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International Labour Conference – 111th Session, Geneva, 2023

Part One

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Third item on the agenda: Information and reports on the application of Conventions and Recommendations

Report of the Committee on the Application of Standards

Part One

General Report

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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 **247** members (**128** Government members, **8** Employer members and **111** Worker members). It also included **8** Government deputy members, **80** Employer deputy members and **93** Worker deputy members. In addition, **65** international non-governmental organizations were represented by observers.
2. The Committee elected its Officers as follows:

Chairperson:	H.E. Ambassador Khalil Hashmi (Government member, Pakistan)
Vice-Chairpersons:	Mr Paul Mackay (Employer member, New Zealand) and Mr Marc Leemans (Worker member, Belgium)
Reporter:	Ms Joanna Żeber (Government member, Poland)
3. The Committee held **23** sittings.
4. In accordance with its terms of reference, the Committee considered: (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 Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165), and the Maternity Protection Recommendation, 2000 (No. 191); (iii) the information supplied under article 19 of the Constitution on the submission to the competent authorities of Conventions and Recommendations adopted by the Conference; and (iv) written information supplied by the governments.¹

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 important Committee. It is a great honour for me and for my country to represent the Asia-Pacific region, and to be given the responsibility of chairing the Conference Committee on the Application of Standards this year, the year of return to normality.
6. I would like to congratulate the two Vice-Chairpersons, as well as the Reporter, on their election as Officers to 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.
7. The founder of our nation, the Quaid-i-Azam Muhammad Ali Jinnah, once said, and I quote: "We must work our destiny in our own way and present to the world an economic system based

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.

on the true Islamic concept of equality of mankind and social justice". Working its own way towards social justice is what this august Committee has relentlessly done since 1927, and I hope my chairmanship may strengthen the faith in its mission. Our national Urdu poet Dr Allama Muhammad Iqbal also described the centrality of faith in our mission: "In slavery, neither swords nor strategies are of any use, but with the taste of faith, chains are broken".

8. 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 has been debating the application of international labour standards and the functioning of the standards system since 1926. The conclusions adopted by the Conference Committee and the technical work of the Committee of Experts on the Application of Conventions and Recommendations, together with the technical assistance of the Office, are essential tools for Member States when implementing international labour standards.
9. I am pleased to note 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 online presence of the Reporter of the Committee of Experts, Professor Ago, who will address your Committee remotely in a short while. I must inform you that for reasons beyond her control, the Chairperson of the Committee of Experts, Ms Graciela Dixon Caton, has been unable to travel to Geneva to address your Committee this year. I also acknowledge the presence of the Chairperson of the Committee on Freedom of Association, Professor Evance Kalula.
10. I strongly encourage you to participate actively in the debates and I 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 the spirit of constructive dialogue.
11. 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 governments, members of the group or organization in question, who are Members of the ILO and are attending the Conference.
12. **Employer members:** This is the first full in-person meeting of the Committee since the outbreak of the COVID-19 pandemic and the hybrid meeting last year. We think it is important to draw lessons from the adjustments and modalities adopted during the pandemic. In particular, we need to embrace the improvements and good practices on time management to ensure that our work continues to remain effective and relevant. We trust that the Chairperson with his able leadership will ensure efficient use of time and avoid evening sittings as much as possible, in order to allow sufficient time to prepare for the discussion of cases and the all-important negotiation of conclusions.
13. The discussion this year takes place against the backdrop of the continuing impact of the pandemic, as well as a challenging geopolitical situation with economic and humanitarian consequences which continue to shake the world and destabilize many countries. All of this has severely affected the application of ILO standards and we need to take this into account in our supervisory work.
14. Let me recall that the Standing Orders of the Conference indicate that the Committee has an unrestricted mandate to supervise the application of standards. In delivering its tasks, the Conference Committee receives technical preparatory support from the Office and uses the Committee of Experts reports and written information provided by governments as a starting

point. The Conference Committee then adopts conclusions on all items discussed, and does so autonomously without being bound by the views or non-binding analyses of other parties.

15. Furthermore, let me recall the importance for social partners to maintain full authority and control over the list of individual cases. According to our Committee's practice, the list should be drawn up by the Worker and Employer members with consideration for a balance of regions and the types of Conventions. It is important that this process be respected and free from any external interference or influence.
16. The ILO Centenary Declaration for the Future of Work (2019) calls upon all tripartite constituents to "promote a clear, robust, up-to-date body of international labour standards and to further enhance transparency. International labour standards also need to respond to the changing patterns of the world of work, protect workers and take into account the needs of sustainable enterprises, and be subject to authoritative and effective supervision". To fulfil this mandate, we need to carefully listen to constituents in order to fully understand the national context, including the protection needs of workers and the needs of sustainable enterprises. Only on this basis will we be able to support them effectively with relevant guidance to find appropriate solutions through their national social dialogue for better compliance with standards-related obligations.
17. This Conference Committee, the Committee of Experts and the Office, which provides the support for the work of both committees, should demonstrate their capacity for realism, balance and pragmatism in the ILO standards supervision as we assume our share of responsibility for the promotion of resilient economies and labour markets in ILO Member States.
18. The Employer members are committed to participating in the discussions in a constructive spirit and look forward to a results-oriented, balanced tripartite dialogue at this session. While divergence of views on substantial issues exists among constituents and between the Conference Committee and the Committee of Experts, we trust that they will continue to be voiced in a spirit of mutual respect, understanding and cooperation. We also request that the views expressed in our Committee and its conclusions be duly considered by other ILO supervisory bodies, by the Office in its support of the overall system and its technical assistance, and by ILO initiatives and in discussions in the context of the 2030 Agenda for Sustainable Development. We look forward to meaningful discussions and completing the work of this Committee over the next two weeks.
19. **Worker members:** The Conference this year is characterized by a return to normality, which means, among other things, the return to 24 cases, which we are used to discussing. During the Conference Committee's sittings, we will have the opportunity to discuss cases that all show, to varying degrees, shortcomings in the observance of standards. But the supervision of standards cannot be carried out in isolation. It is always influenced by political, economic and even geopolitical issues. These issues clearly have a determining impact on women and men workers, and particularly on their rights. I would like to review some of them, without being exhaustive.
20. The aggression against Ukraine by the Russian Federation and the war that is ravaging the country have had serious repercussions for workers throughout the world. Combined with the effects of the pandemic, they have given rise to inflation that is continuing to undermine the living standards of workers. Despite the relative calm that we have observed for several months, it is clear that these trends are likely to persist, and even to accelerate. It is essential for governments to adopt appropriate measures to maintain the living standards of workers, particularly the most precarious, in accordance with ILO standards.

21. Recent history teaches us that governments often tend to sacrifice the rights and interests of workers when they are confronted with difficulties. The economic challenges resulting from the situation that we are experiencing must not under any event serve as a pretext to weaken workers' rights, especially those that enable them to make their voices heard, namely freedom of association and the right to collective bargaining, fundamental rights of which we are celebrating the 75th anniversary. In times of crisis, these empowering rights are even more important, in the same way as other fundamental standards.
22. But, over and above the impact of inflation, no one can ignore the fact that our societies are at a pivotal moment and facing a series of reconfigurations. In this context, I would like to warn against two perils that are a threat to international standards. The first is based on the observation that several countries, which have hitherto been held as examples for the observance of rights, have seen a deterioration in their situation. An increasing number of laws are being seen that restrict individual freedoms, the right to demonstrate, as well as the right to strike. These are excesses that are bound to give rise to our concern and condemnation. We warn these governments and remind them that it will be increasingly difficult to call on other governments to respect rights that they themselves are undermining in their own territories. Being exemplary is often the price of being credible.
23. The other danger is found at another level. It is an argument darkened by a relativism that seeks to fight against the universality of standards. It consists of making use of so-called specificities to explain and excuse non-respect for these standards. These arguments claim that developing countries must first concern themselves with their economic development before recognizing and respecting the labour rights of workers. This reminds us of colonialist narratives which refused to accept the applicability of standards on the pretext that colonized peoples were not ready for their implementation, or again those that claim that there is no social paradise in an economic desert. This type of reasoning seems to ignore the fact that the full recognition of workers' rights is an indispensable precondition for economic prosperity. Moreover, when they are drawn up, ILO standards already take into account differences in levels of development and adopt a flexible and progressive approach. In particular, it should be noted that these standards have as their purpose the emancipation of workers from hunger, poverty and arbitrary treatment. They are intended to offer a means of regulating industrial relations which, irrespective of the specific characteristics of each country, provides workers with protection and a way of ensuring that their voices are heard.
24. I indicated at the beginning of my intervention that we would have the occasion to discuss many cases of the non-observance of standards. I hope that our discussions will be held in a spirit of mutual respect. And evidently, these discussions must be free from any attempt at intimidation. Finally, I recall that our Committee is not a court of law. Its mission does not consist of deciding between points of view or finding a guilty party. Based on the situation of the country that is failing to give effect to its obligations, it instead endeavours to lay down a path and develop a way forward that will enable it to fulfil its commitments. I hope that we can all bear this in mind so that our work is constructive and fruitful.

Work of the Committee

25. During its opening sitting, the Committee held a moment of silence in memory of Mr Alberto Echavarría, former Employer member of the Committee on the Application of Standards and Employer spokesperson on the ILO Governing Body's Committee on Freedom of Association. The Employer and Worker members, the Government member of Colombia, the representative of the Secretary-General, and the Chairperson of the Committee on Freedom of Association paid tribute to Mr Echavarría's contribution to the work of the Committee and his legacy in

strengthening the ILO supervisory system, while conveying their sincere condolences to his family, friends and colleagues.

26. The Committee also adopted at its opening sitting document D.1, which sets out the manner in which the work of the Committee is carried out² and, on that basis, the Committee considered its working methods, as reflected below.
27. 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 Part One of this report.
28. The final part of the general discussion focused on the General Survey entitled *Achieving gender equality at 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.
29. 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.
30. 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 E of Part One of this report.
31. The adoption of the report and the closing remarks are contained in section F of Part One of this report.

Working methods of the Committee

32. **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

² Work of the Committee on the Application of Standards, International Labour Conference, 111th Session, [CAN/D.1](#) (see Appendix 1).

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 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.

33. 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.
34. 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.
35. 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.
36. 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.
37. 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.

Adoption of the list of individual cases

38. The Committee adopted, during the course of the opening sitting, the list of individual cases to be discussed.³
39. **Worker members:** We welcome the adoption of the list. Without being an exact science, its formulation tries to take into account certain criteria such as regional balance, the nature of the Conventions or the degree of seriousness of the situation. My Employer counterpart and I will be at the disposal of the governments for the explanatory meeting that is scheduled immediately after our session.
40. The need to take several criteria into account means that many cases that appear on the preliminary list deserve to be on the final list but are not. There are a few to which I would like to draw particular attention. The case of China continues to hold our full attention. The written information supplied by the government after the publication of the preliminary list contains some interesting details. We note that the government is committed to implementing our Committee's conclusions, which date back to last year. We hope that this will be done as soon as possible and that they will be fully implemented.
41. I would also like to express the concern of the Worker members about the situation in Tunisia. Freedoms in the country continue to be restricted. Trade union freedoms, in particular, are being seriously curtailed. The practices that we are observing are detrimental to the interests of Tunisian workers and violate their rights. The Tunisian Government cannot ignore the fact that the trade union movement in the country has always been a driver and guarantee of stability. We therefore call on it to respect individual freedoms, and in particular freedom of association. Lastly, we would like to raise the case of France, where protection against unfair dismissal has been severely limited, as part of a more general undermining of workers' rights in the country, which heightens our concerns. I reiterate my hope that all parties will approach the discussion of the 24 cases in a constructive and respectful manner.
42. **Employer members:** Like the Worker members, we too are satisfied that the list of cases has been adopted. As everybody knows, this is a negotiated list and therefore represents compromises that had to be made regarding the cases that will be heard and the ones that will not. Ideally, we would have liked to hear the Committee examine more cases of progress. Nepal is the only example on this year's list that would come under that heading. We would like to see more cases where compliance with Conventions would enhance the creation of a sustaining and sustainable environment for business growth and job creation. In respect of fundamental Conventions, we note that there are no Conventions on occupational safety and health (OSH) on the list this year, which is a pity given that last year we celebrated the elevation of OSH to the status of fundamental principles and rights at work.
43. Conversely, we feel that certain cases should not have been included in the list. I won't go into the details because these will become apparent when these cases are discussed. Our concerns relate to the fact that each has characteristics that deviate from the core mandate of this Conference Committee, which is to examine compliance with the specified Convention. Broadly speaking, these cases fall into three main groups: (i) where discussions to address certain issues of application are already well advanced at the national level; or (ii) where discussions have previously taken place in the Conference Committee and the details haven't changed; or (iii) where cases concern issues that exceed the ambit of ILO Conventions, for instance the prevailing political environment in the country. In our view, this Committee should be focused

³ International Labour Conference, 111th Session, Committee on the Application of Standards, [CAN/D.2](#).

on examining a case strictly in the context of the Convention that is the subject of the Committee of Experts' report. Allowing ourselves to drift from this focus invites criticism of the relevance and effectiveness of our work that none of us wants.

44. Secondly, and at the outset of our work, I would like to remind the Committee that as in previous years, any issues referring to a right to strike in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which, as we all know, has been contentious, will not be included in the conclusions of cases. This will apply in this year's context to the cases of Guatemala, Liberia, Madagascar, Netherlands–Sint Maarten, Nicaragua, Peru, the Philippines and the United Kingdom of Great Britain and Northern Ireland. As many of you will recall, in previous Committee sessions we have expressed our concerns with the Committee of Experts' extensive, yet non-binding, assessment of Convention No. 87 on this point. We have pointed out on many occasions the legislative history of Convention No. 87, documented in the proceedings of the International Labour Conference. It is clear from these records that the proposed Convention related only to freedom of association and not to the right to strike.
45. Having commented briefly on the areas of concern, let me turn to what we would like to see in the future, albeit in general terms. Overall, we want to see a balanced list of cases as we also heard from the Worker members. This balance would take into account regional spread, different types of Conventions (fundamental, priority, governance and technical), as well as balance between those of primary interest to Worker and Employer members respectively. Such a list can provide enhanced benefits because the guidance derived across a broader range of Conventions is likely to be of benefit to a broader range of countries in a given reporting cycle. This should also include a number of cases of progress. We need to show the global community that the Committee not only deals with issues of non-compliance but can also contribute to improvements in the application of ILO Conventions. With these remarks I commit to working constructively with our social partners in addressing the cases we have before us now. As I said at the outset, the Employer members accept the list of cases.

B. General questions relating to international labour standards

Statement by the representative of the Secretary-General ⁴

46. **Representative of the Secretary-General:** 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.
47. At the outset, I would like to thank Professor Ago, the Reporter 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 to present the reports of their respective committees.
48. 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.
49. Your Committee is a standing committee of the International Labour Conference. Since 1926 when it was established, the Committee has met at each session of the International Labour

⁴ International Labour Conference, 111th Session, Committee on the Application of Standards, [CAN/D.3](#).

Conference. 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.

- 50. 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.
- 51. Now, a few words about the work of your Conference 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 in the working methods of your Committee is available on the Committee's web page.
- 52. No doubt 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. The Conference Committee's report will be presented for adoption to the plenary sitting of the International Labour Conference on Friday, 16 June.
- 53. I would now like 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 carried out since your previous session. This year we commemorate the anniversaries of several important instruments:
 - Convention No. 87, adopted 75 years ago, a few months before the Universal Declaration of Human Rights, 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 the Right to Organise and Collective Bargaining Convention, 1949 (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, 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.

- The Minimum Age Convention, 1973 (No. 138), and its accompanying Recommendation (No. 146), adopted 50 years ago, was 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 Convention No. 182 on the worst forms of child labour, 1999, 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. In 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.

- 54.** 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.
- 55.** 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 4 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.
- 56.** 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.
- 57.** 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 Convention No. 29. 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.

58. 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.
59. 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 and promote follow-up.
60. 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).
61. Third, increased emphasis is placed on systematically connecting the supervisory body comments to technical assistance in order to ensure that normative guidance gives rise to tangible results at country level. As can be seen on your Committee's web page, the Office has followed up on almost all cases discussed at the Committee's previous session in order to promote the implementation of the conclusions and recommendations adopted in June 2022.
62. Finally, the Office continues to deliver capacity-building 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.
63. The International Labour Standards Department is pleased and honoured once again this year to place its expertise at the service of your Committee which plays a pivotal role. I wish to take this opportunity to acknowledge 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.

Statement by the Reporter of the Committee of Experts

64. On behalf of the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations, I welcome this invitation to attend the work of the Conference Committee at the 111th Session of the International Labour Conference, which is characterized by a return to normality. The Committee of Experts values this participatory practice, which has been established for several years, as it allows constructive interaction and discussions that are productive and respectful of our different bodies, which are both committed to the full application of international labour standards.
65. During our session in 2022, in addition to the special sitting with the Vice-Chairpersons of your Committee, the Committee of Experts organized an information session for Government representatives which offered the occasion for an interesting exchange of views.
66. We continue to take heed of the concerns expressed by the tripartite constituents in relation to the operation of the various aspects of the supervisory system, and accordingly, on behalf of the Committee of Experts, I reiterate our readiness, within the framework of our mandate, to play an active role in the process of the modernization of certain aspects of the supervisory system. The Committee of Experts also reaffirms the importance of ensuring that our work retains the necessary relevance to have a positive impact in relation to the human rights of workers. This is all the more important in the context of the many crises that are undermining the world in which we live.
67. Moreover, in the context of the Subcommittee on Working Methods, the Committee of Experts is continuing its examination of its working methods, their adaptation and modernization to achieve maximum efficiency. Among other positive changes put into practice, at our previous session, we were able to start working for the first time before our arrival in Geneva at the beginning of the Committee's session. This was possible as a result of the application of information technology, through the digitalization of the process of the examination of government reports and the production of the Committee's documents. In addition to improving our productivity, this allowed a more effective use of time. This is also an appropriate occasion to express our gratitude to the Governing Body for the measures adopted in this respect, which have enabled the Committee of Experts to organize its work more flexibly and to have more time for in-depth discussion among the experts, despite the growing and ever more intense workload.
68. By way of illustration, I can share with you that the Committee has continued the use of hyperlinks as a means of improving understanding of its comments and its work by constituents, and of increasing the visibility of its conclusions. We have also continued to use tables in the General Report with a view to placing emphasis on urgent appeals and cases of progress, among other aspects. Moreover, we have continued the practice adopted in recent years of publishing an executive summary of the General Survey. Also, based on the recognition that the examination of compliance with international labour standards in the context of urgent appeals is, in the view of the Committee of Experts, an important element in promoting dialogue between countries and the supervisory system based on updated comments, it should be noted that the latest report includes an urgent appeal among the double footnotes proposed by the Committee of Experts. These small but significant changes introduced in the presentation of the report of the Committee of Experts are a reflection of our sustained efforts to achieve greater efficiency in the work of the Committee of Experts as a part of the ILO supervisory system.
69. The Committee of Experts dedicated a special sitting to an exchange of views with the Chairpersons of the UN bodies created under the human rights treaties. During this dialogue,

which was very productive, emphasis was placed on the complementarity of our work, the need to develop new synergies and for greater collaboration and coherence. The exchange led to the adoption of a joint statement (attached to our report) in which emphasis is placed on the contribution made by the human rights protection mechanisms, which include the UN human rights treaty bodies and the ILO supervisory bodies, to reinforcing respect for human rights and international labour standards at the country level through their analyses and recommendations, as well as addressing socio-economic development challenges through human rights-based solutions, placing people and the planet at the centre of the realization of the 2030 Agenda.

70. I now turn to the General Survey, which this year covers Conventions Nos 111, 156 and 183, and Recommendations Nos 111, 165 and 191. The Committee of Experts hopes that its exhaustive analysis of law and practice in relation to the instruments analysed responds to the expectations of constituents and will enable them to draw up more effective measures for the achievement of gender equality at work. In this regard, I would like to emphasize that the General Survey is particularly timely, as it covers an objective set out in the ILO Centenary Declaration in relation to “achieving gender equality at work through a transformative agenda” and accompanies current debates on the promotion of equality at work and the equitable distribution of care responsibilities.
71. The General Survey analyses the manner and means by which the six instruments examined are mutually reinforcing and shows that specific measures are being adopted in many countries to address the various dimensions of gender inequality at work, including with regard to issues of maternity protection and family responsibilities covered by Conventions Nos 156 and 183, which have not been ratified as widely as Convention No. 111. In the General Survey, the Committee emphasizes that full equality cannot be achieved in the broader current context of ongoing inequality, and that qualitative and comprehensive change is urgently needed in the gender dynamics in which gender-specific constraints and structural obstacles find their origins.
72. The Committee of Experts notes in its report the creation of the Global Coalition for Social Justice, which offers a message of hope to women and men facing the harsh reality of periods of crisis. Within the framework of reinforcing a human-centred future, respect for international labour standards and supervision of their application will undoubtedly be a crucial element in finding a way through the multiple crises that are affecting the world of work (conflict, the challenges of the climate crisis, more deep-rooted poverty and inequality than ever). There is no doubt that the work of our Committees will be essential tools for the action undertaken in the context of collaboration under the Global Coalition for Social Justice.
73. The Committee of Experts also welcomes the decision to include a safe and healthy working environment among the fundamental principles and rights at work and to recognize Conventions Nos 155 and 187 as fundamental Conventions. In this regard, we also hope that the work of the Committee of Experts, both through its comments and its General Surveys, will provide guidance to Member States in the decisions and measures that they adopt to ensure a safe and healthy working environment.
74. I am pleased to be able to tell you that, at our last session, the Committee of Experts welcomed 3 new members, which enabled us to work with the full complement of 20 members. This is essential for the proper functioning of the Committee, especially in view of its heavy workload. It is also important to indicate that three other members with long experience of the Committee’s work and excellent technical and legal knowledge in various areas, ceased to be members of the Committee last year. The Committee of Experts would be grateful for every

effort to be made to fill these vacancies as soon as possible so that the Committee can count on its full complement of 20 members in order to be able to work with the serenity ensured by an adequate distribution of the workload.

75. Before ending my statement, I would like to reaffirm the unshakable commitment of the Committee of Experts to continue carrying out its work with the highest sense of responsibility, impartiality and objectivity in fulfilling its mandate, as indicated in paragraph 33 of the General Report. I once again welcome the privilege of participating in the discussions of the Conference Committee on the General Report and the General Survey, and wish you all a productive Conference.

Statement by the Chairperson of the Committee on Freedom of Association

76. It is an honour and a privilege for me to come once again before your esteemed Committee to report on the activity of the Committee on Freedom of Association. As a preliminary matter, allow me to underline the importance of the 75th anniversary of Convention No. 87, which you will be considering at your current session. The combined anniversary with the Universal Declaration for Human Rights highlights the nature of this right among the most fundamental internationally proclaimed human rights. Freedom of association as a means of promoting individual and collective choice, social and political participation and the ability to lead a valuable life, is an enabling right allowing for the exercise of all other human rights, starting with the corollary right to collective bargaining. Collectively protecting and nurturing democratic participation is central to achieving sustainable development, preventing conflicts, tackling inequalities and combating discrimination among other things. These higher aspirations can only be reached when organizations of employers and workers are free to be established and exercise their activities in full freedom, without intimidation and threats of any kind. As such, freedom of association is indeed indispensable to paving the way towards social justice and was thus one of the reasons for the establishment of the special complaints mechanism over which I preside.
77. We last met a year ago and since then, the Committee has issued its sixth annual report covering the year 2022. The Committee's annual reports are intended to provide helpful information on the work undertaken by it throughout the year and assist constituents' understanding of the Committee's work and functioning. They contain information, supported by visual statistical data, on the developments over the years in the use of the Committee'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.
78. I would like to recall that the role of the Committee on Freedom of Association is to examine complaints of violations of freedom of association regardless of ratification of the relevant freedom of association Conventions. The object of the Committee's complaints procedure is not to blame governments, but rather to engage in a constructive tripartite dialogue to propose avenues to ensure the respect of freedom of association in law and practice.
79. In 2022, the Committee on Freedom of Association examined 59 active cases and 18 cases concerning the effect given to its recommendations through its follow-up procedure. As freedom of association is a fundamental right which must be ensured for both workers' and employers' organizations, the Committee had the occasion last year to examine one 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 2022, as in the previous year, these were: protection against acts of anti-union discrimination, violation of collective bargaining rights and trade union rights and civil liberties.

80. While much 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. The progress noted has encompassed a variety of measures, including, for example, legislative amendments to further freedom of association, the signing of new collective agreements, the removal of restrictions on the applicability of collective bargaining agreements, the registration and implementation of collective bargaining agreements, the reinstatement of workers without loss of wages or benefits and the dropping of charges brought against trade union leaders. I invite you to consult the report which contains tables and graphs on the cases of progress by type of allegations as well as on the cases of progress by region.
81. Aware of the fact that ILO technical assistance is a critically important tool for governments and social partners alike to resolve outstanding matters, in 2022, the Committee on Freedom of Association suggested that governments avail themselves of ILO technical assistance in nine cases, with a view to addressing its conclusions and recommendations.
82. In order to ensure complementarity, while avoiding duplication, the Committee often transmits the legislative aspects of cases where governments have ratified the relevant Conventions to the Committee of Experts. In 2022 – comparable to the numbers covering two previous years – this practice was used in nine cases. This also ensures a pertinent dialogue between the Committee on Freedom of Association, a complaints-based procedure, on the one hand, and the Committee of Experts and your Committee, on the other. The regular review provided by the Experts and your body provides an important key to ensuring sustainable progress in respect for freedom of association around the globe.
83. The engagement over the years with your Committee's procedures demonstrates that the Committee on Freedom of Association's work is well known and appreciated as an authoritative voice for identifying shortcomings and finding workable solutions, promoting social dialogue at national level for full resolution. You will recall that just two years ago, the Committee adjusted its methods of procedure to further promote the space for crucial national dialogue when the parties to a complaint agree and a few countries have had recourse to national conciliation measures with the support of the Office, enabling the suspension of the Committee's consideration for a period of up to six months.
84. I am very proud of the work of the Committee on Freedom of Association and would like to underline the commitment of all its members to ensuring that its outcomes are constructive and useful to governments and their social partners. As the Conference Committee begins its important work, may I extend my sincerest wishes for a constructive and fruitful debate that will further bolster the achievement of our common objectives.

Statement by the Employer members

85. On behalf of the Employer members, I welcome all Committee members to this discussion. I also welcome Professor Ago who is listening into the discussion in order to prepare his reply. This is appreciated as I know from experience, coming from New Zealand, that it is particularly onerous. We would also like to congratulate the three new members of the Committee of Experts, Professor Herrera Vergara, Judge Kanyip and Ms Sreenevasan, on their appointment. This year we finally return to a fully in-person Conference and normal operations after

particularly hard years. Hopefully this will facilitate our dialogue and make our work more effective.

- 86.** Allow me now to turn to some of the points that the Employer members consider important for our work. First, we note that this year's report of the Committee of Experts is sizeable, containing around 1,000 pages and 656 observations; it certainly is one of the biggest in recent years. In addition, the Committee of Experts made 1,263 direct requests, which are not contained in the report itself. This is approximately a 20 per cent change. It is a significant increase over last year and these figures suggest rather alarming levels of large-scale non-compliance if you take them at face value.
- 87.** For the Employer members, this once again raises questions about Member States' approach to the ratification and application of ILO Conventions. For instance, do Member States carry out thorough pre-ratification assessments and related changes in law and practice needed to ensure compliance? Have the national social partners, including representative and independent employers' organizations, been adequately consulted? Have their views and needs been taken into account in the planning of ratification and implementation and, if so, have Member States followed up on the results of pre-ratification assessments and developed action plans to ensure correct implementation prior to ratification? The Employer members' long held view is that ratification should only take place once there is clarity that correct implementation can be ensured, ideally in a way that reconciles the needs of all tripartite constituents, including employers of course. The large number of comments made by the Committee of Experts suggests that pre-ratification preparation is lacking in many instances and that ratifications are made prematurely or without proper pre-ratification assessment. The Office has an important role to play here through its promotional activities regarding ILO Conventions. It should advise and guide constituents to take a careful and considered approach to ratification. Ratification should come at the end of a process when it is clear that the envisaged Convention is implementable, not at the beginning. In this regard, it is important to remember that the ratification of a treaty under international law comes with the obligation to comply with all of its provisions. We believe that the application of ratified Conventions could be considerably improved if ratification was approached in a consistent and compliance-oriented manner. This would reduce significantly the number of comments by the Committee of Experts, and thus also the burden on the supervisory system allowing it to focus on the most serious violations.
- 88.** The second point that we want to make, is the distinction between direct requests and observations. This is not the first time that we revert to this distinction in the Committee of Experts' report. We note from paragraph 11 of the Report, that the Committee of Experts had a discussion on the distinction between observations and direct requests and decided as a result that where observations are accompanied by direct requests, the texts of the latter could be streamlined. In paragraph 30 of the report, the Committee of Experts states that "the concerns expressed with regard to certain distinctions between observations and direct requests were taken very seriously. Without embracing change for the sake of change the Committee was ready to build inroads based on the criteria of continuous reliability, predictability, and transparency." This is rather vague language. We not only wonder what this means, but also what it will look like when implemented, as we have not perceived changes in the differentiation between observations and direct requests in this year's report. For instance, we find requests for information and assessments of compliance in both observations and direct requests. Given that direct requests are not usually discussed in the Conference Committee, by including compliance assessments in direct requests, the Committee of Experts

excludes a major part of their standard supervisory work from tripartite scrutiny in this Committee. That is not how the supervisory system was designed to work.

89. We therefore, once again, request the Committee of Experts to make any comments that contain assessments of compliance, whether based on a first or later government report, in the form of observations. We would also like to recall our alternative proposal to discontinue direct requests altogether and only issue observations. Mere requests for clarification or additional information could be informally obtained by the Office from the governments concerned via email for example, without the need for the Committee of Experts to make formal direct requests. In our view, this would not only simplify matters but also make the difference between preparing the information basis for standards supervision, on the one hand, and the actual standards supervision, on the other, more transparent.
90. Our third point relates to the Committee of Experts' exchanges with governments and the UN human rights treaty bodies. We noted from paragraph 12 of the Report that the Committee of Experts held an information session with Government representatives on a number of matters related to standards supervision, including how to streamline Article 22 reports on similar Conventions to avoid duplication, the criteria for determining which organizations may be considered as employers' or workers' organizations when they submit comments under article 23.2 of the ILO Constitution, and the follow-up given by the Committee of Experts to cases referred to it by the Committee on Freedom of Association. These are actually subjects of interest to all the groups and we therefore respectfully request the Committee of Experts to provide more detailed information on what was said and possibly agreed in this exchange with governments.
91. We also noted from paragraph 13 that a joint reflection took place between the Committee of Experts and the Chairpersons of seven human rights treaty bodies over ways to strengthen synergies and complementarities in the context of a repositioned UN development system and the UN Secretary-General's Call to Action for Human Rights. While the Employer members support the idea of creating synergies between the different UN human rights treaties, they would like to stress the distinct differences between the mandates and competences of each individual body, as well as the absolute need to not confuse or conflate the unique nature of the individual international treaties and instruments. The unique feature of international labour standards is the tripartite framework in which they are created, implemented and supervised. Within this system, the Committee of Experts has a specific technical role to perform but it does not represent the ILO standards as such and should not be seen as such. Unfortunately, in the present joint statement, there is no mention of the tripartite nature of the ILO standards system.
92. Fourth, we welcome the continued exchange of views between the Committee of Experts and the Employer and Worker Vice-Chairpersons of this Committee on the occasion of the special sitting with the Committee of Experts. We believe that a more structured and in-depth exchange on specific issues, such as on the interpretation of ILO Conventions, would be of benefit to the cooperation between the two Committees and the functioning of the entire supervisory system. A case in point is the various interpretations by the Committee of Experts on collective bargaining in Article 4 of Convention No. 98. This concerns, for instance, the question of whether organizations of self-employed workers have a right to collective bargaining. This is an issue that has been controversially discussed recently in various tripartite consultations in the ILO. In most jurisdictions only organizations of workers in an employment relationship have a right to collective bargaining, whereas organizations of self-employed workers who lack an employer cannot have this right. They are under a different legal regime. Further questions in this context are: whether, according to Article 4, there exists a preferential

level of collective bargaining, whether Article 4 provides for a hierarchy of norms according to which collective agreements cannot depart from applicable legislation; whether there is a legal obligation for employers to negotiate under Article 4, or whether compulsory arbitration on the sole initiative of a workers' organization is compatible with the voluntary nature of collective bargaining as reflected in Article 4; whether a country has the right to dictate when a collective agreement should exist, and whether only a union should decide whether a collective agreement should exist and the scale and scope of it. These are major questions that we have – there are obviously many more.

93. With respect to the question of the right to strike in the context of Convention No. 87, the Employer members noted that in the Committee's report, out of the 63 observations on this Convention, 49 relate partly or exclusively to the right to strike. Moreover, out of 42 direct requests, 35 also deal, in one way or another, with the right to strike. We have recognized that the right to strike has significant relevance for national and industrial relations systems and that countries have established varied and specific legislative practices to deal with this issue. We would nevertheless recall that the detailed interpretation and assessments by the Committee of Experts on the right to strike have no basis neither in the text nor in the legislative history of Convention No. 87. We would also like to remind the Committee of Experts of the view of the Government group in the Governing Body, according to which the conditions and practice of the right to strike is to be defined at the national level. In view of the recent discussion on a possible referral of this contentious issue to the International Court of Justice the Employer members are more than ever convinced that a realistic and sustainable solution can only be found through discussion within the ILO's tripartite fora and procedures. As the interpretation of the Committee of Experts and the Office is at the origin of this dispute, we once again respectfully call upon them to contribute to the search for a tripartite consensus instead of remaining inactive and continuing as in the past.
94. In terms of the needs of sustainable enterprises, we would like to recall the importance of paying more attention to these needs in standards' supervision. We are of the opinion that the Committee of Experts neglects this central question. Sustainable enterprises comply with national laws and regulations and contribute to economic growth, employment creation and socio-economic progress. The UN 2030 Agenda has recognized the central role of enterprises in solving societal challenges through responsible business conduct, innovation and collaboration. The ILO Centenary Declaration states that international labour standards also need to respond to the changing patterns of the world of work, protect workers, take into account the needs of sustainable enterprises and be subject to authoritative supervision. Giving due attention to the needs of sustainable enterprises would improve the balance of the Committee of Experts' observations and thus relevance and acceptance of their recommendations.
95. Lastly, on the topic of social justice, with regard to the section in the Committee of Experts' Report on the "Application of International Labour Standards and the quest for social justice in the context of protracted and interlocking crises", in particular, the Committee of Experts' explicit support for the launch of a Global Coalition for Social Justice and the urgent need of a new social contract, we have concerns. These are not matters related to the supervision of labour standards. The Committee of Experts has no mandate, in our view, to be a political advocate. Our concern is deepened by the fact that these proposals are still all under discussion and require adoption by the tripartite constituents in the competent ILO bodies. We believe that the Committee of Experts should have recognized this and hope that it will exercise more restraint on similar issues in future.

96. In conclusion, we would like to reaffirm our commitment to the ILO standards supervisory system as a key governance tool in the advancement of universal social justice. In saying that, we also say that the priority of the Committee of Experts, and indeed the Committee on the Application of Standards, should be to ensure that their focus stays on monitoring and supervising the compliance of Member States with Conventions they have ratified; leave politics to others. But we also recognize that in order for ILO standards and their supervision to have real and lasting impact, both need to be adapted to the constantly evolving situations and needs of Member States and the world in general. With that in mind, we look forward to cooperating with both governments and worker representatives of this session of the Conference Committee.

Statement by the Worker members

97. **Worker members:** It is important to mention that today is a useful time to discuss ways of increasing the impact of the supervisory system as a whole. I will focus more on the relationship between our Committee – the Committee on the Application of Standards – and the Committee of Experts. Let us recall that these are two independent bodies that seek to develop a certain complementarity. In addition, our Committee is not called upon to exercise any kind of oversight over the Committee of Experts, which carries out its mission in impartiality and independence. The Workers' group continue to attach the utmost importance to these features, which are guarantees of credibility for the Committee.
98. We also support the modernization of the supervisory system. However, this modernization must roll out taking into consideration the importance of preserving the fundamental aspects that guarantee the balance of our system. It is with this in mind that we note the meeting of the Committee of Experts with the governments. These exchanges can be interesting on several fronts, particularly to better explain the expectations and reciprocal points of view. Nevertheless, in our opinion, there is a thin line between constructive dialogue on the one hand and an exertion of influence on the other. It is our conviction that the Committee of Experts is also aware of these limits. Certain issues that were the subject of discussions at this year's meeting give cause for concern. I mention, for example, the question of how the Committee of Experts interprets the notion of the representative organization of workers and employers – a question which seems to us inappropriate, to say the least. The same applies to the idea of rationalizing the reports that governments send to the various UN monitoring bodies. We see the value of improving certain aspects, but it is important to avoid diluting the specificities of ILO supervision.
99. We note with interest the reflection and follow-up carried out by the Committee of Experts concerning the impact of crises on labour standards. This responds to a wish expressed by the Worker members at our 2021 session. We invite the Committee of Experts to continue this exercise. I would like to draw your attention to the issues that the Committee of Experts identified in its General Report concerning social protection, particularly in the post-COVID-19 context. We must certainly continue to think about ways to address long COVID and take note of the concerns expressed by that Committee in this regard pertaining to the Netherlands. More generally, the developments covered in the report give us a perspective on the many challenges that we must highlight with regard to compliance with standards. We have already expressed several times that the supervisory system should focus on ways to have a bigger impact.
100. The Employer members often comes back to the importance of taking account of enterprise sustainability in the examination of compliance with standards. We have already spoken extensively on this subject but allow me to be more specific. If we are to follow this logic, it

would be enough to unilaterally assert that a standard is at the detriment of enterprise sustainability for this standard to be set aside. This could lead, for example, to a restriction to the right to form trade unions because the exercise of this right could reduce the profits of an enterprise. This reasoning leads to stalemate. We emphasize that the aim of the ILO's mandate is to promote social justice through worker protection. Enterprise development is a means and not an end for the realization of social justice.

- 101.** More generally, we consider that it is not necessary for the Committee of Experts to align itself with the wishes of each group or country in order that its work be effective. On the contrary, it is essential that, collectively, we reflect on the specific ways in which we can have a bigger impact. To this end, we have two proposals. Firstly, it would undoubtedly be useful to take greater account of the situation of the countries we are called upon to discuss or highlight. Ratification of a Convention entails the same obligations for all governments. The country situation can, however, vary, for example due to an acute crisis. We may have to look at this so as to adapt the form and nature of the supervision that our committees carry out. In order to avoid misunderstandings, I specify that what we are talking about here is not the content of the standards but rather how to ensure compliance and, moreover, what the most appropriate tools are to ensure the effectiveness of standards, while taking account of the country situations.
- 102.** The second proposal concerns the importance of having a fairly specific inventory of the actions and measures taken for the implementation of our Committee's conclusions. This could be a helpful way of having continuous monitoring of certain cases. The case of India comes to mind, which we discussed in 2019 and on which we are very interested in having more information. It should be pointed out that the information that the Office has kindly posted on our Committee's web page, with regard to the monitoring of cases, can certainly serve as a basis in this regard.
- 103.** We also note with interest the appendix to the report of the Committee of Experts. You will recall that we already welcomed the Committee's efforts to increase synergies with other UN monitoring bodies. This appendix illustrates this momentum and confirms the credibility of the Committee of Experts vis-à-vis with other UN bodies. Echoing what I said earlier, this exercise must, of course, be carried out with respect for the ILO's specificities.
- 104.** I would like to add something else, which has not been prepared in advance but which is a kind of reaction to the fact that there are long-standing differences of opinion on the right to strike. We will return to this in our closing speech to set out our position on the subject. But what I would like to say here is that it is not the Conference Committee that has the mandate to discuss the legal perspective relating to the right to strike. It is not under the competence or mandate of our Committee to discuss this. Whatever body or institution it comes through, it pertains to other entities within the ILO. There have been agreements and decisions, and we have to live with these agreements and decisions. The Conference Committee session is not the place or the time for such discussions, while we are addressing various individual cases and discussing the proper application of ratified Conventions.
- 105.** Echoing what I said earlier, our undertaking must be carried out with respect for the ILO specificities. So, I conclude by daring to hope that we will be in a position to continue our exchanges with a view to improving our respective modes of operation, by avoiding issues that lead to stalemates.

Statement by Government members

- 106. Government member, Algeria:** Progress has been made in the Conference Committee's working methods, as set out in document D.1 presented to us, in terms of visibility this year, thanks to the tripartite dialogue in the informal consultations on the Committee's working methods. However, these consultations should be expanded so that the preliminary and final lists of individual cases are published in advance, in order to give governments more time to prepare and present arguments on certain aspects that are vital to the discussion. Regarding the adoption of the conclusions, we are of the view that it is certainly important to take our time.
- 107.** Moreover, the list of individual cases drawn up should primarily reflect the observations and recommendations of the Committee of Experts and the Committee on Freedom of Association, based on the reports submitted by governments, in accordance with article 22 of the ILO Constitution, and avoid the selection of countries for political reasons or interests that undermine the credibility of the supervisory procedure.
- 108.** Lastly, it is important that the Worker members and Employer members inform governments of the conditions under which they have assessed the cases and how the criteria are applied to establish the final list of countries, so that a constructive dialogue in our Committee may strengthen tripartism and thus lead to the adoption of balanced conclusions to help governments better fulfil their obligations under ratified Conventions.
- 109. Government member, Sweden speaking on behalf of the European Union ⁵ (EU) and its Member States:** The candidate countries, Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro, the potential candidate country Georgia, the EFTA countries, Iceland and Norway, members of the European Economic Area aligned themselves with this statement.
- 110.** We welcome the discussion of the Conference Committee, a crucial pillar of the supervisory system, and appreciate that we are back to our normal schedule with 24 cases. We strongly believe in the fundamental importance of international labour standards, the ratification and the effective and authoritative supervision of their implementation. We highly appreciate the analysis and the expertise of the Committee of Experts shown in the General Report, which provides a solid basis for the work of our Committee. We recall our strong commitment to the independence, objectivity and impartiality of the Committee of Experts. We appreciate the information session with the Committee of Experts last year and look forward to a new meeting this year.
- 111.** The EU and its Member States also welcome the joint statement by the ILO Committee of Experts and the UN human rights treaty bodies that is inspired by the UN Secretary-General's Call to Action for Human Rights. The common values of peace, freedom, equal rights, human dignity, social justice and the rule of law are universal, complementary and mutually reinforcing. We share the view that human rights, including international labour standards, are fundamental for relations between peoples and nations, and that continuously undermining the exercise of fundamental rights and further shrinking civic space, will exacerbate the already protracted and interlocking crises the world faces. Through the

⁵ 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.

EU Action Plan on Human Rights and Democracy, we put an increased emphasis on human rights, including labour rights.

112. The Russian Federation's war of aggression against Ukraine not only grossly violates international law and the principles of the UN Charter but is also incompatible with the aims and purposes of this organization and the principles governing ILO membership. The EU and its Member States strongly condemn the unprovoked and unjustified war of aggression and its devastating impact on the world of work and labour rights in Ukraine, including for seafarers stranded in Ukrainian ports and workers in the Zaporizhzhia nuclear power plant, as well as the wider ramifications across the globe. We reaffirm our steadfast support for the return to the global rules-based order, with the UN, including the ILO, at its core. We therefore welcome that the Committee of Experts will follow up on the resolution of March 2022, within the framework of its mandate and also the Committee's call in light of Russia's war of aggression against Ukraine, of preserving seafarers' rights as enshrined in the Maritime Labour Convention, 2006.
113. We welcome the historic decision taken by the ILO last year, to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. All EU Member States will strive to ratify the related fundamental ILO Conventions, since we truly believe that ratification, implementation of, and compliance with all fundamental ILO Conventions, should not only contribute to the protection and promotion of human rights, including labour rights, but also to the larger objectives of building social and economic stability, as well as inclusive and equitable societies all over the world.
114. We welcome the part of the General Report on the Application of International Labour Standards and the quest for social justice in the context of the protracted and interlocking crises. We strongly support the Global Coalition for Social Justice initiative, its aim and its ambition. It comes at a critical juncture where there is an urgent need to advance social justice questions globally and beyond the ILO. We share the hopeful message of the Committee of Experts that the Global Coalition for Social Justice will mobilize a wide range of partnerships, leading to concrete progress in the effective exercise of labour rights at country level. This initiative should rely on international labour standards and their supervision as a compass towards sustainable development. We are committed to championing decent work, including through strengthening fundamental principles and rights at work, and addressing the impact of COVID-19. This commitment is reaffirmed in the EU's bilateral and regional trade investment agreements, in unilateral preferential trade schemes, as well as through our continued support for ILO technical assistance.
115. Building support for international labour standards through extended cooperation across the multilateral system with the support of the UN family is also key to ensure that these standards continue to guide and be part of recovery policies, while also contributing to the achievement of the Sustainable Development Goals. We are convinced that a well-functioning and authoritative supervisory system, tripartism and social dialogue are critical to ensure the credibility of the Organization's work as a whole. We will continue to fully support the ILO normative system, as we remain convinced that it is one of the most valuable examples of a multilateral rules-based order which, we feel, is under attack. We are looking forward to a constructive engagement with tripartite constituents during the debate in this Committee.

Reply of the Reporter of the Committee of Experts

116. I would like to thank you for the opportunity to attend the work of the Conference Committee, which is an important pillar of the ILO supervisory system, so that I can report to the

Committee of Experts on the discussions. Thank you very much for adjusting your meeting schedule to accommodate the time difference between Japan and Europe. Be assured that I was able to follow your discussions online.

117. At the outset, allow me to recall that the Committee of Experts has invited the two Vice-Chairpersons of your Committee to a common reflection on how to work in mutually reinforcing ways towards securing compliance with the conclusions adopted by the Conference Committee on the cases considered each year. The Committee of Experts trusts that the special sitting with the Vice-Chairpersons could serve as a forum for an exchange on this crucial aspect of making the supervisory system more effective.
118. With regard to questions of interpretation of international labour standards, the Committee of Experts, while emphasizing the independent nature of its work, follows with great interest the discussions taking place on this subject in the appropriate forum, which is the ILO Governing Body.
119. With regard to the distinction between observations and direct requests, allow me to recall that the Committee of Experts has established criteria differentiating between the two types of comments and these appear in its General Report. The Committee strives to apply the criteria consistently, even though this is not an exact science. At its last meeting, the Committee took a decision to streamline, as of its next session, the text of direct requests when they accompany observations. This effort to streamline the two types of comments will be reflected in the Committee's 2024 report.
120. With regard to questions raised on the information session with Government representatives, allow me to recall that, as indicated by the Chairperson of the Committee of Experts last year, this information session was organized at the margins of the Committee of Experts' 2022 session, as a response to an earlier request by certain Government members of your Committee. In a spirit of tripartism, the Committee gave positive consideration to this request, acknowledging that governments constitute an indispensable link for the effective ratification, application and reporting on international labour standards under articles 22 and 19 of the ILO Constitution. This informal session provided an opportunity for representatives of the Committee of Experts, and not the full Committee, to clarify certain questions raised by governments. Its purpose was not to discuss any specific country situation nor to lead to any kind of decisions.
121. The Committee of Experts is also pleased to have reinvigorated the traditional ties it has maintained with other treaty bodies over many decades due to similarities in their respective composition and the important synergies among the instruments they supervise. This does not affect in any way each body's specific mandate and particularities, nor does it have any incidence on the respective instruments and the supervisory mechanisms through which they are supervised. The important aspect here is the fact that the ILO's international labour standards and supervision of their application is a basic part of the overall efforts of the international community to protect human rights, which were preceded by standards.
122. I would like to thank all the members of the Conference Committee for their comments on the General Survey entitled *Achieving gender equality at work*. I acknowledge the positive feedback provided on the quality of the General Survey and the vast array of good practices it has identified. I am also pleased to witness that Committee members have widely reaffirmed their commitment towards gender equality at work and non-discrimination in employment and occupation, and that some Member States are considering the ratification of relevant ILO instruments. The discussions show that gender equality remains a common objective for all,

and that the elimination of discrimination, the provision of maternity protection and the consideration of workers with family responsibilities are fundamental to this end.

123. While there have been advances towards gender equality, progress has stalled in recent decades, in particular with the impact of the COVID-19 pandemic. Nevertheless, by no means does this imply that ILO constituents are inactive. I welcome the extensive information provided by the ILO tripartite constituents on measures adopted in their countries to promote gender equality at work. These include legislation, national policies and strategies, social dialogue initiatives, collective agreements, and campaigns and other actions for awareness-raising.
124. Allow me to address some of the points raised. As regards the topic-driven perspective of the General Survey, the approach followed by the Committee of Experts reflected the key contributions of the instruments examined towards the achievement of gender equality at work through a transformative agenda, as highlighted in the Governing Body discussions and the ILO Centenary Declaration. In this regard, I am pleased to note that the discussions significantly underscored the key interlinkages between the instruments examined, as well as with other relevant international labour standards, such as Convention No. 100 on equal remuneration and Convention No. 190 on violence and harassment in the world of work. The General Survey's goal is to provide an overview of existing national law and practice of Member States, that is to show the extent to which Members have given effect to the standards examined, including new laws or emerging practices or trends, regardless of whether they are adopted widely or by a limited number of countries. It also aims to reflect on ratification challenges, when information thereon is provided in the reports received.
125. In relation to paternity and long-term leave, the Committee of Experts has recalled that a number of countries have explicitly introduced these types of leave in their national legislation to cope with societal, demographic and organizational changes. The Committee welcomed this trend as a good practice that helps workers combine work and family responsibilities. Regarding the health and safety of pregnant and breastfeeding women and their children, the Committee of Experts has emphasized that affordable and adequate medical care, including prenatal care, is essential to guarantee that women do not have to make a choice between health and income security. In this regard, the Committee of Experts recalled that health protection measures for pregnancy and maternity should not be the sole burden of enterprises and are the shared responsibility of governments and society.
126. Finally, I observe that your Committee underlined the need for governments to work with workers and employers on cross-cutting policies to achieve gender equality. These should promote societal change, address structural barriers and combat gender-based stereotypes. Measures adopted should also respond to the evolving patterns of the world of work, while protecting workers and taking into account the needs of sustainable enterprises.
127. I will convey all the opinions expressed during this discussion at the forthcoming session of the Committee of Experts in November–December 2023 through Ms Graciela Dixon Caton, the Chairperson of the Committee of Experts. Once again, thank you for the opportunity to engage with your Committee's work. This is a very valued aspect of our constructive engagement. I look forward to our continued dialogue.

Reply of the representative of the Secretary-General

128. I wish to start by thanking all the speakers who contributed to the discussion of the General Report of the Committee of Experts and the discussion of the General Survey. In response to

the debate, I identified four issues on which you have expressed interesting views or called for more information from the Office.

129. Let me first address the role of the Office in respect of the promotion of ratification. I heard the Employer and Worker spokespersons calling for an increased role of the Office in this regard, but potentially from different perspectives. As indicated in the Programme and Budget, the Office does indeed quite actively promote the ratification of Conventions by Member States and we do this in the context of a targeted ratification campaign for all instruments, the fundamental Conventions clearly, but also the governance and technical Conventions. This is also done as a follow-up to the SRM. The promotion of ratification in the context of the follow-up to the SRM aims primarily to invite those governments that are still party to outdated Conventions to ratify the most modern instrument in the same area, knowing that for some of these outdated instruments the Governing Body has already decided a date for their abrogation. Further to these decisions, we are indeed actively promoting the ratification of the most modern instruments by those Member States and some of you may be familiar with the letters we have sent out, as well as with the pyramids that we have prepared to try to simplify your understanding of the decisions resulting from the SRM tripartite working group. I see a few nods in the room, that gives me assurance.
130. So let me say a few words about how we promote ratification in view of some of the comments made by the Employer members and also a call for more action on the part of the Office from the Worker members. The first thing we do when we promote ratification is to advocate tripartite engagement in this discussion at the national level and offer technical assistance upon request. We advise on the content of the Convention considered for ratification, and also provide assistance in undertaking the analysis of national legislation and practice vis-à-vis the Convention, in order to assess whether there are any gaps that might need to be filled, either in the legislation of the countries concerned or in their practice. We also have a large portfolio of technical advisory services on labour law reform, in the context of which we provide very detailed technical memoranda on legislation that can be adjusted, in view of the contemplated ratification.
131. In all parts of ILO technical advisory services, we offer to facilitate tripartite consultation. Of course, we cannot impose this but we strongly encourage it, and when it is taken up, we facilitate it. So, on this point I wish to conclude by saying that as we will soon start planning the implementation of our next Programme and Budget, we will take into full consideration the various comments and suggestions that we have heard in your discussion today.
132. The second point that you have raised relates to the information provided to your Committee concerning the follow-up to your conclusions. The Worker spokesperson emphasized the importance of this information being available and updated regularly. I just want to assure you that we have taken good note of that.
133. I have also noted certain comments supporting the modernization of the standards-related activities and I would like to put that into perspective in relation to the discussion that you have just held on the failure to fulfil reporting obligations. I want to do so because one part of the modernization of standards-related activities will be related to reporting methods in the future. We are aware that it is a burden that can be heavy, particularly for countries that have ratified a certain number of Conventions and, as I indicated in my opening statement, we have begun a process of reflection on this subject. At the same time, I have also heard many calls or comments appreciating the technical assistance provided by the Office to help countries fulfil their reporting obligations. And I would just like to point out that, in the context of the modernization of the ILO's standards-related activities, one of the components of this

programme of activities is intended to reinforce technical assistance at the national level. Clearly, therefore, all of your calls for more technical assistance to ensure that reporting obligations are met in full by all Member States will be taken fully into account.

134. As indicated by the statement of the Government member of the Central African Republic during the discussion on serious failures, technical assistance by the Office is available and can play an important role in helping Member States to comply with their standards-related obligations. I am pleased to inform you that the vacant posts for international labour standards and labour law specialists in Yaoundé and San José have been filled and our new colleagues are currently following the discussion in the Committee so that they can effectively serve the constituents in their respective subregions.
135. Finally, I would like to conclude my reply by referring to your discussion on the General Survey. The high number of speakers is in my view an indicator of the pertinence of the General Survey and that a discussion of the subject in the Committee was timely. As indicated by the Chairperson, when closing the discussion, your debate was rich, and I am not just using that term for rhetorical purposes, as I particularly appreciated the numerous interventions which drew the attention of all the members of the Committee to the latest developments at the national level in terms of legislative changes and also the adoption of inclusive policies in relation to gender equality. This information is very useful. Some of it had not yet been drawn to our attention and the fact that it will now be reflected in your report will shed further light on future examinations by the supervisory bodies of the implementation of Conventions Nos 111, 156 and 183, which are so important. With this final comment and my gratitude once again for your involvement in this discussion, I would like to thank you for your attention.

Concluding remarks

136. **Worker members:** I would like to begin by thanking the Office for the explanations and replies which have been shared with our Committee. We have heard a series of observations which in fact have not surprised us. They follow on directly from discussions which we have already had and which seem increasingly pointless. In general, I would say that these observations stem from a persistent misunderstanding regarding the independence and autonomy of the Committee of Experts and regarding the relationship between our two Committees. Just now, as part of the discussion on the General Survey, the EU members formulated an excellent reply on this matter, explaining this important distinction very well. So yes, we have heard statements regarding respect for the independence of the Committee of Experts, but no sooner have they been delivered than these statements are challenged or called into question by certain requests which, precisely, undermine this independence. I will illustrate my remark by coming back to several points.
137. Concerns have been expressed regarding the size of the report. However, the report merely reflects the problems encountered in the application of standards in the world. In our view, making this an issue of quantity misses the point. We have already had an exchange on the distinction that the Committee of Experts makes between direct requests and observations. The Worker members have also requested clarification on this matter in the past. It is time to accept the autonomy of the Committee of Experts as regards the organization of its work and the options which it considers most appropriate. The Committee maintains an ongoing dialogue with the Member States and is in a position to evaluate the tools which enable progress to be made on the points that it raises.
138. I would also like to rectify another misunderstanding which suggests that our Committee is supposed to undertake a tripartite examination of the report of the Committee of Experts. We

are not here to correct that report. The EU Members also drew attention to this just now in the context of the discussion on the General Survey. We are not here to correct the report of the Committee of Experts but to hold a calm dialogue on the relationship between our two Committees. Saying that direct requests prevent this examination is a very risky statement, in our view.

139. It has also been suggested once again that governments should undertake an evaluation exercise before ratification. We would like to reassure everyone that to our knowledge no government proceeds with ratification lightly. It is often the fruit of a long process which includes a dialogue with the constituents, in consultation with the Office. But the more problematic aspect of this statement is thinking that once conformity with a ratified Convention has been achieved, it stays that way for ever. However, it often happens that a government is in conformity and then the situation takes a turn for the worse. This, by the way, is the whole *raison d'être* of the supervisory bodies: if ratification guaranteed conformity, we would not be here today and the supervisory task would be irrelevant.
140. The Committee of Experts has also been accused of welcoming the idea of launching a coalition on social justice on the grounds that this point is supposedly still under discussion at the ILO. For us, this calls into question the autonomy of the Committee of Experts, whose members are neither secretaries for the tripartite constituents nor their spokespersons. They have the freedom to express their views on behalf of their Committee regarding a proposal which forms part of the mandate of the Organization, even if the exact procedures involved are not yet known.
141. The position of the Employer members regarding the right to strike has also been recalled. We have made several points in this regard but wish to reiterate our refusal to see our Committee become the forum for a discussion which should be held elsewhere. Nor can I see the role that the Committee of Experts might play in the solution to this divergence of views, given that the ILO Constitution provides for specific means to achieve that, as we have stated on several occasions.
142. I will not dwell on the Employer members' unilateral interpretation of Article 4 of Convention, No. 98, as we have already addressed this point in the past and our views are known and remain unchanged. I will merely underline the fact that persisting with this stance is incompatible with respect for the autonomy of the Committee of Experts.
143. The Worker members consider that discussions are needed to enable progress towards effective implementation of international labour standards and suggest vigorously that the proposals they have made to improve the impact of the supervisory system are analysed and made the subject of an in-depth discussion. Modernization is not about endlessly reviving outmoded discussions; rather, it is about considering ways of creating an outlook for the future.
144. **Employer members:** At the outset, I would like to thank the Government and the Worker members for their rich and interesting contributions to the General Discussion and to the discussion on the General Survey. We also greatly appreciate the reply of the representative of the Secretary-General and we await with interest the statement from Professor Ago in relation to the Committee of Experts. Indeed, the presence of Professor Ago on behalf of the Chairperson of the Committee of Experts and the ongoing dialogue between the Committee of Experts and the Conference Committee is important, not only for the ILO constituents to better understand standards-related requirements, but also to facilitate the Committee of Experts' understanding of the realities and needs of the users of the supervisory system.

- 145.** It is thus of utmost importance in our view to build as much convergence as possible between the Conference Committee and the Committee of Experts in order to provide effective and practical guidance to tripartite constituents in ILO Member States. We wish to respond to some of the remarks that were made by various contributors earlier in the General Discussion.
- 146.** First, we consider the work of the Committee of Experts as vital to the successful functioning of the Conference Committee and the regular standards supervision as a whole. In this regard, it is equally vital that the Conference Committee provides its views on the interpretation and application of international labour standards in an independent manner, while taking into account the reality of the world of work. We agree with the Worker members that standards supervision must preserve balance. However, this means that the Committee of Experts should consider both the perspectives of the Worker members and the promotion of an enabling environment for sustainable enterprises, as set out in the ILO Centenary Declaration. Contrary to the Worker members' views, the consideration of one does not mean undermining the other. We believe the Committee of Experts should in fact promote both of these views equally.
- 147.** Second, once again and regrettably, we have to come back on the view that the Conference Committee had no mandate to discuss the right to strike. The Committee has a comprehensive competence to examine the compliance by countries with ratified Conventions. As long as the Committee of Experts continues to provide detailed interpretation of the right to strike, in the context of Convention No. 87, the Conference Committee must be able to at least respond. We do not consider that the proposals discussed by the Governing Body at its March 2023 session to refer the dispute to the International Court of Justice or an in-house tribunal are in fact the most effective means of reconciling these different views. For a start, these proposals do not take into account that the origin of the dispute is in fact the interpretation by the Committee of Experts. In other words, without that, we would not have this dispute. We simply request the Committee of Experts and the Office, as a key part of the standards supervisory bodies, to facilitate a solution rather than simply continue down the current path. We strongly believe that the question of whether there should be international rules on the right to strike and if so, what they should look like, can only be meaningfully addressed through social dialogue and the available and competent ILO bodies. For example, an ILO tripartite technical meeting, or a dedicated discussion at the Conference on the law and practice in Member States on the right to strike, or a mediation process, or even the possibility of standard-setting, could all be considered to try and settle the existing interpretation issue. We regret that such tripartite events have never taken place before and we strongly believe that the time has come to look at this as an option. Such an approach could ensure that all ILO constituents actively engage in the process, that solutions are based on consensus and that outcomes adopted are universally relevant and accepted.
- 148.** That said, let me be clear that we do not mean to instruct the Committee of Experts on how to provide non-binding assessments, but we do consider that it is important for that Committee not to create new obligations beyond what has been intended and agreed by the tripartite constituents at the Conference. In other words, it is not acceptable that the flexibility for implementation deliberately granted in Conventions to Member States is then later restricted by unilateral interpretations by the Committee of Experts.
- 149.** Let me turn now to the General Survey. We made comprehensive submissions to the General Survey and we heard many other views as well. We agreed with the Committee of Experts on many points but also respectfully expressed our disagreement on some of its views and findings. In doing so, we have sought to contribute to a broader and more factual debate and we thank others who have done so. We considered the instruments selected for the General Survey to be particularly timely and pertinent for us in present times, notably due to the fact

that the COVID-19 pandemic exacerbated continuing inequalities for women and girls around the world. In our view, the achievement of gender equality and non-discrimination, support to workers with family responsibilities and maternity protection are critical for social, economic and business development. Yet, we have expressed legitimate concerns regarding the scope, content and effective implementation of the instruments examined in the General Survey, as well as regarding the format of the General Survey itself. Overall, we brought to the Committee's attention the need to promote inclusive, balanced and effective implementation in consultation with the most representative social partners to ensure that realities and circumstances are adequately taken into account.

150. In conclusion, the Employer members look forward to ongoing exchanges between the Conference Committee and the Committee of Experts. We look forward to more opportunities for dialogue to continue building convergence on matters of application of international labour standards. We count on the Office, in particular the International Labour Standards Department, which plays a decisive role in the preparatory work to facilitate dialogue and the building of convergence.
151. We would like to reaffirm our full commitment to continue improving the international labour standards system, including regular standards supervision, to ensure it remains credible, relevant, balanced and transparent, as the ILO continues in its second century. For the standards supervisory system to contribute to a sustainable and resilient recovery, it is necessary to have clear, relevant and balanced assessments and recommendations. Past experience has demonstrated that where the Conference Committee and the Committee of Experts reached converging views, more positive responses were 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 an uncertain world, that we are increasingly confronted with as evidenced by the pandemic and the war in Ukraine.

C. Reports requested under article 19 of the Constitution

General Survey: Achieving gender equality at work

152. The Committee dedicated two sittings to the discussion of the General Survey carried out by the Committee of Experts concerning the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165) and the Maternity Protection Recommendation, 2000 (No. 191). The record of this discussion is contained in section I of Part Two of this report.

Concluding remarks

153. At the meeting on the adoption of the outcome of the discussions, the following statements were made by members of the Committee.
154. **Employer members:** The discussion on the General Survey was very good and brought together a lot of diverse views in a way, which I think is reflected very well and very comprehensively in the report. I think the latter will serve, not just as a record of our discussion, but as a platform or a guideline towards focusing on a number of issues of importance to everybody. Gender equity is a particularly important issue across the world and this report will

help reinforce the debate, and serve as a tool for governments, employers and workers alike. I commend the report to the Committee.

- 155. Worker members:** We are pleased to be able to adopt strong conclusions that take into account the rich discussion we have had. It could not be otherwise with a theme as fundamental as this year's. Gender equality lies at the heart of the ILO's mandate, at the heart of the promotion and realization of social justice and decent work. The General Survey has enabled us not only to highlight the progress made in certain countries, but also to become fully aware of the precarious situation of many women in many countries. We cannot deny that we still face today many enormous challenges to achieving gender equality. Women still face significant disadvantages in the world of work – disadvantages which are very often cumulative. They also face less visible forms of discrimination, such as indirect and intersectional discrimination. The proportion of women in the informal economy, in specific sectors and in forms of precarious occupations or, depending on the conditions, jobs, is often higher. These sectors or forms of work have a severe lack of social protection coverage and are often characterized by much lower wages which harshly penalize women in all aspects of their lives. The persisting dynamic of occupational segregation is also highlighted in our conclusions. This dynamic is generated by widespread societal perceptions about the distribution of roles between men and women, and the unequal distribution of family responsibilities. It is important to combat these outdated perceptions and rebalance the unequal distribution of roles.
- 156.** We also discussed at length the specific and persistent discrimination faced by mothers. Maternity protection is fundamental if we wish to achieve gender equality. The adoption of measures providing full protection of maternity, particularly maternal medical care, health and safety measures, maternity leave and the related benefits are crucially important. The Committee of Experts noted that imposing total or partial direct financing of these measures by employers could in practice lead to discrimination against women. While employers keen to develop sustainable enterprises should ideally ensure that their enterprises fully respect the obligations of non-discrimination, our conclusions call on Member States to progressively develop systems of social security based on blended finance mechanisms or contributions. These mechanisms must necessarily be based on the principles of collective financing, solidarity and risk-sharing. Such systems can only function if employers fully commit to guaranteeing their fair share of contributions, without constantly seeking to reduce them.
- 157.** Gender equality will not come out of nowhere. It requires commitment and investment. The Member States must invest in quality care services and infrastructure to enable a more egalitarian division of family responsibilities, both within families and between families and the State. The potential of digital and green economies to promote gender equality cannot be underestimated. They present employment opportunities for women. The many challenges that I have just recalled require us to step up our efforts and adopt new approaches to confront them. This is a shared responsibility. Both the Member States and the social partners must ensure that the policies and measures aimed at gender equality are effectively implemented in the workplace. They must also actively promote the needed deep social change. It is only through a strong tripartite social dialogue, in which women are fully represented, that gender equality may be realized.
- 158.** The prominent role of our great Organization in realizing this objective is not to be underestimated. Moreover, we recall in our conclusions the importance that ILO technical assistance represents in this area. ILO research activities are also important. In particular, they will enable the development of more specific guidelines to assist Member States in the

development of effective measures and policies, with a view to working towards gender equality.

- 159.** We conclude with a call to all Member States who have not yet done so, to envisage ratifying the Conventions examined within the framework of the General Survey. This message is perfectly clear, and we hope that it will be heard and given effect in the many Member States. Let us ratify Conventions Nos 111, 156 and 183. May we add that the Member States who wish to fully tackle gender inequality may envisage the ratification of other Conventions. We have seen that many other Conventions can also contribute to the realization of gender equality. Let us also ratify all those Conventions. We thus ask the ILO to follow up on these conclusions and continue to make every effort to ensure the promotion of the ratification of all relevant Conventions to achieve gender equality in the world of work.

Outcome of the discussion of the General Survey

- 160.** The Committee approved the outcome of its discussion, which is reproduced below.

Introduction

- 161.** The Committee welcomed the opportunity to examine the General Survey carried out by the Committee of Experts on *Achieving Gender Equality at Work*, which encompassed six instruments relevant to gender equality: the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165) and the Maternity Protection Recommendation, 2000 (No. 191).
- 162.** The Committee observed that this is the first General Survey that considers together the ILO standards on discrimination, maternity protection, and workers with family responsibilities, as well as the first General Survey to examine Convention No. 183 and Recommendation No. 191 on maternity protection. The Committee highlighted the key interlinkages between the instruments examined, as well as with other relevant international labour standards, such as the Equal Remuneration Convention, 1951 (No. 100), and the Violence and Harassment Convention, 2019 (No. 190).
- 163.** The Committee underlined the timeliness of the General Survey and underscored that eliminating discrimination and advancing gender equality at work, is at the heart of the ILO's mandate to promote and realize social justice and decent work. It recalled the commitments affirmed in the ILO Centenary Declaration for the Future of Work, 2019, towards achieving gender equality at work through a transformative agenda and the effective realization of gender equality in opportunities and treatment. The Global Call for Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient and the resolution concerning inequalities and the world of work, both adopted in 2021, reaffirmed and strengthened such commitments.

The situation and needs of Member States

- 164.** The Committee welcomed the numerous and diverse measures adopted by the tripartite constituents in many countries towards ratification and implementation of the instruments, including through inclusive definition of gender discrimination in the legislation, inclusive

national policies and strategies, social dialogue initiatives, collective agreements and awareness-raising action.

165. The Committee nevertheless expressed its concern that, despite important advances made over past decades, progress has stalled in certain countries, and there have even been setbacks due to the impact and economic fallouts of the COVID-19 pandemic. It noted that, in certain parts of the world, women continue to face significant cumulative disadvantages in the labour market, and discrimination in employment and occupation, as well as violence and harassment at work, remain pervasive.
166. While taking note of existing national legislative and policy frameworks to eliminate discrimination, the Committee emphasized that measures adopted often fell short of overcoming current challenges, such as the evolving and less visible forms of discrimination, including indirect and intersectional discrimination. It also noted that gaps in coverage persisted, particularly in relation to the informal economy and other specific sectors, occupations and work arrangements that may be left out of general regulatory frameworks.
167. The Committee also expressed concern about the persistent dynamics of occupational gender segregation. It noted that structural obstacles to employment, widespread societal perceptions about the distribution of roles between men and women, and unequal shouldering of family responsibilities, often lead women to work in forms of employment or in sectors or occupations traditionally considered “female”, sometimes characterized by low-skilled work and weak labour protection, including lower pay and lack of social security. They also tend to face more obstacles to access high-level and management positions.
168. Furthermore, the Committee recalled that maternity protection is indispensable to ensuring the health protection and income security of pregnant and breastfeeding women. While it expressed appreciation over measures taken by members States to improve maternity protection, it also voiced concern about still existing persistent discriminatory practices based on maternity, including in relation to recruitment, remuneration and termination of employment. It also stated that access to comprehensive maternity protection, in particular maternal medical care, health and safety protection measures, maternity leave and related cash benefits, stands to be improved for women in many countries. The Committee considered it necessary to progressively move from direct employer’s liability mechanisms to the establishment of social security schemes through which maternity benefits are financed. The Committee further encouraged Member States concerned to move to tax-contributions or mixed financing mechanisms, taking into account the needs of sustainable enterprises, so as to ensure better protection of workers and achieve equality of treatment.
169. The Committee welcomed the fact that measures to reconcile work with family responsibilities were increasingly adopted in many countries. This included the provision of flexible work arrangements and the establishment of family-related leave policies including parental and paternity leave, as well as the explicit prohibition of discrimination based on family responsibilities. It nevertheless stressed the urgent need to invest in quality care services, care policies and care-relevant infrastructures, for instance childcare facilities with extended opening hours, with a view to providing effective solutions that give workers with family responsibilities the opportunity to fully engage and remain in employment and occupation.
170. Taking note of the constantly changing nature of the world of work, the Committee observed that the digital and green economies afford new opportunities to bring about effective gender equality. The Committee also observed that, besides investment in the care economy, the transition from the informal to the formal economy and the equal access of women to digital technologies are necessary to drive inclusive and sustainable economic growth.

Common commitments

- 171.** The Committee welcomed the broad commitment expressed by the tripartite constituents to equality and non-discrimination in employment and occupation. It agreed upon the urgency to eliminate discrimination in employment and occupation, guarantee full and effective maternity protection and ensure the right of workers with family responsibilities to engage in employment without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.
- 172.** The Committee recognized that where persons belong to more than one disadvantaged group, multiple and intersectional discrimination tends to compound and exacerbate existing inequalities and forms of discrimination. It also recognized the subtle and less visible nature of indirect forms of discrimination and the need to adopt new legal approaches to address these forms of discrimination.
- 173.** The Committee recognized that there cannot be full gender equality at work in a broader context of pervasive inequality, and that the advancement of gender equality is a shared responsibility. In this regard, a forward-looking and integrated approach should promote societal change, address structural barriers and protect workers. The Committee also emphasized that the social partners should actively contribute to promoting societal change and that they share a responsibility to ensure that policies and measures are effectively applied in the workplace.
- 174.** The Committee also highlighted the essential role of social partners in the elaboration, adoption and implementation of inclusive cross-cutting policy measures to implement the six instruments. It recalled that social dialogue and the social partners' active engagement are essential to promote wide ownership of agreed measures and ensure that they are effectively implemented, monitored, evaluated and reviewed to respond to evolving needs and realities. The Committee also underlined the importance of women's participation in social dialogue institutions as an enabling factor.

ILO means of action

- 175.** The Committee called upon ILO constituents to step up their efforts towards the elimination of discrimination and achievement of gender equality. To that end, it highlighted the availability of technical assistance from the Office, if need be, to strengthen the capacity of the tripartite constituents to help them develop robust, effective, comprehensive and cross-cutting legislative and policy frameworks to fully implement the instruments examined. These should tackle all forms of discrimination through clear definitions and prohibitions, address gaps in coverage, both in law and in practice, overcome structural and persistent obstacles, facilitate women's access to a broader range of jobs, gear societal change through awareness-raising, and actively promote gender equality at work, maternity protection and equality for workers with family responsibilities.
- 176.** The Committee expected the Office to continue to conduct the necessary research on the implementation of the instruments examined to develop further guidance which could assist Member States and constituents, including on access to quality maternity medical care and on the design of care leave policies and to identify possible responses to current and emerging realities, including comprehensive and innovative approaches to address the needs of ILO constituents. Underscoring that statistical data disaggregated by sex is crucial to implement and enforce the instruments examined effectively, the Committee pointed to the value of ILO technical assistance in this regard and requested the Office to continue to collect, analyse and

disseminate comparative statistical data on gender equality, maternity protection and workers with family responsibilities. It also stressed the importance of ensuring, including through technical assistance, that the relevant enforcement bodies, including labour inspections, other persons working in the labour administration and relevant ministries, and workers' and employers' organizations, are adequately equipped and have sufficient technical knowledge and capacity.

177. The Committee invited Member States, that have not done so already, to consider the possibility of ratifying Conventions Nos 111, 156 and 183. Member States could avail themselves of technical assistance from the Office, should they so wish, to assess potential obstacles to ratification and ways to overcome them.
178. The Committee encouraged the ILO to continue its efforts to promote the ratification of Conventions Nos 111, 156 and 183 and provide ILO constituents with the necessary assistance, in this regard. Where appropriate, ILO assistance could also be provided for the consideration of the ratification of other ILO standards identified as relevant for achieving gender equality at work.
179. Finally, the Committee requested the Office to take into account the *General Survey on Achieving Gender Equality at Work*, the tripartite discussion that followed and the outcome of its discussion in relevant ILO work. It hoped that the General Survey would feed into the 2024 International Labour Conference's recurrent discussion on the strategic objective of fundamental principles and rights at work and the general discussion on decent work and the care economy; the work of the Standards Review Mechanism Tripartite Working Group, particularly in relation to its examination of maternity protection standards in September 2023; as well as the transformative policies called for in the 2030 Agenda for Sustainable Development, particularly in SDGs 1 (No poverty), 3 (Good health and well-being), 5 (Gender equality) and 8 (Decent work and economic growth).

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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

180. 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

- 181.** 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.
- 182.** 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.
- 183.** 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.
- 184.** 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.
- 185.** 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, Chad, Comoros, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea, Haiti, Hungary, Lebanon, Liberia, Libya, Marshall Islands, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, United Arab Emirates, 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

- 186.** 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.

187. The Committee noted that, by the end of the 2022 meeting of the Committee of Experts, the percentage of reports received (article 22 of the ILO Constitution) was **70.9** per cent (65.9 per cent for the 2021 meeting). Since then, further reports have been received, bringing the figure to **76.2** per cent (as compared with 74.2 per cent in June 2022).
188. The Committee noted that no reports on ratified Conventions have been supplied for the past two years or more by the following States: **Afghanistan, Antigua and Barbuda, Chad, Comoros, Dominica, Haiti, Lebanon, Saint Lucia, Somalia, Syrian Arab Republic, Tuvalu, Vanuatu** and **Yemen**.
189. The Committee also noted that first reports due on ratified Conventions have not been supplied by the following countries for at least two years: **Cook Islands, Grenada, Lebanon, Marshall Islands, North Macedonia, Sudan, Tuvalu** and **Vanuatu**.
190. 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 2022 from the following countries: **Afghanistan, Antigua and Barbuda, Barbados, Burundi, Central African Republic, Chad, Comoros, Congo, Dominica, Grenada, Haiti, Iraq, Lebanon, Libya, Malta, Montenegro, North Macedonia, Papua New Guinea, Romania, Saint Lucia, Singapore, Somalia, South Sudan, Syrian Arab Republic, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland – Falkland Islands (Malvinas), Vanuatu** and **Yemen**.

1.3. Urgent appeals

191. 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 **Antigua and Barbuda, Dominica, Haiti, Lebanon, Saint Lucia, Syrian Arab Republic, Tuvalu, Vanuatu** and **Yemen** will supply their reports due as soon as possible.
192. 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

193. 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.

- 194.** 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: **Albania, Barbados, Chad, Djibouti, Dominica, Haiti, Liberia, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Timor Leste, Tuvalu, Uganda and Yemen.**

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

- 195.** 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

- 196.** The Committee noted with **interest** the information provided by the Committee of Experts in paragraph 122 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 125 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.
- 197.** At its present session, the Committee examined 24 individual cases relating to the application of various Conventions.⁶

2.1. Specific cases

- 198.** 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. 111 by Afghanistan. The full record of this discussion and the Committee's conclusions appear in Part Two of this report. The Committee's conclusions are also reproduced below.

3. Participation in the work of the Committee

- 199.** The Committee wished to express its appreciation to the **24** Governments which collaborated by providing information on the situation in their countries and participating in the discussion of the individual cases concerning their country.
- 200.** 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, Albania, Angola, Antigua and Barbuda, Barbados, Belize,**

⁶ 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.

Burundi, Chad, Comoros, Congo, Cook Islands, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea, Haiti, Hungary, Iraq, Lebanon, Liberia, Libya, Malta, Marshall Islands, North Macedonia, Papua New Guinea, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Timor-Leste, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland – Falkland Islands (Malvinas), and Vanuatu.

201. 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 adopted following the examination of the individual cases

202. During the informal tripartite consultations on the working methods of the Committee in April 2023, 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.

Lebanon (ratification: 1977)

Forced Labour Convention, 1930 (No. 29)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

While noting the prevailing situation in the country, the Committee deeply regretted the failure of the Government to respect its reporting obligations despite an urgent appeal by the Committee of Experts.

The Committee expressed deep concern at the lack of adequate protection for migrant domestic workers in law and practice and noted the lack of rapid, efficient and effective complaints mechanisms for migrant domestic workers.

Taking into account the discussion, the Committee urges the Government to take effective and time-bound measures to:

- provide migrant domestic workers with adequate legal protection, including by ensuring the reinstatement and effective implementation of the revised Standard Unified Contract and the adoption of the Bill regulating the working conditions of domestic workers, and provide information to the Committee of Experts on the measures taken in this regard, and on the results achieved;
- ensure that migrant domestic workers who are victims of abusive practices and working conditions amounting to forced labour have access to justice – including adequate protection, assistance and remedies – in the event of a violation of their rights;

- ensure that migrant domestic workers are protected against any measures of retaliation or deportation, and that their cases are processed expeditiously and that decisions are enforced;
- introduce and enforce effective and sufficiently dissuasive penalties to employers and labour recruiters who engage migrant workers in situations amounting to forced labour;
- strengthen the capacity of law enforcement bodies in this area and provide information to the Committee of Experts on the measures taken in this regard, and on the results achieved;
- abolish the Kafala system and replace it with a work permit system that allows domestic migrant workers to change employer and provide information to the Committee of Experts on any legislative changes adopted or envisaged to review the Kafala system;
- hire and train additional labour inspectors and increase material resources to them necessary to carry out labour inspections in the domestic work sector and provide details to the Committee of Experts on the training received by labour inspectors, the number of inspections in the domestic work sector, the number of offences detected, and the penalties imposed;
- provide a copy of the bilateral Agreement signed with the Government of Ethiopia, as well as any other relevant legislative measures mentioned in its written information;
- provide information to the Committee of Experts on the number of investigations, prosecutions, convictions and penalties imposed for the offence of engaging migrant domestic workers in situations of forced labour; and
- provide any outstanding information requested by the Committee of Experts before its next session together with detailed information on the measures taken to implement these recommendations, and on the results achieved.

The Committee urges the Government to avail itself, without delay, of ILO technical assistance to ensure full compliance with its obligations under the Convention in law and practice.

The Committee also requests the Government to accept a direct contacts mission.

The Committee requests the Government to fully comply with its reporting obligations and to provide, in consultation with the social partners, a report to the Committee of Experts by 1 September 2023 on measures taken and progress achieved on the application of the Convention in law and practice.

Nigeria (ratification: 2002)

Worst Forms of Child Labour Convention, 1999 (No. 182)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

While acknowledging the complexity of the situation prevailing on the ground and the presence of armed groups in the country, the Committee deeply deplored the current situation where children are being forcibly recruited by armed groups for use in armed

conflict, which also results in other serious violations of children's rights, such as abductions, murder and sexual violence.

The Committee noted with deep concern the situation of children, in particular girls, children in war-affected areas and street/*Almajiri* children, who continue to be deprived of basic education.

The Committee also expressed concern at the persistence of child trafficking, particularly of girls for the purpose of domestic servitude and sexual exploitation and boys for the purpose of child begging.

Taking into account the discussion of the case, the Committee urges the Government of Nigeria to take effective and time-bound measures to:

- ensure the full and immediate demobilization of all children and to put a stop, in law and practice, to the forced recruitment or use of children into armed groups;
- ensure that thorough investigations and prosecutions of all persons who forcibly recruit children for use in armed conflict are carried out and sufficiently effective and dissuasive penalties are imposed in law and practice;
- improve the functioning of the education system to facilitate access to free quality basic education for all children, particularly girls and street children, and security and safety of children in war-affected areas, and to take measures to increase the school enrolment and attendance rates at the primary and secondary levels and to decrease the school drop-out rates, and provide information to the Committee of Experts on the measures taken in this regard, and on the results achieved.
- provide for the rehabilitation and social integration of street children and children who are forced to join armed groups, and provide information to the Committee of Experts on the measures taken in this regard, including by the *Almajiri Special Education Project*, and on the results achieved.
- combat child trafficking by ensuring that the perpetrators of these acts are identified and prosecuted, and that sufficiently effective and dissuasive sanctions are imposed in law and practice, and provide information to the Committee of Experts on the measures taken in this regard, including by the National Agency for the Prohibition of Trafficking in Persons, and on the results achieved.

The Committee requests the Government to continue to avail itself of ongoing ILO technical assistance to give full implementation to the above-mentioned measures and progress towards the full eradication of the worst forms of child labour in accordance with the Convention.

The Committee also requests the Government to submit a report to the Committee of Experts by 1 September 2023 with the relevant information, in consultation with the social partners.

Nicaragua (ratification: 1967)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the persistent climate of intimidation and harassment of independent workers' and employers' organizations.

The Committee noted with deep concern the allegations of the arrest and detention of employer leaders and the further deterioration of the situation.

The Committee also noted with deep concern the absence of any progress and cooperation on the part of the Government since last year.

Taking into account the discussion, the Committee urges the Government to:

- ensure that workers and employers can establish their own organizations and operate without interference, including Managing Board of Private Enterprises (COSEP);
- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations, including COSEP, and adopt measures to ensure that such acts are not repeated including the return of the Nicaraguan nationality of those who have been deprived of it for this reason;
- immediately release any employer or trade union member who may be imprisoned in connection with the exercise of the legitimate activities of their organizations and provide information on all the measures taken in that regard;
- promote social dialogue without further delay through the establishment of a tripartite dialogue round table under the auspices of the ILO, that is presided over by an independent chairperson who has the trust of all sectors, that duly respects the representativeness of employers' and workers' organizations in its composition and that meets periodically, as recommended by the Committee in 2022; and
- repeal Law No. 1040 on the regulation of foreign agents, the Special Law on Cybercrimes, and Law No. 1055 on the Defence of the Rights of the People to Independence, Sovereignty and Self-determination for Peace, which limit the exercise of freedom of association and freedom of expression.

The Committee urges the Government to avail itself of ILO technical assistance to ensure full compliance with its obligations under the Convention in law and in practice.

Nicaragua (ratification: 1967)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the climate of violence, insecurity and intimidation in the country, which is propitious for acts of discrimination in employment and occupation based on political opinion.

It also noted the arbitrary detentions and the continuing reports of human rights violations and abuses, including gender-based discrimination.

Taking into account the discussion, the Committee urges the Government, in consultation with the social partners, to:

- take immediate measures to end the climate of violence, insecurity and intimidation in the country;
- adopt the necessary measures to eliminate discrimination in employment and occupation and provide adequate protection for workers in the event of discrimination on the basis of political opinion;
- refrain from discrimination on political grounds, ensure that no penalties are imposed and provide adequate protection in the event of discrimination on the basis of political opinion;
- provide adequate remedies including the restoration of citizenship and the return of seized assets to those who have been discriminated against on the grounds of political opinion;
- provide information on any additional measure taken to eliminate discrimination on political grounds and on the outcome of any investigation conducted into complaints made to the administrative or judicial authorities for acts of discrimination on the basis of political opinion;
- indicate the extent to which the provision of the Labour Code (section 17(p)) also covers the “hostile work environment”; and
- provide details of any administrative complaint or legal action filed with the labour or criminal courts under the provisions of the Labour Code or Criminal Code in respect of sexual and quid pro quo harassment; as well as of the penalties imposed where complaints submitted to the Ministry of Labour are upheld and identified as acts of sexual harassment.

The Committee also requests the Government to continue to:

- take all measures to ensure in practice the elimination of violence and harassment in the world of work and to provide information to the Committee of Experts on all measures adopted regarding sexual harassment, including awareness-raising and prevention;
- take specific measures in practice to protect indigenous and Afro-descendant peoples against racial discrimination in employment and occupation and provide information on all measures adopted or envisaged to protect indigenous and Afro-descendant peoples against racial discrimination in employment and occupation;
- provide information on the outcomes of the many actions taken relating to the national policy of equality of opportunity and treatment; and
- provide information on the type of violations identified relating to the application of the Convention, the corrective measures introduced and the penalties imposed.

The Committee reminds the Government that it can avail itself of ILO technical assistance if needed.

The Committee requests the Government to report, in consultation with the social partners, on the progress achieved in the implementation of the Convention before 1 September 2023.

Afghanistan (ratification: 1969)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

The Committee noted with deep concern the repeated failure of the Government to respond to the Committee's comments since 2019.

The Committee expressed its very deep concern at the significant deterioration of the situation of women and girls, including the situation of vulnerable groups of women, and other minorities since 2021.

The Committee deeply deplored the discriminatory prohibitions, bans and restrictions based on sex imposed on girls and women since 2021, which adversely impact on their ability to enjoy fundamental human rights and freedoms. The Committee also deplored the lack of legal framework explicitly defining and prohibiting direct and indirect discrimination based on at least all the grounds set out in the Convention, in all aspects of employment and occupation, as well as the lack of access to non-discriminatory formal justice mechanisms and effective remedies, in line with the Convention.

Taking into account the discussion, the Committee urges that, in consultation with the social partners, effective and time-bound measures be taken to:

- **remove without delay all bans, discriminatory practices and unequal treatment based on sex imposed on girls and women to prohibit, limit or impede their access to secondary and higher education, vocational training, employment and all types of occupations in all sectors, and provide information to the Committee of Experts on the measures taken in this regard, and on the results achieved;**
- **put in place the necessary laws, policies and implementation strategy to prevent and address violence and harassment against girls and women, and provide information to the Committee of Experts on the measures taken in this regard, and on the results achieved;**
- **amend section 9 of the Labour law in order to explicitly define and prohibit in law direct and indirect discrimination in line with the Convention;**
- **ensure access to non-discriminatory formal judicial mechanisms and effective remedies;**
- **organize activities and implement a campaign to raise public awareness of the principles of non-discrimination and equality protected under the Convention;**
- **provide information on the adoption of all the above-mentioned measures on any progress made in that regard, as well as the results achieved on the equal participation of women in employment and occupation, including by providing statistical information, disaggregated by sex and occupation, on the participation of girls and women in education, vocational training and employment; and**
- **develop a multidisciplinary and multi sectoral action plan to combat discrimination in employment, occupation and education, with ILO technical assistance and in close cooperation with the social partners and other relevant civil society organizations. In addition, coordinate with other UN agencies operating in the territory.**

The Committee also calls for specific action to be taken in order to facilitate access to education and vocational training and promote employment opportunities of persons with disabilities, in particular girls and women.

The Committee decided to include its conclusions in a special paragraph of its report.

Cambodia (ratification: 1999)

Abolition of Forced Labour Convention, 1957 (No. 105)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee deeply deplored the continued use of the provisions of the national legislation, including the Penal Code, to prosecute and convict persons who express their political views or views ideologically opposed to the established political, social or economic system, or to punish those who participate in strikes, leading to penalties of imprisonment involving compulsory prison labour.

The Committee expressed deep concern at the arrest and imprisonment of trade unionists and others for exercising their civil liberties and expressing different political views from that of the Government.

Taking into account the discussion, the Committee urges the Government to take effective and time-bound measures to:

- ensure that the right to hold or express political views or views ideologically opposed to the established political, social or economic system without the threat of penalties involving compulsory labour is fully respected;
- ensure that the application of legislative provisions do not contravene Article 1 of the Convention by the imposition of sanctions involving compulsory labour;
- repeal or amend relevant provisions of the Penal Code and the Act on Political Parties providing for and leading to penalties of compulsory labour, in consultation with the social partners, in order to bring them into conformity with the Convention;
- immediately and unconditionally release, quash convictions and drop all charges brought against individuals for having expressed political views or views ideologically opposed to the established political, social or economic system, who were punished for having participated in strikes;
- ensure access to effective judicial remedies for victims of compulsory labour in violation of the Convention;
- implement the recommendations related to the matters under the Convention made by the direct contacts mission that took place in March–April 2022 under Convention No. 87; and
- develop an action plan, in consultation with the social partners, to implement these recommendations without delay.

The Committee requests the Government to provide any relevant information requested by the Committee of Experts before 1 September 2023 together with detailed information on the measures taken to implement these recommendations.

The Committee invites the Government to avail itself of ILO technical assistance to effectively implement all of the Committee's recommendations.

Indonesia (ratification: 1957)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with deep concern the significant gaps in law and practice regarding the protection against anti-union discrimination, the scope of collective bargaining permitted under the law, promotion of collective bargaining and interference in free and voluntary collective bargaining with respect to the Convention.

Taking into account the discussion, the Committee urges the Government, in consultation with the social partners, to take effective and time-bound measures to:

- review the Law on Job Creation in consultation with social partners and adopt without delay the amendments necessary to bring that law into compliance with the Convention;
- ensure in law and practice that there is no interference of employers or government officials in a voting procedure of trade unions in accordance with Article 2 of the Convention;
- ensure that unilateral recourse to compulsory arbitration as a way to avoid free and voluntary collective bargaining is employed only in very limited circumstances and ensure its use does not impede the right of trade unions to freely organize their activities;
- promote collective bargaining, and provide information to the Committee of Experts on the measures taken in this regard as well as on the results achieved, including the number of collective agreements specifying the sectors of activity concerned;
- ensure that the rights under the Convention are guaranteed for workers in all the zones, equivalent to Export Processing Zones, where export products are produced, and provide information to the Committee of Experts on the trends and number of collective agreements in force in these zones;
- prevent any act of violence and ensure, in law and practice, adequate protection of individuals for their legitimate exercise of their rights under the Convention, including through effective and expeditious access to justice, adequate compensation as well as the imposition of effective and sufficiently dissuasive sanctions;
- provide to the Committee of Experts statistics on the number of complaints of anti-union discrimination and interference filed, the number of complaints brought before the courts, as well as any remedies and sanctions imposed and the average duration of proceedings under each category; and
- take decisive and effective measures to promote a climate of non-violence, as well as constructive social dialogue and labour relations at all levels.

The Committee requests the Government to avail itself, without delay, of ILO technical assistance with a particular focus on legislative labour law reform, including

the Job Creation Law, with the full involvement of social partners, to ensure full compliance with its obligations under the Convention in law and practice.

The Committee requests the Government to provide detailed and complete information on measures taken and progress made on the recommendations to the Committee of Experts made before its next meeting.

Italy

Labour Inspection Convention, 1947 (No. 81) (ratification: 1952)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (ratification: 1981)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted with concern several issues regarding compliance with the Conventions, in essence related to labour inspection with respect to employment of migrant workers in an irregular situation.

Taking into account the discussion, the Committee urges the Government, in consultation with the social partners, to:

- improve the collection of disaggregated labour inspection data, including by establishing an integrated database in coordination with the different agencies and bodies performing labour inspection duties;
- consider the establishment of a tripartite consultative mechanism in line with the ILO Guidelines on General Principles of Labour Inspection to ensure the effective design, adoption and review of inspection policies, strategies, programmes and plans, including the strengthening of gender responsive enforcement measures related to ascertainment warnings and the collection of unpaid wages and contributions;
- consider the establishment of a wages and contributions protection fund in consultation with the social partners to assure the payment of unpaid wages and contributions;
- extend the collection of statistical data regarding cases of failure to comply with contractual obligations to workers in an irregular situation, to ensure recovery of the credits for these workers, notably unpaid wages and social security contributions;
- provide the Labour Inspectorate with the necessary resources for effective labour inspection.

The Committee also requests the Government to continue to provide information on:

- the number of migrant workers in an irregular situation detected by labour inspectors;
- the role of labour inspectors in informing migrant workers about their labour rights and in enforcing those rights; and
- the number of “special case” residence permits granted and a result of cooperation by those individuals with inspection services.

The Committee invites the Government to avail itself of ILO technical assistance to effectively implement all of the Committee’s recommendations.

The Committee requests the Government to submit a report to the Committee of Experts by 1 September 2023, on measures taken and progress achieved towards full compliance with the Convention.

Liberia (ratification: 1962)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2022.

The Committee regretted that the Government had not implemented its previous recommendations.

Taking into account the discussion of the case, the Committee requests the Government to take urgent steps, in full consultation with the social partners, to bring its law and practice in line with Convention No. 87 and in particular to:

- ensure that all workers are able to exercise their labour rights under the Convention in an environment of respect for civil liberties, including the right to freedom of association, freedom of expression, peaceful assembly and protest without interference and fear for their personal safety and physical integrity;
- ensure that trade union leaders and members are not jailed for engaging in trade union activities and that threats against trade union leaders for their trade union activities are fully investigated and the perpetrators duly punished;
- put in place measures, including effective and sufficiently dissuasive sanctions, to ensure that trade unions can only be dissolved following due process and by a judicial authority only as a last resort;
- register the National Health Workers' Union of Liberia (NAHWUL) as a trade union organization without further delay and provide additional information to the Committee of Experts on any pending allegations;
- review the Decent Work Act and any other related legislation to ensure that all workers are able to exercise the right to form or join a trade union of their choice and in particular, ensure that public sector workers and civil servants enjoy the rights and guarantees set out in the Convention;
- ensure that the rights enshrined in the Convention are afforded to maritime workers, including trainees, and that any laws or regulations adopted or envisaged cover this category of workers; and
- ensure that foreign workers are entitled to form and join unions of their own choosing in line with the Convention.

The Committee urges the Government to provide information to the Committee of Experts, by 1 September 2023 on all the measures taken to implement these recommendations and to comply with its obligations under the Convention and on any developments in this regard.

The Committee calls on the Government to continue to avail itself of ILO technical assistance and to accept a direct contacts mission.

North Macedonia (ratification: 1991)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

The Committee took note of oral information provided by the Government and the discussion that followed.

The Committee noted with concern the multiple acts of anti-union discrimination reported in the country.

Taking into account the discussion, the Committee urges the Government, in consultation with the social partners, to take effective and time-bound measures to:

- ensure that workers enjoy their rights under the Convention and are protected against acts of anti-union discrimination;
- ensure that workers' and employers' organizations enjoy adequate protection against any external acts of interference in their establishment, functioning or administration;
- ensure that existing and prospective legislation is in conformity with the Convention; respect the collective agreements reached between social partners, in both the private and public sectors, and take appropriate measures to implement their results;
- ensure the proper functioning of the Commission for representativeness so that the procedures for recognizing the Confederation of Free Trade Unions of Macedonia (KSS) in the public sector are activated as soon as possible in accordance with national legislation. This is in order to ensure the full participation of the KSS in social dialogue and to guarantee the right of its members to organize collectively;
- communicate to the Committee of Experts the factors that have led to the increase in the rate of coverage by collective bargaining, as well as information on the provisions regulating the relationship between general and specific collective agreements in private and public sectors;
- continue to provide the Committee of Experts with information on the application of the Convention in practice, including statistical data on the number of collective agreements concluded in public and private sectors and the number of workers covered.

The Committee invites the Government to avail itself of ILO technical assistance to ensure full compliance with its obligations under the Convention in law and practice.

The Committee invites the Government to accept a direct contacts mission in order to best support the Government and social partners to implement these recommendations.

Madagascar (ratification: 1960)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted with concern the long-standing issues relating to the restrictions on trade union activities in the maritime sector, the absence of any elections for staff representatives since 2015 and the use of compulsory arbitration.

The Committee expressed its deep concern regarding the imprisonment of Mr Zotiakobanjinina Fanja Marcel Sento and noted the Government information regarding his release by Presidential decree.

Taking into account the discussion of the case, the Committee urges the Government to:

- take all necessary steps in order to ensure that the new maritime code guarantees to seafarers the right to freely establish and join the organizations of their own choosing without previous authorization;
- organize as soon as possible the elections for the designation of workers' representatives;
- refrain from intervening in the activities of workers' and employers' organizations, including in the designation process of their representatives in the various social dialogue bodies;
- ensure that unilateral recourse to compulsory arbitration as a way to avoid free and voluntary collective bargaining is employed only in very limited circumstances and take the necessary measures to amend sections 220, 225 and 228 of the Labour Code to bring them in conformity with the Convention;
- immediately and unconditionally quash the conviction of Mr Zotiakobanjinina Fanja Marcel Sento;
- refrain from using the criminal law to target trade unionists;
- amend all provisions of the criminal code hindering the right to freedom of association of workers and employers; and
- provide a copy of the Maritime Code once adopted and detailed information to the Committee of Experts before 1 September 2023 on the outcome of any meeting concerning allegations of anti-union acts in the maritime sector, on any developments on the adoption of the Maritime Code and on the factors that have prevented the holding of elections for staff representatives since 2015.

The Committee requests the Government to avail itself of ILO technical assistance.

Gabon (ratification: 2014)

Maritime Labour Convention, 2006, as amended (MLC, 2006)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee emphasized the need for effective national implementation of the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the need to ensure that the Government meets its regular reporting obligations on time.

Taking into account the discussion, the Committee requests the Government to:

- take all necessary measures to ensure compliance in law and practice with the Convention in consultation with the social partners;
- provide full information to the Committee of Experts regarding the application in law and in practice of the Convention, including:
 - (i) a copy of any legislative texts or other regulatory instruments once adopted; and
 - (ii) updated statistics on the number of seafarers who are nationals or residents of Gabon or who work on ships that fly the Gabonese flag.

The Committee urges the Government to provide the information indicated before 1 September 2023.

The Committee further requests the Government to avail itself of ILO technical assistance for the implementation of the above-mentioned recommendations

Philippines (ratification: 1953)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the long-standing nature and the prior discussion of this case in the Committee, most recently in 2019.

The Committee noted with deep concern the numerous allegations of murders of trade unionists and anti-union violence, allegations of serious and systemic violations of the right to freedom of association as well as of lack of investigation in relation to these allegations.

The Committee noted the concerns raised by the social partners regarding the failure of the Government to submit a joint implementation report with them as recommended by the High-Level Tripartite Mission that took place on 23–26 January 2023.

The Committee noted that the Government has taken some steps to implement the recommendations set out in the report of the High-Level Tripartite Mission but regretted that many recommendations remain unaddressed.

Taking into account the discussion, the Committee urges the Government, in consultation with the social partners, to:

- put an immediate end to any act of violence and intimidation against union members for the legitimate exercise of their rights under the Convention as well as violations of freedom of association, in line with the recommendations of the ILO High-Level Tripartite Mission;
- immediately and effectively undertake investigations into the allegations of violence in relation to members of workers' organizations with a view to establishing the facts, determining culpability and punishing the perpetrators;
- operationalize the monitoring bodies, including by providing adequate resources, and provide regular information on these mechanisms and on progress on the cases assigned to them; and

- ensure that all workers without distinction are able to form and join organizations of their choosing in accordance with Article 2 of the Convention.

The Committee urges the Government to take decisive and effective measures to promote a climate of non-violence, as well as constructive social dialogue and labour relations at all levels in the country.

The Committee requests the Government to finalize, with ILO technical assistance and in consultation with the social partners, the road map on effectively addressing all outstanding issues and transmit a report on progress made to the Committee of Experts by 1 September 2023.

United Kingdom of Great Britain and Northern Ireland (ratification: 1949)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted the centrality of social dialogue to freedom of association and thus to the meaningful application of the Convention.

Taking into account the discussion of the case, the Committee requests the Government to provide information to and facilitate the dialogue between and with the social partners with a view to:

- report on the results of the 2015 Undercover Policing Inquiry and the 2018 Trades Union Confederation (TUC) allegations regarding surveillance of trade unions and trade unionists;
- ensure that existing and prospective legislation is in conformity with the Convention;
- limit and define the investigatory powers of the Certification Officer to ensure that these powers do not interfere with the autonomy and functioning of workers' and employer's organizations;
- facilitate electronic balloting (e-balloting); and
- improve consultation of the social partners on legislation of relevance to them.

The Committee invites the Government to avail itself of the technical assistance of the ILO and requests the Government to provide information on progress made on all the above issues by 1 September 2023 to the Committee of Experts.

Turkmenistan (ratification: 1997)

Abolition of Forced Labour Convention, 1957 (No. 105)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

While taking due note of the Government's explanations regarding collaboration with the ILO to address the issue of forced labour in cotton harvesting, the Committee deplored the persistence of the widespread use of forced labour in relation to the annual state-sponsored cotton harvest in Turkmenistan and the Government's failure to make

any meaningful progress on the matter since the Committee discussed the case in 2016 and 2021.

Taking into account the discussion, the Committee urges the Government, in consultation and cooperation with the social partners, to:

- ensure the full implementation of the Committee's recommendations of 2021 and of the road map for cooperation between the ILO and the Government;
- reinforce its efforts to ensure the complete elimination of the use of compulsory labour of public and private sector workers, as well as students, in state-sponsored cotton production by developing, in consultation with the social partners and in the context of the ongoing ILO assistance, an action plan aimed at eliminating, in law and practice, forced labour in connection with state-sponsored cotton harvesting, and improving recruitment and working conditions in the cotton sector in line with international labour standards;
- eliminate the compulsory quota system for production and harvesting of cotton and ensure that no one is threatened with punishment for the lack of fulfilment of production quotas in line with the Convention;
- issue clear instructions on the prohibition of the use of forced labour and strengthen labour inspection and law enforcement;
- prosecute and sanction appropriately any public official who participates in the forced mobilization of workers for the cultivation or harvest of cotton;
- ensure that, in line with the Convention, the State of Emergency Act, the Emergency Response Act, the Act on preparation for and carrying out of mobilization in Turkmenistan and article 19 of the Labour Code are not used as a legal basis or pretext for forced labour;
- promote social dialogue in cotton production and continue engaging in cooperation with the ILO and relevant organisations of workers and employers to ensure the full application of the Convention in practice, including within the framework of the road map and to monitor and document any incidences of forced labour in cotton harvest without fear of reprisals.

The Committee requests the Government to provide a report containing information on concrete measures taken, including on the activities indicated in the road map, and respective progress made, to the Committee of Experts by 1 September 2023.

Armenia (ratification: 1994)

Employment Policy Convention, 1964 (No. 122)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee noted the steps taken by the Government to reduce informality and promote employment among women and young persons, persons with disabilities and other marginalized groups.

The Committee also noted that further steps need to be undertaken, in consultation with social partners, in these areas as well as on vocational education and training and

activities of private employment agencies to ensure the implementation of the Convention both in law and in practice.

Taking into account the discussion, the Committee requests the Government in consultation with social partners, to:

- continue to develop an employment policy to address both in law and practice the remaining issues, notably the existing barriers to employment for disadvantaged groups, including women, young persons, persons with disabilities and persons vulnerable to intersectional discrimination;
- take steps to improve the employability of young persons, notably through vocational education and training programmes;
- take steps towards establishing control mechanisms under the national legislation to monitor the activities of private employment agencies, including considering the possibility of ratifying the Private Employment Agencies Convention, 1997 (No. 181);
- ensure cooperation with the social partners on existing labour market issues, annual employment programmes as well as on their implementation and provide concrete examples of the manner in which social partners are included in the development, implementation and review of employment policies and programmes and their views duly considered.

The Committee requests the Government to provide the Committee of experts with detailed updated information by 1 September 2023 on:

- measures taken to promote full productive employment, including those adopted in the framework of the Decent Work Country Programme (DWCP) 2019–23;
- the development and adoption of the National Employment Strategy (NES) and to provide a copy once adopted;
- statistical data disaggregated by sex and age, on employment trends in the country, particularly on employment, unemployment and underemployment;
- statistical data disaggregated by sex, age and region, on the nature, scope and impact of the measures and programmes implemented to promote the employment of groups vulnerable to decent work deficits, including women, young persons, persons with disabilities and persons vulnerable to intersectional discrimination;
- the impact of the measures taken to reduce the number of undeclared workers and facilitate their integration into the formal economy.

Netherlands – Sint Maarten

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee expressed with deep concern that the Government had not implemented the previous recommendations of the Committee.

Taking into account the discussion, the Committee urges the Government, in consultation with the social partners, to:

- fully implement all pending recommendations of the Committee;
- refrain from any undue interference with the right to freedom of association of employers' and workers' organizations, including any interference through the promotion of organizations that are not freely established or chosen by workers and employers, and ensure that this right is fully guaranteed both in law and in practice;
- ensure in law and practice the ability of workers' and employers' organizations to establish higher-level organizations in full freedom, including for the purpose of participation in the Socio-Economic Council (SER);
- ensure that workers' and employers' representatives on the SER are appointed by autonomous organizations freely established by workers and employers and convene the SER without delay;
- engage in a dialogue with autonomous organizations freely established by workers and employers on all matters affecting their interests or of their members; and
- ensure that public sector workers are able to fully exercise the rights and guarantees protected under the Convention in law and practice.

The Committee once again encourages the Government to request technical assistance from the ILO, with a view to bringing national law and practice fully in conformity with the Convention.

The Committee requests the Government to provide a report containing information on all measures taken and progress achieved to the Committee of Experts before 1 September 2023.

Cameroon (ratification: 1970)

Employment Policy Convention, 1964 (No. 122)

The Committee noted the written and oral information provided by the Government.

The Committee took note of the Government's efforts to support the transition of workers from the informal economy to the formal economy and of the strategies put in place to foster development and boost education and training.

The Committee regretted that the Government took no steps since 2017 to adopt and implement a comprehensive national employment policy as required by the Convention.

Taking note of the discussion that followed, the Committee urges the Government, in full consultation with the social partners, to:

- scale up efforts to ensure that the national employment policy is adopted, without further delay;
- guarantee participation of social partners and other stakeholders in the development and implementation of future iterations of the national employment policy;
- take measures to facilitate the transition of workers from the informal to the formal sector and provide adequate protection to all workers;

- promote access to employment for women and youth to reduce unemployment for these categories and to promote their long-term integration into the labour market;
- ensure that education, training and skills policies are harmonized with employment policies and facilitate the free choice of employment; and
- ensure the regular collection of information and statistical data so as to allow the Government to monitor progress and evaluate policies' implementation.

The Committee invites the Government to avail itself of the technical assistance provided by the ILO.

The Committee further requests the Government to provide a report on the progress made regarding the above issues as well as a copy of the national policy once adopted, before 1 September 2023.

Costa Rica (ratification: 1966)

Employment Policy Convention, 1964 (No. 122)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee regretted that the Government had failed to establish and implement a comprehensive national policy designed to promote full, productive and freely chosen employment in full consultation with the social partners.

Taking into account the discussion, the Committee requests the Government, in consultation with the social partners, to:

- adopt a comprehensive national employment policy to promote the creation of full, productive and freely chosen employment opportunities in line with the Convention;
- intensify efforts to strengthen social dialogue and include the social partners on the initiatives already developed as well as those that may be implemented in the future, notably on employment policies and programmes, incorporation of young people in the labour market as well as promotion of gender equality and equal opportunities in access to employment;
- provide information on the impact of the measures adopted to achieve the objectives of the Convention, including those adopted under the National Strategy for Employment and Productive Development (ENDEP) and the Bicentennial National Development and Public Investment Plan (PNDIP) 2019–22;
- take measures to ensure that the Act on strengthening public finances fully complies with the Convention and does not infringe on fundamental principles and rights at work;
- indicate the manner in which representatives of workers' and employers' organizations have been consulted, as well as representatives of the parties involved in the design, development, implementation, monitoring and revision of the active labour market measures adopted, including the Act on strengthening public finances;
- ensure tripartite consultation on the development of employment policies and programmes by creating a national tripartite council.

The Committee requests the Government to provide the Committee of Experts with full and complete information on the above issues before 1 September 2023.

Guatemala (ratification: 1952)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the oral and written information provided by the Government and the discussion that followed.

The Committee noted with deep concern the persistence of allegations of murders of trade unionists and other acts of anti-union violence as well as the general situation of impunity that prevails in the country.

Taking into account the discussion, the Committee urges the Government, in consultation with the social partners, to:

- take immediate measures to address the general situation of violence and intimidation, put an end to acts of violence and threat thereof against trade union leaders and members;
- fully implement the road map adopted on 17 October 2013 without further delay as well as any recommendations prepared by the ILO;
- investigate without delay all acts and threats of violence against trade union leaders and members to determine responsibilities, punish the perpetrators and identify the root causes of violence;
- provide rapid and effective protection to all trade union leaders and members who are under threat by increasing the budget for such programmes and ensure that protected individuals do not personally have to bear any costs arising from those schemes;
- take measures to adopt without delay the agreed amendments to eliminate legislative obstacles to the full exercise of freedom of association and develop legislation to allow for the formation of trade unions at the sectoral level; ensure the efficient registration of trade unions, including the implementation of the electronic tool designed by the ILO; and
- increase the visibility of the awareness-raising campaign on freedom of association in the media and ensure that there is no stigmatization of trade unions, their leaders and collective agreements.

Peru (ratification: 1960)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

The Committee took note of the written and oral information provided by the Government and the discussion that followed.

The Committee welcomed legislative developments addressing certain previous observations of the Committee of Experts but expressed concern with ongoing restrictions in law and practice on the right to freedom of association and the right to organize.

Taking the discussion into account, the Committee requests the Government, in consultation with the social partners, to adopt time-bound measures to:

- ensure that existing and prospective legislation is in conformity with the Convention;
- ensure that public servants, including judges, prosecutors and employees in positions of trust and leadership in the public administration, without distinction whatsoever, have the right in law and practice to establish and join workers' organizations of their own choosing;
- ensure the proper functioning of the National Labour and Employment Promotion Council (CNTPE) with a view to facilitating social dialogue and consultation with the social partners on labour law reform; and
- ensure in law and practice the right of workers' and employers' organizations to organize their activities and formulate their programmes in full freedom.

The Committee requests the Government to provide information, in consultation with the social partners, on the application of the Convention in law and in practice before 1 September 2023.

The Committee invites the Government to accept a direct contacts mission in order to fully implement these recommendations.

El Salvador (ratification: 1995)

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

The Committee took note of the oral information provided by the Government and the discussion that followed.

The Committee noted the allegations of serious and repeated violations of the Convention by the Government.

The Committee noted with deep concern the multiple allegations of interference by the authorities in the appointment of employers' and workers' representatives in public tripartite and joint bodies.

Taking the discussion into account, the Committee urges the Government, in consultation with the social partners, to:

- immediately cease all acts of violence, threats, persecution, stigmatization, intimidation or any other form of aggression against individuals or organizations in connection with both the exercise of legitimate trade union activities and the activities of employers' organizations, and adopt measures to ensure that such acts are not repeated, in particular for the National Business Association (ANEP) and its members;
- refrain from any interference in the exercise of freedom of association of employers and workers, including in the constitution of workers' and employers' organizations;
- put a stop to the delays in issuing the credentials of workers' and employers' organizations, including for ANEP, in line with their right to representation;
- ensure that all workers' and employers' organizations, including ANEP, enjoy the rights and freedoms under the Convention and are fully included in tripartite consultation and social dialogue;
- reactivate, without delay, the full operation of the Higher Labour Council (CST) and other tripartite bodies as well as ensure the development and adoption, in

consultation with social partners, of clear, objective, predictable and legally binding rules to ensure their effective and independent functioning, without any external interference;

- take without delay all necessary measures to repeal the legal obligation on trade unions to request renewal of their legal status every 12 months;
- amend the 23 decrees adopted on 3 June 2021 to ensure that employers' organizations are able to exercise their right to freely elect their representatives without any external interference; and
- develop a time-bound road map to implement without delay all the recommendations made by the 2022 ILO High-Level Tripartite Mission and the Committee's recommendations.

The Committee requests the Government to accept a direct contacts mission to ensure full compliance with the Convention.

The Committee further requests the Government to submit a detailed report on the implementation of the Convention in law and practice, including information on the content and outcome of tripartite consultations, to the Committee of Experts by 1 September 2023.

Guinea-Bissau (ratification: 1977)

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)

The Committee took note of the oral information provided by the Government and the discussion that followed.

Despite some steps taken to adjust the national minimum wage, the Committee regretted that it has still not been fixed and that the minimum wage has not been revised since 1988.

Taking into account the discussion, the Committee calls upon the Government, in consultation with the social partners, to:

- review the minimum wage for the public and private sectors without delay in accordance with the Convention; and
- establish the minimum wage fixing machinery in consultation with the social partners with a view to fixing and updating the minimum wage on a regular basis in accordance with the Convention.

The Committee also requests the Government to:

- strengthen social dialogue, including the machinery for consultations with workers' and employers' organizations, by ensuring their independence and autonomy in law and practice; and
- provide to the Committee of Experts a copy of the promulgated and published version of the new Labour Code.

The Committee requests the Government to avail itself of ILO technical assistance in close cooperation with freely established and independent workers' and employers' organizations to ensure full compliance with the Convention and to transmit a report on progress made to the Committee of Experts by 1 September 2023.

Nepal (ratification: 2002)

Worst Forms of Child Labour Convention, 1999 (No. 182)

The Committee noted the written and oral information provided by the Government and the discussion that followed.

The Committee noted the initiatives taken by the Government to address the worst forms of child labour.

The Committee noted with deep concern the persistence of the phenomenon, including agricultural-based bonded labour, commercial sexual exploitation and hazardous work in the brick kiln industry.

Taking into account the discussion, the Committee requests the Government, in consultation with the social partners, to:

- eliminate the worst forms of child labour, notably in agriculture, the brick kiln industry and the entertainment industry, and to ensure that child victims of such hazardous work are removed from these situations and rehabilitated, particularly through access to free education and vocational training;
- scale up its efforts to end child labour through a multi-causal approach and adopt policies to address the root causes of child labour;
- continue its efforts to ensure that all child victims of bonded labour receive adequate services for their rehabilitation and social integration, including access to free, basic and quality education; and to continue to provide information on measures taken in this regard, as well as on child victims of bonded labour who have been rehabilitated;
- take effective and time-bound measures to remove children from commercial sexual exploitation, bonded labour in agriculture and hazardous work in the entertainment and brick kiln industry and to provide adequate assistance for their rehabilitation and social integration and provide information to the Committee of Experts on the measures taken in this regard and the results achieved, indicating the number of children under 18 years removed and rehabilitated;
- increase material resources to the Ministry of Labour, Employment and Social Security to help combat the worst forms of child labour;
- provide information to the Committee of Experts on the application in practice of section 72 in relation to sections 66(3)(d), (h), (j) of the Act Relating to Children, 2018 for the offences related to the use, procuring or offering of children for the production of pornography or pornographic performances, indicating the number of cases reported, prosecutions, convictions and penalties applied;
- redouble efforts to combat trafficking in children and provide information to the Committee of Experts on the activities undertaken by the Nepal Police and the high-level task force, in monitoring and identifying victims of trafficking, and on the number of cases of trafficking of children identified, investigations, prosecutions and convictions carried out and the penalties imposed;
- improve the functioning of the education system to facilitate access to free, basic and quality education for all children, particularly girls and indigenous children, and to take measures to increase the school enrolment, attendance and completion rates and

to decrease the school drop-out rates, and provide information to the Committee of Experts on the measures taken in this regard, and on the results achieved; and

- provide information on the practical implementation of sanctions related to the newly introduced offences of child sexual abuse, as well as on the number of cases reported, prosecutions and convictions carried out, and penalties applied.

The Committee requests the Government to continue to avail itself of ILO technical assistance to ensure full compliance with the Convention without delay, focusing especially on:

- providing capacity-building to the labour administration, labour inspectorate and other public authorities in charge of combating child labour and protecting children; and
- reinforcing policy coherence and coordination at the national and regional level.

The Committee requests the Government to provide information as requested by the Committee of Experts before 1 September 2023, together with detailed information on the measures taken to implement these recommendations.

F. Adoption of the report and closing remarks

203. The Committee's report was adopted, as amended.

204. Employer members: It has been a very rich and interesting discussion, particularly for me, this being my first time as spokesperson. I have now the greatest respect for the work of my predecessor, Sonia Regenbogen and my counterpart Marc Leemans for the work that is involved in this process. It has been quite an eye-opening experience and I have to say that I now have an even greater respect also for the way the system works because, as we all know, the process of reporting by 1 September translates into an enormous amount of work behind the scenes at the Office and the Labour Standards Department, which then translates into a draft report that goes to the Committee of Experts who ultimately add their views, which are then translated into the report we all see and of course the basis for what we do here. So, the cyclical aspect of this is monumental in volume and yet it all gets done on time. I wish to pay tribute to the Office for that work and for the comprehensiveness of it because it is that material that we use to draw the conclusions, as well as the input from governments.

205. I would like to thank the governments for the fact that they have contributed so fully to the whole process. It is the additional information we get on top of reports that gives colour, flavour and a link to reality to the work that we do. It greatly assists the ability of the Worker and Employer members to draft the conclusions that we reach. I quite appreciate that the conclusions are not always to the liking of the governments that receive them. There are times when the Committee is called upon to do things that are less palatable than it would like them to be. However, we equally see, and I have received a great deal of comment about this from Government, Worker and Employer members, that the reflections are in fact balanced and fair and that the Committee has heard what has been said and has translated that information into a workable reality for them.

206. I want to pay tribute also to the Worker members, and particularly to my counterpart Marc Leemans, who has been incredible, not only good humoured, but patient with me as I learn at this role. He has demonstrated a great deal of expertise and his knowledge in terms of the ways that the process is put together. Both of us come from a long background of industrial relations and collective bargaining, and the feel of the process is not foreign to us, but the

mechanics of it will still be something new for me and Marc. I thank you for the patience you have shown with me through that process. We did deliver on time, and I think we delivered results that most people can live with, which is great.

207. Lastly, I want to pay tribute to my team, who has done enormous amounts of work behind the scenes, the team from the International Organisation of Employers (IOE) and the team from the ILO Office for Employers' Activities (ACT/EMP). I saw it in the Employer members' meeting this morning. It is a bit like being a surgeon, where you have a top-notch team behind you. The job gets done because when you put your hand out, you get the right tool at the right time, and you get gently reminded to make sure you take all the tools back out again before you close the case. So, with all of that, I would like to close by saying thank you to everybody; it has been a great experience and I look forward to next year.
208. **Worker members:** We have come to the end of our session, and this is also the time to take stock. We can already say that we have had interesting, open and generally fruitful discussions. I wish to emphasize that all the cases we have examined had a reason for being on the list and were agreed by consensus. There is no need to issue reservations in this regard. We recall that the exercise of certain responsibilities implies accepting the result. The same applies to the presence of the governments whose cases are being discussed. The fact of being on the long list means that provision must be made to be present in Geneva from the start of the Conference.
209. The adoption of the conclusions illustrates the capacity of our Committee to reach agreements despite differences of opinion. I note in passing that we have been able to hold our discussions within the times and limits set. The concerns that some participants had in this regard in the end turned out to be unjustified.
210. I just mentioned the openness of our exchanges. I am thinking in particular of those dedicated to the right to strike. Each group had the opportunity to recall its position on the subject. The discussion of certain cases had the merit of demonstrating that there is no more margin for more dialogue and that we have no doubt reached the limits of this discussion. It is therefore high time to act upon the options set out by the Constitution to end this dispute that has persisted for too long. It is high time also to ensure legal certainty with regard to this issue.
211. Our Committee has also been able to reflect on its place among and links with the other supervisory bodies, in particular the Committee of Experts. Our group took note of the meeting between governments and the Committee of Experts, and we refer to the comments expressed in this regard.
212. We have become accustomed to recalling the support of the Worker members for the independence and autonomy of the Committee of Experts. At the risk of repeating it for the hundredth time, there is no difference in opinion between our two committees. There are, however, some differences in opinion between the Employer and Worker members on certain very specific subjects. The stability, credibility and balance of the supervisory system means that the Committee of Experts must not focus on these differences. Its mission means that it must carry out its own assessment of these issues within the framework of a permanent dialogue with Member States. Some regularly call for more convergence between our two committees. They do not seem to realize that of around 95 per cent of the issues addressed, this convergence is already there, as our conclusions are in line with the observations of the Committee of Experts. Certainly, there are sometimes different nuances, which are largely explained by the nature of our Committee, whose role is different from the Committee of Experts. The Worker members are convinced that we should move forward and leave these

sterile discussions behind us. We must ensure legal certainty and reflect on ways and means to really improve our impact.

- 213.** The ILO mandate aims to recognize and defend workers' rights. All ILO actions must gravitate around this objective. This is what we are pointing at through a more all-encompassing notion, that is, social justice. Workers' rights are the yardstick to measure the actions and projects undertaken. I do not need to recall the degree of eloquence of the Declaration of Philadelphia in this regard. This Declaration underscores that all programmes and actions must be assessed in the light of this fundamental objective. As proof of this, you can read any ILO instrument to realize that this is the ultimate goal and that the other aspects are only a means to an end. I also recall that the resolution adopted by the Conference in 2007 unequivocally states that compliance with international standards is a condition for the sustainability of enterprises.
- 214.** With these considerations in mind, we can but express astonishment at attempts to put workers' rights on an equal footing with the development of sustainable enterprises. There is no equivalence between these two terms. The guarantee of workers' rights is the objective, targeted and sustainable enterprises are only a means to achieve that. It is our duty to remove this kind of confusion because to promote an idea, it must not come under any ambiguity or ambivalence.
- 215.** I cannot conclude without giving thanks to certain people as is custom. On behalf of the Worker members, I give sincere thanks to the Chairperson of our Committee who directed the work with composure, our Reporter for her conscientious work and the whole of the secretariat, which has carried out a colossal amount of work. A special mention goes to the representative of the Secretary-General, Ms Corinne Vargha, for her relentless investment, and that of her team. Thanks also to the interpreters and the technical staff, the delegates who contributed to our discussions for their inputs, and the Employer spokesperson, Mr Paul Mackay, who underwent his baptism of fire.
- 216.** Of course, I also give thanks to my group, the Worker members, for their active participation and their solidarity. I mention in particular those who accepted the role of spokesperson in the examination of certain cases: Catherine Schlachter, Nina Mjoberg, Mikyung Ryu, Tjalling Postma, Stephen Russell, Losi Zingiswa, Clare Middlemas, Alejandra Ortega Fuentes and Marta Pujadas. I also thank my direct collaborators from the International Trade Union Confederation (ITUC) and the ILO Bureau for Workers' Activities (ACTRAV). Thank you all for your attention and I wish you the best going forward.
- 217. The Government member of Sweden speaking on behalf of the EU and its Member States:** The candidate countries, Albania, Bosnia and Herzegovina, North Macedonia, the Republic of Moldova, Montenegro and Serbia, the potential candidate country Georgia, the EFTA countries, Iceland and Norway, members of the European Economic Area, align themselves with this statement. We would like to start by warmly thanking the Chairperson of the Committee for his efficient leadership of the discussions and his very good time management. We also extend our warm thanks to the Vice-Chairpersons and the Reporter for their constructive spirit, contributions and efficiency. We also thank the Office for its dedicated support and guidance throughout the sittings. We appreciate that we have come back to a pre-COVID schedule, examined 24 cases and met fully in person.
- 218.** We welcome the discussions and constituents' positive approach and engagement in the process. The Conference Committee embodies a true essence of mutual respect and tripartism. We strongly believe that commitment to the work of the Committee to improve the effective implementation of ILO Conventions should remain a priority for all constituents. We strongly believe in the fundamental importance of international labour standards, their

ratification, and the effective, independent and authoritative supervision of their implementation. We share the view that human rights, including international labour standards, are fundamental for relations between peoples and nations. Through the EU Action Plan on Human Rights and Democracy we have placed an increased emphasis on human rights, including labour rights.

219. We are very pleased that UN human rights treaty bodies and the ILO supervisory bodies are reinforcing their cooperation in order to promote human rights, including labour rights, and ensure that international labour standards are included in the UN Sustainable Development Cooperation Frameworks.
220. We highly appreciate the analysis and expertise of the Committee of Experts, which provides the essential groundwork for the Conference Committee. We recall our strong commitment to the independence, objectivity and impartiality of the Committee of Experts and its reports. We are firm advocates of the need for an independent, expert-based, efficient and robust supervisory system to oversee the implementation of and compliance with ILO Conventions. We are convinced that a well-functioning and authoritative supervisory system, tripartism and social dialogue are critical to ensure the credibility of the Organization's work as a whole.
221. The Conference Committee is a unique mechanism that enables all constituents to discuss the implementation of ILO Conventions in a constructive, respectful and tripartite manner, based on objective, impartial and independent observations by the Committee of Experts. It enables the exchange of views and fosters progress. In this respect, we welcome that the conclusions of the Conference Committee are more action-oriented, ambitious and achievable, fostering the commitment of ILO Member States. We encourage the Member States to comply with the conclusions to the greatest extent possible, where appropriate with the support of ILO's technical assistance and/or missions.
222. We appreciate the timely discussion we had on the well-drafted and important General Survey of the Committee of Experts, which highlights the legal and institutional framework required to achieve gender equality at work, as well as measures and proposals for future action in promoting gender equality. We would like to underline and repeat our unequivocal support of the independent mandate and autonomy of the Committee of Experts to monitor and analyse the application in law and practice of any ILO Convention.
223. We attach great value to the General Survey as a method of analysing difficulties in the application of standards and identifying means of overcoming these obstacles. We underline the importance for ILO Member States to submit reports for its preparation. We appreciate the observations of social partners in this process.
224. We will continue to fully support and reinforce the ILO's supervisory system, which operates in a challenging environment, as we remain convinced that it is one of the most extensive and valuable elements of the multilateral rules-based order. We are looking forward to constructive engagement with the Office and the tripartite constituents in the follow-up to the conclusions of the Committee.
225. **Chairperson:** It has been an honour for me personally and for my country to represent the Asia-Pacific group and to have the opportunity, as well as the responsibility, to steer the work of this very important Committee. It has been an extremely beneficial experience, in the sense that I got to know "the plumbing of the ILO system", if I can call it that. Its architecture is vast, and it was great knowing it in detail. I think even more important for me was to see the continuing salience, relevance and, I would even say, major importance of this Organization's architecture, that is to say, tripartism, norms and standards, given the very serious nature of

challenges that we all confront. As some of the social and economic impacts from the pandemic are evident and still unfolding, we have serious social, economic and other impacts emerging from the conflict in Ukraine. It is like a perfect storm and, while some of the impacts are visible and being felt, it seems that there is a lot that is yet to come and the world of work will be impacted. Hence the salience, the importance and the relevance of this elaborate framework to promote and protect the rights of the workers but also the employers.

- 226.** In this ecosystem, cooperation and dialogue are the key. I saw that reflected in the willingness to engage in dialogue and acknowledge the difficulties while renewing the commitment to work on them with the help and assistance that the ILO provides, that is, the technical assistance, the advisory services, the missions and other tools that are available. I was struck by the work that is undertaken not only in terms of developing norms but also on the operational side. It is a huge machine that often goes unnoticed. Thus, one of my takeaways to share with my colleagues here in Geneva and elsewhere is the amount of work, good work, that is done in this ecosystem.
- 227.** I would like to thank all of you, the tripartite constituents, despite the inconvenience that you faced being split in two rooms. I understand that next year this will no longer be the case and the historic room of the Committee will be available. I would also like to apologize in case I interrupted your interventions. This, I can assure you, was only driven by, perhaps, my zeal to manage the time more efficiently but there was no personal element in that.
- 228.** I would like to thank both the Vice-Chairpersons for their support, for their cooperation and for their constructive understanding. I would also like to thank the Reporter. I know from my experience that it is quite a task to deliver on the Reporter's duties. The two Vice-Chairpersons and the Reporter were of great help as they replaced me at certain moments when I was called upon to undertake other unforeseen tasks.
- 229.** Last but not least, I would like to echo the sentiments expressed by Mr Leemans about one person and her team: representative of the Secretary-General, Ms Corrine Vargha; thank you so much for all the support, for the wise counsel. I would also like to thank your colleagues, the coordinators of the Committee's secretariat, everyone on this podium and those who are not here. I would also like to particularly thank the interpreters for the long hours and, at times, having to deal with voice quality and speed of the statements. Also of course, the technicians, including the sound technicians and those who manage the camera in the room. Thank you very much for your work. With this, I declare this session of the Committee on the Application of Standards closed.

Geneva, 15 June 2023

(Signed) H.E. Ambassador Khalil Hashmi
Chairperson

Ms Joanna Žeber
Reporter

Annex I

International Labour Conference
111th Session, 2023

► CAN/D.1

Committee on the Application of Standards

Date: 5 May 2023

► Work of the Committee

I. Work of the Committee

1. This document (D.1) sets out the manner in which the work of the Committee on the Application of Standards (the Committee) is carried out. It is submitted to the Committee for adoption when it begins its work at each session of the Conference.¹ This document reflects the results of the discussions and informal tripartite consultations that have taken place, since 2002, on the working methods of the Committee, including on the following issues: the elaboration of the list of individual cases to be discussed by the Committee; the preparation and adoption of the conclusions relating to these individual cases; time management and respect for parliamentary rules of decorum.
2. This document takes into account the outcome of the last informal tripartite consultations on the working methods of the Committee, held on 5 April 2023. These consultations have taken due note that the Committee would require to allow it to discharge its constitutional obligations within the framework of a session of the Conference that marks a return to in-person participation and in particular discussed the opportunity of maintaining certain measures that were taken to address the special circumstances in the context of the COVID-19 pandemic but could contribute to the ongoing smooth functioning of the Committee's work.

II. Terms of reference and composition of the Committee, voting procedure and report to the Conference

3. Under its terms of reference as defined in article 10, paragraph 1, the Conference shall establish a Committee on the Application of Standards to consider:
 - (a) compliance by Members with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution;

¹ Since 2010, the document is appended to the General Report of the Committee.

- (b) individual cases relating to the measures taken by Members to give effect to the Conventions to which they are parties;
 - (c) the law and practice of Members with regard to selected Conventions to which they are not parties and Recommendations, as chosen by the Governing Body (General Survey).
4. In accordance with article 10, paragraph 2, of the Standing Orders, the Committee shall also consider reports transmitted by the Governing Body to the Conference for the Committee's consideration.
 5. In accordance with article 10, paragraph 3, of the Standing Orders, no resolutions may be submitted under article 41 to the Committee on the Application of Standards.
 6. In accordance with article 10, paragraph 4, of the Standing Orders, the Committee shall submit a report to the Conference. Since 2007, in response to the wishes expressed by ILO constituents, the report of the Committee has been published both in the *Record of Proceedings* of the Conference and as a separate publication, to improve the visibility of the Committee's work.
 7. Questions related to the composition of the Committee, the right to participate in its work and the voting procedure are regulated by Part 4 of the Standing Orders of the Conference.
 8. Each year, the Committee elects its Officers: its Chairperson and Vice-Chairpersons, as well as its Reporter.

III. Working documents

A. Report of the Committee of Experts

9. The basic working document of the Committee is the report of the Committee of Experts on the Application of Conventions and Recommendations (Report III (Parts A and B)), printed in two volumes.
10. Report III (Part A) contains the General Report of the Committee of Experts (Part One), the observations of the Committee of Experts concerning the sending of reports, the application of ratified Conventions and the obligation to submit the Conventions and Recommendations to the competent authorities in Member States (Part Two), the Joint statement by the ILO Committee of Experts on the Application of Conventions and Recommendations and UN Human Rights Treaty Bodies Chairpersons (Addendum). At the beginning of the report there is an index of comments by Convention and by country. In addition to the observations contained in its report, the Committee of Experts has, as in previous years, made direct requests which are communicated to governments by the Office on the Committee's behalf.²
11. Report III (Part B) contains the General Survey prepared by the Committee of Experts on a group of Conventions and Recommendations decided upon by the Governing Body.

B. Summaries of reports

12. At its 267th Session (November 1996), the Governing Body approved new measures for rationalization and simplification of the arrangements for the presentation by the Director-

² See [para. 107](#) of the General Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part A), International Labour Conference, 111th Session, 2023. A list of direct requests can be found in Appendix VII of Report III (Part A).

General to the Conference of summaries of reports submitted by governments under articles 19, 22 and 35 of the Constitution.³ Requests for consultation or copies of reports may be addressed to the secretariat of the Committee.

C. Other information

13. The secretariat prepares documents (which are referred to, and referenced, as “D documents”) which are made available⁴ during the course of the work of the Committee through its [web page](#) to provide the following information:
 - (a) reports and information which have reached the International Labour Office since the last meeting of the Committee of Experts; based on this information, the list of governments which are invited to supply information to the Conference Committee due to serious failure to respect their reporting and other standards-related obligations is updated;⁵
 - (b) written information supplied by governments to the Conference Committee in reply to the observations made by the Committee of Experts, when these governments are on the preliminary list of cases or on the list of individual cases adopted by the Conference Committee;⁶
 - (c) written information supplied by governments that have been requested to supply information on cases of serious failure to respect reporting or other standards-related obligations for the stated periods;⁷
 - (d) written information supplied by delegates for the general discussion.⁸

IV. General discussion

14. In accordance with its usual practice, the Committee begins its work with the consideration of its working methods on the basis of this document. The Committee then holds 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, which is primarily based on the General Report of the Committee of Experts.
15. During the informal tripartite consultations held in April 2023, it was decided to continue the practice adopted on an exceptional basis in 2021 and 2022 to allow the possibility for delegates to submit written information. Information received prior to the relevant sitting will be published as early as possible, to the extent possible translated into three languages, and included in the Committee’s final report.⁹ It was also decided that in order to provide guidance to the speakers, speaking time limits could be suggested and that the speaking time limits for the discussion of the General Survey could be used as a basis.
16. The Committee will also hold a discussion on the General Survey, entitled *Achieving gender equality at work*. The General Survey concerns the Discrimination (Employment and

³ See report of the Committee of Experts, Report III (Part A), Appendices I, II, IV, V and VI; and Report III (Part B), Appendix II.

⁴ D documents will be made available online on the Committee’s dedicated web page.

⁵ See below Part V.

⁶ See below Part VI (supply of information).

⁷ See below Part V.

⁸ See below Part IV.

⁹ The Committee’s report will distinguish between written information and information shared orally.

Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165) and the Maternity Protection Recommendation, 2000 (No. 191).¹⁰

17. At the informal tripartite consultations in April 2023, it was decided that the total time for the discussion of the General Survey should be a maximum of four hours. The usual speaking times have been increased for the initial remarks of the Employer and Worker spokespersons, as well as for the Government groups (see below, Part IX).

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

18. Governments are invited to supply information on cases of serious failure to respect reporting or other standards-related obligations for stated periods. These cases are considered in a dedicated sitting of the Committee. Governments that submit the required information or reports before the sitting will not be called before the Committee. The discussion of the Committee, including any explanations of difficulties that may have been provided by the governments concerned, and the conclusions adopted by the Committee under each criterion are reflected in its report.
19. In the context of the informal tripartite consultations in April 2023, it was decided to maintain the possibility for the governments concerned to communicate written information on such failures one week before the date of the special sitting, that is **Tuesday, 30 May 2023**. This information will be published in three languages prior to the sitting.
20. During the sitting, the governments concerned may, if they so wish, provide information on any new development and the Employer and Worker spokespersons will present their remarks on this subject.
21. It should be recalled that the Committee identifies the cases on the basis of criteria which are as follows:¹¹
 - none of the reports on ratified Conventions have been supplied during the past two years or more;
 - first reports on ratified Conventions have not been supplied for at least two years;
 - none of the reports on unratified Conventions and Recommendations requested under article 19, paragraphs 5, 6 and 7, of the Constitution have been supplied during the past five years;

¹⁰ It should be recalled that the subjects of General Surveys have been aligned with the strategic objectives that are examined in the context of the recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022.

¹¹ These criteria were last examined by the Committee in 1980 (see *Provisional Record* No. 37, International Labour Conference, 66th Session, 1980, para. 30).

- no indication is available on whether steps have been taken to submit the instruments adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution;¹²
 - no information has been received as regards all or most of the observations and direct requests of the Committee of Experts to which a reply was requested for the period under consideration;
 - the government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies of reports and information supplied to the Office have been communicated.
22. At its 88th and 89th Sessions (2017 and 2018), the Committee of Experts decided to institute a new practice of launching “urgent appeals” on cases corresponding to certain criteria of serious reporting failure.¹³ The aim is also to draw the attention of the Committee to these cases, so that governments may be called before it. Thus, at its session in November–December 2022, the Committee of Experts issued urgent appeals to nine countries that had failed to send the reports requested for three years or more.¹⁴ The countries to which urgent appeals have been addressed will be invited to provide information to the Committee during the examination of cases of serious failure to comply with reporting obligations.

VI. Individual cases

23. The Committee considers a certain number of cases relating to the application of ratified Conventions. These cases, so-called “individual cases”, are selected on the basis of the observations published in the report of the Committee of Experts.

Preliminary list

24. Since 2006, an early communication to governments of a preliminary list of individual cases for possible discussion by the Committee concerning the application of ratified Conventions has been instituted. Since 2015, the preliminary list of cases has been made available 30 days before the opening of the International Labour Conference. The preliminary list is a response to the requests from governments for early notification, so that they may better prepare themselves for a possible intervention before the Committee. This list may not in any way be considered definitive, as the adoption of a final list is a function that only the Committee itself can assume. During the informal tripartite consultations of March 2019, it was decided to provide the opportunity for governments appearing on the preliminary list of cases to provide, if they so wished, written information to the Committee. This information provided, on a purely voluntary basis, should concern only new developments not yet examined by the Committee of Experts. They must be transmitted in at least one of the three working languages of the Office at the latest **two weeks before the beginning of the opening of the session of the**

¹² This time frame begins at the 99th Session (2010) and concludes at the 108th Session (2019) of the International Labour Conference, bearing in mind that the Conference did not adopt any Conventions or Recommendations during the 97th (2008), 98th (2009), 102nd (2013) and 107th (2018) Sessions.

¹³ See paras 9 and 10 of the General Report of the Committee of Experts, Report III (Part A), International Labour Conference, 107th Session, 2018.

¹⁴ See “general comments”, section I of Part II of the Report of the Committee of Experts, Report III (Part A).

Conference¹⁵ and, to the extent possible, shall not exceed 2,000 words. A specific [template](#) for transmission of the information is available on the web page of the Committee.

Establishment of the list of cases

25. The list of individual cases is submitted to the Committee for adoption, after the Employers' and Workers' groups have met to discuss and adopt it. The final list is normally adopted at the beginning of the Committee's work. In the context of the informal tripartite consultations in April 2023, it was decided that the final list, this year again, could be adopted during the first sitting of the session of the Committee, to be held on Monday afternoon, 5 June 2023.
26. As of the revision in 2015 of the criteria for the selection of cases, the selection should take into consideration, on balance, the following elements:

- the nature of the comments of the Committee of Experts, in particular the existence of a footnote;
- the quality and scope of responses provided by the government or the absence of a response on its part;
- the seriousness and persistence of shortcomings in the application of the Convention;
- the urgency of a specific situation;
- comments received by employers' and workers' organizations;
- the nature of a specific situation (if it raises a hitherto undiscussed question, or if the case presents an interesting approach to solving questions of application);
- the discussions and conclusions of the Conference Committee of previous sessions and, in particular, the existence of a special paragraph;
- the likelihood that discussing the case would have a tangible impact;
- balance between fundamental, governance and technical Conventions;
- geographical balance; and
- balance between developed and developing countries.

27. There is also the possibility of examining one case of progress as was done in 2006, 2007, 2008 and 2013.¹⁶
28. Since 2007, it has been the practice to follow the adoption of the list of individual cases with an informal information session for governments, hosted by the Employer and Worker Vice-Chairpersons, to explain the criteria used for the selection of individual cases.

Automatic registration

29. Since 2010, cases included in the final list have been automatically registered and scheduled by the Office, on the basis of a rotating alphabetical system, following the French alphabetical order. The "A+5" model has been chosen to ensure a genuine rotation of countries on the list. This year, the registration will begin with countries with the letter "I". Cases will be divided into two groups: the first group of countries to be registered following the above alphabetical order will consist of those cases in which the Committee of Experts requested governments to submit

¹⁵ Before Monday 22 May 2023.

¹⁶ See [paras 119–125](#) of the General Report of the Committee of Experts. The criteria developed by the Committee of Experts for identifying cases of progress are also reproduced in Appendix II of this document.

full particulars to the Conference (“double-footnoted cases”).¹⁷ The Office will then register the second group, which will comprise the other cases on the final list, also following the above-mentioned alphabetical order. In the context of the informal tripartite consultations in April 2023, it was agreed that the Office would adapt this practice in respect of planning to take account of the complexity of cases in order to ensure a certain predictability for the government and social partners of the country concerned.

30. Information on the agenda of the Committee and the date on which cases may be heard is available:
 - (a) through the *Daily Bulletin* and the Committee’s dedicated [web page](#);
 - (b) by means of a D document containing the list of individual cases and the working schedule for the examination of these cases, which is made available to the Committee as soon as possible after the adoption of the list of cases.¹⁸

Supply of information

31. Prior to their oral intervention before the Conference Committee, governments may submit written information that will be summarized by the Office and made available to the Committee.¹⁹ This written information is to be provided to the Office at least two days before the discussion of the case. It serves to complement the oral intervention by the Government representative of the country concerned. It may not reproduce the information contained in the oral statement nor any other information already provided by the government. The total number of pages is not to exceed five.

Adoption of conclusions

32. The conclusions regarding individual cases are proposed by the Vice-Chairpersons and submitted by the Chairperson to the Committee for adoption. The conclusions should take due account of the elements raised in the discussion and information provided in writing by the government. The conclusions should be short, clear and specify the action expected of governments. They may also include reference to the technical assistance to be provided by the Office. The conclusions should reflect consensus recommendations. Divergent views can be reflected in the Committee’s Record of Proceedings.
33. Conclusions on the cases discussed will be adopted at dedicated sittings. During the informal tripartite consultations in April 2023, it was agreed that the conclusions of all the individual cases continue to be adopted at the end of the session of the Committee.²⁰ It has also been decided to maintain the practice implemented in 2021 and 2022 under which the draft conclusions are transmitted to a person designated by the government concerned a few hours before the adoption of the text. During the sitting, the conclusions are made visible on a screen. The Government representatives may take the floor after the Chairperson has announced the adoption of the conclusions.

¹⁷ See [para. 117](#) of the General Report of the Committee of Experts.

¹⁸ Since 2010, this document is appended to the General Report of the Committee.

¹⁹ See above, Part III(C).

²⁰ The two sittings dedicated to the adoption of conclusions on individual cases are scheduled for Wednesday afternoon, 14 June, and Thursday morning, 15 June.

34. As per the Committee's decision in 1980,²¹ Part One of its report will contain a section entitled "Application of ratified Conventions", in which the Committee draws the attention of the Conference to: (i) cases of progress, where governments have introduced changes in their law and practice in order to eliminate divergences previously discussed by the Committee; (ii) certain special cases, which are mentioned in special paragraphs of the report; and (iii) cases of continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions which it had previously discussed – including "urgent appeals" (see section V).

VII. Participation in the work of the Committee

35. As regards failure by a government to take part in the discussion concerning its country, despite repeated invitations by the Committee, the following measures will be applied, in conformity with the decision taken by the Committee at the 73rd Session of the Conference (1987), as amended at the 97th Session of the Conference (2008),²² and mention will be made in the relevant part of the Committee's report:
- In accordance with the usual practice, after having established the list of cases regarding which Government delegates might be invited to supply information to the Committee, the Committee shall invite the governments of the countries concerned in writing, and the *Daily Bulletin* shall regularly mention these countries.
 - Three days before the end of the discussion of individual cases, the Chairperson of the Committee shall request the Clerk of the Conference to announce every day the names of the countries whose representatives have not yet responded to the Committee's invitation, urging them to do so as soon as possible.
 - On the last day of the discussion of individual cases, the Committee shall deal with the cases in which governments have not responded to the invitation. Given the importance of the Committee's mandate, assigned to it in 1926, to provide a tripartite forum for dialogue on outstanding issues relating to the application of ratified international labour Conventions, a refusal by a government to participate in the work of the Committee is a significant obstacle to the attainment of the core objectives of the International Labour Organization. For this reason, the Committee may discuss the substance of the cases concerning governments which are registered and present at the Conference, but which have chosen not to be present before the Committee. The debate which ensues in such cases will be reflected in the appropriate part of the report, concerning both individual cases and participation in the work of the Committee. In the case of governments that are not present at the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised.²³ In both situations, a particular emphasis will be put on steps to be taken to resume the dialogue.

²¹ See footnote 11.

²² See *Provisional Record* No. 24, International Labour Conference, 73rd Session, 1987, para. 33; and *Provisional Record* No. 19, International Labour Conference, 97th Session, 2008, para. 174.

²³ In the case of a government which is not accredited or registered to the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised. It was considered that no country should use inclusion on the preliminary list of individual cases as a reason for failing to ensure that it was accredited to the Conference. If a country on the preliminary list registered after the final list was approved, it should be asked to provide explanations (see *Provisional Record* No. 18, International Labour Conference, 100th Session, 2011, Part I/54).

VIII. Minutes of the sittings – Verbatim

36. In the context of the informal tripartite consultations on the working methods of the Committee of November 2018 and March 2019, it was decided that the general discussion, the discussion of the General Survey, as well as the discussion of cases of serious failure to respect reporting or other standards-related obligations and the discussion of individual cases will be produced in the form of verbatim transcripts. Each intervention will be reproduced in extenso in the language of work in which it has been delivered, or failing that, chosen by the government – English, French or Spanish – and the verbatim draft minutes will be made available online on the Committee’s dedicated web page.²⁴ It is 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 the Chairperson when they are made available to the Committee. The amendments should appear clearly in the relevant document and submitted electronically.²⁵ In order to avoid delays in the preparation of the Committee’s report, no amendments may be accepted once the draft minutes have been approved. To the extent that the discussions are reproduced in extenso in the form of verbatim draft minutes, their amendments will be limited exclusively to the elimination of transcription errors.
37. Following the informal tripartite consultations, it was also decided to reorganize the two parts of the Committee’s report. The first part of the report of the Committee will contain the verbatim minutes of the general discussion, the outcome of the discussions on the General Survey, the conclusions adopted following the examination of the “automatic” cases and the examination of the “individual” cases – including, where appropriate, the special paragraphs – as well as the verbatim minutes of the discussion on the adoption of the report and the closing remarks. This first part of the report will be produced in the form of a consolidated document and will be translated into the three languages for adoption by the Conference in plenary session.
38. The second part of the report of the Committee will consist of trilingual (patchwork) verbatim minutes of the discussion of the General Survey, the discussion of “automatic” cases and the discussion of “individual” cases. These verbatim minutes will be available online on the Committee’s web page as they are adopted. The second part of the report of the Committee will be submitted to the plenary sitting of the Conference for adoption only in electronic format.
39. The full report (first and second parts) translated into the three languages will be made available online 30 days after its adoption by the plenary sitting of the Conference.

IX. Time management

40. Every effort will be made so that sessions start on time and the schedule is respected. During the informal tripartite consultations in April 2023, it was decided to return to the speaking time limits established before the pandemic with some adjustments as mentioned above. The speaking times will be as follows.
 - With regard to the discussion of individual cases:

²⁴ These new modalities result from the informal tripartite consultations of March 2016. Delegates who will be intervening in a language other than English, French or Spanish will be able to indicate to the secretariat in which of these three working languages their intervention should be reflected in the verbatim draft minutes.

²⁵ Please refer to Appendix III or contact the secretariat in relation to the procedure for amendments to draft minutes.

- 15 minutes for the government whose case is being discussed;
 - 10 minutes for the spokespersons of the Workers' and the Employers' groups;
 - 10 minutes for the Employer and Worker members, respectively, from the country concerned, to be divided between the different speakers of each group;
 - 7 minutes for Government groups;
 - 5 minutes for the other members;²⁶
 - 15 minutes for the concluding remarks by the government whose case is being discussed;
 - 10 minutes for the concluding remarks by the spokespersons of the Workers' and the Employers' groups.
- With regard to the general discussion, and for guidance purposes:²⁷
 - 20 minutes for the spokespersons of the Workers' and the Employers' groups;
 - 15 minutes for the representative of the Secretary-General, the Chairperson of the Committee of Experts and the Chairperson of the Committee on Freedom of Association;
 - 12 minutes for statements by Government groups;
 - 5 minutes for the other members.
 - With regard to the discussion of the General Survey:²⁸
 - 20 minutes for the spokespersons of the Workers' and the Employers' groups;
 - 12 minutes for Government groups;
 - 5 minutes for the other members;
 - 10 minutes for the concluding remarks by the spokespersons of the Workers' and the Employers' groups.
- 41.** Both for the general discussion and for the discussion of the General Survey, the Chairperson, in consultation with the other Officers of the Committee, may nevertheless decide to reduce the time limits where the situation of a case would warrant it, for instance, where there is a very long list of speakers; on the understanding that the total duration of the discussion of the General Survey should not exceed four hours. These time limits will be announced by the Chairperson at the beginning of each sitting and will be strictly enforced.
- 42.** During interventions, the remaining time available to speakers will be displayed on the screen and will be visible to all speakers. Once the maximum speaking time has been reached, the speaker will be interrupted.
- 43.** The list of speakers will also be visible on the screen. The delegates should register on that list as soon as possible.²⁹ At the informal tripartite consultations in 2022 and 2023, it was decided

²⁶ This time limit may be reduced to three minutes by the Chairperson, in consultation with the other Officers of the Committee, for instance where there is a very long list of speakers. In this case, the Office will try as far as possible to inform the delegates on the list of speakers.

²⁷ At the informal tripartite consultations in April 2023, it was decided that, in order to provide guidance to the speakers, it would be appropriate to propose speaking times based on those set for discussion of the General Survey.

²⁸ These arrangements result from the informal tripartite consultations of March 2016 and April 2023.

²⁹ These arrangements result from the informal tripartite consultations of March 2016.

to maintain the practice of drawing up a list of speakers 24 hours before the examination of each item on the Committee's agenda. Delegates who are accredited to the Conference and registered in the Committee should request their inclusion on the list of speakers by sending an email to CAN@ilo.org. The speaking times will be adjusted according to the number of speakers registered. Speakers who have not registered in advance may be given the floor if time allows.

X. Respect of rules of decorum and role of the Chairperson

- 44.** 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.
- 45.** It is the role and task of the Chairperson to maintain order and to ensure that the Committee does not deviate from its fundamental purpose to provide an international tripartite forum for full and frank debate within the boundaries of respect and decorum essential to making effective progress towards the aims and objectives of the International Labour Organization.

Appendix 1

Criteria developed by the Committee of Experts for footnotes

Excerpts of the General Report of the Committee of Experts (ILC.111/III(A))

112. As in the past, the Committee has indicated by special notes (traditionally known as “footnotes”) at the end of its comments the cases in which, because of the nature of the problems encountered in the application of the Conventions concerned, it has deemed it appropriate to ask the government to supply a report earlier than would otherwise have been the case and, in some instances, to supply full particulars to the Conference at its next session in June 2023.
113. In order to identify cases for which it inserts special notes, the Committee uses the basic criteria described below, while taking into account the following general considerations. First, the criteria are indicative. In exercising its discretion in the application of the criteria, the Committee may also have regard to the specific circumstances of the country and the length of the reporting cycle. Second, the criteria are applicable to cases in which an earlier report is requested, often referred to as a “single footnote”, as well as to cases in which the government is requested to provide detailed information to the Conference, often referred to as a “double footnote”. The difference between these two categories is one of degree. Third, a serious case otherwise justifying a special note to provide full particulars to the Conference (double footnote) might only be given a special note to provide an early report (single footnote) when there has been a recent discussion of the case in the Conference Committee. Finally, the Committee wishes to point out that it exercises restraint in its recourse to “double footnotes” in deference to the Conference Committee’s decisions as to the cases it wishes to discuss.
114. The criteria to which the Committee has regard are the following:
 - the seriousness of the problem; in this respect, the Committee emphasizes that an important consideration is the necessity to view the problem in the context of a particular Convention and to take into account matters involving fundamental rights, workers’ health, safety and well-being, as well as any adverse impact, including at the international level, on workers and other categories of protected persons;
 - the persistence of the problem;
 - the urgency of the situation; the evaluation of such urgency is necessarily case specific, according to standard human rights criteria, such as life-threatening situations or problems where irreversible harm is foreseeable; and
 - the quality and scope of the government’s response in its reports or the absence of response to the issues raised by the Committee, including cases of clear and repeated refusal on the part of a State to comply with its obligations.
115. In addition, the Committee wishes to emphasize that its decision not to double footnote a case which it has previously drawn to the attention of the Conference Committee in no way implies that it has considered progress to have been made therein.
116. At its 76th Session (November–December 2005), the Committee decided that the identification of cases in respect of which a government is requested to provide detailed information to the Conference would be a two-stage process: first, the expert initially responsible for a particular group of Conventions recommends to the Committee the insertion of special notes; second, in light of all the recommendations made, the Committee will, after discussion, take a final, collegial decision once it has reviewed the application of all the Conventions.

Appendix 2

Criteria developed by the Committee of Experts for identifying cases of progress

Excerpts of the General Report of the Committee of Experts (ILC.111/III(A))

119. Following its examination of the reports supplied by governments, and in accordance with its standard practice, the Committee refers in its comments to cases in which it expresses its **satisfaction** or **interest** at the progress achieved in the application of the respective Conventions. The Committee wishes to emphasize that progress by Member States is a valuable aspect of its review under the supervisory system and is cognisant of the need to continue to address these matters in its Subcommittee on working methods.
120. At its 80th and 82nd Sessions (2009 and 2011), the Committee made the following clarifications on the general approach developed over the years for the identification of cases of progress:
- (1) The expression by the Committee of interest or satisfaction does not mean that it considers that the country in question is in general conformity with the Convention, and in the same comment **the Committee may express its satisfaction or interest at a specific issue while also expressing regret concerning other important matters** which, in its view, have not been addressed in a satisfactory manner.
 - (2) The Committee wishes to emphasize that **an indication of progress is limited to a specific issue related to the application of the Convention and the nature of the measures adopted by the government concerned.**
 - (3) The Committee exercises its discretion in noting progress, taking into account the particular nature of the Convention and the specific circumstances of the country.
 - (4) The expression of progress can refer to different kinds of measures relating to national legislation, policy or practice.
 - (5) If the satisfaction relates to the adoption of legislation, the Committee may also consider appropriate follow-up measures for its practical application.
 - (6) In identifying cases of progress, the Committee takes into account both the information provided by governments in their reports and the comments of employers' and workers' organizations.
121. Since first identifying cases of satisfaction in its report in 1964, the Committee has continued to follow the same general criteria. The Committee expresses **satisfaction** in cases in which, **following comments it has made on a specific issue, governments have taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the national policy or practice, thus achieving fuller compliance with their obligations under the respective Conventions.** In expressing its satisfaction, the Committee indicates to governments and the social partners that it considers the specific matter resolved. The reason for identifying cases of satisfaction is twofold:
- to place on record the Committee's appreciation of the positive action taken by governments in response to its comments; and
 - to provide an example to other governments and social partners which have to address similar issues.
- ...
124. Within cases of progress, the distinction between cases of satisfaction and cases of interest was formalized in 1979. In general, cases of **interest** cover **measures that are sufficiently advanced to justify the expectation that further progress would be**

achieved in the future and regarding which the Committee would want to continue its dialogue with the government and the social partners. The Committee's practice has developed to such an extent that cases in which it expresses interest may encompass a variety of measures. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention. This may include:

- draft legislation that is before parliament, or other proposed legislative changes forwarded or available to the Committee;
- consultations within the government and with the social partners;
- new policies;
- the development and implementation of activities within the framework of a technical cooperation project or following technical assistance or advice from the Office;
- judicial decisions, according to the level of the court, the subject matter and the force of such decisions in a particular legal system, would normally be considered as cases of interest unless there is a compelling reason to note a particular judicial decision as a case of satisfaction; or
- the Committee may also note as cases of interest the progress made by a state, province or territory in the framework of a federal system.

Appendix 3

Procedure for amendments to verbatim draft minutes

This note provides information on the new procedure for amendments to verbatim draft minutes referred to in Part VIII of this document. It should be noted that each intervention is reflected in extenso in the verbatim draft minute only in the working language used or chosen by the delegate for this purpose ¹ (English, French or Spanish). The verbatim draft minutes will be made available online on the Committee's dedicated web page.

It is recalled that the Committee's practice is 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 the Chairperson when the verbatim draft minutes are made available to the Committee.

To the extent that the discussions are reproduced in extenso in the form of verbatim draft minutes, the amendments will be limited exclusively to the elimination of transcription errors.

Delegates should submit their amendments to the secretariat **electronically** in "track changes" via the following email address: CAN@ilo.org. In order to make amendments directly in track changes, delegates are invited to request the "Word version" of the verbatim minutes by sending an email to the address above.

Amendments will be received **only if they are sent from the email address** which will have been provided by the delegate concerned when requesting the floor. The secretariat will acknowledge receipt of the amendment and may contact the delegate concerned when the request does not fulfil the requirements contained in Part VIII. Delegates should specify the verbatim draft minute concerned and make clearly visible the changes they wish to make.

¹ When filling in a request for the floor, delegates will be requested to indicate in which working language (English, French or Spanish) their intervention should be reflected in the verbatim draft minute, if this intervention is not in one of these three languages. They will also be requested to provide an email address and a phone number.

Annex II

International Labour Conference
111th Session, Geneva, 2023

► CAN/D.2

Committee on the Application of Standards

Date: 05 June 2023

► Cases regarding which Governments are invited to supply information to the Committee

The list of 24 individual cases on the application of ratified Conventions
appears in the present document

► CAN/D.2

2

GOVERNMENTS INVITED TO SUPPLY INFORMATION TO THE COMMITTEE

COUNTRY	CONVENTION NUMBER
AFGHANISTAN **	111
ARMENIA	122
CAMBODIA **	105
CAMEROON	122
COSTA RICA	122
EL SALVADOR	144
GABON	MLC, 2006
GUATEMALA	87
GUINEA-BISSAU	26
INDONESIA	98
ITALY	81/129
LEBANON **	29
LIBERIA	87
MADAGASCAR	87
NEPAL	182
NETHERLANDS – SINT MAARTEN	87
NICARAGUA **	87
NICARAGUA **	111
NIGERIA **	182
NORTH MACEDONIA	98
PERU	87
PHILIPPINES	87
TURKMENISTAN	105
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	87

** Double-footnoted cases