Working Group on the Working Methods of the Conference Committee on the Application of Standards
(3rd meeting)

Informal Tripartite Consultations

Saturday, March 17, 2007 (2:30 pm to 5:30 pm)
ILO, Room V

I am pleased to inform you that the third meeting of the working group will be held on Saturday, March 17 from 2:30 pm to 5:30 pm in Room V (ILO Building).

Brief reports on the two previous meetings, the proposed agenda for this third meeting and the list of Governments members of this working group are appended. Additional material relating to the first point on the agenda will be sent to you later.

Cleopatra Doumbia-Henry
Director
International Labour Standards Department
Annex 1

Working Group on the Working Methods of the Conference Committee on the Application of Standards
(First meeting)

Informal Tripartite Consultations

14 June 2006, 14:30 – 15:45

Agenda

1. Preliminary list of individual cases: lessons learned
2. Time management of the Conference Committee
3. Drafting and adoption of conclusions of the cases
4. Role of Governments in the Committee
5. Preliminary considerations for the inclusion of a country-based approach in the supervision of the ratified Conventions

1. Preliminary list of individual cases: lessons learned

The Workers' group indicated that the preparation of the preliminary list had required efforts on their part. As a consequence of this early publication, governments had more time to prepare themselves. They noted nevertheless that there had been no gain in terms of time management.

The Employers' group considered that this first experience was more successful than unsuccessful. This preliminary list facilitated the result regarding Colombia. They hoped that it would be tried again in 2007.

The representative of the Government of Cuba stated that the list was well received. There was some confusion about countries that appeared on the preliminary list and were later taken off; some were concerned that this stigma stuck. The list should be as final as possible. Nonetheless, the advantages outweighed the drawbacks of the preliminary list.

The representative of the Government of Australia also endorsed the list, stating it allowed countries to better plan their technical expertise in delegations. They also
endorsed the footnotes, noting that while the criteria of geographical and convention type were important, they should not outweigh the need to examine serious cases.

The representative of the Government of South Africa welcomed the early list, also stating that it should be as exhaustive as possible. There had been some confusion about the countries added to the list in the end. The balance of cases had responded to concerns raised at previous sessions.

The representative of the Government of Canada endorsed the preliminary list. The criteria for selection should be based on the need for a balanced list, but should include serious cases and cases of progress.

The representative of the Government of Malaysia stressed the need to get the list out as early as possible to prepare delegations.

The Workers' group pointed out that the criteria for the selection of cases were transparent and were spelled out in the list of cases before Conference Committee; these could be read out again to make them more clear to Governments which did not understand them. More could be done to get Governments to commit to discussing their cases in the first week.

The representative of the Government of South Africa stated that the criteria were clear to governments, but it was their perception that they were not being applied and that cases were being invented to single out certain countries.

The representative of the Government of Egypt requested the list to be circulated 2-3 weeks in advance, and called for regional and convention type balance.

The Employers' group recalled that Governments should keep in mind that appearance on the list was not necessarily negative; it was a call for dialogue on a problem. The list and time management were interlinked: better prepared governments should have the possibility of appearing earlier in the Committee. Concerning the preliminary list, the covering letter was important. Mention should be made of the availability of the ILO assistance to help Governments in the preparation of the reports.

The Director of NORMES noted that there was consensus in favour of the early publication of a preliminary list and indicated that it would be tried again next year.

2. Time management of the Conference Committee

The Employers' and Workers' group pointed out that there was a link between the publication of a preliminary list and time management.

The Workers' group stated that more discipline on the part of the Governments was needed.
The representative of the Government of Canada noted that six hours of time had been lost due to meetings starting late. It was not just governments that needed to be disciplined; she recalled that the Workers had asked for delays regarding two cases.

The Workers’ group noted that it appeared that while Governments knew they might appear on the list beforehand, it did not sink in until they arrived in Geneva. Through technical assistance, the Office could do more to prepare Governments to respond before the Committee once they knew they were likely to appear on the final list.

The Employers’ group said more should be made of the first week. The general discussion should be finished on Friday of the first week, so that Saturday could already be devoted to cases. The general discussion did not have to be so wide-ranging. During the Cold War the general discussion was important but now its role needed to be looked at again. The methods of the Committee had been reviewed in the 1980s comprehensively, and could stand being reviewed in a similar manner today. The Committee of Experts had set its criteria; these lined up well with the criteria for the selection of cases before the Conference Committee. Nonetheless, the selection was not scientific; it was always within the Committee’s discretion to choose additional cases or to disregard others. Again, Governments should regard inclusion on the list as an opportunity to tell their story. As regarded time management, better instruction from the Committee’s Chairperson might help to limit interventions. Better discipline was also needed.

The Workers’ group suggested the countries that signed up early be allowed to choose their slots to present their cases, and those that registered late would have to take the slots that were left over. This would more efficiently fill in the Committee’s case calendar.

Regarding the criteria for case selection, the representative of the Government of Malaysia stated that the Asia-Pacific Group was interested in having Governments as observers in the case selection process.

The Workers’ group recalled that the Chairperson and Reporter were involved in the selection of cases. There was therefore already a Government representation.

Conclusions

The Director of NORMES indicated that further informal consultations would be held during the November Governing Body session, which would put on the table the question of selection criteria as well as the other items not discussed at this meeting, including the consideration of a country-based approach in the supervision of the ratified Conventions.

The representative of the Government of Canada indicated that a country-based approach might go beyond the mandate of the informal discussion and should be referred to LILS.
The representative of the Government of Chile stated that a preliminary discussion on this subject was needed before LILS.

The Director of NORMES confirmed that the subject-matter of the country-based approach was in the mandate of LILS. If a paper were to be presented to LILS, it would be for a preliminary discussion in a constructive spirit.
Annex 2

Working Group on the Working Methods of the Conference Committee on the Application of Standards (Second meeting)

Informal Tripartite Consultations

11 November 2006 (2:30 pm to 5:30 pm)

Agenda

1. Preliminary list of individual cases
2. Time management of the Conference Committee
3. Criteria for selection of individual cases
4. Drafting and adoption of conclusions concerning the cases
5. Role of governments in the Committee
6. Other questions

1. Preliminary list of individual cases: modalities, parameters

The Working Group considered that the discussion on this item had not been closed and agreed to include it again on the agenda.

The Workers' group considered that they could demonstrate their good will and work towards the early publication in 2007 of a preliminary list. They indicated that it would not be possible to publish the list earlier than in 2006. One of their concerns with early publication was related to the submission of credentials. They also referred to the need for discussion in their group. At the beginning of the Conference, a first meeting was needed to discuss the short list. As a counterpart to their good will, Governments should indicate at the end of the first week when they wished to discuss their cases. A good spread over the second week was needed. The discussion of cases should be more balanced and of quality. Cases of serious failure to respect the reporting and other standards-related obligations should be discussed in the first week.

The Employers' group had no disagreement with the Workers' Group on the issues raised by them. Governments should be given adequate notice to be present in Geneva. There was a quid pro quo: a balance between the number of cases discussed per day during the whole week (without leaving the maximum of cases at the end). By Saturday noon of the first week, for the Governments that had not registered, cases would be scheduled by the Office. Governments would have the freedom up to Saturday noon to decide when their cases could be discussed.
The representative of the Government of Canada expressed her appreciation for having a preliminary list. A better method of scheduling would be good. She had no disagreement with the method proposed by the Employers’ and Workers’ groups.

The representative of the Government of Cuba considered that the experiment of the preliminary list was useful and positive. But the process could be improved. He raised in particular the issue of domestic repercussions and of comments of other Governments for countries that were on the provisional list but not on the final list. There was a need to exercise discretion and to have a shorter list with a balance between regions and Conventions. The preliminary list should be published earlier in 2007 than in 2006. He wanted to know when this list could be expected.

The representative of the Government of Germany agreed with the Employers’ and Workers’ groups. She considered that the process was a fair one and supported a deadline of Saturday of the first week for Governments to sign up for a slot during the second week. The publication this year of the preliminary list on 22 May was fine. If it was possible earlier, this would be welcomed.

At the end of the discussion, on the basis of a proposal from the representative of the Government of Canada supported by the Workers’ group, it was agreed to advance the deadline for registration to Friday noon of the first week.

The representative of the Government of Egypt agreed that the preliminary list should be published as soon as possible to give governments time to prepare and send experts. The list of cases was long and the discussions lengthy last year. The Committee worked late and many members left the room before the end of the work. The time that Governments have chosen for the discussion of their cases should be respected.

The representative of the Government of South Africa considered that there were two issues: the time of release of the preliminary list – he called for earlier release; the issue of final list – when is it to be determined. He did not understand the concern about the protection of workers’ credentials mentioned by the Workers’ Group.

The representative of the Government of Malaysia stressed the need to know which cases were the most serious and why Governments delayed registration for discussion of their cases.

The representative of the Government of Australia did not see problems with proposals from Employers’ and Workers’ groups.

The representative of the Government of Nigeria wanted the list to be issued earlier in order to obtain the information from the capital and for countries to defend themselves effectively. She had no problem with a more orderly appearance before the Committee.

The Workers’ group indicated that if the list was provided before the credentials were sent, some governments might exercise pressure on Workers delegates and not include them in the list. They wanted to know if the deadline of 15 days before the Conference was respected.
The Employers' group stated that the list would be produced by the date when the credentials were submitted. The only issue that was open was the scheduling of cases.

The Workers' group recalled that the Committee of Experts' report was already available in March, on the basis of which Governments could prepare their reply. They were concerned that if cases were scheduled by the Office, Governments might not appear.

The Employers' group recalled that footnote no 8 of document D.1 contained the modalities for Governments that did not appear.

The Workers' group was of the view that Governments should come before the Committee with a document as a basis for discussion, and that in some cases it might even be possible to dispense with a discussion.

The Employers' group considered that this would be best practice, but not mandatory.

In reply to questions concerning the number of cases, the Director of NORMES recalled that the number of 25 cases constituted the basis of the final list.

In response to a question concerning the inclusion of cases in the final list that were not included in the preliminary list, the Employers' and Workers' groups stated that such an occurrence would be an exception and not a rule.

The representative of the Government of Malaysia wanted to know who endorsed the final list.

The representative of the Government of Cuba raised the question of the role of Governments in the Committee and expressed the view that they should participate as observers when the list is elaborated.

The representative of the Government of Australia, while not advocating government participation in drawing up the list, considered that more transparency in the process was needed.

The Director of NORMES recalled that there was an agreement that Governments could not participate in establishing the list.

At the end of the meeting, it was agreed that the question of the role of Governments would be discussed at the next meeting.

2. Time management

The Employers' group stated that some of the observations of the Committee of Experts were not always easy to understand and that when points were unclear the discussion lost its focus. The use of appropriate headings would be helpful. They considered that the Committee could probably start with the discussion on the General Survey rather than the General Discussion, followed by the item on serious failures to report. The ensuing General Discussion could then make reference to all of these elements. As a suggestion, for the individual cases, there could be an unwritten rule that governments would have 15-
20 minutes to present their case. They called for greater clarity and organization in the drafting of comments, but were not suggesting shortening the General Discussion or the discussion of the General Survey.

The Workers' group considered that time management could be improved on a voluntary basis by exercising restraint, and that governments could shorten their presentations by providing a supporting document. Time was lost in formulating conclusions of cases, including repetitions from the Committee of Experts' report. It was difficult for "outsiders" to understand cases, and the length of cases on which the Committee of Experts had been commenting for some time needed to be shortened. Time could be better managed only if the groups have enough time for their meetings.

The representative of the Government of Australia observed that meetings did not start on time and at the last Conference six hours and half were lost due to the late start.

The representative of the Government of Canada suggested that the Office provide some guidelines to help Governments. It would be useful also that the Committee be informed of the number of speakers, including from the Employers' and Workers' groups, for the case concerned. Taking into account the fact that the Committee would start its work on Wednesday at the Conference next year, she stressed the need to work more than one hour or one hour and half that day.

There was an exchange on views on different options concerning the program of work for the first week. It was made clear that this program should include the General Discussion, the discussion on the General Survey and the examination of the cases of serious failure. Concerning the option of starting with the discussion of the General Survey, the Workers' group considered that it was important for them to have sufficient time for the preparation. The Director of NORMES recalled that the program of the second day included the adoption of the list and the information session. The Employers' group proposed to discuss the cases of serious failure to report before the General Survey. The General Survey could be discussed on Friday. The Director of NORMES recalled that, concerning cases of serious failure to report, Governments had to receive a letter from the Chair before the discussion.

3. Criteria for selection of individual cases

Concerning the list of criteria which was included in the document C.App/D.1 (Work of the Committee) submitted to the Conference Committee in June 2006, the Workers' group indicated that it was not a possible to weight each component. Seriousness and urgency were for them the most important. The balance between regions and different types of Conventions depended on the content of the Committee of Experts' report.

The Employers' group considered that the criteria governing the methods of work of the Committee had stood the test of time. For the next meeting, the Office should prepare a draft of the D.1 document for June 2007 and a summary note of this meeting.

The representative of the Government of Nigeria stated that the social partners were not willing to accept the participation of Governments in the elaboration of the list. She wondered how seriousness was determined. More transparency of the process was needed.
The representative of the Government of Australia expressed concern as to the formulation of the criteria.

The Employers' group considered that this was not a mathematical process. Much of the evaluation comes down to common sense and values: knowing what is right and wrong. It is obvious from the Committee of Experts' report what is serious or not. The footnotes in the comments gave indications in this respect and contributed to the transparency. The publication of a preliminary list was also indicative. It was emphasised that the process was not arbitrary.

The Workers' group felt that all were in agreement that the work should not be politicized and, unlike the former Human Rights Commission, the experts were not appointees of Governments. On the whole, the answers were to be found in the report of the Committee of Experts.

The representative of the Government of Germany had no problem with the criteria per se, but raised two points concerning geographical balance and that between fundamental/technical Conventions. She considered geographical balance problematic; it could be retained but not formalized. The proportion fundamental/technical Conventions could be easier to quantify.

The Workers' group agreed on the need for balance, but considered that the choice itself came from the Committee of Experts’ report.

The Employers’ group were in favour of giving more importance to technical Conventions, such as occupational safety and health. They proposed to return to the Cold War practice: one year with a focus on freedom of association Conventions, the other year on other Conventions.

The representative of the Government of Canada wondered if “cases of progress” could be added on the list of criteria and if there would be such a case each year.

The Employers’ group considered that it would be enough to say that it is anticipated that there would be a case of progress.

Conclusions

- Concerning the preliminary list, the Director of NORMES noted that there was a consensus to release this list at the earliest possible time, and a possible trigger would be 15 days before the Conference. She recalled that the credentials list could be amended at any time.
- Concerning the final list, she noted that there was a consensus that this list would be issued only when the Conference began, with the best-case scenario being that it would be issued on the second day of the Conference, recalling that the report of the Committee of Experts was already a signal to prepare.
- The goal was to allow the Conference Committee to begin individual case discussion as soon as possible on Monday of the second week. Governments would need to register early, with elective registration until Friday noon of the first week, after which the Office would be authorized to schedule cases.
- Cases of serious failure to report would be discussed in the first week.
- An effort would be made to start on time and the Office would prepare guidelines on time management.
- Concerning the criteria for selection of cases, the Director of NORMES indicated her understanding that there was agreement not to specifically include “cases of progress” as a criteria and that the references to the geographic balance and that between fundamental and technical Conventions should remain in the chapeau introducing the list of criteria for selection of cases.
- Another meeting of the Working Group would be held during the March Governing Body and the agenda would include points 4 (Drafting and adoption of the conclusions) and 5 (Role of Governments in the Committee). In addition, a preliminary draft of D.0 (Provisional Working Schedule for June 2007) and D.1 (Work of the Committee) would be provided, as well as a set of draft guidelines on time management.
Annex 3

Working Group on the Working Methods of the Conference Committee on the Application of Standards (Third meeting)

Informal Tripartite Consultations

Saturday, March 17, 2007 (2:30 pm to 5:30 pm)
ILO, Room V

Proposed agenda

1. Examination of a draft of documents C.App/D.0 (Provisional Working Schedule of the Commission for June 2007) and C.App/D.1 (Work of the Committee), as well as of draft guidelines on time management

2. Drafting and adoption of conclusions concerning the cases

3. Role of governments in the Committee

4. Other questions
Annex 4

Working Group on the Working Methods of the Conference Committee on the Application of Standards

List of Governments

- Australia
- Canada
- Cuba
- Czech Republic
- Egypt
- Germany
- Iran, Islamic Republic of
- Nigeria
- South Africa
Individual cases: Governments concerned are invited to register before Friday, 1 June at 12 noon, for the discussion of their cases and to choose the date and time at which they would like to appear. After this deadline, the Office will be authorised to set the schedule for the discussion of the cases.

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<tr>
<th>Date</th>
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<td>Wednesday, 30 May</td>
<td>11 a.m. – 12 noon</td>
<td>- Opening Sitting</td>
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<td>- Election of Officers</td>
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<td>12 noon - 1 p.m.</td>
<td>- Statement by the Representative of the Secretary-General</td>
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<td>3 p.m. - 5 p.m.</td>
<td>Group meetings</td>
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<td>5 p.m. - 6 p.m.</td>
<td>Group meetings</td>
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<td>- Informal information meeting</td>
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<td>Thursday, 31 May</td>
<td>9 a.m. - 11 a.m.</td>
<td>Group meetings</td>
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<td>11 a.m. - 11:30 a.m.</td>
<td>- Adoption of Methods of Work (D...)</td>
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<td>and of List of Cases (D...)</td>
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<td>11:30 a.m. - 1 p.m.</td>
<td>- Statement by the Chairperson of the Committee of experts</td>
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<td>3 p.m. - 6 p.m.</td>
<td>- General Discussion</td>
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<td>- General Survey (Conventions Nos. 29 and 105)</td>
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<td>Friday, 1 June</td>
<td>10 a.m. - 1 p.m.</td>
<td>- General Survey (Conventions Nos. 29 and 105)</td>
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<td>3 p.m. - 6 p.m.</td>
<td>- Cases of serious failure regarding reporting and other standard-related obligations (possible extended sitting)</td>
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<td>Saturday, 2 June</td>
<td>10 a.m. - 1 p.m.</td>
<td>- Special sitting: Myanmar</td>
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<td>(Convention No. 29)</td>
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<td>Monday, 4 June</td>
<td>10 a.m. - 11 a.m.</td>
<td>Reply of the Chairperson of the Committee of experts; Reply of the Representative of the Secretary-General</td>
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<td>11 a.m. – 13 a.m.</td>
<td>Individual cases</td>
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<td>Tuesday, 5 June</td>
<td>10 a.m. - 1 p.m.</td>
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<td>Wednesday, 6 June</td>
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<td>Saturday, 9 June</td>
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<td>Monday, 11 June</td>
<td>9 a.m. -</td>
<td>Examination of Draft Report by Officers</td>
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<td>Tuesday, 12 June</td>
<td>4 p.m. -</td>
<td>Adoption of Report by the Committee</td>
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<td>Thursday, 14 June</td>
<td>to be determined</td>
<td>Adoption of Report in Plenary of the ILC</td>
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Draft guidelines concerning time management for the Conference Committee on the Application of Standards

(if the Working Group wishes, these guidelines could be included in the document on the work of the Committee – C.App/D.1)

Work schedule of the Committee

- The schedule for the first week will include the General Discussion, the discussion on the General Survey, the discussion on cases of serious failure with regard to reporting obligations and other standards-related obligations, and, if necessary, the special sitting.
- To the extent possible, the final list of individual cases will be adopted by the second day of the first week.
- Examination of individual cases will begin on Monday morning of the second week.

Governments registration for the discussion of their cases

- Governments are invited to take advantage of the publication of a preliminary list by registering as soon as possible, and in any event before noon on Friday of the first week, to appear before the Committee.
- Governments who register before this deadline can choose the date and time of their appearance in the course of the second week. After the deadline, the Office will be authorized to set the date and time for the discussion of the cases.

Time Management

- Every effort will be made to ensure that meetings start on time and that the schedule is respected.
- Speaking time limits set in advance by the Chairperson of the Committee in consultation with the Vice-Chairpersons must be strictly adhered to.
- Governments are encouraged to shorten their oral presentation and to supplement it, if necessary, with a written text submitted to the Office in advance.
- Prior to the discussion of each case, the Chairperson will provide the list of speakers who have registered.
DRAFT

(Subject to any new conclusions which the Working Group may adopt)

Work of the Committee

I. Introduction

The purpose of this note is to indicate briefly the manner in which the work of the Committee is carried out. In this regard, it should be noted that since 2002, ongoing discussions and informal consultations have taken place concerning the working methods of the Committee. In particular, following the setting out of a new strategic orientation by the Governing Body in November 2005, new consultations were held in March 2006 regarding numerous aspects of the standards system, starting with the question of the publication of the list of individual cases discussed by the Committee. A Working Group on the Working Methods of the Committee was set up in June 2006 and has met three times. The conclusions of the Working Group include an invitation to continue to send a preliminary list of individual cases to the Governments prior to the opening of the Conference (at least 15 days before); proposed modifications in the organization of work which are contained in the draft work schedule submitted (document C.App/D.0); and proposed guidelines to improving time management by the Committee (C.App/D.). This paper reflects the current situation of the Committee’s working methods in the light of these discussions.

II. Terms of reference of the Committee

Under its terms of reference as defined in article 7 of the Standing Orders of the Conference, the Committee is called upon to consider:

(a) the measures taken by Members to give effect to the provisions of Conventions to which they are parties and the information furnished by Members concerning the results of inspections;

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1 Proposed changes are underlined.

2 See documents GB.294/LILS/4 and GB.294/9.

3 See para. 22 of document GB.294/LILS/4.
(b) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;

(c) the measures taken by Members in accordance with article 35 of the Constitution.

III. Working documents

A. Report of the Committee of Experts

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 IA and B)), printed in two volumes.

Volume A of this report contains, in Part One, the General Report of the Committee of Experts (pages ...), and in Part Two, the observations of the Committee concerning the application of ratified Conventions and the submission of Conventions and Recommendations to the competent authorities in member States (pages ...). At the beginning of the report there is a list of Conventions by subject (pages ...), an index by Convention (pages ...), and an index by country (pages ....).

It will be recalled that, as regards ratified Conventions, the work of the Committee of Experts is based on reports sent by the governments.  

Certain observations carry footnotes asking the government concerned to report in detail, or earlier than the year in which a report on the Convention in question would normally be due, and/or to supply full particulars to the Conference. The Conference may also, in accordance with its usual practice, wish to receive information from governments on other observations that the Committee of Experts has made.

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. A list of these direct requests will be found at the end of Volume A (see Appendix VII, pages ....).

Volume B of the report contains the General Survey by the Committee of Experts, which this year is on labour inspection.

B. Summaries of reports

At its 267th (November 1996) Session, the Governing Body approved new measures for rationalization and simplification of reporting. In this connection, it adopted changes along the following lines:

(i) information concerning reports supplied by governments on ratified Conventions (articles 22 and 35 of the Constitution), which now appears in simplified form in two tables annexed to the report of the Committee of Experts on the Application of

4 See para. .. of the Committee of Experts’ General Report.

5 See para. ... of the Committee of Experts’ General Report.

6 See para. ...of the Committee of Experts’ General Report.
Conventions and Recommendations, Report III (Part IA) (Appendices I and II, pages ...);

(ii) information concerning reports supplied by governments as concerns General Surveys under article 19 of the Constitution (this year on Conventions Nos. 81 and 129, the Protocol of 1995, and Recommendations Nos. 81, 82 and 133 on labour inspection) appears in simplified form in a table annexed to the report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B) (Annex III, pages ...);

(iii) summary of information supplied by governments on the submission to the competent authorities of Conventions and Recommendations adopted by the Conference (article 19 of the Constitution), which now appears as Appendices IV, V and VI to the report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A) (pages ...).

Requests for consultation or copies of reports may be addressed to the secretariat of the Committee on the Application of Standards.

C. Other information

In addition, as and when relevant information is received by the secretariat, documents are prepared and distributed containing the substance of:

(i) written replies of governments to the observations made by the Committee of Experts;

(ii) supplementary information which reached the International Labour Office after the meeting of the Committee of Experts.

IV. Composition of the Committee, right to participate in its work and voting procedure

These questions are regulated by the Standing Orders concerning committees of the Conference, which may be found in section H of Part II of the Standing Orders of the International Labour Conference.

Each year, the Committee elects its Chairperson and Vice-Chairpersons. The election of the Reporter takes place immediately after the election of the Chairperson and the Vice-Chairpersons.

V. Schedule of work

A. General discussion

1. General questions. Each year the Committee holds a general discussion which is primarily based on the General Report of the Committee of Experts, Report III (Part 1A) (pages ...).

2. General Survey. In accordance with its usual practice, the Committee will also wish to discuss the General Survey of the Committee of Experts, Report III (Part 1B), which this year concerns forced labour.
B. Discussion of observations

In Part Two of its report, the Committee of Experts makes observations on the manner in which various governments are fulfilling their obligations. The Conference Committee then discusses some of these observations with the governments concerned.

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

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 single sitting. Governments may remove themselves from this list by submitting the required information before the sitting concerned.

Individual cases

A draft list of observations (individual cases) regarding which Government delegates will be invited to supply information to the Committee is established by the Committee’s Officers. The draft list of individual cases is then submitted to the Committee for approval. In the establishment of this list, a need for balance among different categories of Conventions as well as geographical balance is considered. In addition to the abovementioned considerations on balance, criteria for selection have traditionally included the following elements:

- the nature of the comments of the Committee of Experts, in particular the existence of a footnote (see Annex I);
- 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.

Moreover, it is expected that one case of progress will be examined, as was done in 2006.

7 Formerly “automatic” cases (see Provisional Record No. 22, International Labour Conference, 93rd Session, June 2005.)
Supply of information

1. Written replies. The written replies of governments - which are submitted to the Office prior to oral replies - are reproduced in the documents which are distributed to the Committee (see above, under III, C). These written replies are encouraged. When a sufficient period - at least 24 hours - has elapsed after the distribution of each document, members of the Committee wishing to comment on the information contained in the document may so inform the Chairperson and the representative of the government concerned will then have the possibility of supplying the relevant information (see Oral replies below).

2. Oral replies. Governments invited to submit information to the Conference Committee are requested to indicate, before Friday, 1 June at 12 noon, when they will appear. After this deadline, the Office will set the schedule for the discussion of the cases. Representatives of governments which are not members of the Committee are kept informed of the agenda of the Committee and of the date on which they may be heard:

(a) through the Daily Bulletin;

(b) by means of letters sent to them individually by the Chairperson of the Committee

Adoption of conclusions

The conclusions regarding individual cases are prepared and proposed by the Chairperson of the Committee, who should have sufficient time for reflection to draft the conclusions and to hold consultations with the Reporter and the Vice-Chairpersons before proposing the conclusions to the Committee. These conclusions take due account of the elements raised in the discussion.

C. Minutes of the sittings

No minutes are published for the general discussion and the discussion of the General Survey. Minutes of sittings at which governments are invited to respond to the comments of the Committee of Experts will be produced by the secretariat in English, French and Spanish. It is the Committee’s practice to accept corrections to the minutes of previous sittings prior to their approval by the Committee, which should take place 36 hours at the most after the minutes become available. In order to avoid delays in the preparation of the report of the Committee, no corrections may be accepted once the minutes have been approved.

The minutes are a summary of the discussions and are not intended to be a verbatim record. Speakers are therefore requested to restrict corrections to the elimination of errors in the report of their own statements, and not to ask to insert long additional passages. It would be helpful to the secretariat in ensuring the accuracy of the minutes if, wherever possible, delegates would hand in a written copy of their statements to the secretariat.
D. Special problems and cases

For cases in which governments appear to encounter serious difficulties in discharging their obligations, the Committee decided at the 66th Session of the Conference (1980) to proceed in the following manner:

1. Failure to supply reports and information. The various forms of failure to supply information will be expressed in narrative form in separate paragraphs at the end of the appropriate sections of the report, and indications will be included concerning any explanations of difficulties provided by the governments concerned. The following criteria were retained by the Committee for deciding which cases were to be included:

- None of the reports on ratified Conventions have been supplied during the past two years.
- 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.
- No indication is available that steps have been taken to submit the Conventions and Recommendations adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution.
- 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(2) of the Constitution, copies of reports and information supplied to the Office under articles 19 and 22 have been communicated.
- The government has failed, despite repeated invitations by the Conference Committee, to take part in the discussion concerning its country.

8 This year the sessions involved would be the 86th-92nd Sessions (1998-2004).

9 At the 73rd Session of the Conference (1987), the Committee decided that for the implementation of this criterion, the following measures would be applied:

- 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 in writing the governments of the countries concerned, and the Daily Bulletin regularly shall mention these countries;
- three days before the end of the discussion of individual cases, the Chairman of the Committee shall request the Clerk of the Conference to announce everyday 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 the governments have not responded to the invitation. The objective is not to discuss
2. Application of ratified Conventions. The report will contain a section entitled "Application of ratified Conventions", in which the Committee draws the attention of the Conference to:

- cases of progress (see Annex II), where governments have introduced changes in their law and practice in order to eliminate divergences previously discussed by the Committee;
- discussions it had regarding certain cases, which are mentioned in special paragraphs of the report;
- continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions which it had previously discussed.

the substance of these cases, but to bring out in the report the importance of the questions raised, and the steps to be taken to resume the dialogue. The report shall mention for each country the cases concerned.
Annex I

Criteria for footnotes

At its November-December 2005 session, in the context of examining its working methods, and in response to the requests coming from members of the Committee for clarification concerning the use of footnotes, the Committee of Experts adopted the following criteria (paragraphs 36 and 37):

The Committee wishes to describe its approach to the identification of cases for which it inserts special notes by highlighting the basic criteria below. In so doing, the Committee makes three general comments. First, these criteria are indicative. In exercising its discretion in the application of these criteria, the Committee may also have regard to the specific circumstances of the country and the length of the reporting cycle. Second, these 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 "double footnote". The difference between these two categories is one of degree. The third comment is that 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) in cases where there has been a recent discussion of that case in the Conference Committee on the Application of Standards.

The criteria to which the Committee will have regard are the existence of one or more of the following matters:

- 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.

At its 76th Session, the Committee decided that the identification of cases in respect of which a special note (double footnote) is to be attributed will be a two stage process: the expert initially responsible for a particular group of Conventions may recommend to the Committee the insertion of special notes; in light of all the recommendations made, the Committee will take a final, collegial decision on all the special notes to be inserted, once it has reviewed the application of all the Conventions.
Annex II

Criteria for identifying cases of progress

In its November-December 2005 session, the Committee of Experts defined its criteria for identifying these cases in the following manner (paragraphs 42, 43 and 46):

... The Committee has developed a general approach concerning the identification of cases of progress. In describing the approach below, the Committee wishes to emphasize that an expression of progress can refer to many kinds of measures. In the final instance, the Committee will exercise its discretion in noting progress having regard in particular to the nature of the Convention as well as to the specific circumstances of the country.

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 an amendment to the legislation or a significant change in the national policy or practice thus achieving fuller compliance with their obligations under the respective Conventions. 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. In expressing its satisfaction, the Committee indicates to governments and the social partners that it considers the specific matter resolved. In so doing, the Committee must emphasize that an expression of satisfaction is limited to the particular issue at hand and the nature of the measure taken by the government concerned. Therefore, in the same comment, the Committee may express satisfaction on a particular issue, while raising other important issues which in its view have not been satisfactorily addressed. Further, if the satisfaction relates to the adoption of legislation, the Committee may also consider appropriate follow-up on its practical application.

...]

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. This may include: draft legislation before parliament, or other proposed legislative changes not yet 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 was a compelling reason to note a particular judicial decision as a case of satisfaction. The Committee may also note as cases of interest progress made by a State, province or territory in the framework of a federal system. The Committee’s practice has developed to a certain extent, so that cases in which it expresses interest may now also encompass a variety of new or innovative measures which have not necessarily been requested by the Committee. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention.

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10 See para. 16 of the report of the Committee of Experts submitted to the 48th Session (1964) of the International Labour Conference.