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Work plan on the strengthening of the supervisory system: Review of the arrangements to allow for optional voluntary conciliation and other measures introduced on a trial basis concerning the operation of representations submitted under article 24 of the ILO Constitution and consideration of proposals to streamline reporting under article 22

Purpose of the document

This document covers two items in the work plan on the strengthening of the supervisory system, which the Governing Body decided to review following a trial period. First, the report reviews the experience with optional voluntary conciliation, which was introduced on a trial basis concerning the operation of the procedure for the examination of representations submitted under article 24 of the ILO Constitution. In particular, it analyses data on the evolution of article 24 representations, explores the current functioning of the optional voluntary conciliation procedure and assesses the use of this procedure during the trial period. The document also evaluates other measures introduced to strengthen the article 24 representation procedure. Second, the document reports on progress made on the measures taken to streamline reporting under article 22 of the Constitution. In particular, it evaluates the pilot project on the establishment of baselines for the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which was launched in January 2019. It also sets out further proposals for the streamlining of article 22 reporting. These proposals follow informal consultations held with governments in May 2023 as well as external research commissioned on the issue (see the draft decision in paragraph 67).

Relevant strategic objective: All four strategic objectives.

Main relevant outcome: Outcome 1 of the Programme and Budget for 2024–25: Strong, modernized normative action for social justice.

Policy implications: None at this stage.

Legal implications: None at this stage.

Financial implications: None at this stage.

Follow-up action required: Depending on the decision of the Governing Body.

Author unit: International Labour Standards Department (NORMES).

Related documents: [GB.344/INS/5](#); [GB.344/PV](#); [GB.335/INS/5](#); [GB.334/INS/5](#); [GB.332/INS/5\(Rev.\)](#); [GB.331/INS/5](#); [GB.331/PV](#); [GB.329/INS/5\(Add.\)\(Rev.\)](#); [GB.329/PV](#); [GB.323/PV](#); [GB.322/INS/5](#); [GB.320/PV](#).

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► Introduction

1. At its 329th Session (March 2017), the Governing Body approved the revised work plan for the strengthening of the supervisory system, which included ten proposals focused on four priority areas.¹ Given the important role of the supervisory system in implementing the fundamental values and constitutional objectives of the ILO, the tripartite constituents jointly assumed responsibility for its strengthening, ensuring its effectiveness, transparency and integrity while also ensuring that the supervisory mechanisms exercise their functions using the resources available in the most efficient manner.
2. The revised work plan provided for the consideration of the operation of the procedure for the examination of representations submitted under article 24 of the ILO Constitution (action 2.2) and for the consideration of proposals to streamline reporting under article 22 of the Constitution (action 3.1).²
3. In respect of action 2.2, the Governing Body, at its 334th Session (October–November 2018), approved the following measures concerning the operation of the procedure for the examination of representations submitted under article 24 of the Constitution:³
 - (a) the adoption of arrangements to allow for optional voluntary conciliation or other measures at the national level;
 - (b) the publication of an information document on the status of pending representations at the March and November sessions of the Governing Body;
 - (c) the establishment of deadlines for the submission of documentation to members of ad hoc tripartite committees and to members of the Governing Body;
 - (d) the ratification of the Conventions concerned as a condition for membership of governments in ad hoc tripartite committees;
 - (e) the exploration of other possible measures, in addition to existing measures, to safeguard the integrity of the procedure and to protect ad hoc committee members from undue interference;
 - (f) reinforced integration of follow-up measures in the recommendations of committees and the publication of a regularly updated document on the effect given to these recommendations for the information of the Governing Body; and
 - (g) a request to the Committee on Freedom of Association (CFA) to review its working methods to ensure that representations referred to it according to the procedures set out in the Standing Orders for the examination of article 24 representations be examined according to the modalities set out in those Standing Orders.

The Governing Body decided that it would review the optional voluntary conciliation procedure after a two-year trial period. The trial period was extended owing to circumstances related to the COVID-19 pandemic. As a result, the Governing Body is called upon to review, in the first

¹ GB.329/PV, para. 148.

² See GB.329/INS/5(Add.)(Rev.), Appendix I, for an overview of the items in the revised work plan.

³ GB.334/PV, para. 288(1) and (4). See also Appendix II.

part of the present document, the extended trial period, which runs from November 2018 to November 2023.

4. In respect of action 3.1, the Governing Body, also at its 334th Session, requested more information on the pilot project on the establishment of baselines for the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).⁴ The Office had undertaken this pilot project to test the validity of baseline-based reporting as a means of streamlining reporting under article 22 of the Constitution. The presentation of the lessons learned from that pilot project had initially been scheduled for 2020⁵ but had been deferred owing to the COVID-19 pandemic.
5. The second part of the present document provides detailed information on this pilot project, launched in January 2019, including progress made and evaluations undertaken. Building on the lessons learned and taking into account the views expressed by governments during informal consultations held in May 2023, the second part of the document also presents proposals to further modernize the regular reporting system under article 22 of the Constitution.
6. It is important to recall that the streamlining of reporting pursues the objectives of guaranteeing the sustainability of the supervisory system in light of the rising number of ratifications and near universal membership of the Organization, reducing the reporting burden on Member States and strengthening the role of employers' and workers' organizations in raising pressing issues which call for examination by the supervisory bodies without undue delay.⁶ Along those lines, the proposed Programme and Budget for 2024–25, approved by the International Labour Conference at its 111th Session (2023),⁷ refers, under outcome 1, to the need to further modernize the ILO supervisory system to ensure that normative commitments to social justice and decent work are effectively put into practice and drive measurable progress, including through a modernized regular reporting system. Among other actions to be implemented at the global level, the Programme and Budget for 2024–25 states that the ILO will progressively modernize regular reporting modalities to facilitate Member States' engagement as well as peer learning by rendering information on compliant national laws, regulations and policies publicly accessible.

► Review of measures concerning the operation of the procedure for the examination of representations submitted under article 24 of the ILO Constitution (action 2.2)

7. The review of measures concerning the operation of the procedure for the examination of representations submitted under article 24 of the ILO Constitution is presented in four parts:
 - (a) statistical information on representations submitted under article 24;
 - (b) functioning of the optional voluntary conciliation procedure;

⁴ GB.334/PV, para. 288(7)(e).

⁵ GB.335/PV, para. 258.

⁶ GB.335/INS/5, para. 51.

⁷ GB.347/PFA/1.

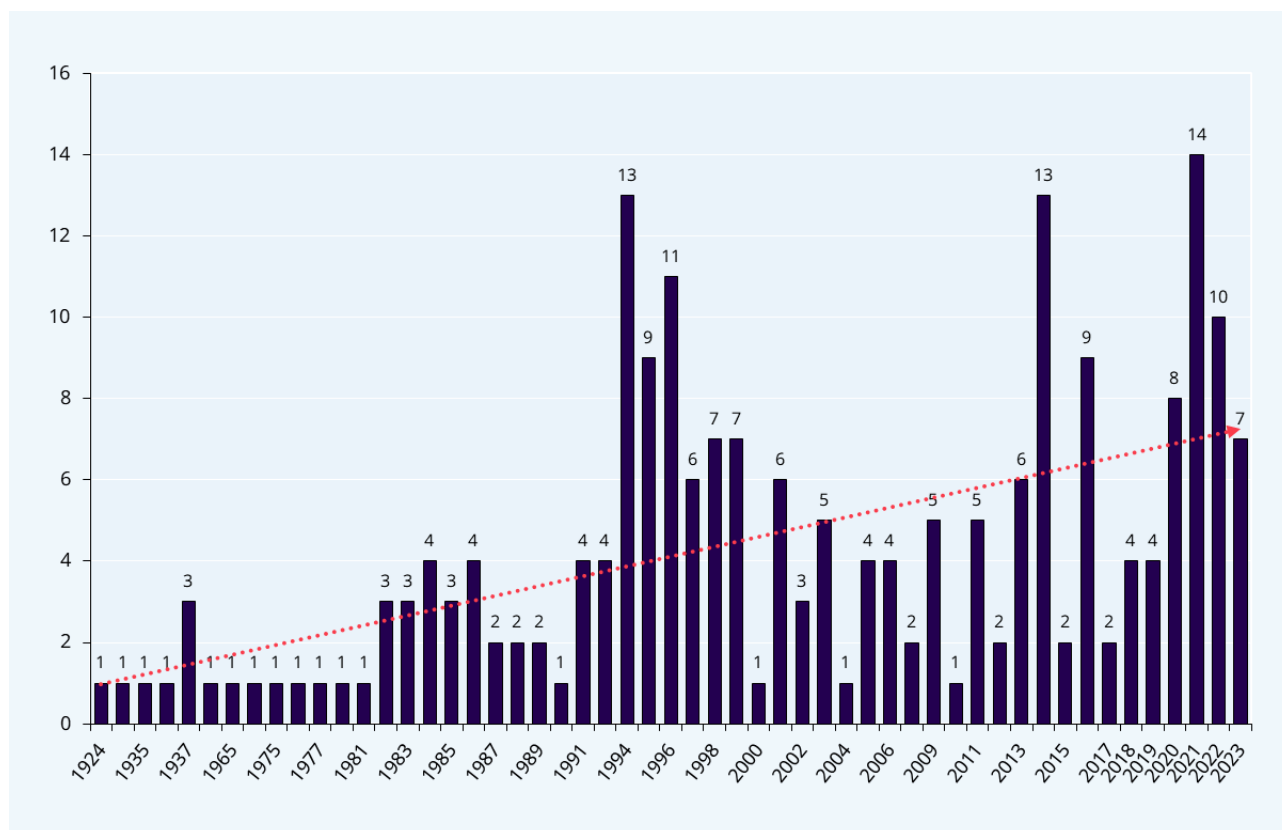
- (c) assessment of the use of optional voluntary conciliation; and
- (d) assessment of other related measures.

Statistical information on representations submitted under article 24

8. In general terms, the number of representations submitted under article 24 each year continues to increase, following the trend identified over two earlier periods: ⁸
- (a) during the period 1924–89, 38 representations were submitted (or an average of one every two years);
 - (b) during the period 1990–2016, 131 representations were submitted (or an average of five per year);
 - (c) during the period from 2017 to September 2023, 49 representations were submitted (or an average of seven per year).

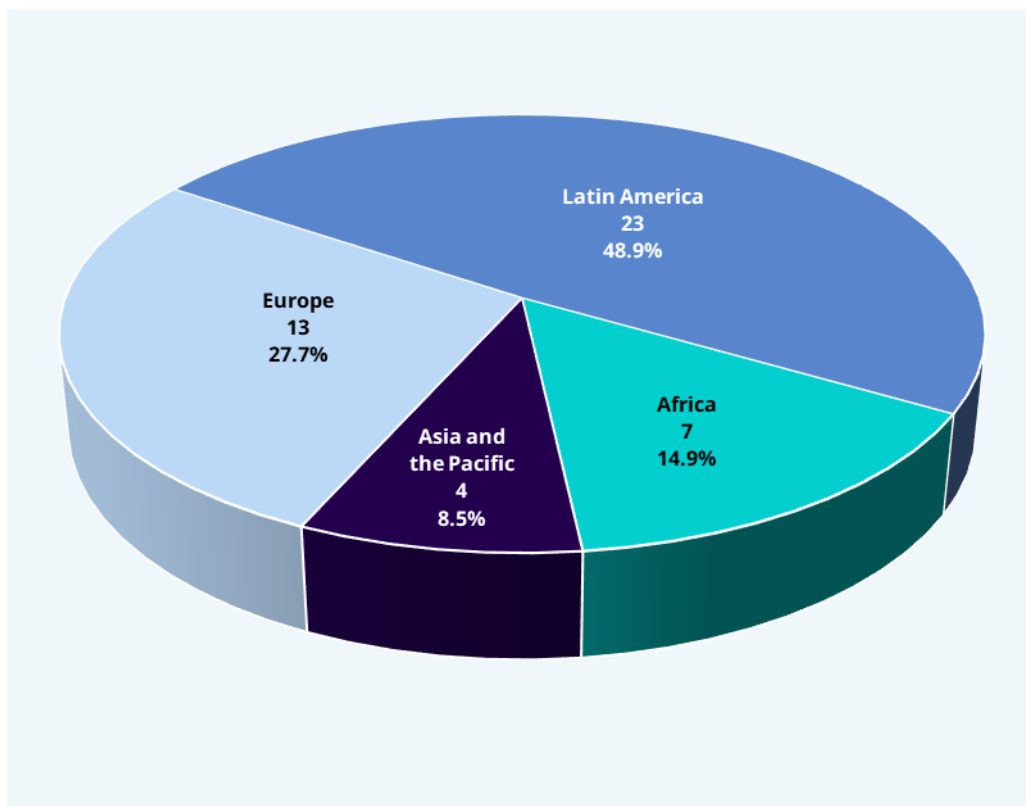
Figure 1 below includes only years when at least one representation was submitted. Figure 2 breaks down the representations submitted during the trial period (November 2018 to November 2023) by region.

► **Figure 1. Number of representations submitted under article 24 of the ILO Constitution (1924–2023)**



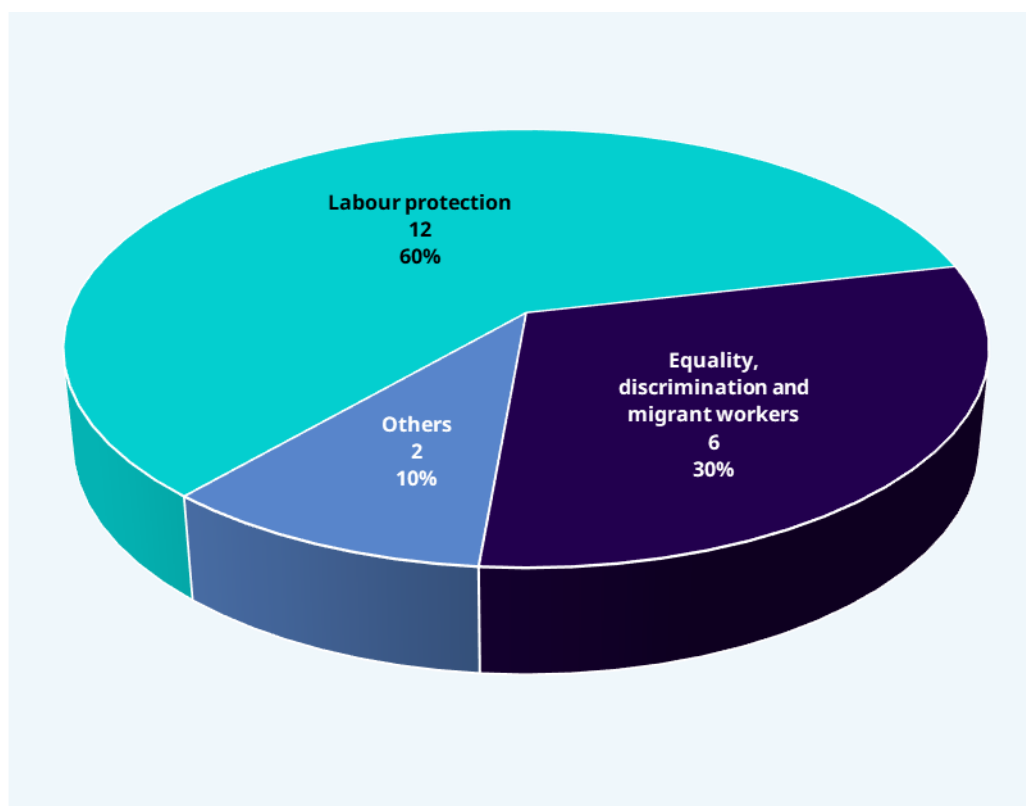
⁸ GB.331/INS/5, Appendix II.

► Figure 2. Representations submitted during the trial period by region



Regions	Representations	Percentage
Africa	7	14.9
Asia and the Pacific	4	8.5
Europe	13	27.7
Latin America	23	48.9
Total	47	100.0

9. Twenty representations were submitted, declared receivable and closed during the trial period. The topics mainly covered two thematic groups of ILO Conventions: (a) labour protection; and (b) equality, discrimination and migrant workers.

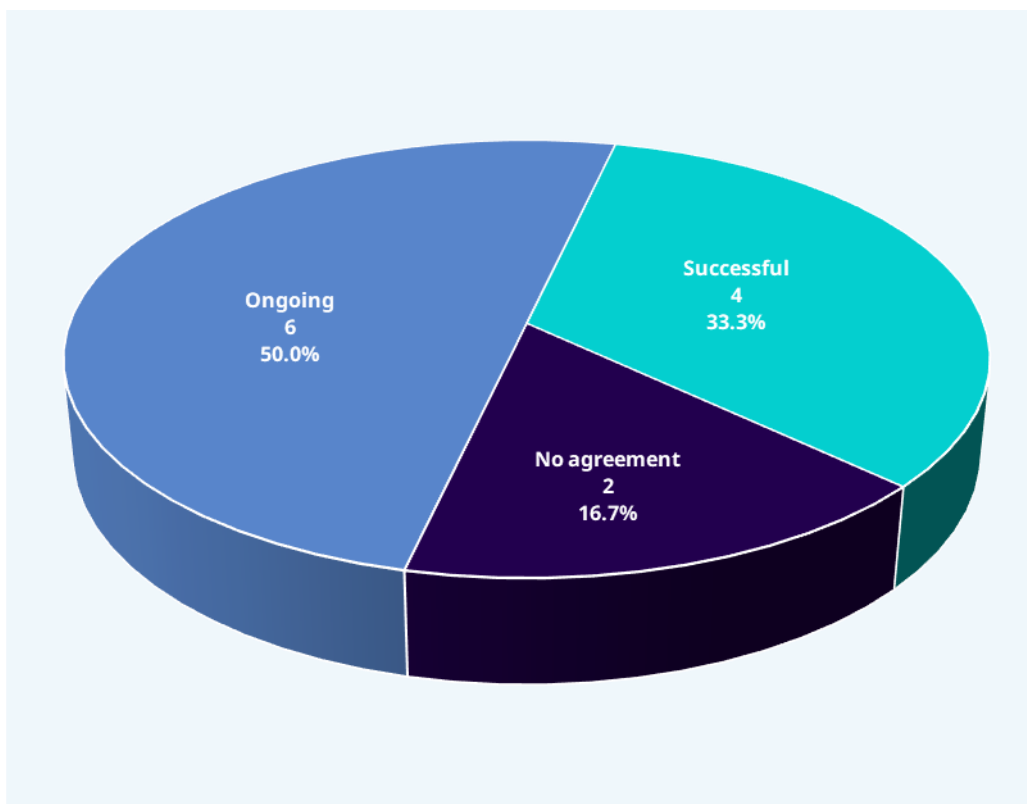
► **Figure 3. Topics covered by closed representations during the trial period**

Thematic groups	Representations	Percentage
Labour protection ¹	12	60.0
Equality, discrimination and migrant workers ²	6	30.0
Others ³	2	10.0
Total	20	100.0

¹ The representations submitted concerned the following Conventions: C.1, C.26, C.81, C.95, C.129, C.155, C.158, C.176 and C.187. ² The representations submitted concerned the following Conventions: C.111 and C.156. ³ The representations submitted concerned the following Conventions: C.102 and C.169.

10. There are currently 27 pending representations, 8 of which (equivalent to approximately 30 per cent) relate exclusively to Conventions dealing with trade union rights and were referred to the CFA for examination in accordance with the relevant Standing Orders. ⁹
11. Among the 47 representations submitted during the trial period, the parties availed themselves of the possibility to conciliate in 12 cases. In 4 of these cases the conciliation was successful; in 2 other cases conciliation efforts did not lead to an agreement; and in 6 pending cases conciliation is still ongoing.

⁹ See [article 3.2](#) of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution.

► **Figure 4. Status of voluntary conciliation procedures during the trial period**

Conciliation	Representations	Percentage
Successful	4	33.3
No agreement	2	16.7
Ongoing	6	50.0
Total	12	100.0

12. In 4 of the 20 representations that were closed during the trial period (20 per cent), the closure followed successful conciliation or other measures at the national level. The duration of the conciliation procedures varies greatly: while three cases were closed successfully in less than 9 months, two pending cases are currently carrying out conciliation procedures that have lasted more than 31 months.

Functioning of the optional voluntary conciliation procedure

13. The decision adopted by the Governing Body at its 334th Session (October–November 2018)¹⁰ provided the possibility for the parties involved to request the ad hoc tripartite committee in charge of the representation to suspend its examination for six months with a view to facilitating conciliation at the national level. As stated in the overall review of the implementation of the Standards Initiative,¹¹ it was understood that the ad hoc tripartite committee could decide on a limited extension of the initial six-month suspension in the event

¹⁰ See Appendix II for the relevant excerpts.

¹¹ Carried out at the 335th Session of the Governing Body (March 2019). See GB.335/INS/5.

that the conciliation or other national measures required additional time to satisfactorily resolve the issues raised in the representation.

14. The essential elements of the conciliation procedure, as indicated in the electronic form ¹² that workers' and employers' organizations are invited to fill out when submitting a representation, are as follows:
 - (a) the procedure is voluntary in nature, as it requires prior agreement between both parties;
 - (b) the procedure can be terminated at any time by the workers' or employers' organization that filed the representation;
 - (c) the examination of the merits of the representation can be suspended for a maximum period of six months; this can be extended for a limited period by the ad hoc tripartite committee if so warranted by the context of the representation and subject to a request from both parties; and
 - (d) the Office and the secretariats of the workers' and employers' groups can be asked to intervene or to provide technical assistance.
15. The conciliation procedure can be triggered by the complainant, by the Government or by both. Typically, when submitting a representation, the complainant organization can express the will to engage in conciliation and such a proposal can subsequently be accepted by the Government. Alternatively, the Government can propose a conciliation procedure that can subsequently be accepted by the complainant organization. However, the parties can also, at any time, submit a joint request to suspend the examination of the merits of the representation in order to engage in conciliation. When the parties remain silent in respect of the possibility of engaging in voluntary conciliation, the Office undertakes to remind them of that possibility, should they so both wish and accept.
16. Successful conciliation can be achieved only when grounded in the full respect of the autonomy and freedom of the parties to engage voluntarily in conciliation in order to find solutions to the dispute at the national level. It should also be noted that the ad hoc tripartite committee is competent to suspend the examination of the merits of the representation for a period of six months only (this can be extended for a limited period, as explained above), during which the parties should try to reach an agreement, either through conciliation or such other measures at the national level ¹³ as may be available. However, the parties are always free to seek agreed

¹² Section 6 of the form states the following: "Please indicate if: (i) your organization would wish to explore the possibility of seeking conciliation or other measures at the national level for a maximum period of six months from the date of the ad hoc tripartite committee's decision to suspend the examination of the merits of the representation in order to address the allegations (subject to the agreement of the government; with the possibility for your organization to request the procedure to resume at an earlier moment should the conciliation/other measures fail; and with the possibility for the tripartite committee to decide on a limited further extension of the suspension should the initial conciliation or other measures need a further period of time to successfully resolve the issues raised in the representation); (ii) if so, please indicate if you would wish to have recourse to the intervention or technical assistance of the Office or the secretariats of the Employers' or Workers' groups in this regard."

¹³ The reference to "other measures at the national level" should be understood to mean contexts in which institutionalized procedures or bodies exist with a specific mandate to solve labour disputes before their referral to the supervisory bodies of the ILO. Although this possibility is quite rare, the Colombian example of the Special Committee for the Handling of Conflicts referred to the ILO (CETCOIT) can be cited.

solutions at any time,¹⁴ regardless of the decision taken by the ad hoc tripartite committee regarding the suspension of the procedure for examining the merits of the representation.

Assessment of the use of optional voluntary conciliation

17. While conciliation has not been widely used (parties have availed themselves of this option in only 28 per cent of cases), it should be noted that one out of every five representations submitted and closed during the trial period were settled following agreement on the matters under dispute as a result of voluntary conciliation or other measures at the national level.
18. Three representations submitted during the trial period and closed following agreement between the parties are of particular interest in the context of this review. They are:
 - (a) Uruguay, Dock Work Convention, 1973 (No. 137);¹⁵
 - (b) Slovenia, Occupational Safety and Health Convention, 1981 (No. 155), and Protocol of 2002 to the Occupational Safety and Health Convention, 1981;¹⁶ and
 - (c) South Africa, Discrimination (Employment and Occupation) Convention, 1958 (No. 111).¹⁷

In these cases, an agreement was reached by the parties in less than 10 months, a period that is short in comparison with the average time for the treatment of representations submitted under article 24, which is between 9 and 24 months.¹⁸

19. Together with the positive aspects that stem from the previous examples, the experience accumulated during the trial period suggests that certain areas could be improved, including in relation to (a) repeated requests to extend the suspension of the examination of the merits of the representation; and (b) the role of the Office and of the secretariats of workers' and employers' groups during the conciliation procedure.
20. Requests to extend the duration of the conciliation procedure have led on some occasions to the conciliation procedure being prolonged quite excessively, without any certainty that an agreement could be reached.¹⁹ In these cases, the parties have repeatedly requested extensions of the suspension period, thereby exceeding the original intent of a limited extension.²⁰ The Governing Body initially approved arrangements to allow for optional voluntary conciliation or other measures at the national level, leading to a temporary suspension for a maximum period of six months of the examination of the merits of a representation by the ad hoc tripartite committee. Following tripartite consultations, the electronic form was modified to allow for the possibility of the ad hoc tripartite committee deciding on a limited further extension of the suspension, should the initial conciliation or

¹⁴ Including with the assistance of the Office before the representation is even submitted, as happened recently with the representation alleging non-observance by Brazil of the Collective Bargaining Convention, 1981 (No. 154). See [GB.345/INS/5/4](#), para. 2.

¹⁵ [GB.337/INS/12/6](#).

¹⁶ See the [relevant reference](#) in NORMLEX.

¹⁷ The Governing Body will consider closing the case at its 349th Session (October–November 2023).

¹⁸ [GB.331/INS/5](#), Appendix II.

¹⁹ In one case, a conciliation procedure took 33 months. The case was finally closed after a decision on the merits of the representation was adopted, as the conciliation ended without agreement. Moreover, there are currently two pending cases in which conciliation has been taking place for more than 31 months.

²⁰ The ad hoc tripartite committee can grant a suspension for six months only. This can be extended in a "limited" way when the objective circumstances suggest that a successful conciliation resolution is close.

other national measures need a further period of time to successfully resolve the issues raised in the representation.²¹

21. With a view to ensuring that conciliation procedures are carried out within reasonable time limits, the Governing Body may wish to consider making the suspension of the examination of the merits of a representation for the purposes of conciliation subject to a maximum deadline. The suspension begins when the Office receives from each party a communication indicating their willingness to engage in conciliation. The Governing Body may wish to consider stipulating that the initial six-month period can be extended by the ad hoc tripartite committee only once, for another six months, and only after the committee has evaluated the progress made and deemed there to be a reasonable prospect of reaching an agreement in the short term. Should this be decided, the parties involved in conciliation would be called upon to report on the progress made when requesting an extension to the ad hoc tripartite committee.
22. Experience during the trial period also suggests that the Office and the secretariats of the workers' and employers' groups could provide useful assistance to the parties involved in a representation provided this is clearly communicated. Most of the organizations that submitted a representation were not aware of the type of assistance they could request if they so wished. In some other cases, complainant organizations had unmet expectations that the conciliation procedure would necessarily be guided by the Office.
23. It is important to recall that conciliation is a procedure framed by the national context, as factors such as social dialogue and employment relations tend to differ from country to country. Therefore, there is no "unique" or "recommended" conciliation procedure for the parties to follow. On the contrary, it is up to the parties to determine the procedure they wish to follow in view of their national context. While the secretariats of the workers' and employers' groups and the Office may provide technical support if requested to do so by the parties (for example, capacity-building or an explanation of the Conventions concerned by the representation or the functioning of the supervisory system), it is important to recall that it is not their function to act as facilitators or mediators in a conciliation procedure. Misunderstandings about the type of support the Office can provide have in some cases contributed to delays, as the parties were not leading the conciliation but waiting for the Office to guide the process. In view of this experience, the Governing Body may wish to consider adopting additional measures aimed at raising constituents' awareness of the use and functioning of the voluntary conciliation procedure in the context of article 24 representations. For instance, the Governing Body could decide that, once both parties have agreed to conciliation, the Office should convene a meeting to explain the process and timelines of the procedure as well as the main elements of the relevant Conventions.
24. Lastly, during the trial period, a total of eight representations submitted under article 24 of the ILO Constitution were referred entirely to the CFA. The parties involved in one of these representations expressed an interest in engaging in conciliation but, despite the Office's indication of its availability to assist, did not pursue the process. In addition, it is recalled that, in its March 2021 report, the CFA decided to adopt, in relation to complaints related to freedom of association submitted directly to it under the special procedure, a similar approach of optional voluntary conciliation for complaints as has been adopted with respect to representations under article 24.²² To date, the parties in two complaints submitted to the CFA under the special procedure have agreed to refer the dispute to voluntary conciliation at the

²¹ GB.334/INS/5, para. 9.

²² GB.341/INS/12/1, para. 17.

national level and this has suspended the Committee's consideration of the complaints for periods of up to six months.²³

Assessment of other related measures

25. Together with arrangements to allow for optional voluntary conciliation, other measures concerning the general operation of the procedure for representations submitted under article 24 were introduced.
26. **Transparency:** The Governing Body is now informed by the Office of pending representations at its March and November sessions.²⁴ The information document includes the status of article 24 procedures, the complainant organizations, the Government concerned and the Conventions in relation to which the representations have been made. The document also highlights those cases in which one or more members of the ad hoc tripartite committee have yet to be appointed.
27. **Early submission of documents:** The Governing Body has requested that all information and relevant documents be sent to ad hoc tripartite committee members 15 days in advance of their meetings. The widespread use of digital tools has allowed these deadlines to be fully respected. In addition, since the COVID-19 pandemic, ad hoc tripartite committees meet remotely. This has greatly facilitated direct and constant communication with the Office, and efficient time-management and document-sharing.
28. **Appointment of ad hoc tripartite committees:** The number of cases in which all or some ad hoc tripartite committee members have yet to be appointed is noteworthy. In the eight pending cases being handled by the CFA, the ad hoc tripartite committees are fully designated and the appointment of their members has not resulted in delays, as these are CFA members.²⁵ In 9 of the other 19 pending cases, however, only some ad hoc tripartite committee members (around 47.36 per cent) have been appointed thus far. The average time required for ad hoc tripartite committee members to be appointed during the trial period has proven to delay the examination of representations in a significant manner.²⁶ With a view to speeding up the process, the Governing Body may wish to consider appointing ad hoc tripartite committee members at the same time as it declares that the representation is receivable. Should this not be possible, the Governing Body may wish to consider stipulating that the appointment of ad hoc tripartite committee members should be completed within one month of the representation being declared receivable. In addition, the Governing Body may wish to consider establishing a list of potential candidates among Governing Body members, thereby allowing members of different ad hoc tripartite committees to be more speedily appointed or replaced. At the beginning of each renewal of Governing Body members, the three groups could transmit to the Office the names of up to six members of their respective groups with a view to creating a list of potential future members of ad hoc tripartite committees from all regions. This list would be used in cases in which one or more ad hoc tripartite committee members had not been appointed within the one-month period mentioned above. The Office would follow up directly with the members on the list in order to confirm their availability.

²³ See the reference to Case No. 3423 and Case No. 3425 in [GB.348/INS/4](#), para. 13.

²⁴ See, for instance, the following documents: [GB.338/INS/INF/3](#), [GB.340/INS/INF/3](#) and [GB.347/INS/INF/4\(Rev.1\)](#).

²⁵ Representations submitted under article 24 that, owing to their subject, are referred to the CFA are examined by an ad hoc tripartite committee chosen from among its own members, a good practice that facilitates quick appointments.

²⁶ For instance, the average time required for the full appointment of ad hoc tripartite committee members in 2022, 2021 and 2020 was 12 months, 17 months and 27 months respectively.

Conclusion

29. In light of the results of the evaluation of the trial period, the Governing Body may wish to consider further fine-tuning the arrangements to allow for optional voluntary conciliation in the context of representations submitted under article 24 on a permanent basis, as suggested in paragraphs 20 to 24 above. The Governing Body may also wish to consider modalities to facilitate the swift appointment of ad hoc tripartite committee members via the creation of a list of potential future members from all regions, as mentioned in paragraph 28 above.

► Consideration of proposals to streamline reporting under article 22 of the ILO Constitution (action 3.1)

30. Ensuring that the ILO has a strong and modern system for supervising international labour standards for social justice has been a guiding principle of paramount importance throughout the Organization's history. Following the decisions adopted by the Governing Body in recent years, the Office has taken measures to implement the various items of the revised work plan on the strengthening of the supervisory system.

Measures taken thus far to streamline article 22 reporting

Evaluation of the pilot project on the establishment of baselines for the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

31. It is recalled that, following a decision by the Governing Body at its 334th Session (October–November 2018), the Office launched the pilot project on the establishment of baselines for the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), in January 2019.²⁷ The Office presented information on the pilot project's methodology to the Governing Body at its 335th Session (March 2019). The pilot project aimed to facilitate: (a) the fulfilment of reporting obligations by Member States, thereby achieving gains in terms of effectiveness, quality and efficiency, as governments would be able to build on the reports that they had already validated; and (b) the extraction of information from reports submitted under article 22 of the ILO Constitution in order to establish baselines which could then be made available on the ILO website, if so decided by the Governing Body.
32. The pilot project was linked to other measures adopted by the Governing Body, including those adopted at its 331st Session (October–November 2017) on the enhancement of IT facilities supporting the work of the supervisory bodies and on thematic grouping for reporting purposes.²⁸ On this basis, it was decided that, while the pilot project would apply only to countries that had ratified Convention No. 187, the process should also cover all other occupational safety and health Conventions, as well as Conventions on working time and wages, that had been ratified by those countries, in the form of thematic report forms which

²⁷ GB.335/INS/5, para. 52(viii).

²⁸ GB.331/INS/5, para. 72(2) and (3).

would reduce duplication of reporting work and facilitate consolidated treatment by the Committee of Experts on the Application of Conventions and Recommendations (CEACR).²⁹

33. As a first step, the Office invited governments to confirm their interest in participating in the pilot project in the year in which they were due to report on Convention No. 187. The Office subsequently sent participating governments “draft article 22 baseline reports” which had been prefilled by the Office with the information that was available on the measures taken to apply the Convention(s) concerned, including the information provided in those governments’ previous reports. The content of these draft article 22 baseline reports was subsequently validated by the governments concerned and sent back to the Office as an article 22 report by 1 September, for examination by the CEACR.³⁰ Where needed, and in coordination with the International Training Centre of the ILO in Turin, the Office provided dedicated assistance to help participating countries in this process.
34. The initiative drew inspiration from existing institutional processes at the time, including initiatives for consolidated reporting on social security Conventions and the European Code of Social Security of the Council of Europe, reporting on the Maritime Labour Convention, 2006, as amended (MLC, 2006), and the compilation of baseline tables by country under the [follow-up to the ILO Declaration on Fundamental Principles and Rights at Work of 1998](#).
35. The pilot project covered 23 countries of which 17 took part in the process. In September 2022, following a three-year implementation period,³¹ the Office undertook an evaluation and sought feedback from the governments and employers’ and workers’ organizations concerned in order to analyse the benefits of this reporting method, its potential for expansion and any obstacles identified.³²
36. Replies showed that 81 per cent of respondents considered the introduction of article 22 baseline reports to be an improvement on the usual article 22 reporting system. More specifically, nine respondents indicated that article 22 baseline reports facilitated reporting by reducing the time needed to report. Three other respondents indicated that, although the validation of baseline reports was time-consuming as a first-time exercise, this form of reporting had the potential to reduce the time invested in the process in the long run, as they would have to validate the prefilled information only once.³³ Respondents also highlighted other efficiency-related benefits, such as improved coordination and collaboration among public institutions and social partners and a faster identification of the ministries likely to be concerned by matters addressed in the reports.
37. In addition, most respondents indicated that the new reporting format helps to maintain or improve the quality of information in reports. In particular, they identified such advantages as the ability to have an integrated overview of all measures taken to implement the ratified Conventions throughout the years and a reduction in duplicated information by virtue of

²⁹ The initial run of the project also covered social security. The Office narrowed down the scope of the project when the second run covered a significantly higher number of Conventions.

³⁰ The Governing Body reviewed these measures at its 335th Session (March 2019). A full summary of the measures being implemented was presented in GB.335/INS/5, para. 52.

³¹ The project was paused in 2020 following the Governing Body’s decision to postpone the regular reporting cycle by one year owing to COVID-19.

³² The Office received feedback from the Governments of 16 countries: Canada, Chile, Côte d’Ivoire, Cuba, Cyprus, Czechia, Denmark, Finland, France, Malaysia, Mauritius, Niger, Norway, Thailand, Togo and Türkiye. Five responses included the views of social partners, but such feedback was limited.

³³ Similar feedback has been received from constituents who use consolidated reporting for the European Code of Social Security, where it is reported that over time governments find it easier to keep their reports updated each cycle.

thematic grouping. Furthermore, the baseline report forms were found to be user-friendly, particularly in relation to the use of hyperlinks to national legislation, the grouping of Conventions by thematic subject and the overall format of the report.

38. Survey replies also highlighted potential challenges and areas for improvement. Several respondents pointed out that baseline report forms were too long and/or included aspects that were difficult to comprehend. In addition, some responses indicated that the new procedure was too complex for social partners to follow.
39. Overall, the Office found that baseline reports, once reviewed and validated by governments, contain complete and up-to-date information on the implementation of a ratified Convention, thereby increasing the quality of reports. Such reports, which would be updated each cycle, appear to have great potential in terms of reducing reporting time, while helping to preserve institutional memory and facilitating information-sharing. Thematic grouping also allows the CEACR to have a better view of issues that cut across different Conventions, thus avoiding repetition.
40. Nonetheless, the investment in time and resources required on the part of the Office in order to prefill the initial draft article 22 baseline report has proved considerably higher than anticipated thus raising questions concerning the sustainability of efforts to maintain and extend the pilot project in its current form. The detailed nature of the report forms, the high number of Conventions covered³⁴ and the absence of a dedicated IT tool that would make the processing and sharing of information more efficient for both the Office and constituents are also important challenges.

Information gathered through research and consultation

Research on international treaty-based reporting systems

41. The Office commissioned a research paper from the Geneva Academy of International Humanitarian Law and Human Rights, completed in May 2023, to analyse and draw lessons from treaty reporting systems and related procedural arrangements within other parts of the United Nations system and other international and regional organizations. The Office also held an exchange with officials from the Council of Europe's European Committee of Social Rights on their recent reform efforts aimed at strengthening reporting under the European Social Charter. Both initiatives explored a number of procedural matters relating to reporting, such as workload, periodicity, transparency, prioritization and the use of technology. Both initiatives revealed that the organizations concerned, on the one hand, and the Office and ILO constituents, on the other, seem to face similar challenges where reporting is concerned.
42. The research paper presents a wide array of practices regarding the periodicity of reporting, which range from flexible to fixed reporting cycles, with different reporting frequency. Some mechanisms also provide for a full review according to a fixed cycle, with a review mid-cycle for more urgent issues. In other systems, flexible or longer reporting cycles are often accompanied by measures to ensure that urgent issues receive a response. It should be noted that, according to the research paper, flexible reporting cycles do not necessarily resolve the issue of late reporting.

³⁴ For example, in 2022, ten countries were covered and 133 reports were due within the scope of the pilot project, with one report covering one Convention. For those countries, a total of 29 draft article 22 baseline reports were prepared (one report per thematic group).

43. The research paper referred to different forms of prioritization of reporting obligations (prioritization of issues, thematic prioritization, regional prioritization and others). In some systems, such as for the European Social Charter, all State parties report on the same thematic provisions during a given year. In others, a list of issues or questions is prepared prior to reporting for each specific State. Some other systems introduce reporting by region. Some systems use prioritization in their report forms by distinguishing between optional and core questions. This, however, does not seem to improve the reporting rate in a significant way. The research also refers to prioritization in the follow-up to recommendations of treaty bodies.
44. The level of transparency varied among the different systems, with most of them publishing in some form the country-specific documents containing the outcome of the supervision or evaluation. Some systems rely on advanced technological tools to give visibility to the outputs of supervision, such as tracking tools, databases and dashboards that provide an overview of implementation.
45. Regarding the use of IT tools, the research paper identifies systems which have introduced online reporting, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, where it is possible to consult previously submitted reports. The research highlights that easy access to information is a key factor in encouraging good reporting practices.

Initial consultation with governments

46. On 26 May 2023, the Office held a preliminary informal consultation with governments to hear about concrete challenges in reporting and to receive suggestions on possible improvements to the process.
47. Regarding concrete challenges, many participants referred, inter alia, to the high number of reports to be submitted each year and their unequal distribution throughout the years; the repetitive and extremely detailed requests for information in the reporting process; the high turnover of staff at the national level, which resulted in a lack of technical capacity and loss of internal knowledge in the reporting process; and the difficulties caused by the need to coordinate with the different units, departments and services concerned when gathering the information requested. Concerning possible improvements, participants referred to the need to simplify the reporting process by requesting only essential and priority information. Some suggested introducing technological platforms for reporting and considering thematic reporting by creating clusters of different Conventions in a single report. The majority of those who intervened were in favour of publishing reports, citing such reasons as transparency and easy access to previous reports. However, some indicated that the modalities of publication should be carefully discussed to avoid any misinterpretation of the information provided by governments in their reports.

Avenues for the further streamlining of article 22 reporting: Possible steps to further modernize the regular reporting system

48. Taking into account the above-mentioned elements, the Office presents the following avenues which could be explored to further streamline and modernize the reporting system.

Towards a limited number of thematic reports

49. The Office considers that further strengthening the thematic approach to reporting could contribute to achieving the objectives of action 3.1. Indeed, the pilot project on the

establishment of baselines for the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and other initiatives undertaken by the Office, in particular in the areas of social security and maritime instruments, as well as the views expressed by constituents, point towards an appreciation of more integrated comments from the CEACR in which issues in the same thematic area are examined and presented together.³⁵

50. A further expansion of the thematic approach would entail the development of 15 thematic templates³⁶ based on existing report forms. Templates would be used to gather and systematize questions so as to cover all the Conventions and Protocols under each thematic area (see Appendix III).
51. Such thematic templates would not replace individual report forms, which would continue to be used for initial reports following ratification.
52. While current reporting cycles³⁷ would be maintained, the Office considers that it would be efficient to adjust the distribution of subjects taking into account the number and length of Conventions under each thematic area in order to ensure a balanced distribution of reports across the years.
53. The advantages of this approach include a considerable reduction in the number of reports requested, the facilitation of reporting by making report templates more user-friendly and thematic coherence resulting in more effective supervision. Should these thematic reports be published, governments and social partners would have an opportunity to learn about good practices and successful measures taken by other governments to implement a given group of Conventions.
54. The disadvantage of this approach resides in the initial time investment that would be required on the part of governments who would have to fill all 15 thematic reports for the first time, consolidating the information they have submitted to the CEACR over the years. To overcome this, the Office would accompany governments by providing appropriate instructions and assistance. In addition, the process would be spread over at least seven years – a full reporting cycle – in order to allow governments to work gradually towards completion of the 15 thematic reports.

Synergy with supervision

55. A thematic reporting approach would trigger supervision by thematic area for all Conventions and Protocols and, accordingly, all comments of the CEACR would be organized thematically. Requests for information and clarification, currently contained in documents called “direct requests”, could be included in the thematic templates to be completed by each Government. This could reduce the length of the comments of the CEACR and allow it to focus instead on issues requiring action such as legislative changes or non-compliant practices in order to ensure the full application of ratified Conventions and Protocols, thereby maximizing its impact.
56. The main advantage of this approach, aside from thematic coherence and a better identification of the most important issues in a country, is the synergy that it creates between reporting and regular supervision, in a way that combines government replies to the issues

³⁵ Occasionally, the CEACR can examine issues under up to 15 Conventions together instead of making separate comments on those Conventions. See, for example, Finland, [CEACR direct request on OSH](#) (2022).

³⁶ Or another number agreed by the Governing Body.

³⁷ Every three years for fundamental and governance Conventions and every six years for all other Conventions.

raised by the CEACR with the existing database on measures taken by governments to apply a Convention. Currently, this information exists in separate documents, often in paper format, making it difficult for governments to see the chronology between their previous answer and the comments after a reporting cycle of up to six years.

57. It should be noted that this proposal would not affect current arrangements regarding the right of social partners to bring to the attention of the CEACR comments or issues of non-compliance regarding a particular Convention under article 23 of the ILO Constitution.
58. Neither would this proposal modify the current procedure for selecting cases to be discussed by the Committee on the Application of Standards considering that, in recent years, it has examined a number of individual cases covering a number of Conventions related to a given thematic area.³⁸ For thematic areas covering numerous Conventions, the Committee could always decide to select for discussion one Convention or a limited number of Conventions.

Digitalization and publication of reports

59. The Office considers that a modernized reporting system cannot be fully achieved so long as the system does not allow for the sharing of information on compliant practices in such a way that facilitates peer learning. Therefore, the proposal entails the consideration of the development of an online platform to process and make available information reflected in the thematic templates.
60. Drawing on the experience of the electronic platform for country baselines under the Follow-up to the 1998 Declaration, each report form would be adapted to the ratification situation of a given country.³⁹ This system would allow governments, in each reporting cycle, to update, when relevant, the information previously submitted. The database, meanwhile, would make it easy for countries to search for information about good practices on specific issues.
61. In order to foster transparency, the Office considers that the thematic approach should entail the publication of both the reports submitted by governments under article 22 of the ILO Constitution and the observations transmitted by social partners under article 23 of the Constitution. It could be anticipated that the publication of these reports would encourage good reporting practices.
62. The development of an online platform would entail a significant cost. Should the Governing Body be interested in further exploring this possibility, the Office could develop an initial estimate in time for its next examination of the issue.

Short-term measures

63. While possible avenues for modernizing the reporting process will continue to be examined in the near future, the Governing Body may already wish to consider two measures that could be adopted now to facilitate reporting.
64. First, it may consider deciding to request the Office to convert existing report forms, currently available in PDF format only, into Word documents, thereby making them easier to fill.
65. Second, it may consider discontinuing requests for reports under outdated Conventions in cases in which there are no pending direct requests or observations from the CEACR. This

³⁸ Haiti – Working time, in 2018; Nigeria – Wages, in 2022; and Italy – Labour inspection, in 2023.

³⁹ The electronic platform for country baselines under the Follow-up to the 1998 Declaration enables governments to select, from a list, the Conventions that they have ratified. The questionnaire is then adapted accordingly.

would not affect or alter in any way the right of social partners to submit observations on outdated Conventions under article 23 of the Constitution. While this measure would not have a significant impact on the number of reports requested (for example, in 2022, only 108 of the 2,131 reports requested concerned outdated Conventions), it could already be a step towards alleviating the reporting burden on governments.

- 66.** The Governing Body is invited to provide guidance on the proposed measures presented in paragraphs 49 to 65 as well as on any other related measure that could be adopted to improve the reporting process.

► Draft decision

67. The Governing Body:

- (a) took note of the Office's progress report on measures concerning the operation of the procedure for the examination of representations submitted under article 24 of the ILO Constitution and proposals to streamline reporting under article 22 of the Constitution;
- (b) confirmed the arrangements allowing for optional voluntary conciliation or other measures at the national level that were introduced on a trial basis in November 2018;
- (c) requested the Office to prepare, based on its guidance on considerations set out in paragraphs 19 to 29 of document GB.349/INS/7, proposed amendments to the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization (Annex I to the Compendium of rules applicable to the Governing Body of the International Labour Office) for its consideration at its 350th Session (March 2024);
- (d) requested the Office to present, based on its guidance and prior informal tripartite consultations, proposals for the streamlining of reporting on ratified Conventions at its 352nd Session (October–November 2024);
- (e) endorsed the short-term measures to modernize the reporting process set out in paragraphs 64 and 65 of document GB.349/INS/7.

► Appendix I

Overview of the revised work plan on the strengthening of the supervisory system

	Governing Body, October–November 2018	Governing Body, March 2019	Governing Body, March 2020	Governing Body, March 2022	Governing Body, October–November 2022	Governing Body, March 2023	Governing Body, October–November 2023
Decisions taken	GB.334/INS/5, paragraph 21		GB.335/INS/5, paragraph 84				
Focus area 1: Relationships between the procedures							
1.1. Guide on established practices across the system		Report on action taken	Report on action taken	Report on action taken (completed)	Completed	Completed	Completed
1.2. Regular conversation between supervisory		Review		Ongoing	Ongoing	Ongoing	Ongoing
Focus area 2: Rules and practices							
2.1. Consider codification of the article 26 procedure	Guidance on possibility of Standing Orders	Report on action taken	Report on action taken		Review at later stage	Review at later stage	Review at later stage
2.2. Consider the operation of the article 24 procedure	Discussion as per guidance	Review					Review
2.3. Consider further steps to ensure legal certainty	Guidance on possible tripartite exchange of views	Guidance on possible tripartite exchange of views	Consideration following tripartite exchange of views (postponed)	Consideration following tripartite exchange of views		Follow-up to the March 2022 discussion	Follow-up to the March 2023 discussion
Focus area 3: Reporting and information							
3.1. Streamline reporting	Continuation of examination of options	Continuation of examination of options	Review				Review
3.2. Information-sharing with organizations			Review				
Focus area 4: Reach and implementation							
4.1. Clear supervisory body recommendations			Review				
4.2. Systematized follow-up at the national level			Review				
4.3. Consider potential of article 19	Further guidance	Further guidance	Review				
Review by the supervisory procedures of their working methods							
Committee on the Application of Standards	Informal tripartite consultation on working methods						
Committee of Experts	Ongoing discussion of working methods						
Committee on Freedom of Association	Ongoing discussion of working methods						

► Appendix II

Governing Body decision on the article 24 representation procedure

Decision taken by the Governing Body at its 334th Session (October–November 2018) on strengthening the supervisory system ¹

The Governing Body, based on the proposals set out in documents GB.334/INS/5 and GB.332/INS/5(Rev.) and the further guidance provided during the discussion and the tripartite consultations:

- (1) Approved the following measures concerning the operation of the representations procedure under article 24 of the Constitution:
 - (a) arrangements to allow for optional voluntary conciliation or other measures at the national level, leading to a temporary suspension for a maximum period of six months of the examination of the merits of a representation by the ad hoc committee. The suspension would be subject to the agreement of the complainant as expressed in the complaint form, and the agreement of the government. These arrangements would be reviewed by the Governing Body after a two-year trial period;
 - (b) publication of an information document on the status of pending representations at the March and November sessions of the Governing Body;
 - (c) members of article 24 ad hoc tripartite committees need to receive all information and relevant documents from the Office 15 days in advance of their meetings and members of the Governing Body should receive the final report of article 24 ad hoc tripartite committees three days before they are called to adopt their conclusions;
 - (d) ratification of the Conventions concerned as a condition for membership of Governments in ad hoc committees unless no Government titular or deputy member of the Governing Body has ratified the Conventions concerned;
 - (e) maintaining existing measures and exploring other possible measures to be agreed upon by the Governing Body for the integrity of procedure and to protect ad hoc committee members from undue interference; and
 - (f) reinforced integration of follow-up measures in the recommendations of committees and a regularly updated document on the effect given to these recommendations for the information of the Governing Body, as well as continuing to explore modalities for follow-up action on the recommendations adopted by the Governing Body concerning representations.
- [...]
- (4) Instructed the Committee on Freedom of Association to examine representations referred to it according to the procedures set out in the Standing Orders for the examination of article 24 representations, to ensure that representations referred to it be examined according to the modalities set out in the Standing Orders.

¹ GB.334/PV, para. 288(1) and (4).

► Appendix III

Thematic groups

	Occupational safety and health	Forced labour	Child labour	Freedom of association/ Collective bargaining + Tripartite consultation	Equality	Migrant workers	Labour inspection and labour administration	Employment and social policy and skills	Social security	Maritime and fishermen	Working time	Wages	Indigenous workers/ tribal peoples	Specific category of workers	Violence and harassment
1.	C.155	C.29	C.138	C.87	C.100	C.97	C.81	C.122	C.3	MLC, 2006	C.1	C.26	C.169	C.27	C.190
2.	C.187	C.105	C.182	C.98	C.111	C.143	C.129	C.82	C.12	C.112	C.14	C.95		C.32	
3.	P.155	P.29	C.6	C.144	C.156		P.81	C.83	C.19	C.113	C.30	C.99		C.110	
4.	C.13		C.77	C.11			C.150	C.88	C.71	C.114	C.47	C.131		P.110	
5.	C.115		C.78	C.84				C.94	C.102	C.125	C.89	C.173		C.137	
6.	C.119		C.79	C.135				C.117	C.118	C.126	P.89			C.149	
7.	C.120		C.90	C.141				C.140	C.121	C.185	C.106			C.152	
8.	C.127		C.124	C.151				C.142	C.128	C.188	C.132			C.172	
9.	C.136			C.154				C.158	C.130		C.153			C.177	
10.	C.139							C.159	C.157		C.171			C.189	
11.	C.148							C.160	C.168		C.175				
12.	C.161							C.181	C.183						
13.	C.162														
14.	C.167														
15.	C.170														
16.	C.174														
17.	C.176														
18.	C.184														

► Appendix IV

Outdated Conventions

Occupational safety and health

1. Underground Work (Women) Convention, 1935 (No. 45)
2. Safety Provisions (Building) Convention, 1937 (No. 62)

Elimination of child labour and protection of children and young persons

3. Minimum Age (Industry) Convention, 1919 (No. 5)
4. Minimum Age (Agriculture) Convention, 1921 (No. 10)
5. Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
6. Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
7. Minimum Age (Underground Work) Convention, 1965 (No. 123)

Labour administration and inspection

8. Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)
9. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)

Employment policy, promotion and social policy

10. Unemployment Convention, 1919 (No. 2)
11. Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)

Social security and maternity protection

12. Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
13. Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
14. Sickness Insurance (Industry) Convention, 1927 (No. 24)
15. Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
16. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
17. Unemployment Provision Convention, 1934 (No. 44)
18. Maternity Protection Convention (Revised), 1952 (No. 103)

Seafarers

19. Seamen's Articles of Agreement Convention, 1926 (No. 22)
20. Repatriation of Seamen Convention, 1926 (No. 23)
21. Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)
22. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)

23. Sickness Insurance (Sea) Convention, 1936 (No. 56)
24. Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
25. Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
26. Certification of Ships' Cooks Convention, 1946 (No. 69)
27. Seafarers' Pensions Convention, 1946 (No. 71)
28. Accommodation of Crews Convention (Revised), 1949 (No. 92)
29. Seafarers' Identity Documents Convention, 1958 (No. 108)
30. Minimum Age (Fishermen) Convention, 1959 (No. 112)
31. Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
32. Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)
33. Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
34. Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
35. Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)
36. Repatriation of Seafarers Convention (Revised), 1987 (No. 166)

Working time

37. Holidays with Pay Convention, 1936 (No. 52)
38. Holidays with Pay (Agriculture) Convention, 1952 (No. 101)

Indigenous and tribal peoples

39. Indigenous and Tribal Populations Convention, 1957 (No. 107)