Informal tripartite consultations on
the Working Methods of the Committee
on the Application of Standards
(5 November 2016)

Brief report of the meeting

1. Informal tripartite consultations on the Working Methods of the Conference Committee on
the Application of Standards (CAS) were held on 5 November 2016 from 2 p.m. to 4.40 p.m.

2. The meeting was chaired by Mr Sipho Ndebele (Government representative, South Africa).
The Employer Vice-Chairperson of the CAS at the 105th Session (2016) of the International
Labour Conference, Ms Sonia Regenbogen, and the Worker Vice-Chairperson of the CAS,
Mr Marc Leemans, spoke on behalf of the Employers’ and Workers’ groups, respectively.
The Government representatives were from the following nine countries: Algeria and Egypt
(Africa); Brazil and Canada (Americas); Bahrain, Republic of Korea and Pakistan (Asia and
the Pacific); and Austria and Russian Federation (Europe). The meeting was also attended
by a number of observers.

3. The meeting had before it a background note prepared by the Office. The agenda of the
meeting, which followed the order of the matters set out in the background note, was
presented by the Chairperson and was adopted unanimously.

Review of the functioning of the CAS (June 2016)
and possible further suggestions for improvement

4. The Director of the International Labour Standards Department presented the
background note and drew the meeting’s attention to paragraphs 28–31 on the possibility of
extending the use of “patchwork” (that is, where each intervention is reflected only in the
related language – English, French or Spanish) to the adoption of the CAS
report, as well as to paragraph 33 on the possibility of pursuing the electronic transmission
of amendments.

5. The Worker spokesperson indicated that the functioning of the CAS in 2016 had been
safeguarded. The CAS had been able to finalize its list of cases, engage in fruitful discussions
and adopt conclusions. The Workers’ group was quite satisfied with the overall functioning
of the CAS in 2016. It was a year that gave the Workers’ group trust to invest in the future
effective functioning of the CAS.

6. The Employer spokesperson echoed the comments made by the Worker spokesperson in
saying that 2016 was a successful year for the CAS, due to the preliminary list of cases being
adopted one month before the commencement of the CAS, as well as the fruitful discussions
held and conclusions adopted for each case. Reference was also made to the dynamic use of
the CAS web page, the list of speakers made available on a screen in the meeting room and
the use of SharePoint.

7. Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), a
Government representative of Brazil echoed the positive remarks made by the
spokespersons of the Employers’ and Workers’ groups. He added, however, that GRULAC
wanted some clarification on the establishment of the list of cases and methods for choosing
a given case, including how geographical balance was taken into account. In general,
GRULAC was in favour of technological developments mentioned in the background note.
8. Speaking on behalf of the Asia and Pacific group (ASPAG), a Government representative of the Republic of Korea said that improvements should be made to the preliminary list of cases in terms of regional balance. Thirteen countries were selected from the Asia and the Pacific region (Asia–Pacific States and Arab States) out of a total of 40 cases (representing 32.5 per cent), which was ten percentage points higher than for other regions. The speaker asked why the Arab States still appeared as a region, adding that there should only be four regions.

9. A Government representative of Pakistan shared the concerns raised by the Government representative of the Republic of Korea. Referring to technological developments, he was of the view that there should be a gradual transition to the electronic transmission of amendments as the only means of submitting amendments.

10. A Government representative of Canada indicated that he was pleased with the functioning of the CAS in 2016, in particular with the establishment of the preliminary list of cases one month prior to the commencement of the Conference, the better use of technology and good time management.

11. A Government representative of Austria agreed with the improvements made to time management in 2016, adding that having the list of speakers visible on a screen was a positive development. She was also pleased with the preliminary list of cases being made available 30 days before the Conference.

12. A Government representative of the Russian Federation echoed the positive remarks made before him concerning the functioning of the CAS in 2016. He was pleased with the work of the CAS and would like to see further improvements in the future. He asked for additional information on how cases were selected and how the social partners aimed to ensure a balance among regions.

13. A Government representative of Algeria, also echoing the positive remarks of the previous speakers, was looking forward to further improvements to the working methods of the CAS.

14. The Chairperson asked the Office to clarify how the list of cases was established.

15. The Director of the International Labour Standards Department referred to the CAS document D.1 which sets out the manner in which the work of the Committee is carried out. Section VI of document D.1 on “Individual cases” provided information on the establishment of the list of cases. The Department Director added that there were indeed five regions: Europe, Americas, Arab States, Africa and Asia and the Pacific. Grouping in four regions were used for the electoral colleges of the Governing Body, but this grouping served a different purpose. She said that the list of cases could be presented differently as the current practice dated from 2012.

16. The Worker spokesperson recalled that these types of questions, namely on the establishment of the list of cases, were regularly asked. The criteria used were quite clear and he referred to document D.1. Selecting cases was not an exact science as many factors were taken into account, plus there had to be an agreement following negotiations between the Employers’ and Workers’ groups. It would not be seen as a positive development if governments became party to the negotiations concerning the establishment of the list of cases.

17. The Employer spokesperson also referred to document D.1 and agreed with the points raised by the Worker spokesperson and the explanation provided by the Office. Establishing a list of cases was not an exact science, although the Employers’ and Workers’ groups had worked very hard to maintain a regional balance. The Employers’ and Workers’ groups
would continue in this regard, taking into account the different regions, developed and developing countries, as well as fundamental, governance and technical Conventions.

18. **A Government representative of Brazil** thanked the social partners for the information provided. Taking into account the double-footnoted cases, GRULAC was of the view that there should be a regional balance with regard to the other cases. Acknowledging that the preliminary and final lists of cases were communicated on time, the speaker asked whether, for the future, a lengthier advance notice of the lists could be given. In this regard, he asked if it would be possible to give more advance notice with respect to the final list. Concerning the list of speakers during the discussion of cases, he proposed to have Government representatives speak after the social partners as closing remarks. This was an idea that could be discussed at a later stage.

19. **A Government representative of the Republic of Korea** said that, in terms of regional balance, he was pleased with the final list of cases. His previous comment referred to the preliminary list of cases and he asked why ASPAG was divided in two groups. He supported the proposal made by GRULAC with regard to the order of speakers; that is, the final speaker of a given case would be the Government representative.

20. **The Employer spokesperson** indicated that the Arab States had always been a region separate from Asia and the Pacific in the work of the CAS. Her understanding was that the Governing Body had different groupings but that the CAS, historically, treated the Arab States as a region.

21. **The Worker spokesperson** was of the view that it would be better to hear the concluding remarks from governments and then have the concluding remarks from the social partners. He added that all governments must be prepared to come to the Conference if they were on the preliminary list of cases. There would not be much difference if the final list was made available one day before. The Employers’ and Workers’ groups were now giving the final list to the Office secretariat on the Friday before the Conference started to facilitate the work of the CAS. The final list was adopted on the second day of the CAS. He did not see how it would be possible to give earlier advance notice to governments.

22. **The Chairperson** recalled that governments had expressed their views on geographical balance. Consideration could take into account other cases, which were not double-footnoted cases. This was an issue that could be discussed at the next meeting. With respect to advance notice, he indicated that all 40 member States on the preliminary list of cases should be prepared for the Conference, and that they should not only wait for the final list.

23. **A Government representative of Brazil** was of the view that there was a difference between being on the preliminary list and the final list. For example, if a decision had to be taken to invite a higher-level government official to attend the CAS.

24. **The Employer spokesperson** agreed that there was a difference between being on the preliminary and final lists of cases. The Employers’ group was aware of the challenges mentioned, such as planning to have a higher-level government official attend the CAS. The Employers’ and Workers’ groups were more efficient now because there was certainty that the final list would be adopted on the second day of the CAS. In the past, the final list of cases was known later. The first level of notice, the preliminary list, gave governments time to prepare for the Conference. Moreover, the order of cases, following the double-footnoted cases, took the French alphabetical order. This in fact helped governments know when their case would be discussed. In 2016, the CAS had been on schedule and therefore governments had known when their case was to be discussed. Another improvement in 2016 was that the reading of conclusions was done according to schedule. The meeting should be cognizant of negotiations between Employers’ and Workers’ groups to come up with the final list.
25. A Government representative of Austria said that she was familiar with this discussion as it had been held a number of times in the past. For governments, it was not the perfect scenario to have the final list available only on the second day of the CAS. However, she understood the views shared by the Employers’ and Workers’ spokespersons. She conveyed her appreciation for the work done by the social partners and the improvements made in order to have the preliminary and final lists shared on time.

26. The Chairperson asked whether there could be a concept paper prepared by the Government representatives for the next meeting. He recalled that major improvements had been made with respect to the preliminary and final lists of cases. Government representatives indicated that they would prefer to have more time and therefore more advance notice to prepare for the CAS discussions.

27. The Worker spokesperson recalled that 24 out of the 40 cases on the preliminary list would in fact be discussed. It was not possible for the Employers’ and Workers’ groups to work even faster in the context of a shorter two-week Conference. The final list of cases would be shared as soon as possible with governments, on the second day of the CAS. In the past, less notice was given and the social partners would try to avoid such situations.

28. The Chairperson said that Government representatives raised a concern that the meeting should try to look into at a later stage. This matter could be further discussed at the next meeting.

29. A Government representative of Austria was of the view that governments prepared for their cases. She added that if governments wanted to send a high-ranking official, there needed to be certainty that the case would be discussed. She asked whether it would be possible to inform, more in advance, Government representatives who had a longer trip to Geneva.

30. A Government representative of Canada recalled that he had been participating in the work of the CAS since 2007 and had seen improvements in the last few years. The meeting should recognize the progress made to date, such as having the preliminary list of cases 30 days prior to commencement of the CAS. He added that the proposed government concept paper would not work well as not all governments shared the same views.

31. The Employer spokesperson referred to document D.0 and the adoption of the list of cases on the first Tuesday. Governments could organize travel as from Tuesday morning until Thursday, as Wednesday was scheduled for double-footnoted cases. The shorter two-week Conference in fact helped government officials block out less dates from their calendars. A government concept paper would not be the best option and necessary at this time, taking into account the Office’s limited time and resources.

32. The Worker spokesperson shared the views expressed by the Employer spokesperson.

33. A Government representative of Brazil indicated that he would like this point to be added on the agenda of the next meeting. Referring to the comments made by the Government representative of Austria, he added that an option could be that cases involving countries closest to Geneva could be assessed in the earlier days of the CAS. More ideas could be discussed at the next meeting.
(a) *The possibility of including cases of progress in the list of cases*

34. **The Employer spokesperson** indicated that the Employers’ group had highlighted in the meetings of the CAS that cases of progress should be a priority and should be included in the final list of 24 cases.

35. **The Worker spokesperson** was in favour of discussing cases of progress, but recalled that all delegates travelled to the Conference to discuss the most serious cases. The number of cases had been reduced from 25 to 24 cases. Cases of progress could be added to the final list but should not replace one of the 24 cases. He was of the view that it would be difficult taking into account the shorter two-week Conference. The Workers’ group was not against discussing cases of progress but it should be in addition to the 24 cases.

36. **A Government representative of Austria** said that discussing cases of progress was welcomed but it would be difficult taking into account the shorter Conference. She added that it may be possible if the discussion of a case of progress was shorter.

37. **The Employer spokesperson** said that this discussion could be shelved. The Employers’ group felt bound by the agreement between the social partners to discuss only 24 cases. Cases of progress could be included in the list of 24 cases. The Employers’ group was not in a position, at this point, to agree to a list of 25 cases.

38. **The Chairperson**, taking into account the views shared, said that this discussion should be shelved and discussed at a later date.

(b) *Evaluation of the impact of the shorter Conference on the work of the CAS; and (c) any possible improvements to time management taking into account the experiences of the CAS in 2016*

39. **The Worker spokesperson**, referring to the fact that speaking time limits had in some cases been reduced from five to three minutes for individual interventions, said that there was a discrepancy between groups for allotted speaking times. It was suggested that the reduction of speaking time limits could apply by taking into account the number of speakers of a particular group. For instance, if a given group only had four or five speakers mentioned on the list of speakers with respect to a case being discussed, those speakers would not see their speaking time reduced. Speaking time would therefore only be reduced for the following speakers of that same group. Regional groups took the floor during a discussion, but also, from time to time, a number of individual governments from the same regional group took the floor again.

40. **The Employer spokesperson** recalled that, even with long working hours, the 2016 CAS was a success due to time management. The Chairperson, in consultation with the Officers of the Committee, was able to decide when to reduce speaking time limits and when to close the list of speakers, and this practice should continue. Reference was also made to the list of speakers made visible on a screen, which was also welcomed. In response to the suggestion of the Workers’ group, there should be further reflection on this point to see whether the number of speakers in a particular group should be taken into account to decide on the reduction of speaking time limits for a given group.

41. **A Government representative of Brazil** said that he was pleased with the time management in 2016 and further improvements should be looked at. He added that limiting the interventions from Government representatives should not be an acceptable practice.
42. A Government representative of the Republic of Korea agreed with the good use of time management in 2016 and supported the remarks made by the Government representative of Brazil, adding that governments should be free to take the floor during a discussion.

43. A Government representative of Canada said that time was well managed in 2016. He added that, when a decision was taken to reduce the speaking time, it should be announced as soon as possible in order for speakers to prepare accordingly.

44. A Government representative of Austria agreed with the early notice of reduced speaking time, and also echoed the positive remarks of good time management in 2016. She did not agree with limiting government interventions during the discussion of cases. The proposal of the Workers’ group would be difficult to implement and the CAS needed simple rules, such as the current ones.

45. A Government representative of Pakistan, referring to paragraph 24 of the background note, said that it was not necessary to reduce government interventions during the discussion of cases. This issue could be discussed at a later stage.

46. The Chairperson said that this question should be looked into at a later stage. There was room for improvement and time was needed to look into this question further.

(d) The possibility of pursuing the practice of adopting draft minutes in a “patchwork” version, as well as possibly extending the practice to the adoption of the CAS report; and (e) the possibility of pursuing the electronic transmission of amendments and, in the future, as the only means to submit amendments

47. The Employer spokesperson supported the adoption of a “patchwork” version for the individual cases and CAS report, as well as the electronic transmission of amendments.

48. The Worker spokesperson said that the CAS should be careful not to exclude some Members by moving too quickly to only accepting electronic means of transmission of amendments.

49. A Government representative of Austria indicated that delegates that did not have access to computers should also be able to submit amendments. She added that a “patchwork” version of the CAS report could be adopted, but there should be a deadline to produce and publish the translated version of the CAS report.

50. The Chairperson said that there was support for the electronic transmission of amendments. He added that there should also be other means available to support delegates that did not have access to computers during the CAS or lacked sufficient knowledge of information technology.

51. The Director of the International Labour Standards Department said that the deadline to produce the translated versions of the CAS report would be ten days following its adoption. She clarified that the conclusions would continue to appear in the report in the three working languages. With respect to the electronic transmission of amendments, the aim would be to go fully electronic in a transitional manner. Amendments would continue to be submitted both electronically and on paper in 2017.
The preparation, adoption and follow-up of conclusions

52. The Director of the International Labour Standards Department presented a document to the meeting, a summary table that was produced in Annex 3 of the Background Note. The summary table included information on whether or not, following requests made by the CAS in its conclusions, reports had in fact been submitted to the Committee of Experts on the Application of Conventions and Recommendations, ILO missions had been undertaken and technical assistance had been provided.

53. The Worker spokesperson asked how the document would be made available and whether it would be made available online.

54. The Employer spokesperson indicated that 1 April 2017 would be a good date to have the document available as it was before the establishment of the preliminary list of cases. The document should be updated in May, in advance of the final list of cases, and updated once again before the commencement of the work of the CAS. It was important to have a document with up-to-date information in an easy-to-use format.

55. A Government representative of Canada agreed with the idea, adding that the document could also be part of the D. documents of the CAS.

56. The Director of the International Labour Standards Department said that the document would be prepared by the secretariat and made available on the dedicated web page of the CAS as of 1 April 2017. It would be regularly updated prior to the commencement of the Conference.

The discussion of the General Survey

57. The Employer spokesperson agreed with maintaining the current method of discussing the General Survey by the CAS; that is, one year in advance of the recurrent item discussion.

58. The Worker spokesperson also agreed with maintaining the current format of discussing the General Survey.

The issue of the participation in these informal tripartite consultations

59. A Government representative of Brazil said that GRULAC believed that governments would provide a better contribution to the working methods of the CAS if more governments were able to participate in these consultations. Changing the composition was proposed as it would be beneficial to have broader participation from governments.

60. Speaking on behalf of ASPAG, a Government representative of the Republic of Korea supported the position of GRULAC.

61. The Worker spokesperson recalled that the status of this meeting was informal consultations. It was not a committee and it was not an expert meeting. He added that all governments had the possibility to make their views known during the closing statements of the CAS. Informal consultations were more effective with less participants. The Workers’ group was therefore not in favour of a larger group of people participating in these informal consultations.
62. **The Employer spokesperson** agreed with the current composition of the meeting, including with the possibility of observers.

63. **The Chairperson** indicated that the position of the social partners was clear on this matter. He called upon the Government representatives to revisit their position and to look into how to take this process forward.

64. **A Government representative of Brazil** was of the view that it was in the interest of the Organization to change the composition of the meeting. In order to have more participation from governments in the CAS, there should be more governments present in these consultations on the work of the CAS, governments with the right to speak.

65. **A Government representative of Pakistan** indicated that a large number of observers were present on a Saturday afternoon which was an indication of the interest in these discussions. The discussion would have benefited by having observers with the right to speak.

66. **A Worker spokesperson** recalled that the ILO was a tripartite organization and ownership of processes by the social partners was also important. Ownership by all three groups was important.

67. **The Chairperson** said that further discussions among governments were needed. Participation in these informal consultations was an issue that would require further examination at the next meeting.

**Any other matters**

68. **Speaking on behalf of IMEC**, a Government representative of Austria, thought it was bad timing to have the adoption of the CAS report coincide with the World of Work Summit. This situation should be avoided in the future.

69. **The Chairperson** thanked all participants and adjourned the meeting.