprochement which must be encouraged between the bodies, of course taking into account the specific features of the ILO, such as tripartism, and of the organizations to which these other bodies belong. Good dialogue is a never a source of friction.

Statement by Government members

- 99. Government member, Belgium speaking on behalf of the European Union (EU)⁶ and its Member States:** The candidate countries, Albania, Montenegro, North Macedonia, the Republic of Moldova, Serbia and Ukraine, and the European Free Trade Association (EFTA) country, Norway, member of the European Economic Area, aligned themselves with this statement.
- 100.** We welcome the discussion at the Committee on the Application of Standards, a crucial pillar of the ILO supervisory system. We strongly believe in the fundamental importance of international labour standards, their ratification, and the effective and authoritative supervision of their implementation. We highly appreciate the analysis and expertise of the Committee of Experts as shown in its annual report, which provides a solid basis for the work of the Conference Committee. We value and put our trust in the guidance provided by the Committee of Experts, which helps to implement international labour standards. We recall our strong commitment to the independence, objectivity, and impartiality of the Committee of Experts. We would like to recall the importance of complying with reporting obligations and doing so in due time, as the functioning of the supervisory system is based primarily on the information provided by governments in their reports, as well as on the observations submitted by social partners. In this regard, we welcome the ongoing efforts to modernize and streamline the reporting system in order to ease the reporting burden on governments. We appreciated the information session that the Committee of Experts held for a second time with governments and look forward to a new meeting in 2024.
- 101.** We share the concern of the Committee of Experts that multiple and interlocking crises, coupled with austerity measures, are leading to increasing inequalities and are having an adverse impact on the application of international labour standards, leading to stagnation or even a regression in progress. We emphasize that in times of crisis, international labour standards acquire their full significance by providing guidance on a way forward. We are regrettably in a situation where we are off track to reach Sustainable Development Goal (SDG) 8, on decent work and economic growth, with the social and environmental dimensions lagging behind the economic dimension. However, in the upcoming year there are historical opportunities to set the right momentum and reverse these trends. The EU and its Member States are currently providing input to New York-based negotiations of the Pact for the Future. An ideal outcome of the Summit of the Future is a Pact which fosters social inclusion and social justice, social dialogue on advancing universal social protection, decent jobs and green and digital skills. Moreover, we see the upcoming World Social Summit as an important opportunity for the world to rebuild the social contract through a comprehensive approach based on human rights, social cohesion, solidarity and decent work. As recalled by the Committee of Experts, a new social contract, drawing upon the common values expressed in international labour standards, is more necessary today than ever. Furthermore, the EU and its Member States have consistently and strongly supported Director-General Hounbo's flagship initiative to establish the Global Coalition for Social Justice and its ambition to advance social justice and decent work for all. One of its priorities is "realizing labour rights as human rights", which is fully in line with the objectives of the EU Action Plan on Human Rights and Democracy. To date,

⁶ Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations, are reported as having been made on behalf of all Government members of the group or organization in question, who are members of the ILO and are attending the Conference.

12 EU Member States have joined the Coalition as partners along with the European Commission on behalf of the EU.

102. Last year and this year mark the 75th anniversary of Conventions Nos 87 and 98 respectively. We recall the central and enabling rights' nature of these instruments and welcome the ILO's integrated strategy for the promotion and implementation of the right to collective bargaining adopted by the Governing Body in autumn 2023. We are pleased that the Committee of Experts continues to deepen its cooperation with the United Nations (UN) Human Rights Treaty Bodies, most recently through a thematic exchange on the fundamental right of freedom of association. This collaboration is crucial to enhance the effective fulfilment of human rights, including labour rights. We encourage further such exchanges as they provide scope for mutual inspiration, cooperation and synergies, while respecting the autonomous mandates of all bodies.
103. Let us share some of the latest legislative and policy advances through which we aim to contribute to further advancing decent work. We are working towards the ratification by all EU Member States of two new fundamental ILO Conventions on a safe and healthy working environment. We are also aiming to ensure that labour standards, as well as access to adequate social protection, are guaranteed for all workers, including those engaged in non-standard and new forms of work. We are therefore pleased to have reached a historical agreement on a new Platform Work Directive. This directive aims to ensure decent work for people on digital labour platforms. We look forward to the standard-setting discussion on this topic at the International Labour Conference in 2025.
104. We are committed to supporting partner countries through technical assistance projects to enhance the effective application of labour standards, with an emphasis on fundamental ILO Conventions. The ILO is our privileged implementing partner in these efforts. We promote decent work through the EU's bilateral and regional trade and investment agreements and unilateral preferential trade schemes. Recent legislative advances in this area show our further increased focus on decent work in supply chains via a soon-to-be-adopted Forced Labour Regulation and a Corporate Sustainability and Due Diligence Directive. Let us conclude by reiterating our full support to the well-functioning and authoritative supervisory system of the ILO, which is built on tripartism and social dialogue. This unique and robust system provides a valuable example of a multilateral rules-based order. We are looking forward to constructive engagement with tripartite constituents during the debate in this Committee.
105. **Government member, Argentina:** We are proud to play an active role in the ILO supervisory system, which we view as a collaborative, rather than inquisitorial, tool for examining States' conduct. The opinions and observations of the Committee of Experts are therefore an important part of ensuring effective compliance and the ethical building of a world of fair trade and work.
106. I would like to underscore the importance of social dialogue as the ILO supervisory system's main tool for consensus-building in several areas: firstly, respect among actors in the world of work; secondly, seeking harmonious paths to resolve the different issues that arise in the implementation of ILO Conventions; and, thirdly, effectiveness, since social dialogue allows for continuity over time when addressing such issues. I also wish to highlight the assistance in complying with international commitments that is provided by the Office, which affords States ongoing guidance in improving their fulfilment of international obligations.
107. I would also like to draw attention to the importance of the work of the Committee of Experts in other areas of the United Nations system, including in relation to SDG 8 on growth that is fair and equitable for all parties, particularly target 8.7 on the eradication of child labour and

forced labour. Moreover, I wish to point out the respect enjoyed by the Committee of Experts and the ILO's reports within the United Nations system. The International Court of Justice has referred to the ILO's opinions, citing their importance and effectiveness. The Inter-American Court of Human Rights has done likewise. This is high praise for the system, the members of the Committee of Experts and the Office.

- 108.** Lastly, the supervisory system and the standards system are facing a significant challenge due to the social conditions imposed by new forms of work, technological advances, the platform economy and the supply chain, requiring new relationships between States and social partners to ensure that, even in these areas, a just world can be built.

Reply of the Representative of the Chairperson of the Committee of Experts

- 109.** I would like to again thank you for the invitation extended to the Committee of Experts to attend this meeting. I am honoured to represent the Committee of Experts on this occasion, and I assure you that I will report to my peers on the discussions and views expressed in this forum. The annual visit of the Workers' and Employers' Vice-Chairpersons to the Committee of Experts' meeting, and your invitation for the Chairperson of the Committee of Experts to participate in the works of this Committee, undoubtedly strengthens the links and underlines the complementarity of the two Committees in their supervisory work. The exchange on normative issues, that we had in 2023 with governments, were also very informative and I have heard the interest expressed by some governments to repeat this meeting.
- 110.** I have taken note of the comments expressed during the discussions and in particular those relating to:
- (1) the criteria and characteristics for distinguishing between observations and direct requests;
 - (2) the possibility of providing more detailed information on the footnotes inviting governments to communicate information to the Conference; and
 - (3) the opportunity to take into account the needs of the constituents in the supervisory work.
- I have also taken note of the comments on issues related to the right to strike and Convention No. 87.
- 111.** I am pleased to recall that you will find in paragraph 101 of the General Report the Committee of Experts' explanation on the differences between observations and direct requests. I have taken note of your concerns in this regard, which I will pass to my colleagues. I also recall that the criteria established by the Committee of Experts for the inclusion of footnotes can be found in paragraphs 108 and 109 of the General Report. In 2023, the Committee of Experts detailed the specific reasons justifying the insertion of a double footnote in the selected cases.
- 112.** I especially note and welcome the statements that recalled and emphasized the importance of democracy for freedom of association. The Committee of Experts shares the concerns raised about the regrettable increase of authoritarian regimes and the impact this has had on the autonomy and independence of employers' and workers' organizations. Several comments in the Committee of Experts' report pick up on this theme and urge governments to cease criminalizing the activities of these organizations, interfering and obstructing their functioning or impeding their rights to formulate their programmes of action. The Committee of Experts' report continues to raise the alarm bells on all such threats in this regard when they concern employers' organizations and workers' organizations, in the full exercise of its mandate. We have, on innumerable occasions in our nearly 100 years of existence as a Committee, stressed

that freedom of association lies at the heart of democracy and that adherence to the rule of law is a prerequisite for social dialogue, collective bargaining and tripartite cooperation, which ultimately leads to social justice.

113. A few speakers referred to the Committee of Experts' increasing collaboration with the United Nations and made comments that I will share with my peers. The Committee of Experts' exchange with the Chairs of the eight UN Human Rights Treaty Bodies and the two special rapporteurs is based on mutual respect for our respective mandates and a common resolve to join forces to encourage respect for human rights, including international labour standards, at a moment when the world is moving seriously offtrack in the implementation of the SDGs, including SDG 8, as noted by the speakers this morning.
114. With regard to taking into account the needs of constituents, I am pleased to recall that the Committee of Experts has consistently indicated, in its Report, the importance of comments by Employers' and Workers' representatives on the application of ratified Conventions or linked to the elaboration of the General Surveys. Such observations provide the Committee of Experts with up-to-date information from social partners and are essential to enable it to assess the application of Conventions in national law and practice. I encourage the social partners to continue and even reinforce this most useful practice for the supervisory system. More specifically with regard to sustainable enterprises, it is important to recall that in paragraph 54 of its Report, the Committee of Experts indicated that the mandate given to it, notably to undertake an impartial and technical analysis of how ratified Conventions are applied in law and practice by Member States, is an important contribution to the enabling environment in which sustainable development and sustainable enterprises can flourish and the responsible business practices sustainable enterprises are adopting.
115. I have taken note of what has been said regarding the modernization of the reporting system and we will follow closely any developments in this area. It is important for governments to be able to send the most accurate information possible and any methods which help in this respect is to be welcomed and will be welcomed.
116. With respect to the General Survey, I would like to express my sincere gratitude for the rich exchange of opinions here today which has allowed me to hear first-hand your comments on this General Survey prepared by the Committee of Experts. This discussion shows the importance of effective and coordinated labour administration systems to respond to the challenges in the world of work and hence underscores the relevance of the instruments examined. Distinguished delegates, you can rest assured that I will share your views on this Survey with the other members of the Committee of Experts. The Subcommittee on Working Methods meets annually during our session and will certainly address all the issues which have been carefully highlighted. The forthcoming visit of the Vice-Chairpersons to the Committee and the exchange with the governments will allow us to have a fruitful dialogue in this regard. Once again, I thank you for the invitation and I am confident that the dialogue of the two Committees will continue in the future.

Reply of the representative of the Secretary-General

117. I would like to respond just to two issues that were raised during the discussions and that concern the Office more specifically. First, the technical assistance made available to you by the Office and second the modernization of the current procedures for presenting and submitting reports under Article 22.
118. With regard to the technical assistance furnished by the Office, I would first like to express my sincere thanks for your trust and expressions of trust that you have repeated throughout your

discussions, and your gestures of appreciation of the standards-related technical assistance furnished and implemented by the Office. It is very important to us to ensure that our services respond to your needs, either when you are considering ratification or when you are faced with difficulties in implementation. It is very important to us to ensure that our services respond to your needs in as timely a way as possible. Let me take this opportunity to reassure the Employers' group that the support we provide to governments when they are considering ratifications takes fully into account all of the guidelines previously provided by the supervisory bodies on the Convention in question. With regard to the General Surveys, they are one of the main sources of information and guidance that we use when we are supporting countries in their consideration of ratification of a given instrument.

119. The fact that there may be difficulties that arise following the ratification of a Convention must not be construed as revealing or resulting from a lack of diligence in the prior examination of the conditions for ratification. Allow me to use the analogy of a health check-up. You have a health check-up one day and you are in perfect health, but this does not protect you against the possibility of falling sick the next day or the day after that. This does not mean that the health check-up was bad but there are unforeseen events in life that mean one day you are in good health and, the next day, less so. As mentioned in your own comments, the world of work is in constant transformation, and this changes the context in which the Conventions are implemented and presents new challenges to governments concerning their implementation. For general information, we have a certain number of meetings planned in the margins of the plenary sessions during which we discuss in detail the new challenges that the governments are facing in the implementation of the Conventions. These are very valuable exchanges that permit us to prioritize our technical assistance follow-up.
120. I wish to turn next to the request made by the Worker members on the use of the information that we provide on our follow-up to the conclusions that you adopt each year, in particular when the Committee calls on governments to avail themselves of the technical assistance of the Office. We have taken due note that you would like there to be consideration of a new, or at least different, way of making this information available. I think that we are totally open to considering this together and to providing you with this information so that it can be as useful as possible to you.
121. Turning now to the modernization of the reporting obligations, I remind you as indicated in my introductory remarks, that we would like to develop the proposals in full consultation with each of the three groups and that we have sent you an invitation for the consultations on 24 June 2024. I invite the governments in particular because we will organize these meetings in a hybrid format in order to enable officials in the capitals who compile these reports to participate in the discussions and share with us your difficulties, views and expectations regarding the modernization of the reporting methods.

Concluding remarks on the general discussion of the Committee's General Report

122. **Worker members:** The Worker members would like to come back to a few points raised this morning. Regarding the distinction between direct requests and observations of the Committee of Experts, we are not going to repeat in detail what we have been saying for a number of years. Like the criteria for the selection of individual cases examined by our Committee, the distinction between direct requests and observations is not an exact science. The explanations that the Committee of Experts has already given on this subject are sufficient and its autonomy regarding the choice of the most appropriate means for conducting dialogue with governments should be respected. That is a choice for the Committee of Experts. In any case, we note that the main recipients of observations and direct requests, especially

governments, have never expressed the slightest concern in this regard. This shows clearly that these governments are not involved in a theoretical debate but are more focused on the best way to fulfil their obligations, which is a testimony to their good will.

123. We have also noted the remarks to the effect that the size of the Committee of Experts' report points to a kind of hazardous or hasty ratification on the part of governments. For us, however, this reasoning is based on a questionable assumption. Experience shows us, rather, that conformity with standards depends more on the political priorities of governments in place at a given moment. One day the diagnosis may be healthy, the next day something changes. As the famous saying goes, nothing lasts forever – not even diamonds. A look at the list of cases which we will be examining this year shows that respect for standards depends to a large extent on political choices made by the governments having responsibility at the time. There are always improvements that can be made, and the supervisory bodies are there to support governments in this exercise. This support may take the form of technical assistance which can draw on the expertise of the Office as well as meet the specific needs of the countries concerned, since there are various different situations. This assistance also sometimes benefits the social partners – employers and workers – on the ground and enables their capacities to grow. It does not reflect poor preparations for ratification but rather the changes experienced by different countries. We should avoid any diagnosis of problems that do not exist. This will prevent us from prescribing remedies that would actually make real problems worse.
124. The Worker members would now like to return briefly to the link between the supervision of standards and supply chains. We do not dispute the fact that the application of standards must be observed in relation to the territory of the country which has ratified the Convention, but that must be tempered by recalling that national courts have repeatedly recognized the responsibility of enterprises outside their national territory with regard to respect for human rights. Nor can the discussions and initiatives regarding enterprises' due diligence be ignored. It would be rather strange if the ILO were to remain in the background with regard to these developments when its supervisory system empowers it to play a key role.
125. Much was said this morning about the concept of sustainable enterprises. When the Committee of Experts says that certain reforms can adversely affect workers' rights, they are merely describing the gloomy reality encountered in a number of countries. It can still be seen that, in the name of the development of economic activity, policies of deregulation are conducted which fail to respect international labour standards. Nobody here is questioning the role that can be played by enterprises in the promotion of decent work but the importance of this role cannot result in a means and an end being placed on an equal footing. We will recall as often as is necessary that workers' rights are human rights and remain the ultimate objective of our Organization.
126. In conclusion, we would like to express the wish that these divergences within the Committee will no longer apply in the future and that the Committee will be able to reflect serenely with the Committee of Experts on the way to optimize the impact of the supervisory system on the ground. It might be useful to draw up a list of topics on which consensus has been reached and which will guide future exchanges between our committees.
127. **Employer members:** Let me start by thanking the Governments and the Worker members for the very rich contributions to the general discussion, and to the discussion of the General Survey on Labour Administration. The Employer members also appreciate the participation of Judge Thomas-Felix as a representative of the Committee of Experts. We strongly believe that ongoing dialogue between the Committee of Experts and the Conference Committee is important, for the ILO constituents to better understand standards-related requirements, but

above all to facilitate the Committee of Experts' understanding of the realities and the needs of the users of the supervisory system. For the effectiveness of ILO standards supervision, it is of utmost importance that there is as much convergence as possible between the Conference Committee and the Committee of Experts in providing clear and practical guidance to tripartite constituents in ILO Member States. Past experience has demonstrated that where the Conference Committee and the Committee of Experts speak with one voice, more positive responses are obtained from governments and social partners on the ground, leading to faster, better and more sustainable compliance with ILO standards both in law and in practice. Unity on the essentials seems all the more important in the face of the uncertain world that we are increasingly confronted with, as evidenced by the global challenges.

128. Different from what the Worker members seem to think, the Employer members believe that the general discussion in the Conference Committee serves as the right forum to provide tripartite feedback to the Committee of Experts and to make our joint work more relevant. The Employer members wish to respond to some remarks made earlier today during the general discussion and yesterday during the opening session. First, the Employer members do not deny that respect for labour rights is one of the concurring conditions for the creation of an enabling environment for sustainable enterprises. Yet, what we stress is that workers' protection, as a concurrent condition, should be balanced against the needs of sustainable enterprises and not be considered as the only criterion in carrying out standards supervision. After all it is recognized in the ILO Centenary Declaration that the requirements of an enabling environment for sustainable enterprises must be taken into account when considering the protection needs of workers. While this balance between the two perspectives is clearly visible in the discussion and outcomes of the standards supervision in the Conference Committee, unfortunately we still do not see it in the comments of the Committee of Experts, which focus exclusively on the protection needs of workers. In fact, it may seem to bolster the repeated certainty from the Worker members that sustainable enterprises are merely a means to an end which is seen as the protection of Workers, which is unfortunate. The Committee of Experts emphasize its neutrality and impartiality, but this is often not how ILO constituents perceive it. This should give the Committee of Experts pause for thought.
129. Secondly, the Employer members have noted that the Committee of Experts, in this year's General Survey, provided its opinions on various topics that have little to do with the standards on labour administration. These include topics that are controversial, such as supply chains, or what will be addressed in ILO standard-setting such as digital labour platforms. The Employer members wish to point out that such statements by the Committee of Experts can interfere with the tripartite opinion-forming process, notably when standard-setting is ongoing. For future occasions, the Employer members would prefer that the Committee of Experts limit its analysis to the specific instruments and issues at stake and avoid issuing observations and opinions on standards and topics not under examination.
130. Thirdly, the Employer members strongly believe that any major questions regarding the scope and meaning of the provisions of ILO Conventions or related gaps should be examined and resolved through tripartite social dialogue, in particular, through standard-setting. If such major questions arise in its supervisory work, the Committee of Experts should point them out to the Governing Body. The Committee of Experts does not have the role we believe of a substitute legislator for the ILO, which can itself identify regulatory gaps and fill them with international labour rules that it defines itself. Finally, let me be clear that the Employer members do not intend to give instructions to the Committee of Experts or "encroach on its independence". The Employer members do recognize that the Committee of Experts exercises an essential function in the ILO regularly standards supervisory system and it is for this very

reason that they see it as their duty to provide constructive feedback to the Committee of Experts. It is in this spirit, Chairperson, that the Employer members asked the Committee of Experts to abstain from providing certain interpretations. Contrary to what the Worker members seem to think, an authoritative opinion on how to interpret an ILO Convention clearly has an impact on the Committee of Experts supervisory work. All in all, the Employer members agreed with the Committee of Experts on many points but also respectfully expressed disagreement on some of its views and findings. In doing so, we have sought to contribute to a more factual and results-oriented debate. We thank others who have also provided their feedback.

- 131.** The Employer members look forward to ongoing exchanges between the Conference Committee and the Committee of Experts to continue building convergences on matters of application of International Labour Standards. We count on the Office to facilitate the dialogue and the building of convergences. To conclude, the Employer members would like to reaffirm their full commitment to continue improving the international labour standards supervisory system including regular standards supervision to ensure that they remain credible, relevant and balanced.

C. Reports requested under article 19 of the Constitution

General Survey: Labour Administration in a Changing World of Work

- 132.** The Committee dedicated a sitting to the discussion of the General Survey carried out by the Committee of Experts concerning the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978. The record of this discussion is contained in section I of Part Two of this report.

Concluding remarks

- 133.** At the meeting on the adoption of the outcome of the discussions on the General Survey, the following statements were made by members of the Committee.
- 134. Employer members:**
- 135. Worker members:**

Outcome of the discussion of the General Survey

- 136.** The Committee approved the outcome of its discussion, which is reproduced below.
[outcome of the discussion of the General Survey to be inserted here]

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D. Compliance with specific obligations

1. Cases of serious failure by Member States to respect their reporting and other standards-related obligations

- 137.** During a dedicated sitting, the Committee examined the cases of serious failure by Member States to respect their reporting and other standards-related obligations. As explained in document D.1, Part X, the following criteria are applied: failure to supply the reports due for the past two years or more on the application of ratified Conventions; failure to supply first reports on the application of ratified Conventions for at least two years; “Urgent appeals” –

failure to supply reports on the application of ratified Conventions for at least three years and failure to supply first reports on the application of ratified Conventions for at least three years; failure to supply information in reply to all or most of the comments made by the Committee of Experts; failure to supply the reports due for the past five years on unratified Conventions and Recommendations; failure to submit the instruments adopted for at least seven sessions to the competent authorities; and failure during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the Office under articles 19 and 22 have been communicated. The Chairperson explained the working methods of the Committee for the discussion of these cases. The procès-verbaux of this discussion is found in section III of Part Two of this report.

1.1. Failure to submit Conventions, Protocols and Recommendations to the competent authorities

138. In accordance with its terms of reference, the Committee considered the manner in which effect was given to article 19(5), (6) and (7) of the ILO Constitution. These provisions required Member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the instruments adopted at that session to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.
139. The Committee noted that, in order to facilitate its discussions, the report of the Committee of Experts mentioned only the governments which had not provided any information on the submission to the competent authorities of instruments adopted by the Conference for at least seven sessions (from the 99th Session (2010) to the 108th Session (2019), because the Conference did not adopt any Conventions and Recommendations during the 97th (2008), 98th (2009), 102nd (2013) 105th (2016) and 107th (2018) Sessions). This time frame was deemed long enough to warrant inviting Government delegations to the dedicated sitting of the Committee so that they may explain the delays in submission.
140. The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. It noted the specific difficulties mentioned by certain delegates in complying with this constitutional obligation, and in particular the intention to submit shortly to competent authorities the instruments adopted by the International Labour Conference. Some governments have requested the assistance of the ILO to clarify how to proceed and to complete the process of submission to national parliaments in consultation with the social partners.
141. The Committee recalls that compliance with the obligation to submit Conventions, Recommendations and Protocols to competent national authorities is a requirement of the highest importance to ensure the effectiveness of the Organization's standards-related activities. It also recalled that governments could request technical assistance from the Office to overcome their difficulties in this respect.
142. The Committee noted that the following countries were still concerned with the serious failure to submit the instruments adopted by the Conference to the competent authorities: **Angola, Belize, Plurinational State of Bolivia, Brunei Darussalam, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Lebanon, Liberia, Libya, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia**. The Committee

expressed the firm hope that appropriate measures would be taken by the governments concerned to comply with their constitutional obligation to submit.

1.2. Failure to supply reports and information on the application of ratified Conventions

143. The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. Some governments have requested the assistance of the ILO. The Committee recalled that the submission of reports on the application of ratified Conventions is a fundamental constitutional obligation and the basis of the system of supervision. It also recalled the particular importance of the submission of first reports on the application of ratified Conventions. It stressed the importance of respecting the deadlines for such submission. Furthermore, it underlined the fundamental importance of clear and complete information in response to the comments of the Committee of Experts to permit a continued dialogue with the governments concerned. In this respect, the Committee recalled that the ILO could provide technical assistance to contribute to compliance in this respect.
144. The Committee noted that, by the end of the 2023 meeting of the Committee of Experts, the percentage of reports received (article 22 of the ILO Constitution) was **74.7** per cent (70.9 per cent for the 2022 meeting). Since then, further reports have been received, bringing the figure to **81** per cent (as compared with 76.2 per cent in June 2023).
145. The Committee noted that no reports on ratified Conventions have been supplied for the past two years or more by the following States: **Afghanistan, Barbados, Comoros, Dominica, Grenada, Haiti, Papua New Guinea, Saint Lucia, Somalia, Syrian Arab Republic, Tonga, Tuvalu, Vanuatu** and **Yemen**.
146. The Committee also noted that first reports due on ratified Conventions have not been supplied by the following countries for at least two years: **Djibouti, Grenada, Iraq, Lebanon, Marshall Islands, Sudan, Tonga, Tuvalu** and **Vanuatu**.
147. The Committee noted that no information has yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2023 from the following countries: **Afghanistan, Antigua and Barbuda, Barbados, Comoros, Congo, Djibouti, Dominica, France (New Caledonia), Grenada, Haiti, Netherlands (Sint Maarten), Papua New Guinea, Saint Lucia, San Marino, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Tuvalu, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu** and **Yemen**.

1.3. Urgent appeals

148. Following the decision of the Committee of Experts to institute a new practice of launching urgent appeals for cases corresponding to countries which have failed to send, under article 22 of the Constitution, the reports due for at least three years, and failed to send first reports for at least three years, to draw the attention of the Committee on the Application of Standards to those cases, the Committee invited the countries concerned to provide information during the examination of cases of serious failure to fulfil reporting obligations, and expressed the hope that the Governments of **Afghanistan, Comoros, Grenada, Marshall Islands, Saint Lucia, Sudan, Syrian Arab Republic, Tuvalu** and **Vanuatu** will supply their reports due as soon as possible.
149. The Committee brought to the attention of these governments that the Committee of Experts could examine in substance, at its next session, the application of the Conventions concerned

on the basis of publicly available information, even if the government has not sent the corresponding report. The Committee recalled the possibility of governments availing themselves of the technical assistance of the Office in this regard.

1.4. Supply of reports on unratified Conventions and Recommendations

- 150.** The Committee stressed the importance it attaches to the constitutional obligation to supply reports on unratified Conventions and Recommendations. These reports permit a better evaluation of the situation in the context of the General Surveys of the Committee of Experts. In this respect, the Committee expressed the firm hope that the governments concerned will comply with their obligation to supply these reports and recalled that the ILO can provide technical assistance to contribute to compliance in this respect.
- 151.** The Committee noted that over the past five years none of the reports on unratified Conventions and Recommendations, requested under article 19 of the Constitution, have been supplied by: **Barbados, Chad, Djibouti, Dominica, Equatorial Guinea, Haiti, Marshall Islands, North Macedonia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Singapore, Timor-Leste, Tuvalu, Uganda and Yemen.**

1.5. Communication of copies of reports to employers' and workers' organizations

- 152.** The Committee welcomes the fact that no Member State has failed to indicate during the past three years the names of the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated. The Committee pointed out that the fulfilment by governments of their obligation to communicate reports and information to the organizations of employers and workers was a vital prerequisite for ensuring the participation of those organizations in the ILO supervisory system. The Committee expresses the firm hope that this is a sign of genuine tripartite social dialogue in all ILO Member States. The Committee encourages Member States to continue in that direction.

2. Application of ratified Conventions

- 153.** The Committee noted with **interest** the information provided by the Committee of Experts in paragraph 117 of its report, which lists new cases in which that Committee has expressed its satisfaction at the measures taken by governments following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. In addition, the Committee of Experts has listed in paragraph 120 of its report cases in which measures ensuring better application of ratified Conventions have been noted with interest. These results are tangible proof of the effectiveness of the supervisory system.
- 154.** At its present session, the Committee examined 24 individual cases relating to the application of various Conventions.⁷

2.1. Specific cases

- 155.** The Committee considered that it should draw the attention of the Conference to the discussion it held regarding the case of the application of Convention No. XX by XX. The full

⁷ A summary of the information submitted by governments, the discussion and conclusions of the examination of the individual cases are contained in section C of Part Two of this report.

record of this discussion and the Committee's conclusions appears in Part Two of this report. The Committee's conclusions are also reproduced below.

2.2. Special sitting for the purpose of discussing the application of Conventions Nos 87 and 98 by the Government of Belarus and the implementation of the recommendations of the Commission of Inquiry

156. The Committee held a special sitting on Belarus as decided at the 111th Session of the International Labour Conference⁸ with a view to securing compliance with the recommendations of the Commission of Inquiry established to examine the observance by the Government of Belarus of Conventions Nos 87 and 98. The full record of this discussion and the Committee's conclusions appears in Part Three of this report. The Committee's conclusions are also reproduced below in Part One of the report.

3. Participation in the work of the Committee

157. The Committee wished to express its appreciation to the **25** Governments which collaborated by providing information on the situation in their countries and participating in the discussion of the individual cases and special sitting concerning their country.
158. The Committee nevertheless **regretted** that the Governments of the following States failed to take part in the discussions concerning the fulfilment of their reporting and other standards-related obligations: **Afghanistan, Angola, Antigua and Barbuda, Barbados, Belize, Comoros, Djibouti, Dominica, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Iraq, Lebanon, Liberia, Libya, Marshall Islands, Netherlands (Sint Maarten), North Macedonia, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Timor-Leste, Tonga, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland (British Virgin Islands), Vanuatu, Yemen and Zambia.**
159. Overall, the Committee expresses **regret** at the large number of cases of serious failure by Member States to respect their reporting and other standards-related obligations. The Committee observes that some governments have provided written information after the session dedicated to examining this question. While acknowledging the efforts made in this regard, the Committee trusts that in the future governments will act swiftly to enable it to carry out this examination in full knowledge of the facts. The Committee recalls that governments may request technical assistance from the Office to overcome their difficulties in this regard.

E. Conclusions of the Special Sitting for the purpose of discussing the application of Conventions Nos 87 and 98 by the Government of Belarus and the implementation of the recommendations of the Commission of Inquiry

[conclusions to be inserted]

⁸ Resolution concerning the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Belarus.

F. Conclusions adopted following the examination of the individual cases

- 160.** During the informal tripartite consultations on the working methods of the Committee in April 2024, it was decided to present the conclusions adopted following the examination of the individual cases in Part One of the report. The conclusions adopted this year are presented below.

[conclusions to be inserted]

G. Adoption of the report and closing remarks

- 161.** The Committee's report was adopted, as amended.

Geneva, 13 June 2024

(Signed) Mr Łukasz Różycki
Chairperson

Mr Abdelkrim Siyoucef
Reporter