Working Group on the Working Methods of the Conference Committee on the Application of Standards (11th meeting)

Informal Tripartite Consultations

Saturday, 12 November 2011 (2:30 to 5:30 p.m.)
ILO, Room V

Proposed agenda

1. Adoption of the list of individual cases
2. Balance in the types of Conventions among the individual cases selected by the Conference Committee
3. Possibility for the Conference Committee to discuss cases of progress
4. Possible improvements in the interaction between the discussion on the General Survey by the Committee on the Application of Standards and the discussion on the recurrent report by the Committee for the Recurrent Discussion
5. Automatic registration of individual cases: modalities for selecting the starting letter for the registration of cases
6. Other questions
Introduction

1. The Working Group on the Working Methods of the Conference Committee was established in June 2006 and has met regularly – once or twice a year – since then. On the basis of its recommendations, many improvements have been introduced in the working methods of the Committee. These include, inter alia, the early communication to governments of a preliminary list of individual cases; the institution of an informal briefing session for governments by the Employer and Worker Vice-Chairpersons, following the adoption of the list of individual cases; the organization of work so that the discussion of cases could begin on the Monday morning of the second week; the preparation and adoption of the conclusions relating to cases; the possibility for the Committee to discuss the substance of cases concerning governments that are registered and present at the Conference, but choose not to be present before the Committee; specific provisions on the respect of parliamentary rules of decorum; the automatic registration of individual cases; time management; and the interaction between the discussion of the General Survey by the Committee on the Application of Standards and the discussion of the recurrent report by the Committee for the Recurrent Discussion.

2. At the 100th Session (June 2011) of the Conference, these reforms continued to be successfully implemented. Regarding the automatic registration of cases, in accordance with the proposal of the Working Group, the Conference Committee agreed that the registration would start with the letter “F” on an experimental basis, and that the situation would be reviewed after the Conference. Concerning the discussion of the General Survey, the Conference Committee decided to take up, at an early stage of its work, the General Survey concerning social security instruments to ensure timely coordination with the Committee for the Recurrent Discussion on Social Protection and to provide meaningful contributions to its conclusions. It may also be noted the Conference Committee discussed the case of a country which was registered at the Conference but was not present before the Committee.

3. However, the adoption of the final list proved to be exceptionally difficult this year, as this list was not adopted before Tuesday of the second week. In connection with this list, other questions were raised regarding the balance in the types of Conventions among the cases selected, and the possibility to discuss cases of progress. It was agreed that the Working Group should continue its work to further enhance the efficiency of the Committee.

Against this background, and with a view to the preparation of the next session of the Conference, it is proposed that the Working Group discuss at its present meeting the following questions: the adoption of the list of individual cases; the balance in the types of Conventions among the cases selected; the possibility to discuss cases of progress; possible improvements in the interaction between the discussion on the General Survey by the Committee on the Application of Standards and the discussion on the recurrent report by the Committee for the Recurrent Discussion; and the modalities for selecting the starting letter for the registration of individual cases.

The adoption of the list of individual cases

5. As indicated above, at the last session of the Conference in June 2011, the Committee was not able to adopt the final list of individual cases to be discussed before the second day of the second week (Tuesday, 7 June 2011). A “provisional final list” of individual cases, containing the six cases on which the Committee of Experts had placed a double footnote, was made available the first week, allowing the Conference Committee to start its work on time. Many members expressed their concerns in respect of this late adoption.

6. The Worker members stated that the adoption of the list of cases had been exceptionally difficult this year. In future, new rules would have to be found for the procedure of drawing up and adopting the list of individual cases. The list was prepared by the Worker members and the Employer members, and they needed to find a compromise together. The mission of the Committee was to supervise the application of ratified Conventions in complete serenity, free from the political and ideological pressures of the country concerned. These were the principles that would have to serve as a basis for seeking a solution rapidly to the problems encountered. The Worker members stressed the need to find an original solution, to be discussed in the Working Group.

7. The Employer members agreed with the Worker members about the particular difficulty to reach a consensus in the adoption of the list of individual cases during that Conference. They noted that the long-standing objective criteria included in Document D.1 on working methods were used for the selection of cases. The selection of 25 cases out of 800 observations was, each year, a very sensitive exercise and a delicate process. Indeed it means that the Committee was only able to address three percent of the Experts’ observations on average, not counting the hundreds of direct requests made by the Experts. The Employer members considered that this year the current system had reached its limits, as the list was agreed on the Tuesday of the second week of the Conference, which delayed the work of the Committee. This scenario could not be repeated next year. Some improvements were now required. The work was too important and the time and resources put in place were too large to be jeopardized by the lack of a list. They suggested that it could be appropriate to set a time limit for finalizing the list. For example, the final list should be finalized by noon on Friday of the first week of the Conference, and the schedule of cases confirmed shortly thereafter. If not, then the Committee’s work should be limited to the agreed and double footnoted cases to be confirmed to the Governments by 3 p.m. on the first Friday of the Conference. To facilitate this process, the preliminary long list of cases should be limited to 40 cases.

8. IMEC declared that time management in the second week of the Committee’s discussion had been significantly hindered because of the late adoption of the final list of cases.

---

2 ILC, 100th Session, 2011, Provisional Record No. 18.
3 ILC, 100th Session, 2011, Provisional Record No. 30.
4 Ibid.
Critical to the Committee’s work was the adoption of this list of cases no later than Friday of the first week of the Committee’s discussions. Composition of the list of individual cases was a complicated process which required significant compromise. Agreement on the list of cases was essential for the functioning of the Committee, and governments should not be involved in this process. The Worker members and the Employer members were urged to bridge their differences in this regard prior to the next session of the Conference, and to use advanced preparation to ensure that the final list of cases was prepared during the first week of the Committee’s discussions. Lack of movement on this very important issue would have a negative impact on the credibility of the ILO supervisory machinery. In this regard, IMEC was confident that the Worker members and Employer members were committed to the working methods of the Committee and that the list of cases would continue to be based on respectful consultations which would result in a balanced list which consistently followed the criteria of selection agreed to by the social partners. This list of cases was not reserved only for the most serious violations of ratified Conventions and the perception of this list as a “black list” would have ramifications on the ILO supervisory system. 5

9. *The Working Group may wish to discuss possible improvements in the process of the adoption of the list of cases, taking into account the different suggestions put forward during the Conference.*

The balance in the types of Conventions among the cases selected

10. At its previous meeting, the Working Group discussed the balance in the individual cases selected by the Conference Committee, based both on the types of Conventions and on regional distribution. Such a balance was recognized to be an important question, while difficult to achieve, in particular with regard to the distribution of cases by type of Convention. It was noted that the Workers’ and Employers’ groups would continue to fully take into consideration this need for balance, to the extent feasible.

11. At the June 2011 Conference, the general trend regarding the distribution of cases by type of Conventions noted in the last ten years was confirmed. About 80% of the cases related to the fundamental principles and rights at work, and about 50% related more particularly to freedom of association and collective bargaining. The Employers members regretted the exclusion of important technical Conventions, such as those concerning the protection of wages or hours of work and expressed a desire for more cases related to the fundamental Conventions concerning forced labour, discrimination and child labour.

12. *The Working Group may wish to continue to discuss the question of a possible improved balance in the types of Conventions selected by the Conference Committee in the context of the individual cases, between fundamental Conventions and technical Conventions and between the fundamental Conventions.*

Cases of progress

13. It will be recalled that following its examination of the reports supplied by governments, and in accordance with its standard practice, the Committee of Experts on the Application of Conventions and Recommendations refers in its comments to cases in which it expresses its satisfaction or interest at the progress achieved in the application of the respective Conventions. The Committee expresses satisfaction in cases in which, following comments it has made on a specific issue, governments have taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the implementation of the Convention.

---

5 ILC, 100th Session, 2011, *Provisional Record* No. 18.
change in the national policy or practice, thus achieving fuller compliance with their obligations under the respective Conventions. 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. In comparison to cases of satisfaction, cases of interest relate to progress, which is less significant. The Committee’s practice has developed to such an extent that cases in which it expresses interest may encompass a variety of measures. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention.6

14. In 2006, 2007 and 2008, the Conference Committee included cases of progress on the list of cases examined. Because of time constraints, the Committee has not been able to continue this welcome practice since 2008. At the June 2011 Conference, this situation was regretted in particular by the Worker members and the Chairperson. The Worker members noted that the Committee of Experts’ ability to highlight instances of progress was the most effective way of focusing on the Committee’s work and analyzing its impact. They suggested that these cases could be discussed separately under a new procedure, even if it meant an extra item on the agenda. The Employer and Worker members could either agree on a case to discuss, or choose cases that they found interesting independently of one another. Proceeding along such lines would do justice to the work of the Committee of Experts.7

15. The Working group may wish to exchange ideas on possible ways for the Conference Committee to discuss cases of progress, taking into account the suggestions mentioned above.

Interaction between the discussion on the General Survey by the Committee on the Application of Standards and the discussion on the recurrent report by the Committee for the Recurrent Discussion

16. Under the follow-up to the Social Justice Declaration, since 2010, the subject of the General Survey prepared by the Committee of Experts has been aligned with the strategic objective covered by the recurrent report. As a result, the General Surveys concerning employment instruments and social security were discussed by the Committee on the Application of Standards in June 2010 and June 2011, respectively, while the recurrent reports on the related strategic objectives were discussed by the Committee for the Recurrent Discussion. In order to ensure the best interaction between the two discussions, including how the conclusions of the Committee on the Application of Standards could best be taken into account by the Committee for the Recurrent Discussion, several arrangements have been put in place:

---

6 This may include: draft legislation that is before parliament, or other proposed legislative changes forwarded or available to the Committee; consultations within the government and with the social partners; new policies; the development and implementation of activities within the framework of a technical cooperation project or following technical assistance or advice from the Office. Judicial decisions (according to the level of the court, the subject matter and the force of such decisions in a particular legal system) are normally be considered as cases of interest unless there is a compelling reason to note a particular judicial decision as a case of satisfaction. The Committee may also note as cases of interest the progress made by a State, province or territory in the framework of a federal system. See Report of the Committee of Experts, Report III (1A), ILC, 2011, pages 21 - 28.

7 ILC, 100th Session, 2011, Provisional Record No. 18.
The Selection Committee authorized, in advance, the transmission of any outcome adopted by the Committee on the Application of Standards upon its consideration of the General Survey to the Committee for the Recurrent Discussion at the earliest possible moment.

The Committee on the Application of Standards discussed the General Survey on the second day of its work (in 2011, the discussion on the General Survey took place before the general discussion).

The Committee adopted a brief summary and the outcome of its discussion on the General Survey on the third day.

This document was then presented by the Officers of the Committee on the Application of Standards to the Committee for the Recurrent Discussion (in 2010, it was the same day and in 2011, the day after).

17. It will be recalled that in March 2011, the Governing Body decided that the General Survey will be discussed by the Conference Committee a year ahead of the recurrent discussion on the related strategic objective, to allow more time for the results from the General Survey discussion to be integrated into the preparation of the recurrent discussion. Nevertheless, this decision will not be implemented before 2014. Consequently, the scenario described above will again apply in 2012 and in 2013.

18. In 2012, the General Survey and the recurrent report will cover the fundamental principles and rights at work. The General survey and the recurrent report will be discussed at the same time during the Conference, in the Committee on the Application of Standards and the Committee for the Recurrent Discussion, respectively.

19. The process followed in June 2010 and June 2011 has generally been considered to work well. At the same time, at the last Conference, the Employer members expressed strong concerns, considering that the increasing policy orientation of the General Survey jeopardized the technical value of the analysis. During informal consultations held in September 2011 on the recurrent report on the fundamental principles and rights at work, a number of governments emphasized the necessity to ensure the integration of the work of the Recurrent Discussion Committee and the Committee on the Application of Standards, to avoid overlapping or parallel discussions.

20. It may be noted that because of the specificity of the subject, cooperation between the two Conference committees in June 2012 and ensuring the complementarity of their work will be crucial for a successful outcome of these two discussions.

21. The Working Group may wish to continue to discuss possible improvements in the interaction between the Committee on the Application of Standards and the Committee for the Recurrent Discussion, with a view to the discussion of the General Survey and the recurrent report on fundamental principles and rights at work.

Automatic registration of cases: Modalities for selecting the starting letter for the registration of individual cases

22. In June 2010, for the first time, cases included in the final list were automatically registered and scheduled by the Office over the second week of the Committee’s work, on
the basis of a rotating alphabetical system, following the French alphabetical order. The registration began with countries starting with the letter “A”. Cases were divided in two groups: the first group of countries to be registered according to the specified alphabetical order was comprised of those cases in which a double footnote was inserted by the Committee of Experts; the second group of countries consisted of all the other cases on the final list, which were also registered by the Office following the above-mentioned alphabetical order.

23. The automatic registration of cases has had a widely recognized positive impact on time management. The question of the modalities for selecting the starting letter for the registration of individual cases was discussed by the Working Group in November 2010 and March 2011. The Working Group was of the view that the most important consideration was predictability. Some members also suggested that registration should start with a letter further down the alphabetical order than “B”, to have a greater variety in the countries called upon at the beginning of the week and ensure that the same cases were not always examined at the end of the week. At the last meeting of the Working Group, the Office proposed that registration begin with five letters further down the French alphabetical order than the letter used in each previous year. The starting letter for registration in 2011 would be “F” (“A” plus 5 letters); “K” in 2012; “P” in 2013; “U” in 2014; “Z” in 2015; “E” in 2016, and so forth. GRULAC had expressed a preference for a system in which the starting letter was determined by the drawing of lots, considering that it was a fairer system. Ultimately, it was agreed that in 2011, registration of individual cases would start with the letter “F”, but only on an experimental basis and that this situation would be reviewed after the Conference. No difficulty with the automatic registration procedure was reported during the Conference.

24. In light of the above, the Working Group may wish to discuss if the Committee should continue to apply the same modality for the automatic registration of individual cases in 2012, beginning with the registration of countries which start with the letter “K”, as indicated above, or should consider another system, such as the drawing of lots.
Working Group on the Working Methods of the Conference Committee on the Application of Standards
(Tenth Meeting)

Informal Tripartite Consultations
Saturday, 12 March 2011 (2.30 to 5.30 p.m.)

Brief report

Proposed agenda

- Balance in the individual cases selected by the Conference Committee

- Automatic registration of cases: Modalities for selecting the starting letter for the registration of individual cases

- Interaction between the discussion on the General Survey on Social Security by the Committee on the Application of Standards and the discussion on the recurrent report on Social Security by the Committee for the Recurrent Discussion on Social Protection

- Possible implications of the Governing Body elections on time management

- Other questions

Opening of the meeting and adoption of the agenda

1. The Working Group had before it the following papers: a background document with three appendices (a brief report of the ninth meeting of the Working Group held on 13 November 2010 (Appendix 1), as well as two tables presenting the individual cases selected for discussion by the Conference Committee on the Application of Standards since 1999 based on the type of Convention (Appendix 2) and the geographical distribution (Appendix 3)); and a draft of document C.App./D.0, containing the provisional working schedule for the 2011 session of the Committee on the Application of Standards.

2. The Director of the International Labour Standards Department (NORMES), Ms. Doumbia-Henry, opened the meeting and presented the proposed agenda and the documents prepared by the Secretariat. She welcomed the presence of the Executive Director of the Standards and Fundamental Principles and Rights at Work Sector, Mr. Guy Ryder, as well as the presence of the Director of the Social Security Department (SECSOC), Mr. Michael Cichon, who was invited to participate in the discussion on the interaction between the Committee for the Recurrent Discussion on Social Protection and the Conference Committee in June. It was subsequently agreed to discuss this item as the second item on the agenda. She further informed the Working Group that, due to
budgetary constraints, the present meeting might be its last one.

3. The proposed agenda was adopted.

Agenda item 1: Balance in the individual cases selected by the Conference Committee.

4. The Employers' representative, Mr. Potter, indicated that appendices 2 and 3 were very useful and that the table identifying the regional distribution confirmed that, in developing the list of cases, the Conference Committee had paid careful attention over the years to the distribution of cases between regions. With respect to the distribution of cases based on the type of Conventions, he observed that the pattern for most years had been the same and that there was a need for greater diversity, including among the different types of fundamental Conventions selected. The Conference Committee should place more emphasis on the technical Conventions, such as the occupational safety and health Conventions.

5. The Workers' representative, Mr. Cortebeeck, considered that the balance of cases was satisfactory and recalled that the selection of cases depended largely on the criterion of the seriousness of cases. He noted that, as both the Workers' and Employers' groups operated on a democratic basis, achieving a balance was not easy and, at the end of the process, the proposed list contained a greater number of fundamental Conventions (including freedom of association and collective bargaining Conventions) because they were of fundamental significance to the ILO. The balance also depended on the reporting cycle and on the double footnote cases identified by the Committee of Experts. He therefore considered that it would be difficult to improve the balance of cases.

6. The representative of the Government of Cuba, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), thanked the Office for the information provided. He indicated that he was not in agreement with the Workers' representative views and emphasized the lack of balance between the types of Conventions, as the Conventions on freedom of association and collective bargaining represented most of the cases examined. There was a need to include more technical Conventions because of the importance of the issues that they addressed. In addition, more attention should be given to Convention No. 111. Efforts should also be made to achieve a better geographical balance. He asked the social partners, who were responsible for the elaboration of the final list of cases, to take into consideration the figures provided by the Office.

7. The representative of the Government of Bangladesh noted that the social partners had remained sensitive to striking a balance and considered that they should continue their efforts in this regard. Concerning the geographical distribution of cases, he considered that there was a clear imbalance, particularly when comparing the number of cases for the 44 countries in the Asian and Pacific and Arab Regions with other regions in which there were a similar number of countries. He reiterated the position already expressed by the Non-Aligned Movement (NAM) that the question of the level of development should also be given due consideration. Regarding the distribution between
the fundamental and technical Conventions, the historical perspective showed a diminishing number of technical Conventions, which raised the question of whether the selection of cases was allowing the Conference Committee to discharge its mandate in a holistic manner. He expressed the need for transparent criteria in order to achieve balance. Although the social partners had taken measures to explain the selection of cases, their explanations did not alleviate all concerns. He recalled that Ministers in the NAM continued to raise questions about the “double standards” applied in the selection of cases. One way of addressing these concerns was to envisage benchmarks with regard to the geographical distribution and the type of Conventions.

8. The representative of the Government of Canada noted that the charts provided in the appendices were helpful and indicated that the regional balance of cases had been good, particularly over the last few years. With respect to the distribution between the fundamental and technical Conventions, she agreed that the seriousness of the cases was an important factor, but noted that there were also serious cases relating to non-fundamental Conventions, such as those on occupational safety and health. She invited the social partners to consider the views expressed in this respect.

9. The representative of the Government of Austria agreed that cases were geographically well distributed. With regard to the type of Conventions, she considered that it was difficult to improve the balance. Efforts should nevertheless be made to include at least a few more technical Conventions. Regarding the concerns relating to transparency raised by the representative of the Government of Bangladesh, she believed that the social partners had a very transparent list of criteria, which was available to everyone. She was convinced that the Workers’ and Employers’ groups were doing their best to maintain a good balance in the distribution of cases, and would continue to do so.

10. The Workers’ representative gave assurances that the Employers’ and Workers’ groups did not apply double standards, and that they always applied the criteria contained in document C.App./D.1 (Work of the Committee), which was published every year. However, these criteria had to be applied according to the particularities of the cases considered. Concerning the geographical distribution of cases, any unsatisfactory balance was also due to the imbalance in ratifications between the regions. He noted, in response to the comment made by the representative of GRULAC, that two or three cases relating to Convention No. 111 were included in the list of individual cases every year.

11. The Employers’ representative agreed with the Workers’ representative, in particular on the issue of strictly avoiding double standards. In the complex process of establishing the preliminary list of 40-45 cases from over 900 observations each year, in addition to applying the criteria contained in the document C.App./D.1, the geographical distribution of cases was considered to the extent feasible.

12. The Director of NORMES recalled, in relation to the balance of the type of Conventions, that the reporting cycle was shorter for the fundamental than for the technical Conventions, and that the fundamental Conventions had received most ratifications. As a result, the report of the Committee of Experts inevitably contained more comments on the fundamental Conventions. In relation to the geographical
distribution of cases, when taking into consideration the different number of countries in the different regions, e.g. in the Arab States compared to other regions, the geographical distribution of cases was still rather balanced. However, she recalled that, even within the fundamental Conventions, there was a significant imbalance in ratification, and not all regions were as well represented. In conclusion, she noted that it was acknowledged that the Workers’ and Employers’ groups were sensitive to striking a balance in the individual cases, while it was difficult to achieve, and that they would continue to do their best to the extent feasible.

**Agenda item 2: Interaction between the discussion on the General Survey on Social Security by the Committee on the Application of Standards and the discussion on the recurrent report on Social Security by the Committee for the Recurrent Discussion on Social Protection**

13. The Director of NORMES recalled that, following the adoption of the ILO Declaration on the Social Justice for a Fair Globalization, there had been interaction between the two Committees for the first time in June 2010. She indicated that, like last year, the interaction in June 2011 would represent a challenge, because both Committees would begin their work at the same time and it would not be possible for either Committee to begin working earlier. She recalled that, last year, the Committee on the Application of Standards had agreed to change its programme of work and to begin the discussion of the General Survey as the first item on its agenda on Thursday morning, which had allowed the Committee to report to the Committee for the Recurrent Discussion on Employment by the second working day, i.e. Friday. This had been logistically challenging (both for the Secretariat, which had had to come up with a summary of the discussion on the General Survey and a set of possible conclusions overnight, and for the Committee itself). The Working Group should identify what possible enhancements could be made to the process so that the Committee on the Application of Standards could contribute more effectively to the work of the Committee for the Recurrent Discussion on Social Protection without impeding on its own work. She recalled in this regard that the procedure adopted by the Selection Committee, which had authorized in advance “the transmission to the Committee on the recurrent item, at the earliest possible moment, of any information from or outcome adopted by the Committee on the Applications of Standards upon its consideration of the General Survey”, was very flexible.

14. The Workers’ representative once again supported the proposal to introduce a one year interval between the discussion of the General Survey and the Recurrent Item discussion, so as to allow the Committee on the Application of Standards to formulate conclusions which could then be included in the report submitted to the Recurrent Item Committee the following year. He noted that the relevant decision had not yet been formally adopted and that, in the meantime, the modalities applied in 2010 were probably the best under the current circumstances.

15. The Employers’ representative expressed the view that the interaction between the discussion on the General Survey and the recurrent item discussion was challenging. He observed that the adjustment in the schedule of the discussions of the General Survey and
related recurrent item was two to three years away and it would therefore be necessary to contend with this scheduling problem until then. He recalled that in 2010 an oral presentation had been made by the Officers of the Committee on the Application of Standards to the Committee for the Recurrent Discussion on Employment but that there had been no genuine interaction between the two Committees. It would be preferable if a report containing full information were submitted to the latter Committee for review prior to the beginning of its discussions.

16. The representative of the Government of Austria expressed the view that last year’s oral presentation did not entail a discussion for two main reasons. First, it was the first time the new system had been implemented and the Committee for the Recurrent Discussion on Employment had a very heavy programme, leaving no time for debate. Second, this Committee had received the written information just before the Officers of the Committee on the Application of Standards made their presentation. More time was needed between the adoption of the conclusions and the presentation. While being aware of the tight timeframe, she noted that it would be possible to try to agree on conclusions on the next working day after the discussion of the General Survey on Thursday; the conclusions could therefore be adopted on Friday, and could then be presented on Saturday or Monday to the Committee for the Recurrent Discussion on Social Protection. It would be important for a written document, e.g. a summary of the discussions, to be sent to the latter Committee well in advance of the oral presentation, provided that the Secretariat considered it feasible to draft such a document in time.

17. The representative of the Government of Canada supported the comments made by the representative of the Government of Austria and agreed in particular that it would be helpful if there was more time between the discussion of the General Survey by the Committee on the Application of Standards and the related presentation to the Recurrent Item Committee. She also corroborated the view that, under the current circumstances, it was important for the Recurrent Item Committee to receive the written outcome of the discussion in the Committee on Application of Standards ahead of the oral report by the Officers, so as to allow for more interaction. She agreed that the ideal solution would be to realign the discussion of the General Survey by the Conference Committee and the recurrent item discussions.

18. The Director of NORMES confirmed that in 2010 the Office had, under difficult circumstances, overnight and after the Committee on the Application of Standards had ended a full day of discussions on the General Survey on Thursday, been able to make a summary of discussions to be reviewed by the Committee the following morning, together with a set of possible conclusions. Small adjustments had then been made and the document had been sent by e-mail to the Secretariat of the Committee for the Recurrent Discussion on Employment in the beginning of the afternoon, so that the Committee had received the document a couple of hours before the oral report made by the Officers of the Committee on the Application of Standards on Friday, that same afternoon. She emphasized that on Saturday the Committee on the Application of Standards would be examining the case of Myanmar, which could not be moved.
19. The Director of SECSOC, observed that there was not a lot of leeway but that a solution was needed. The Committee for the Recurrent Discussion on Social Protection would meet from Wednesday to Saturday on the first week and would then need Monday and Tuesday for the drafting of conclusions. A summary of the discussions of the Committee on the Application of Standards would have to be transmitted to the Recurrent Item Committee before it started the drafting process on Monday. He also stressed the fact that the proposals contained in the General Survey this year were very clear and that the views of the Committee on the Application of Standards in written form (such as an approved summary of the discussion or some sort of conclusions) were going to be much needed by the Drafting Committee.

20. The Director of NORMES stressed that it would also be difficult for an oral presentation to be made on Monday because of the beginning of discussions of the list of cases in the Committee on the Application of Standards and the holding of the Governing Body elections that afternoon.

21. The Employers' representative noted that, while there had not been many differences of view on the subject of the General Survey in 2010, some of the recommendations of the Committee of Experts in the General Survey this year were controversial. It would therefore probably be more challenging to reach conclusions this year. The only solution would be to have a summary document ready on Friday night and an interaction on Saturday after the Myanmar debate. He further noted that, in order to achieve real interaction, it would be advantageous to transmit a summary document to the Committee for the Recurrent Discussion on Social Protection some hours before the oral report.

22. The Workers' representative agreed that it would be more difficult this year to reach consensus on possible conclusions. However, if agreement on certain points would not be reached, this could be recorded and would also serve as a source of information for the Committee for the Recurrent Discussion on Social Protection.

23. The representative of the Government of Canada sought clarifications on the process. She recalled that governments should be included at every stage.

24. The Director of NORMES outlined the proposed process: the discussion of the General Survey would take place all of Thursday, 2 June; the Office, as in 2010, would try to come up with a summary of the discussions and possible elements for conclusions overnight. She noted that a possibility could be that, on Friday morning, a Working Group on the conclusions could be established, so that the conclusions would be ready by the end of the day on Friday. The proposed conclusions would then be discussed by the plenary of the Committee after the Myanmar sitting. The question remained as to when the interaction with the Committee for the Recurrent Discussion on Social Protection could then take place.

25. The representative of the Government of Bangladesh believed that the issue of when to take the conclusions to the Committee for the Recurrent Discussion on Social Protection raised difficulties, particularly in view of the indication by the Director of SECSOC that Monday would be difficult because the drafting process was scheduled to
start then. He suggested that the adoption by the Committee on the Application of Standards of the outcome of the General Survey, which currently on the agenda for Friday, could be taken up first on Saturday before the case of Myanmar. If the Officers had worked on the conclusions the previous two days, the Committee could come up with a document on Saturday morning. Following the Myanmar discussion, the Officers of the Committee on the Application of Standards could present an oral report to the Recurrent Item Committee, if the latter explored the possibility of extending its meeting until 13.30.

26. The representative of the Government of Austria indicated that the proposal to have more time between the transmission of the written outcome to the Committee for the Recurrent Discussion on Social Protection and the oral report was to allow for better interaction. She did not see how the proposals currently being discussed were helpful in this regard. She noted that the conclusions this year could theoretically be debated for days. She did not believe that consensus could realistically be reached in the time available and would therefore prefer a summary of the discussions which reflected any points of consensus which might have been reached. It would not be feasible to set up a Working Group to adopt conclusions on controversial items.

27. The Employers' representative agreed that it would not be feasible to go through an elaborate conclusions process. He recalled that, during last year's Committee on the Application of Standards, it had been difficult to complete all aspects of the work of the Committee within the time allotted. The idea of adding an additional element through the delegation of complicated issues to a Working Group was not workable. The modalities of 2010 should be replicated.

28. The Director of SECSOC indicated that the Committee for the Recurrent Discussion on Social Protection needed to be informed of the views expressed in the Committee on the Application of Standards, for example through a summary of the discussions and an indication of the points of emerging consensus and differing views. He would prefer that the Officers of the Committee on the Application of Standards gave a presentation of the summary document and have time to answer questions on the nature of the debate, so that the members of the Recurrent Item Committee understood the discussion, rather than having a fully polished set of conclusions.

29. The Workers' representative suggested that on Saturday morning, after the discussion of the Myanmar case, the Committee on the Application of Standards could adopt the outcome of its discussion on the General Survey, and that the interaction with the Committee for the Recurrent Discussion on Social Protection could take place on Saturday afternoon.

30. The representative of the Government of Canada requested information on the type of document to be adopted and who would be responsible for its preparation. She recalled the time constraints, due among other reasons to the need for each group to be able to meet to discuss the diverging views before any tripartite decision could be taken.

31. The Director of NORMES recalled that in 2010, before the group meetings, a summary of the discussions was sent to all the members of the Committee, together with a set of
possible elements for conclusions. The Office would try to do the same this year, although it would be more difficult owing to the subject matter. She stressed that the document could simply indicate what had been discussed.

32. The representative of the Government of Austria insisted that all regional government groups should receive the draft document for discussion in their respective meetings.

33. The Director of NORMES suggested that the agenda on Friday could be inverted, i.e., the discussion of the cases of serious failure could be taken up first in the morning, and the adoption of the outcome of the discussion of the General Survey could be discussed in the afternoon. The oral report could then be given on Saturday afternoon following the discussion of the Myanmar case. However, it would then be necessary to consider when the conclusions on Myanmar could be drafted. She stressed the fact that the difficulty in identifying better modalities for interaction between the two Committees under the current arrangements clearly showed that there was an urgent need for the Governing Body to take the decision to realign the discussions.

34. The Employers' representative stated that, in order to create more space on Saturday, the reply of the Chairperson of the Committee of Experts, as well as the reply of the representative of the Secretary General, could be scheduled on Friday afternoon.

35. The Director of NORMES indicated that the reply of the representative of the Secretary General could also be in writing.

36. The Director of SECSOC indicated that the Committee for the Recurrent Discussion on Social Protection could schedule the interaction for Saturday afternoon from 14.00-16.00, which would allow time to respond to questions.

Agenda item 3: Automatic registration of cases: Modalities for selecting the starting letter of the alphabet for the registration of individual cases

37. The Director of NORMES recalled that there had been agreement at the last meeting of the Working Group that cases would continue to be automatically registered and scheduled according to the French alphabetical order, as had been done for the first time during the last session of the Conference. She indicated that the remaining question concerned the letter on which to start registration. The Office had made a concrete proposal to begin registration five letters further down the French alphabetical order than the letter from which registration had started the previous year. Accordingly, as the letter “A” had been used in 2010, registration should start with the letter “F” in 2011.

38. The Workers' representative and the Employers' representative agreed on this proposal.

39. The representative of the Government of Cuba, speaking on behalf of GRULAC, recalled the importance of predictability. Noting that predictability was assured by the early transmission of the provisional list of cases, GRULAC was in favour of a system in which the starting letter was determined by the drawing of lots, which it considered to be a fairer system. In response to concerns regarding the practical implications of his
suggestion and predictability, he proposed that the draw could be made in the presence of
the secretariats of the Employers’ and Workers’ groups in Geneva before, instead of at
the beginning of the Conference.

40. The representative of the Government of Canada indicated that she had no objection
to a system of drawing lots, but that it was necessary to know the order in advance. She
recalled, for example, that Canada had been on the provisional list last year and hence
knew that there was a good possibility of being called before the Committee. Knowing
that countries would be slotted starting from letter “A”, Canada had been able to prepare
for a discussion of its case at the beginning of the week, and ensure that the necessary
experts were available.

41. The representative of the Government of Austria agreed with the representative of the
Government of Canada and added that the Office’s proposal was simpler.

42. The Employers’ representative indicated that he did not consider that a system based
on drawing lots was fair, but indeed was rather arbitrary, as there was a chance that
countries might have to appear first before the Conference Committee several years in
succession. The Office’s proposal, on the other hand, provided for predictability,
objectivity and transparency, which was what governments had consistently called for.

43. The Workers’ representative supported the view expressed by the Employers’
representative and pointed out that not only for governments, but for all those who had to
prepare the cases, a rotating system based on the French alphabet would be the best
solution.

44. The representative of the Government of Cuba, speaking on behalf of GRULAC,
stressed that the opinion of a group of countries such as GRULAC (which represented 33
countries) could not be ignored and that, if necessary, negotiations could continue. He
emphasized that he had no mandate to accept the Office’s proposal without further
discussion in the GRULAC group.

45. The representative of the Government of Bangladesh agreed that it was most
important to have predictability in the process and if a simpler process allowed for
predictability, it should be supported. His Government remained flexible and would agree
with a system of lots assuming that, if this were to be implemented, in order to be
predictable, the lots would have to be drawn well ahead of the Conference. As a
compromise, he wondered whether it would be acceptable for GRULAC to have the
Office’s proposal implemented on an experimental basis this year (as a solution had to be
found), on the understanding that it would be reviewed later if it was not satisfactory.

46. The representative of the Government of Cuba, speaking on behalf of GRULAC,
agreed to accept the Office’s proposal on an experimental basis for the 2011 Conference,
with the possibility of changing the system as of 2012 if GRULAC remained opposed to
it.

47. The Director of NORMES concluded that, as with any other recommendation made by
the Working Group, the proposal to implement the system suggested by the Office at the
Conference in 2011 on an experimental basis would be submitted to the Conference for decision.

**Agenda item 4: Possible implications of the Governing Body elections for time management**

48. The Director of NORMES recalled that the Governing Body elections would take place in the afternoon on Monday 6 June, which was the first day of the discussion of individual cases. This would have clear implications for time management for the Committee on the Application of Standards.

49. The Employers’ representative indicated that 2008 was the first year in which the Committee could not meet during the Governing Body elections. He did not recall whether there had been any special circumstances in 2008, but it seemed as if, before 2008, the elections had always been held without interfering with the work of the Committee.

50. The Director of NORMES explained that this change was due to the introduction of the electronic voting system.

51. The representative of the Government of Bangladesh proposed to schedule an evening session on Monday, 6 June from 18.30-21.00.

52. The Director of NORMES noted no objection and indicated that the timetable would be modified accordingly.

**Agenda item 5: Other questions**

53. The Director of NORMES indicated that a limited number of seats would be reserved in the first rows of the Governing Body Room for the countries that had to present their cases.

**Closure of the meeting**

54. The Director of NORMES, noting that there were no other questions, indicated that she would discuss with the Executive Director whether meetings of the Working Group could continue in the current form, and information would be provided in this regard by June 2011.
Work of the Committee

I. Introduction

This document briefly sets out the manner in which the work of the Committee on the Application of Standards is carried out and has evolved over recent years. Since 2002, ongoing discussions and informal consultations have taken place concerning the working methods of the Committee. In particular, following the adoption of a new strategic orientation for the ILO standards system 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 ten times since then. The last meeting took place on 12 March 2011. On the basis of these consultations and of the recommendations of the Working Group, the Committee has made certain adjustments to its working methods.

As a result, since 2006, an early communication to governments (at least two weeks before the opening of the Conference) of a preliminary list of individual cases has been instituted. Since June 2007, following the adoption of the list of individual cases, an informal briefing session has been hosted by the Employer and Worker Vice-Chairpersons 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. Improvements have been introduced in the preparation and adoption of the conclusions relating to cases. In addition, the Conference Committee’s report has been published separately to increase its visibility. In June 2008, measures were adopted for the cases in which governments were registered and present at the Conference, but chose 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.

In June 2010, important arrangements were implemented to improve time management. In addition, new modalities for the discussion of the General Survey in the light of the parallel discussion of the recurrent report on the same subject under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization were established.

1 See documents GB.294/LILS/4 and GB.294/9.
3 See below, Part V, D, footnote 12 and Part V, F.
4 See Part V, B – Supply of information and automatic registration – and E.
In November 2010 and March 2011, the agenda of the Working Group included the following items: follow-up to the 99th Session (June 2010) of the International Labour Conference (list of individual cases, respect of rules of decorum, assessment of the changes introduced in the working methods of the Conference Committee); possibility for the Committee to discuss a case of a government which is not accredited or registered to the Conference; balance in the individual cases selected by the Conference Committee; automatic registration of cases: modalities for selecting the starting letter for the registration of individual cases; interaction between the discussion on the General Survey on social security by the Committee on the Application of Standards and the discussion on the recurrent report on social security by the Committee for the Recurrent Discussion; and possible implications of the Governing Body elections on time management.

The Working Party adopted the following main conclusions and proposals in relation to these different questions:

- It was considered that there was no need for any amendment of the rules of decorum.

- No country should use inclusion on the preliminary list of individual cases as a reason for failing to ensure that it was accredited to the Conference. If a country on the preliminary list registered after the final list was approved, it should be asked to provide explanations. This issue should be kept under review and an assessment be made on the number of times such cases occurred over the subsequent Conferences.

- The balance in the individual cases – based both on the type of Conventions and on the regional distribution – selected by the Conference Committee was recognized to be an important question, while it was considered difficult to achieve, in particular with regard to the distribution of cases by type of Conventions. It was noted that the Workers’ and Employers’ groups would continue to fully take into consideration this need, to the extent feasible.

- The changes in time management that were introduced last year were considered very successful and the automatic registration of cases was welcomed as an improvement in the working methods of the Conference Committee. It was agreed to propose that in 2011, registration of individual cases would start with the letter “F”, yet on an experimental basis (see Part V, B – Supply of information and automatic registration). This situation would be reviewed after the Conference this year.

- In light of the experience of last year, changes were proposed in the working schedule for the adoption by the Committee on the Application of Standards of the outcome of its discussion on the General Survey and the presentation of this outcome by the Officers of the latter Committee to the Committee for the Recurrent Discussion on Social Protection, particularly in order to allow for a genuine exchange with this Committee, beyond the oral presentation (see Part V, A and document C.App./D.0 – Provisional Working Schedule).

- As the Conference Committee would not be able to meet during the afternoon of Monday, 6 June 2011 due to Governing Body elections, it was proposed to schedule an evening session on that same day (see document C.App./D.0).

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;

(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 1A and B)), printed in two volumes.

Volume A of this report contains, in Part One, the General Report of the Committee of Experts (pages 5-40), and in Part Two, the observations of the Committee concerning the sending of reports, the application of ratified Conventions and the obligation to submit the Conventions and Recommendations to the competent authorities in member States (pages 41–813). At the beginning of the report there is a list of Conventions by subject (pages v–x), an index of comments by Convention (pages xi–xix), and by country (pages xxi–xxix).

It will be recalled that, as regards ratified Conventions, the work of the Committee of Experts is based on reports sent by the governments.5 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.6 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.7 A list of these direct requests can be found at the end of Volume A (see Appendix VII, pages 858–870).

The Committee of Experts refers in its comments to cases in which it expresses its satisfaction or interest at the progress achieved in the application of the respective Conventions. In 2009 and 2010, the Committee has clarified the general approach in this respect, that has been developed over the years.8


8 See paras 62 and 66 of the Committee of Experts’ General Report. See also Appendix II of the present document.
In accordance with the decision taken in 2007, the Committee of Experts may also decide to highlight cases of good practices to enable governments to emulate these in advancing social progress and to serve as a model for other countries to assist them in the implementation of ratified Conventions. At its session of November–December 2009, the Committee of Experts has provided further explanations on the criteria to be followed in identifying cases of good practices by clarifying the distinction between these cases and cases of progress. No specific cases of good practices have been identified by the Committee of Experts this year.

Furthermore, the Committee of Experts has continued to highlight the cases for which, in its view, technical assistance would be particularly useful in helping member States to address gaps in law and in practice in the implementation of ratified Conventions, following-up on the practice established by the Conference Committee in this regard since 2005. The Committee of Experts has also placed emphasis on the priorities to be addressed by the Office respecting compliance with reporting obligations.

Volume B of the report contains the General Survey by the Committee of Experts, which this year concerns social security instruments in light of the 2008 Declaration on Social Justice for a Fair Globalization, including the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), the Income Security Recommendation, 1944 (No. 67), and the Medical Care Recommendation, 1944 (No. 69).

B. Summaries of reports

At its 267th Session (November 1996), 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 Conventions and Recommendations, Report III (Part 1A) (Appendices I and II, pages 817–833);

(ii) information concerning reports supplied by governments as concerns General Surveys under article 19 of the Constitution (this year concerning social security instruments) 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) (Addendum – Appendix VI);

(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 844–857).

9 See paras 68–70 of the Committee of Experts’ General Report.


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) supplementary reports and information which reached the International Labour Office between the meetings of the Committee of Experts and the Conference Committee;

(ii) written information supplied by governments to the Conference Committee in reply to the observations made by 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 as well as its Reporter.

V. Schedule of work

A. General discussion

1. General Survey. In accordance with its usual practice, the Committee will discuss the General Survey of the Committee of Experts, Report III (Part 1B). This year, for the second time, the subject of the General Survey has been aligned with the strategic objective that will be discussed in the context of the recurrent report under the follow-up to the 2008 Social Justice Declaration. As a result, the General Survey concerns social security instruments and will be discussed by the Committee on the Application of Standards, while the recurrent report on social security will be discussed by the Committee for the Recurrent Discussion on Social Protection (Social Security). In order to ensure the best interaction between the two discussions, and in the light of the experience of last year, new adjustments are proposed to the working schedule for the discussion of the General Survey – they are reflected in document C.App/D.0. As in June 2010, the Selection Committee is expected to take a decision to allow the official transmission of the possible output of the discussion of the Committee on the Application of Standards to the Committee for the Recurrent Discussion on Social Protection as a contribution to its work. In addition, the Officers of the Committee on the Application of Standards could present information on the discussion to the Committee for the Recurrent Discussion on Social Protection.

2. General questions. The Committee will also hold a brief general discussion which is primarily based on the General Report of the Committee of Experts, Report III (Part 1A) (pages 5–40).
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. Information received both before and after this sitting will be reflected in the report of the Conference Committee.

**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 Appendix 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, there is also the possibility of examining one case of progress as was done in 2006, 2007 and 2008.

---

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

1. Oral replies. The governments which are invited to provide information to the Conference Committee are requested to take note of a preliminary list and prepare for the eventuality that they may be called upon to appear before the Conference Committee. Cases included in the final list will be automatically registered and evenly distributed over the second week by the Office, on the basis of a rotating alphabetical system, following the French alphabetical order. This year, the registration will begin with countries with the letter "F", yet on an experimental basis.

Cases will be divided into two groups: the first group of countries to be registered following the above alphabetical order will consist of those cases in which a double footnote was inserted by the Committee of Experts and are found in paragraph 56 of that Committee’s report. The second group of countries will constitute all the other cases on the final list and they will be registered by the Office also following the abovementioned alphabetical order. 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.

2. Written replies. The written replies of governments – which are submitted to the Office prior to oral replies – are summarized and reproduced in the documents which are distributed to the Committee (see Part III, C and Part V, E). These written replies are to be provided at least two days before the discussion of the case. They serve to complement the oral reply and any other information already provided by the government, without duplicating them. The total number of pages is not to exceed five pages.

Adoption of conclusions

The conclusions regarding individual cases are 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. The conclusions should take due account of the elements raised in the discussion and information provided by the Government in writing. The conclusions should be adopted within a reasonable time limit after the discussion of the case and should be succinct.

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.

13 See also section E below on time management.
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 has been supplied during the past two years or more.
   - First reports on ratified Conventions have not been supplied for at least two years.
   - None of the reports on unratified Conventions and Recommendations requested under article 19, paragraphs 5, 6 and 7, of the Constitution has been supplied during the past five years.
   - No indication is available on whether steps have been taken to submit the Conventions and Recommendations adopted during the last seven sessions of the Conference \(^\text{14}\) 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 \(^\text{15}\).

\(^{14}\) This year the sessions involved would be the 89th–96th Sessions (2001–07).

\(^{15}\) In conformity with the decision taken by the Committee at the 73rd Session of the Conference (1987), as amended at the 97th Session of the Conference (2008), for the implementation of this criterion, the following measures will 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
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 Appendix 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.

E. Time management

- Every effort will be made so that sessions start on time and the schedule is respected.
- Maximum speaking time for speakers is as follows:
  - Fifteen minutes for the spokespersons of the Workers’ and the Employers’ groups, as well as the government whose case is being discussed.
  - Ten minutes for the Employer and Worker members, respectively, from the country concerned to be divided between the different speakers of each group.
  - Ten minutes for government groups.
  - Five minutes for the other members.

Committee shall invite the governments of the countries concerned in writing, and the Daily Bulletin shall regularly mention these countries.

- Three days before the end of the discussion of individual cases, the Chairperson of the Committee shall request the Clerk of the Conference to announce every day the names of the countries whose representatives have not yet responded to the Committee’s invitation, urging them to do so as soon as possible.

- On the last day of the discussion of individual cases, the Committee shall deal with the cases in which governments have not responded to the invitation. Given the importance of the Committee’s mandate, assigned to it in 1926, to provide a tripartite forum for dialogue on outstanding issues relating to the application of ratified international labour Conventions, a refusal by a government to participate in the work of the Committee is a significant obstacle to the attainment of the core objectives of the International Labour Organization. For this reason, the Committee may discuss the substance of the cases concerning governments which are registered and present at the Conference, but which have chosen not to be present before the Committee. The debate which ensues in such cases will be reflected in the appropriate part of the report, concerning both individual cases and participation in the work of the Committee. In the case of governments that are not present at the Conference, the Committee will not discuss the substance of the case, but will bring out in the report the importance of the questions raised. In both situations, a particular emphasis will be put on steps to be taken to resume the dialogue.
Concluding remarks are limited to 10 minutes for spokespersons of the Workers’ and the Employers’ groups, as well as the Government whose case is being discussed.

However, the Chairperson, in consultation with the other officers of the Committee, could decide on reduced time limits where the situation of a case would warrant it, for instance, where there was a very long list of speakers.

These time limits will be announced by the Chairperson at the beginning of each sitting and will be strictly enforced.

During interventions, a screen located behind the Chairperson and visible by all speakers will indicate the remaining time available to speakers. Once the maximum speaking time has been reached, the speaker will be interrupted.

In view of the above limits on speaking time, governments whose case is to be discussed are invited to complete the information provided, where appropriate, by a written document, not longer than five pages, to be submitted to the Office at least two days before the discussion of the case (see also section B above).

Before the discussion of each case, the Chairperson will communicate the list of speakers already registered.

In the eventuality that discussion on individual cases is not completed by the final Friday, there is a possibility of a Saturday sitting at the discretion of the Officers.

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

All delegates have an obligation to the Conference to abide by parliamentary language and by the generally accepted procedure. Interventions should be relevant to the subject under discussion and should avoid references to extraneous matters. It is the role and task of the Chairperson to maintain order and to ensure that the Committee does not deviate from its fundamental purpose to provide an international tripartite forum for full and frank debate within the boundaries of respect and decorum essential to making effective progress towards the aims and objectives of the International Labour Organization.
Appendix 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.
Appendix II

Criteria for identifying cases of progress

At its 80th Session (November–December 2009) and at its 81st Session (November–December 2010), the Committee made the following clarifications on the general approach developed over the years for the identification of cases of progress:

(1) The expression by the Committee of interest or satisfaction does not mean that it considers that the country in question is in general conformity with the Convention, and in the same comment the Committee may express its satisfaction or interest at a specific issue while also expressing regret concerning other important matters which, in its view, have not been addressed in a satisfactory manner.

(2) The Committee wishes to emphasize that an indication of progress is limited to a specific issue related to the application of the Convention and the nature of the measure adopted by the government concerned.

(3) The Committee exercises its discretion in noting progress, taking into account the particular nature of the Convention and the specific circumstances of the country.

(4) The expression of progress can refer to different kinds of measures relating to national legislation, policy or practice.

(5) If the satisfaction or interest relates to the adoption of legislation or to a draft legislation, the Committee may also consider appropriate follow-up measures for its practical application.

(6) In identifying cases of progress, the Committee takes into account both the information provided by governments in their reports and the comments of employers’ and workers’ organizations.

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. In comparison to cases of satisfaction, cases of interest relate to progress, which is less significant. The Committee’s practice has developed to such an extent that cases in which it expresses interest may encompass a variety of measures. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention. This may include:

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

PROVISIONAL WORKING SCHEDULE
(See Daily Bulletin for actual time schedules)

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday</td>
<td>14:30 - 16:30</td>
<td>Opening Sitting, Election of Officers, Statement by the Representative of the Secretary-General, Statement by the Chairperson of the Committee of Experts, Informal Information Meeting</td>
</tr>
<tr>
<td></td>
<td>16:30 - 20:00</td>
<td>Group meetings</td>
</tr>
<tr>
<td>Thursday</td>
<td>10:00 - 13:00</td>
<td>Group meetings</td>
</tr>
<tr>
<td></td>
<td>15:00 - 18:00</td>
<td>Adoption of Methods of Work (D.1), General Survey concerning social security instruments, Adoption of List of Cases (D.4), General Discussion</td>
</tr>
<tr>
<td></td>
<td>18:30 - 20:30</td>
<td>If necessary</td>
</tr>
<tr>
<td>Friday</td>
<td>10:00 - 13:00</td>
<td>Information session for Governments (Room II), Discussion of cases of serious failure by member States to respect their reporting and other standards-related obligations, Reply of the Chairperson of the Committee of Experts, Reply of the Representative of the Secretary-General</td>
</tr>
<tr>
<td></td>
<td>15:00 - 16:00</td>
<td>Group meetings</td>
</tr>
<tr>
<td></td>
<td>16:00 - 19:00</td>
<td>Adoption by the Committee of the outcome of the discussion on the General Survey</td>
</tr>
</tbody>
</table>

Individual cases: Cases included in the final list will be automatically registered and evenly distributed over the second week by the Office, on the basis of a rotating alphabetical system, following the French alphabetical order. This year, the registration will begin with countries with the letter "F". Cases will be divided in two groups: the first group of countries to be registered following the above alphabetical order will consist of those cases in which a double footnote was inserted by the Committee of Experts and are found in paragraph 56 of the Committee's report. The second group of countries will consist of all the other cases on the final list and they will be registered by the Office following the above-mentioned alphabetical order.
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday, 4 June</td>
<td>10:00 - 13:00</td>
<td>Special sitting: Myanmar (Convention No. 29)</td>
</tr>
<tr>
<td></td>
<td>14:00- 16:00</td>
<td>Briefing of the Officers to the Committee for the Recurrent Discussion on Social Protection</td>
</tr>
<tr>
<td>Monday, 6 June</td>
<td>10:00 – 13:00</td>
<td>Individual Cases Double footnoted cases</td>
</tr>
<tr>
<td></td>
<td></td>
<td>afternoon</td>
</tr>
<tr>
<td></td>
<td>18:30 – 21:00</td>
<td>Individual Cases Double footnoted cases</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Electoral Colleges of the Governing Body</td>
</tr>
<tr>
<td>Tuesday, 7 June</td>
<td>10:00 – 13:00</td>
<td>Individual Cases Double footnoted cases</td>
</tr>
<tr>
<td></td>
<td>15:00 – 18:00</td>
<td>Individual Cases Double footnoted cases</td>
</tr>
<tr>
<td></td>
<td>18:30 – 21:00</td>
<td>if necessary</td>
</tr>
<tr>
<td>Wednesday, 8 June</td>
<td>10:00 – 13:00</td>
<td>Individual Cases</td>
</tr>
<tr>
<td></td>
<td>15:00 – 18:00</td>
<td>Individual Cases</td>
</tr>
<tr>
<td></td>
<td>18:30 – 21:00</td>
<td>if necessary</td>
</tr>
<tr>
<td>Thursday, 9 June</td>
<td>10:00 – 13:00</td>
<td>Individual Cases</td>
</tr>
<tr>
<td></td>
<td>15:00 – 18:00</td>
<td>Individual Cases</td>
</tr>
<tr>
<td></td>
<td>18:30 – 21:00</td>
<td>if necessary</td>
</tr>
<tr>
<td>Friday, 10 June</td>
<td>10:00 – 13:00</td>
<td>Individual Cases</td>
</tr>
<tr>
<td></td>
<td>15:00 – 18:00</td>
<td>Individual Cases</td>
</tr>
<tr>
<td></td>
<td>18:30 – 21:00</td>
<td>if necessary</td>
</tr>
<tr>
<td>Monday, 13 June</td>
<td>14:00</td>
<td>Examination of Draft General Report by Officers</td>
</tr>
<tr>
<td>Tuesday, 14 June</td>
<td>16:00</td>
<td>Adoption of the General Report by the Committee</td>
</tr>
<tr>
<td>Thursday, 16 June</td>
<td>to be determined</td>
<td>Adoption of Report in Plenary of the ILC</td>
</tr>
</tbody>
</table>

* * *