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

(Twelfth meeting – 23 March 2015)  
(16.00–18.30)

Introduction

1. The Informal Tripartite Working Group on the Working Methods of the Committee on the Application of Standards (the informal Working Group) met on 23 March 2015 from 16.00 to 18.30. It should be recalled that, at its 322nd Session (November 2014), when considering the examination of the standards initiative, the Governing Body decided to:

... take the necessary steps to ensure the effective functioning of the Committee on the Application of Standards at the 104th Session of the International Labour Conference, and to this end reconvene the Working Group on the Working Methods of the Conference Committee on the Application of Standards to prepare recommendations to the 323rd Session of the Governing Body in March 2015, in particular with regard to the establishment of the list of cases and the adoption of conclusions.

2. It was composed of: nine Employer representatives; nine Worker representatives; and nine Government representatives. The meeting was also attended by a number of observers. The meeting was chaired by Mr Sipho Ndebele (Government representative, South Africa). The Employer Vice-Chairperson of the Committee on the Application of Standards at the 103rd Session (2014) of the International Labour Conference, Ms Sonia Regenbogen, and the Worker Vice-Chairperson of the Governing Body, Mr Luc Cortebeeck, spoke on behalf of the Employers’ and the Workers’ groups, respectively.

3. In accordance with the decision taken by the Governing Body at its 322nd Session (November 2014), the recommendations adopted by the informal Working Group were communicated to the Governing Body at its 323rd Session (March 2015). They are reproduced in the appendix.

Adoption of the agenda

4. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), a Government representative of Cuba suggested including the composition of the informal Working Group and the follow-up to its discussions under the fifth item on the agenda, “Other business”.

The agenda was adopted as amended.

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1 The Government representatives were from the following nine countries: Africa: Algeria and Egypt; Americas: Canada and Cuba; Asia and the Pacific: China, Japan and Jordan; Eastern Europe: Republic of Moldova; and Western Europe: Austria.

2 GB.323/INS/5(Add.).
**General comments**

5. The Worker spokesperson emphasized that it was important that the CAS examine both the law and practice in a country. The CAS should not only focus on the national legal situation, but also on issues of the application of Conventions in practice.

6. The Employer spokesperson welcomed the meeting of the informal Working Group in light of the challenges facing the CAS in 2015 due to the shortened time frame. Discussion was needed on the provisional schedule, as well as some issues related to time management and the negotiation of conclusions.

7. Speaking on behalf of GRULAC, a Government representative of Cuba referred to paragraph 3 of the background note, agreeing that the outcomes of that meeting should be reflected in a revised version of document D.1. The amended document D.1 should be circulated before the beginning of the Conference, together with the provisional working schedule in document D.0. The amended document D.1 would be examined by the CAS in June 2015. That could be done without prejudice to other adjustments which would require future amendments to the document.

**Establishment of the list of cases and adoption of conclusions**

8. The Employer Spokesperson referred to the Joint Statement of the Workers’ and Employers’ groups of February 2015 attached to the Outcome of the Tripartite Meeting on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike and the modalities and practices of strike action at national level (hereinafter the Joint Statement). This Joint Statement contained an agreement that a long list of cases would be published 30 days before the opening of the Conference (1 May 2015, at the latest). The long list would consist of 12 cases proposed by Employers, 12 cases proposed by Workers, plus double footnoted cases identified by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and up to 10 additional cases agreed jointly by the Employers and Workers. A final short list of cases should be established by the Friday before the opening of the Conference. That short list would be submitted for adoption by the Employers’ and Workers’ groups on 1 June 2015, and could be adopted officially by the CAS on 2 June 2015. With respect to the determination of the list of cases, as set out in the Joint Statement, on a trial basis, the short list would contain up to three cases chosen by each group, in addition to the double footnoted cases, and the remaining cases would be selected through negotiation between the Workers and Employers based on objective criteria. In general, the criteria set out in document D.1 did not raise any problems and were still relevant for the selection of cases. The Joint Statement recalled that the list should be balanced between fundamental and technical Conventions, and with respect to geographical representation and the level of development of the country. In the Employers’ group’s view, there should be more balance within the fundamental Conventions. The list should include more cases relating to the governance Conventions, as well as the occupational safety and health Conventions. The CAS could be a forum to discuss cases of progress, and this had been reflected in the cases selected over the previous few years. The Joint Statement also indicated that the Workers’ and Employers’ spokespersons should be involved in the drafting of conclusions. The discussion on the conclusions should start as soon as possible, and could begin in the context of the negotiation of the list of cases, allowing the parties to begin discussing any areas of concern earlier in the process. Further, as indicated in the Joint Statement, conclusions should be simple, clear and straightforward, and drafted in a way that provided unambiguous direction to governments concerning both law and practice. Conclusions should contain concrete steps agreed on with the government to address compliance issues. There was agreement in the Joint
Statement that the conclusions should reflect consensual recommendations, and that where there was no consensus, there would be no conclusions. In this respect, the Joint Statement highlighted that divergent views would be reflected in the record of proceedings.

9. **The Worker Spokesperson** agreed with the references made by the Employers’ spokesperson to the contents of the Joint Statement. With respect to the criteria for selecting cases, he supported the criteria as outlined in document D.1. He had listened carefully to the wishes from the Employers’ group concerning more balance within fundamental Conventions and more cases relating to the governance Conventions, as well as the occupational safety and health Conventions. Those considerations would be part of the discussion between the two groups when determining the list of cases, as would the inclusion of cases of progress. With respect to the conclusions, the objective was to achieve consensual conclusions, which would be most useful in providing guidance on both law and practice to governments. It was necessary to examine the format of the conclusions, to have the same format for all conclusions and to ensure that the conclusions were clear and unambiguous.

10. Speaking on behalf of GRULAC, a Government representative of Cuba supported the establishment of a minimum period of 30 days prior to the beginning of the Conference for the publication of the preliminary list of cases. The March session of the Governing Body could be used to make progress on matters relating to the preparation of the Conference, in particular, with regard to holding the Conference over a two-week period. Regarding the final list of cases, the provisional schedule of work for the 104th Session of the Conference provided for group meetings on the Sunday (31 May). GRULAC considered that that date should be the deadline for the social partners to circulate the final list. GRULAC agreed that the list should be balanced among the different categories of Conventions, the regions and the level of development of countries. It requested clarification regarding the meaning of the word “objective” in the Joint Statement regarding the criteria for the selection of the list. The results of Table 1, attached to the background note, indicating the distribution of cases by region, would be different if the cases in progress were excluded, and if the total reflected the number of countries called upon to appear before the Committee (rather than the number of cases examined). Statistical and historical evidence showed that the GRULAC countries had been the ones most affected by the regional imbalance in the ILO supervisory system. Document D.1 listed traditional criteria used to select cases but, given their number and scope, such criteria did not enable a proper appreciation of the reasons for inclusion or exclusion. Furthermore, some of those criteria contradicted themselves. Making such traditional criteria relevant required: (1) substituting the eight traditional criteria for a smaller number of clearer and objective criteria, which promoted transparency; (2) assigning a single criterion to each case on the list; (3) pre-determining the number of cases assigned to each criterion; and (4) reserving a certain number of cases for a rotation quota, with a view to making the work of the CAS more universal. GRULAC supported the preparation and adoption of short, clear and precise conclusions, containing concrete steps agreed with the governments to address compliance issues, and reflecting consensus-based measures. It drew attention to the fact that the Joint Statement indicated that, where there was no consensus, there would be no conclusions. GRULAC hoped that such a situation would not be recurrent and that exceptions would be duly justified and explained by each of the social partners, providing arguments which would allow the governments to understand the reasons for the absence of conclusions. The direct participation of the Employer and Worker spokespersons in drafting the conclusions could contribute to the proper functioning of the CAS and, likewise, in a spirit of tripartism, it would be advisable for them to work in cooperation with the Chairperson and with the Committee Reporter, having recourse to governmental mediation whenever that should be considered necessary. Likewise, GRULAC suggested that the conclusions should be presented in two sittings, one at the end of the first week of the Conference, and another in the second week, in order to make the schedule for the adoption of the conclusions for each
case available in advance. The absence of a defined schedule was detrimental to all parties and made it difficult to plan work.

11. A Government representative of Algeria agreed with the Worker spokesperson regarding the importance of examining both the law and practice. When establishing the list, the level of development of countries should be taken into consideration since the implementation of certain Conventions sometimes required significant resources. Furthermore, the preliminary list of cases should be sent at least 30 days before the beginning of the Conference session, and the final list at least one week to ten days before the beginning of the session. Regarding the conclusions, the Government representative expressed his agreement with paragraph 21 of the background note and asked for the countries concerned to be informed of conclusions sufficiently in advance.

12. A Government representative of Japan referred to the sentence in the Joint Statement indicating that where there was no consensus there would not be any conclusions. The Joint Statement also indicated that the short list would consist of up to three cases chosen by each group that had special significance for that group, which meant that some cases on the list would only have the support of one party. Acknowledging that it was the role of the Workers’ and Employers’ groups to select the individual cases, he hoped that cases would not be selected where no conclusions could be expected. The time available to the CAS was limited and should be used to maximize its impact.

13. Speaking on behalf of the Governments of Western European countries and the group of industrialized market economy countries (IMEC), a Government representative of Austria welcomed the availability of a preliminary list 30 days in advance and the fact that agreement had been reached that the short list of cases could contain up to three cases without veto from a group. Governments should not be involved in determining the list of cases. The established criteria for the selection of cases were appropriate. As the Employers’ and Workers’ groups would hold preparatory meetings on Sunday, 31 May, she inquired if it would be possible for governments to see the final list at that point, followed by its approval on Monday.

14. A representative of the Government of Canada agreed that governments should not be involved in the determination of the list of cases. When the list was finalized, it would be good to have clear explanations as to why certain cases had been selected and the criteria that had been used. Referring to the indication in the Joint Statement that the list would include a “reasonable number of double footnoted cases identified by the CEACR”, she said that it was her understanding that all double footnoted cases were included on the list.

15. Speaking on behalf of the Asia and Pacific Group (ASPAG), a Government representative of China said that the determination of the list of cases should be depoliticized and based on objective criteria. In his national capacity, he supported the position in the Joint Statement regarding conclusions, which could also identify the technical assistance that could be provided by the Office to overcome obstacles to ratification and implementation. If possible, more cases of progress should be selected, as the CAS could be a good platform for disseminating best practices. The way the criteria for the selection of cases were applied was not clear. He supported the proposal of the Employer spokesperson that there should be a balance in the types of Conventions discussed, including within fundamental Conventions.

16. A Government representative of Egypt said that the 30-day deadline for the publication of the preliminary list of cases might be considered sufficient. However, the final list could be distributed earlier in view of the technological resources available to the social partners, which would allow them to carry out consultations outside formal meetings. Criteria should be established (such as a specific number of cases per Convention) to ensure a balance between fundamental and other Conventions, and a geographical balance.
Governments should be involved in the preparation of the conclusions and the level of development of countries should be taken into consideration.

17. A Government representative of Jordan agreed that during the discussions in the CAS, it was important to take into account the level of development of, and conditions in, member States. The aim was not to punish member States, but to help them conform to the requirements of Conventions.

18. The Worker Spokesperson said that it was important to remember that only the Conference had the right to adopt the final list. The spokespersons of the two groups could discuss the short list on the Friday before the session of the Conference, but the first opportunity to discuss it within the groups was on the first Monday of the session of the Conference. The short list needed to be accepted by the groups before it could be submitted for adoption by the CAS. Therefore, the earliest that the CAS could adopt the final list would be on the first Tuesday morning of the session of the Conference. The use of criteria in selecting cases was important and delicate. Some cases were selected based on a single criterion and some on several criteria. Deciding on a certain number of cases per Convention would not be possible, as the content of the report of the CEACR differed each year due to the reporting cycle. Since 2007, it had been the practice to explain immediately following the adoption of the list the reasons why the cases had been selected and the criteria applied. He reassured governments that the objective was to adopt conclusions for each case. His group wanted conclusions, and wanted those conclusions to be consensual.

19. The Employer Spokesperson expressed support for the comments of the Worker spokesperson with respect to the timing of the list. The provision of the long list well in advance should give governments sufficient time for preparation. The discussion of cases began with the double footnoted cases, which gave other governments on the final list more time to prepare. With respect to the comments made on the need for a clear understanding as to why particular cases were selected, the Employers' group would try to provide clear explanations. However, sometimes a variety of criteria applied to the selection of a case. While noting the point made by the representative of Japan on the need to be careful not to select cases for which it would be difficult to adopt a conclusion, she said that not many cases would fall into that category. She hoped that the situation would not arise in which there was a lack of consensus, and that the spirit of cooperation and consultation would allow the negotiation of conclusions. In most cases, there was common ground for making recommendations to governments. However, if there was a failure in the consideration of a case by the CEACR, if something had been missed or if new information was available, one of the social partners might consider a comment problematic and that there was not a sufficient basis on which to draw conclusions. In that case, it might be necessary to refer the case back to the CEACR. If the problem did not lie with the comments of the CEACR, it could be dealt with on a case-by-case basis through direct negotiation.

20. The Worker spokesperson said that it was important to be pragmatic, and that the goal was to reach consensual conclusions in all cases. However, it was dangerous to suggest that a lack of consensus might be due to a failure of the CEACR. It was not necessary at present to discuss the reasons which might prevent consensus from being reached. With respect to the double footnoted cases, he explained that in certain years, there had been over ten such cases. In the dialogue with the CEACR, it had been indicated that 12 or 14 double footnoted cases were too many. The Joint Statement indicated that a reasonable number would be included on the list because if a large number of cases were double footnoted it might not be possible to discuss all of them.
21. The Chairperson summarized the points on which consensus had been reached in the informal Working Group and on the basis of which the recommendations of the informal Working Group had been submitted to the Governing Body.3

Functioning of the CAS in the context of the two-week session of the International Labour Conference in 2015

22. The Employer spokesperson emphasized that, for the CAS to function efficiently and effectively, it was important for its sittings to begin at the scheduled time, even if not all of the constituents were present. There should be no night sittings. As there was limited value if very few participants were present, evening sittings should be avoided to the extent possible, and no sitting should be held on the afternoon of the first Saturday of the Conference. Moreover, time was needed during the shorter two-week Conference session to work on the drafting of conclusions to the individual cases, and the only time available for that might well be in the evening. She noted with interest the suggestion made by the representative of GRULAC that, with a view to improving the efficiency of the work of the CAS, specific sittings could be designated for the adoption of conclusions. That could help in overcoming the problems experienced in ensuring that the respective government representatives were present when the conclusions were adopted on their cases. With reference to the provisional working schedule proposed in Annex III to the background note, she specified that the group meetings scheduled between 09.00 and 10.00 on Tuesday, 2 June overlapped with the general Employers' group meeting. The group meetings for the CAS should therefore be scheduled between 10.00 and 11.00 on that day, with the plenary sitting for the general discussion of the General Report being held from 11.00 to 13.00. Nor would it be possible for the plenary sitting of the CAS to begin at 09.00 on Wednesday, 3 June, as that would also overlap with group meetings. The plenary sitting of the CAS should be held from 10.00 to 13.00 on that day. The schedule should also reflect the fact that the groups would meet between 14.00 and 15.00 every day, with plenary sittings starting at 15.00. For the purposes of general time management, the groups would either need to manage the number of interventions by their members, or the speaking time for "other members" might have to be reduced, for example, from five to three minutes. Finally, she considered that the adoption of the CAS report by the Officers of the Committee would be consistent with the practice followed in the technical committees of the Conference.

23. The Worker spokesperson recalled that the decision to reduce the length of the Conference to two weeks on a trial basis was taken on the condition that there would be no reduction in the number of sittings of the CAS. It was necessary to ensure that the CAS worked as normal with the usual number of cases being discussed. For that purpose, it would be necessary to hold a number of evening sittings (from 18.30 to 21.30) and to sit on Saturday, 6 June until 18.00. In that connection, as the Committee members would have to work long days, it would also be necessary to come to an agreement with the catering services in the Office. He welcomed the suggestion that specific sittings could be dedicated to the adoption of conclusions. Another suggestion might be to set up a working group to examine, in parallel with the plenary sittings, cases of serious failure by governments to respect their reporting and other standards-related obligations. He emphasized that it was necessary to manage the time available to the CAS as fairly as possible so as to avoid situations, which had occurred in the past, when a long time was spent on certain important cases early in the session, leaving little time towards the end of the session to discuss other serious cases. At the first sitting of the CAS it would be necessary to clarify the working methods of the Committee and to adopt document D.1. He also recalled the importance of group meetings, particularly at the beginning of the Conference. Many of the members of

3 See appendix, paragraph 5.
the groups wished to speak of problems in their own countries, even if their cases were not selected for discussion by the CAS, and they were able to do that in their group meetings, particularly on the first day of the CAS.

24. **The Employer spokesperson** supported the suggestion that cases of serious failure by Governments to respect their reporting and other standards-related obligations might be examined in parallel by a working group of the CAS. A possibility that could be examined for future sessions might also be a similar arrangement for the discussion of General Surveys. That would mean that it would be possible to commence the examination of individual cases much earlier. She agreed with the presumption that all the cases selected deserved an appropriate amount of time for their discussion and that the compression of the time available to consider cases later in the session should be avoided. Further consideration would need to be given to the management of the time available to the CAS, perhaps by setting a time limit for the examination of each case.

25. **A Government representative of Algeria** said that evening and Saturday afternoon sittings were completely unproductive because delegates did not participate. In order to avoid such sittings, it was vital for the Chairperson to ensure strict adherence to time limits. Furthermore, the time allowed for delegates to amend the draft minutes should be 36 rather than 24 hours. Furthermore, the draft report should still be adopted by the Committee rather than by its Officers. Lastly, he insisted on the respect of the rules of decorum during the work of the Committee.

26. **Speaking on behalf of GRULAC,** a Government representative of Cuba said that he had serious reservations regarding the adoption of the CAS report by the Officers of the Committee. The CAS was different to other Committees and it was important to keep the last sitting for the adoption of the Committee report. Regarding the number of evening sessions, it was first important to clearly establish the number of cases that would be examined by the CAS in 2015 and whether those cases included cases of progress (which, by their very nature, would take less time to discuss). Noting that the “Joint declaration” considered that the CAS could realistically examine up to four cases per day for six days, resulting in a total of 24 cases, that total should be included for the record in document D.1. Twenty-four was a multiple of eight, which could help achieve a geographical balance. GRULAC considered that the matter of the order for taking the floor in the discussion of individual cases and the time available required better and more extensive tripartite consideration. The current sequence of the discussion made it difficult, for example, to determine the position of the Government called upon to accept recommendations made by the Employer and Worker spokespersons, since those recommendations were generally made orally after the Government had had its turn to speak. Those matters could be reconsidered at the next meeting of the informal Working Group. Urgent consideration should be given to the fact that the room assigned to the CAS was not large enough to accommodate the government members attending the Committee. The reservation of the front seats for the governments called upon to appear before the Committee was an improvement. GRULAC saw two possible and complementary solutions: firstly, to provide permanent signs with the names of all the governments that had appointed delegates or technical advisors to follow the work of the Committee; and secondly, to find a room with sufficient capacity for the level of interest surrounding the Standards Committee.

27. **Speaking on behalf of the Governments of Western European countries and IMEC,** a Government representative of Austria, said that although she understood the need for evening meetings, the result was that delegates to the Conference were faced with extremely long working days. Evening sittings should end at 21.00. It might be preferable not to schedule evening sittings during the first week, as there was room to add such sittings during the second week, if necessary. She understood the need for a sitting to be held on the first Saturday afternoon. With regard to speaking time, she considered that it
might be possible to reduce the time allocated to Government groups and concluding remarks by the spokespersons for the Workers' and Employers' groups and the Government whose case was being examined (from ten to seven minutes) and to "other members" (from five to three minutes). Finally, she had no objection to the suggestion that cases of failure by Governments to respect their reporting and other standards-related obligations might be examined by a working group of the CAS. However, a similar approach should not be adopted for General Surveys, which were very important reports. Moreover, in view of its sensitivity, she also opposed the adoption of the general report of the CAS by its Officers.

28. A Government representative of Japan supported the proposal by GRULAC that the conclusions on individual cases could be adopted at specific sittings of the CAS. The proposal to hold several evening sittings was less welcome. He agreed that it was important for sittings to start on time.

29. A Government representative of Egypt agreed with the proposal to adopt conclusions at specific dedicated sittings of the Committee. He emphasized the importance of the general report of the CAS being adopted by the Committee as a whole, and not only by its Officers. Although no delegation welcomed evening sittings, they could be held if necessary, but should not go beyond 21.00. She also stressed that the time allowed for amendments to the draft minutes should be 36 or 48 hours, instead of the proposed 24 hours, which did not allow enough time to submit amendments.

30. Speaking on behalf of GRULAC, a Government representative of Cuba said that holding Committee meetings in parallel would be problematic for developing countries, which might not be able to attend simultaneous meetings with tripartite delegations. Accordingly, GRULAC did not support the fragmentation of meetings. Those issues could continue to be considered and discussed at future meetings.

31. A Government representative of the Republic of Moldova agreed that it was necessary for the general report to be adopted by the Committee as a whole. He also agreed with the comments made concerning the need for sittings to start on time and the proposal that conclusions should be adopted at a specific sitting. He stressed that countries with small delegations would not be able to participate in parallel sittings, such as the proposed working group to examine cases of failure by Governments to respect their reporting and other standards-related obligations.

32. The Worker spokesperson said that the idea of a working group sitting in parallel to examine cases of failure by governments to respect their reporting and other standards-related obligations had only been a suggestion. One important issue was that, despite the reduction in the length of the Conference to a two-week session, it was still necessary to discuss 24 cases seriously. Speaking time had already been reduced and should not be cut further. If it did not prove possible to examine the full number of cases thoroughly, when the evaluation was undertaken of the trial two-week Conference session, it would be necessary to return to a longer session of the Conference. If delegates were unwilling to work in the evening and on Saturday afternoon, it would not be possible to complete the examination of 24 individual cases in a thorough manner.

33. The Employer spokesperson agreed that it was necessary to find a way of ensuring that the work schedule of the CAS could be followed within the context of the two-week Conference session so that the 24 selected cases could be discussed. She recalled that the Joint Statement of the Workers' and Employers' groups referred to the CAS examining up to four cases per day over six days. She was not in favour of including a specific number of cases in document D.1, as there should be flexibility on the number of cases to be discussed. In order to complete the work of the CAS in time, the groups would have to think about how they could manage the interventions by their members. Evening sittings
should not go beyond 21.00, and even sitting up to that time resulted in very long days for delegates to the Conference. Finally, in view of the doubts expressed, the suggestion that a working group could be established to examine cases of failure by Governments to respect their reporting and other standards-related obligations in parallel with the Committee’s other discussions, could be examined in future.

34. The Chairperson summarized the points on which consensus had been reached in the informal Working Group and on the basis of which the recommendations of the informal Working Group had been submitted to the Governing Body.  

Other business

35. Speaking on behalf of GRULAC, a Government representative of Cuba considered that it was necessary to adjust the composition of the informal Working Group in view of the statement made by the Government group in the discussion of the fifth item on the agenda of the Institutional Section of the 323rd Session of the Governing Body. The criterion of geographical balance in the ILO recommended that any working group or meeting with a defined composition should, wherever possible, contain eight Government members, or a multiple of eight. That criterion applied both in the context of the Governing Body and of the Conference. Furthermore, GRULAC recalled that the conclusions of the informal Working Group should be submitted to the Working Party on the Functioning of the Governing Body and the International Labour Conference, in accordance with the decision of the Governing Body in March 2014. The date for the next meeting of the informal Working Group should be set in advance.

36. The Chairperson summarized the points which the meeting had agreed to place on the agenda of the next meeting of the informal Working Group.

37. Both the Worker spokesperson and the Employer spokesperson highlighted the positive and constructive spirit in which the discussions of the informal Working Group had been held.

4 See appendix, paragraph 6.

5 GB.323/INS/5 and GB.323/INS/PV/draft para. XXX (to be inserted when the draft is available).

6 See appendix, paragraph 7.
FIFTH ITEM ON THE AGENDA

The Standards Initiative

Addendum

Recommendations of the twelfth meeting of the Tripartite Working Group on the Working Methods of the Committee on the Application of Standards (Geneva, 23 March 2015)

1. It will be recalled that, at its 322nd Session (November 2014), the Governing Body decided in particular:

   ... to take the necessary steps to ensure the effective functioning of the Committee on the Application of Standards at the 104th Session of the International Labour Conference, and to this end reconvene the Working Group on the Working Methods of the Conference Committee on the Application of Standards to prepare recommendations to the 323rd Session of the Governing Body in March 2015, in particular with regard to the establishment of the list of cases and the adoption of conclusions;  

2. The Tripartite Working Group on the Working Methods of the Committee on the Application of Standards (the CAS Working Group) held its twelfth meeting on 23 March 2015 during the 323rd Session (March) of the Governing Body. It was composed of: nine Employer representatives, nine Worker representatives and nine Government representatives. The meeting was also attended by a number of observers. The meeting was chaired by Mr Sipho Ndebele (Government representative, South Africa). The Employer Vice-Chairperson of the Committee on the Application of Standards at the 103rd Session (2014) of the International Labour Conference, Ms Sonia Regenbogen, and

7 GB.322/PV, para. 209(3). See also GB.323/INS/5, para. 1.

8 The Government representatives were from the following nine countries: Africa: Algeria and Egypt; Americas: Canada and Cuba; Asia and the Pacific: China, Japan and Jordan; Eastern Europe: Republic of Moldova; Western Europe: Austria.
the Worker Vice-Chairperson of the Governing Body, Mr Luc Cortebeeck, spoke on behalf of the Employers' and the Workers' groups, respectively.

3. The CAS Working Group held a constructive meeting. In accordance with its usual practice, a full report of the discussions will be communicated directly to the members of the Working Group.

4. It is important to highlight that the Joint Statement of the Workers' and Employers' groups and the two statements from the Government group, which are attached to the Outcome of the Tripartite Meeting on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation to the right to strike and the modalities and practices of strike action at national level (February Outcome), contain elements which are relevant to the work of the CAS Working Group and that were taken into account in its deliberations.

5. The CAS Working Group adopted the following recommendations.

Establishment of the list of cases and adoption of conclusions

- **Modalities for the establishment of the list of cases**

  **Preliminary list**

  The preliminary list of cases should be available no less than 30 days before the opening of the International Labour Conference (i.e. 1 May 2015).

  **Final list**

  The final list should be agreed upon by the Workers' and Employers' spokespersons on the Friday before the opening of the International Labour Conference (29 May 2015) and should be adopted no later than the second sitting of the Committee on the Application of Standards (CAS). The discussion of the individual cases would begin with double-footnoted cases.

- **Explanation to governments**

  Explanations will be given to governments immediately following the adoption by the CAS of the final list of cases.

- **Criteria for the determination of the list of cases**

  In the establishment of the list of cases, in addition to the criteria outlined in Document D.1, the following should also be considered: balance between fundamental, governance and technical Conventions; geographical balance; balance between developed and developing countries.

- **Preparation and adoption of conclusions**

  There was consensus on:

  - The importance of adopting conclusions on all cases. Conclusions should be reached within a reasonable time frame and should be short, clear and specify the action expected of Governments, including the technical assistance to be provided by the Office, if applicable. The conclusions should reflect consensus
recommendations. Divergent views can be reflected in the CAS record of proceedings.

- Conclusions on the cases discussed should be adopted at dedicated sittings.

**Functioning of the CAS in the context of the two-week session of the International Labour Conference in 2015**

6. The CAS Working Group agreed on the following:

- meetings should start on time;
- the provisional working schedule should take account of group meetings;
- evening sittings should end at 21.00 and the sitting on the first Saturday of the Conference should end at 13.00; if additional time is needed to complete the examination of the cases, evening sittings could be envisaged during the second week of the Conference;
- four individual cases should be discussed per day to achieve 24 during the session;
- the report of the Committee should continue to be adopted by the Committee itself.

**Other business**

7. The meeting agreed to add the following points to the agenda of a future session of the CAS Working Group:

- Composition of the Working Group, including the proposal made by the group of Latin American and Caribbean countries (GRULAC) that the composition should be a multiple of eight, with 16 Government representatives, 8 Employer representatives and 8 Worker representatives.
- A date for the next meeting of the Working Group should be set in advance.
- Consideration could be given to holding simultaneous sittings for certain matters (e.g. cases of serious failure by Governments to respect their reporting and other standards-related obligations).