Working Group on the Working Methods of the Conference Committee on the Application of Standards  
(6th meeting)  

Informal Tripartite Consultations  

Saturday, 14 March 2009 (9:00 to 11:30 am)  
ILO, Room V  

Proposed agenda  

1. Implications of the follow-up to the Social Justice Declaration on the working methods of the Conference Committee  
2. Taking stock of the improvements in the working methods of the Conference Committee  
3. Other questions
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I am pleased to inform you that the sixth meeting of the Working Group will be held on Saturday, 14 March 2009, from 9:00 to 11:30 am in Room V (ILO building).

A proposed agenda for this sixth meeting, the list of Government members of the Working Group and two background notes for the discussion are appended.

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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
- Islamic Republic of Iran
- Nigeria
- South Africa
Introduction

1. The ILO Declaration on Social Justice for a Fair Globalization, 2008, mandated the Organization to introduce a scheme of recurrent discussions at the Conference, so as to: understand better the diverse realities and needs of its Members with respect to each of the strategic objectives, respond more effectively to them, using all the means of action at its disposal, including standards-related action, technical cooperation and the technical and research capacity of the Office, and adjust its priorities and programmes of action accordingly; and assess the results of the ILO’s activities with a view to informing programme, budget and other governance decisions.1

2. It may be recalled that General Surveys are prepared every year by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on a group of standards related to a theme and selected by the Governing Body. General Surveys are based on the information on law and practice contained in reports under Articles 19 and 22 of the Constitution. Being an invaluable tool in this respect, it has been considered that the review of trends and developments in the recurrent reports should benefit, among other sources, from the information contained in the General Surveys.2 As a consequence, the follow-up to the Declaration specifies that some of the measures to assist the Members may entail some adaptation of existing modalities of application of Article 19, paragraphs 5(e) and 6(d) of the Constitution, without increasing the reporting obligations of member States.3

3. At its 303rd Session (November 2008), the Governing Body agreed to (1) align the subject of the General Surveys with that of the recurrent reports and (2) develop a new design (simplified and more user friendly) of the report forms requested under Article 19 of the Constitution for the General Survey related to the strategic objective concerned, in order to provide an input into the recurrent report.4 This new design, in addition to being simplified and more user friendly, is intended to respond more effectively to the objective of Article 19, namely to obtain information on the law and practice of member States, obstacles to ratification and the effect given or proposed to be given to non-ratified Conventions and Recommendations. It is also intended to provide useful information on the needs of member States, particularly in relation to technical cooperation, and standards-related activities.

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1 The Social Justice Declaration, Annex, II, B(i).
3 The Social Justice Declaration, Annex, I, B.
4 See GB.303/LILS/4/1, and GB.303/12.
4. Accordingly, further to its decision to place on the agenda of the 99th Session of the Conference in 2010 a recurrent item on the strategic objective of employment, the Governing Body also requested governments to submit reports on the employment instruments under Article 19 of the Constitution with a view to the preparation of a General Survey on employment by the CEACR in November–December 2009.5

5. In addition, the Governing Body invited the Office to prepare a proposal for the March 2009 Governing Body concerning the next Article 19 General Survey on instruments relating to the subject of the second recurrent item in 2011 – which is expected to concern social security - and to make arrangements for tripartite consultations on the related questionnaire. A number of constituents also clearly mentioned that it would be useful for the CEACR to indicate its views, particularly regarding the impact of the new questionnaire on its workload and methods of work.

**Impact on the working methods of the CEACR**

6. At its 79th Session (November–December 2008), the CEACR was briefed by the Office on the possible implications of the Social Justice Declaration for its work. The CEACR decided to set up an expanded working group on the next General Survey concerning employment and another one to assist the Office in the preparation of the next Article 19 questionnaire on instruments relating to social security, which will be submitted to the Governing Body at its present session.6 It was agreed that the CEACR will, as appropriate, continue to provide guidance on the preparation of future Article 19 questionnaires through the members who have main responsibility for the respective Conventions.7

7. The special sitting of the CEACR attended by the Vice-Chairpersons of the Conference Committee on the Application of Standards (the Conference Committee) also addressed the implications of the Social Justice Declaration for the work of both Committees in relation to General Surveys and held an exchange of views on the recent decisions taken by the Governing Body in this respect. While emphasizing the need to preserve the authoritative value of General Surveys, it was recognized that the new approach could open up new possibilities to increase the impact of the standards system, particularly by providing a holistic view of national situations, a clearer understanding of gaps in law and practice relating to the implementation of international labour standards and of gaps in standard-setting action. In this context, with a view to optimizing the work of both Committees in relation to future General Surveys, it was also acknowledged that certain aspects of their respective organization of work would have to be reviewed.

**Synergies between Recurrent Reports and General Surveys**

8. **Content.** The General Survey is prepared by the CEACR during their annual session (November–December) preceding the year the International Labour Conference discusses the recurrent report on the same theme. The recurrent report, which is prepared by the Office, has to be finalized at the beginning of February, the year of the Conference’s discussion. It will be broader than the General Survey in that it will provide an overview of all trends relating to the strategic objective under review, adopting an integrated

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5 See GB.303/LILS/6 and GB.303/12.
6 See GB.304/LILS/5.
7 See ILC 2009, CEACR, General report, para. 9(3).
approach to all ILO means of action. After the finalization of the General Survey in December of the year preceding its examination by the Conference, the information contained therein will be used to feed into the normative dimension of the recurrent report. Depending on the subject of the recurrent report, it is expected that the information relating to the relevant international labour standards will be extracted from the General Survey for the purposes of the report.

9. Conference discussions. The General Survey will continue to be a stand alone publication of the CEACR which is submitted for discussion to the Conference Committee on the Application of Standards. The recurrent report will be submitted separately to the Conference and will be subject to a General Discussion in a technical committee to be set up by the Conference the same year.

10. The Conference Committee on the Application of Standards will continue to discuss the General Survey with a focus on the application of, or the effect given to, the relevant standards. The outcome of this discussion will enable for a "contribution" to be made to the technical committee discussing the recurrent report and therefore ad hoc arrangements should be envisaged for this contribution to be brought to the attention of the technical committee of the Conference. Such a contribution should be in writing to ensure in particular that the views of the Committee on the Application of Standards are clearly communicated. Hence, this element should be taken into account when establishing the work programme of the Conference Committee on the Application of Standards.

11. The technical committee of the Conference will discuss the recurrent report with a view to the adoption of a comprehensive plan of action. This plan of action would establish priorities for future action and to that effect mandate the mobilization of the different means of action of the Organization, including activities relating to promotion, research, policy orientations, technical cooperation and possible standard setting or other standards related action. The normative component of this plan of action should be informed by the contribution of the CEACR report and the Conference Committee on the Application of Standards.

12. Against this background, the Working Group may wish to discuss the implications of the follow-up of the Social Justice Declaration on the working methods of the Conference Committee on the Application of Standards, including:

- the possibility for the Conference Committee to start its discussion on the General Survey earlier, and to adapt its work programme to that effect already in June 2009 on an experimental basis;
- modalities of adoption of a possible contribution in writing, prepared on the basis of the discussion of the Conference Committee on the General Survey, for transmission to the technical committee discussing the recurrent report.
Taking stock of the improvements in the working methods of the Conference Committee

Progress made

1. It may be recalled that following the setting out of a new strategic orientation by the Governing Body in November 2005,1 a series of tripartite consultations were launched regarding the standards system, including, since March 2006, the working methods of the Conference Committee. In this respect, a Working Group on the Working Methods of the Conference Committee was set up in June 2006, after the 95th Session of the Conference.

2. The issues mentioned below have been dealt with. The first related to the publication of the list of individual cases discussed by the Committee. It was agreed to implement for the 95th Session of the ILC, on a trial basis, the early publication (at least two weeks before the opening of the Conference) of a preliminary list of cases to be discussed by the Committee. This early publication has been in operation since May 2006.

3. The Working Group on the Working Methods of the Conference Committee has already met five times.2 On the basis of its recommendations, several decisions were taken by the Conference Committee as regards its working methods in June 2007 and in June 20083 as follows:

- Since June 2007: The sending of a preliminary list of cases has continued. Following the adoption of the final list of individual cases, the Employer and Worker Vice-Chairpersons have held informal briefing sessions for Governments to explain the criteria used for the selection of cases. Changes have been made to the organization of work so that the discussion of cases could begin on the Monday morning of the second week. Governments have been invited to register as early as possible, and in any event by the Friday of the first week at 6 pm at the latest, and the Office has been authorized to slot countries that had not registered by the deadline. Guidelines to improve the time management of the Committee have been adopted and put into effect. Improvements have been introduced in the preparation and adoption of the conclusions relating to cases.

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


3 All these changes are included in the document C.App/D1 – Work of the Committee -, which is submitted every year to the Conference Committee.
- In June 2008: New measures have been adopted for the cases in which
governments were registered and present at the Conference, but have chosen not
to be present before the Committee. In particular, the Committee may now discuss
the substance of such cases. Specific provisions have also been adopted
concerning the respect of parliamentary rules of decorum.

4. From a general point of view, all these changes have been considered as real improvements
by the Conference Committee and have been implemented with success.

Main issues still to be addressed following the 97th Session (June 2008) of the
Conference

5. Concerning the working methods of the Conference Committee, the main issue which was
again raised during the last Conference, was the difficulty in reaching a consensus on the
final list because of an important divergence of views on a few cases between the
Employers’ and the Workers’ groups. In addition, the Workers’ group deplored pressure
exerted by some governments included in the preliminary list. The other question
mentioned by the Employers’ group was the question of the diversification of the cases on
the list. In this respect, it should be kept in mind that the Office has been requested to
present to the Governing Body new options for a global approach to the streamlining of
reporting, in the light of the follow-up to the Social Justice Declaration. Even if it is too
early to have a precise idea on the concrete implications of such a change, it could be
possible that a new grouping of Conventions for reporting purposes, aligned to a certain
extent with a cycle of recurrent reports, could contribute to this diversification.

6. Against this background, the Working Group may wish to discuss possible further
improvements in the adoption of the final list.

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4 See ILC 2008, Provisional Records 19 and 21.

5 GB.304/LILS/4.