

Committee on the Application of Standards

Date: 5 June 2023

▶ Statement by Ms Corinne Vargha, representative of the Secretary-General

1. Preliminary remarks

As the representative of the Secretary-General for your Committee, I have the privilege of leading the team that stands ready to provide you with all necessary assistance to ensure that the Committee functions smoothly and effectively.

At the outset, I wish to acknowledge Professor Ago of the Committee of Experts on the Application of Conventions and Recommendations, and Professor Evance Kalula, Chairperson of the Committee on Freedom of Association, who will address your Committee this morning in order to present the reports of their respective committees.

My brief intervention will cover two main points: (i) the constitutional mandate and work of your Committee; and (ii) a brief up-date of key developments in respect of the ILO's normative work.

II. Constitutional mandate and work of the Conference Committee

1. Mandate of the Committee

Your Committee is a standing committee of the International Labour Conference. Since 1926 when it was established, the Committee has met every time the International Labour Conference has been in session. Its mandate lies at the heart of the ILO's action and consists of examining and bringing to the attention of the Plenary of the Conference:

- (i) the measures taken by Members to comply with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution and to give effect to the provisions of Conventions to which they are parties; and
- (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution. Under the terms of this article, your Committee examines at every session of the Conference, a General Survey on the law and practice of Member States in a specific area.

This year, your Committee has before it the report produced by the Committee of Experts at its 93rd Session (November–December 2022) along with the 2023 General Survey entitled *Achieving gender equality at work*. This is the first General Survey that examines together the

topics of gender discrimination, maternity protection, and workers with family responsibilities on the basis of the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958; the Workers with Family Responsibilities Convention (No. 156) and Recommendation (No. 165), 1981; as well as the Maternity Protection Convention (No. 183) and Recommendation (No. 191), 2000.

2. Work of the Committee

Now, a few words about the work of your Committee. Document D.1 details all the measures that will allow your Committee to discharge its constitutional obligations. These reflect the outcome of the informal tripartite consultations on the Committee's working methods which took place on 5 April 2023. These informal tripartite consultations, that were held this year for the 17th time, have resulted in numerous improvements of your Committee's working methods and are a testimony of the agility of the ILO supervisory system, including of your Committee to constantly adjust and innovate to deliver effectively on its important function. Detailed information about the many improvements introduced over time to the working methods of your Committee is available on the Committee's web page.

No doubt that all Government delegates will appreciate the consensus reached during the informal tripartite consultations of April 2023 to schedule the adoption of the final list of "individual" cases to be discussed by the Committee, at today's opening session. This should certainly facilitate your preparation of the examination of the 24 individual cases. The provisional working schedule (Document D.0) will be rapidly adjusted to reflect the order in which the 24 cases will be discussed.

Please note that the Committee's report will be presented for adoption to the plenary sitting of the International Labour Conference on Friday 16 June.

I cannot conclude this introduction on the work of your Committee without a special mention to two employers' delegates that are not with us this year.

On behalf of the International Labour Standards Department and its staff, I wish to pay tribute to the significant contribution that Ms Sonia Regenbogen made to the work of your Committee, in her capacity as Employer spokesperson in this committee since 2013. She spared no effort to ensure that your Committee adopted consensual conclusions that would enable concrete progress to be made in the proper implementation of international labour standards. We wish her all the best in her new endeavours and welcome Mr Paul McKay to whom we wish all the best of success.

Along with my colleagues, I also wish to pay tribute to the memory of Mr Alberto Echavarría, Employers' delegate of Colombia, who has taken a very active role in your Committee for many years. We convey our condolences to Mr Echavarría's friends and family, and to the Employers' group.

III. Updates on the ILO's normative work

In the second part of my intervention, I wish to refer to some standards-related anniversaries that we will be commemorating this year and provide a quick overview of the main standards-related activities since your previous session.

1. Anniversaries

This year we commemorate the anniversaries of several important instruments:

- Convention No. 87 on freedom of association and protection of the right to organise, 1948: adopted 75 years ago – a few months before the Universal Declaration of Human Rights – it established the right to organize of both employers and workers and thus enabled the ILO supervisory bodies to relentlessly defend them and their organizations over the years and to this day. This anniversary is an opportunity for us to take the time to remind ourselves and all the constituents of this Organization that Convention No. 87 along with Convention No. 98 constitute the DNA of this organization, as the right to organize is a precondition for the effective exercise of all other rights at work beginning with the concurrent right to collective bargaining.
- Convention No. 111: adopted 65 years ago, this Convention played a pioneering role, as complemented by the Equal Remuneration Convention, 1951 (No. 100), in adding sex among the prohibited grounds of discrimination and making it clear that equality of opportunity and treatment between women and men does not mean identical or equal treatment but rather substantive equality of opportunity and human dignity. It also innovated in enabling the ILO supervisory bodies to address the question of affirmative or positive action to deal with the consequences of past discrimination.
- Convention No. 138 on minimum age, 1973, and its accompanying Recommendation (No. 146): adopted 50 years ago, it has been among the first to proclaim children's rights, serving as a precursor to the UN Convention on the Rights of the Child, adopted 16 years later, and the Convention on the Worst Forms of Child Labour No. 182, which has since been universally ratified.
- the 1998 Declaration on Fundamental Principles and Rights at Work also turns 25 this year. Together with its annual Follow Up, the Declaration is the blueprint of the ILO's strategy to promote a fair globalization. At the aftermath of the COVID-19 pandemic, the Declaration confirmed that it continues to play a pivotal role for the promotion of decent work by virtue of its 2022 amendment which added a safe and healthy work environment to its scope.

Last but not least, we celebrate the 75th anniversary of the emblematic Universal Declaration of Human Rights. The vision of "all human beings born free and equal in dignity and rights", proclaimed in the Universal Declaration, is once again today at the heart of the increasing claims for dignity, equality, respect, freedom and rights, particularly of the most vulnerable, whose daily reality is reflected in the statistics that report rising inequalities across the globe. In this context, it is hardly surprising that the report of the Secretary-General to the Conference on the need for greater social justice globally and the means to achieve it, gives high prominence to human rights and international labour standards as a fundamental dimension of social justice. To mark the anniversary of the Universal Declaration of Human Rights, the Committee of Experts undertakes in a joint statement with the Chairpersons of eight Treaty Bodies supervising the human rights Conventions, to join efforts in order to

promote all human rights, including international labour standards, through joint analyses, concerted action, and thematic periodic meetings.

2. Ratifications of international labour standards

Since the Committee's last meeting in June 2022, 42 ratifications of ILO Conventions have been registered, confirming the continuing commitment of Member States to a rules-based multilateral system in pursuit of social justice.

- The Violence and Harassment Convention, 2019 (No. 190) received 12 ratifications over the past 12 months and has a total of 27 ratifications so far.
- the Social Security (Minimum Standards) Convention, 1952 (No. 102) received four ratifications and has a total of 65.
- Eight ratifications concerned occupational safety and health instruments. Two of them concerned the Occupational Safety and Health Convention, 1981 (No. 155) and three the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The recently granted fundamental status of these two Conventions is expected to enhance their ratification rate in the near future.

Allow me to briefly recall that only a few ratifications are missing for the fundamental Conventions on forced labour, equality and non-discrimination and child labour to reach universal ratification. One ratification was registered for each of Conventions Nos 100 and 138 as well as the Forced Labour Convention, 1930 (No. 29), while the Abolition of Forced Labour Convention, 1957 (No. 105) received two ratifications.

However, no ratification has been registered in the past 12 months for the fundamental Conventions on freedom of association and collective bargaining and the Protocol of 2014 to the Forced Labour Convention, 1930. I am therefore pleased that on the occasion of this Conference, the Director-General should receive the instruments of ratification for Convention No. 87 from Guinea Bissau and for the Protocol to Convention No. 29 from Mexico. This important Protocol has been ratified by 59 Member States so far, corresponding to one third of the ILO's constituents.

With regard to the Governance Conventions, the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129) received one ratification each.

3. Standards policy

As you know, the modernization of the ILO's normative activities is one of our Director-General's priorities and work is continuing in that regard.

First of all, the work of the Tripartite Working Group established under the Standards Review Mechanism (SRM) continues and is being accelerated. The SRM Tripartite Working Group met for the seventh time in September 2022 and completed its review of instruments concerning employment injury, making consensual recommendations which were adopted by the Governing Body. The follow up to the SRM is an institutional priority that calls for a redoubling of efforts in order to make sure that the relevant Governing Body decisions trickle down to the country level where normative records need to be modernized. A series of activities will take place in the coming months in order to raise awareness of these recommendations and promote their follow-up.

Second, ways are actively explored to facilitate reporting under articles 22 and 19 of the ILO Constitution by governments among other ways to promote an authoritative and transparent system of supervision. In consultation with stakeholders, the Office is preparing proposals on this subject for examination by the Governing Body at its 349th Session (October–November 2023).

Third, increased emphasis is placed on strengthening the technical assistance provided at the country level to ensure follow-up to the comments of the supervisory bodies and make tangible progress. As can be seen on your Committee's web page, the Office has followed up on almost all cases discussed at your Committee's previous session in order to promote the implementation of the conclusions and recommendations adopted in June 2022.

Finally, capacity-building continues to be delivered to constituents through online courses and in person, in collaboration with the International Training Centre of the ILO in Turin. I am pleased to report that the next International Labour Standards Academy will be delivered online from 11 September to 6 October this year to the tripartite constituents from the Arab States and the European and Central Asian regions. Members from these regions are cordially invited to seek further information from the secretariat and on the Committee's web page on the programme and registration modalities for this important capacity-building activity.

IV. Final observations

The International Labour Standards Department is pleased and honoured once again this year to place its expertise at the service of your Committee, which fulfils a pivotal function.

I wish to take this opportunity to acknowledge work of the many invisible colleagues of my department who service your Committee under the able leadership of Ms Karen Curtis, Chief of the Freedom of Association Branch, and of Mr Horacio Guido, Chief of the Application of Standards Branch, who once again this year will accompany me in guiding 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 outstanding work.

Once again, this year, I look forward to working with you all, Chairperson, Vice Chairpersons, Reporter, and all the members of the Committee.