Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards
(12 April 2021)

1. Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards (“the Committee”) took place on 12 April 2021, from 2–5 p.m.

2. The meeting was facilitated by Mr Greg Vines (Deputy Director-General for Management and Reform). The Employer Vice-Chairperson of the Committee at the 108th Session (2019) of the International Labour Conference, Ms Regenbogen, and the Worker Vice-Chairperson of the Committee, Mr Leemans, were the Employer and Worker spokespersons, respectively. The Government representatives of Algeria and Egypt spoke on behalf of the Africa region; the Government representatives of Brazil and Canada on behalf of the Americas region; the Government representative of Japan on behalf of the Asia and Pacific region; and the Government representatives of Greece and Croatia on behalf of the Europe region. A large number of observers also participated in the meeting.

3. Mr Vines invited the participants to continue the discussion on the Committee’s working methods. He presented the new background note prepared by the Office based on the outcome of the meeting held on 30 March and recalled that the participants had previously reached a consensus on a number of issues.

1. Publication of the preliminary list and transmission of written information by Governments

4. All the participants expressed their support for the two proposals in paragraphs 10-15 of the background note: i) the publication of the preliminary list on 20 April 2021, that is 30 days prior to the formal opening of the session of the Conference that will take place on 20 May 2021, and ii) the invitation to Governments appearing on the preliminary list to provide, on a purely voluntary basis, written information by 20 May 2021.

2. Opening sitting of the Committee: date and agenda

5. The Chairperson invited the participants to confirm their agreement with the proposal to hold an early opening sitting of the Committee on Thursday 27 May or Friday 28 May 2021 and to provide their feedback on the agenda of the opening sitting (paragraphs 19-26 of the Background note).

6. The Worker spokesperson agreed with the proposed dates of the opening sitting considering that they offered flexibility for the organization of the groups’ meetings. His group also agreed with the proposed agenda of the opening sitting.

7. The Employer spokesperson accepted the suggested dates of the opening sitting. However, the agenda of the sitting should not include the opening statements of the Employer and Worker spokespersons, which should be made on 3 June when the substantive discussion would begin.
8. Both a Government representative of Egypt, speaking on behalf of the Africa group, and a Government representative of Brazil, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), expressed support for the proposed dates of the opening sitting and in particular for the adoption of the list at that sitting. With respect to the agenda, their group did not have particular comments and remained flexible.

9. Speaking on behalf of the Asia and Pacific Group (ASPAG), a Government representative of Japan supported the two proposals.

10. A Government representative of Canada, a Government representative of Croatia, speaking on behalf of the Eastern European group, and a Government representative of Greece, speaking on behalf of the Western European group expressed support for the dates of the opening sitting. They also agreed on the proposed agenda, which could include the opening statements by the Employer and Worker spokespersons and by the representative of the Secretary-General.

11. The Chairperson indicated that there was agreement on the dates of the opening sitting but the participants expressed different views in relation to the agenda of the sitting. He proposed to come back to this point when discussing the schedule.

3. Use of written submissions

12. The Chairperson invited the participants to confirm their previous agreement on the use of written submissions (paragraphs 27-29 of the background note).

13. While welcoming the use of written submissions, the Employer spokesperson indicated that they could not replace the genuine and proper discussion in the Committee. Furthermore, she suggested that the PVs of the discussions should differentiate between statements provided in writing and statements made orally.

14. The Worker spokesperson fully agreed with the Employer spokesperson on the need to distinguish between written submissions and oral statements and recalled that written submissions would be used on an exceptional basis this year.

15. Speaking on behalf of ASPAG, a Government representative of Japan indicated that he had no particular comments.

16. The Africa group, GRULAC, the Eastern European group, the Western European group, and a Government representative of Canada expressed support for the use of written submissions and echoed the need to differentiate between written submissions and oral statements.

17. The Chairperson indicated that there was agreement on the use of written information and confirmed that proper differentiation between written submissions and oral statements would be made.

4. Time allotment for the general discussion

18. The Director of the International Labour Standards Department indicated that, based on the outcome of the previous discussion, a revised time allotment of 180 minutes was proposed for the general discussion with two segments of 90 minutes each (paragraphs 30-34 of the background note). Revised maximum speaking times were also proposed: 15 minutes for the Employer and Worker spokespersons, 5 minutes for Government groups, and 3 minutes for the other members.
19. The Worker spokesperson agreed with the time allotment of 90 minutes for each of the two segments of the general discussion, which would allow providing clear views on the issues.

20. The Employer spokesperson expressed doubts about the division of the general discussion into two segments but her group remained open to the proposal. She considered that an extension of time slightly beyond 90 minutes for the discussion should be allowed. She also proposed to extend the time allotment for the closure of the general discussion from 30 to 60 minutes.

21. Speaking on behalf of the Africa group, a Government representative of Egypt expressed support for the division of the general discussion into two segments and suggested to increase the speaking time for Government groups from 5 to 7 minutes.

22. Speaking on behalf of ASPAG, a Government representative of Japan indicated that he had no comments.

23. GRULAC, the Eastern European group, the Western European group and a Government representative of Canada supported the proposals.

24. The Chairperson indicated that there was support for the division of the general discussion into two segments. He proposed to review the time allotment for the general discussion when discussing the schedule. Some flexibility could be granted in relation to speaking times limits for Government groups within the overall time available for the two segments of the general discussion.

25. The Worker spokesperson considered that there was added value in having one of the two segments of the general discussion dedicated to the impact of the COVID 19 on ILS. His group could go along with the suggestion to extend to 60 minutes the time allotment for the closure of the general discussion which would involve an extended sitting of 3 hours 30 minutes.

5. Examination of cases of serious failures to report

26. The Director of the International Labour Standards Department presented the new option 3 proposed for the examination of cases of serious failure to report that was based on the suggestions made during the previous discussion (paragraphs 35-38 of the background note). The Office would publish, 24 hours before the dedicated sitting, a document, in the three languages, that would compile the written information received from the Governments and the Employer and Worker spokespersons. During the sitting, Governments concerned could ask for the floor to provide information on any new development that occurred since their written submission. Time allotment for the sitting would be 60 minutes.

27. The Employer spokesperson considered the time allotment of 60 minutes as the most appropriate. However, an extension up to 90 minutes might be required considering the number of countries that might wish to report.

28. The Worker spokesperson agreed with the position of the Employer spokesperson indicating that a number of Member States did not comply with their obligations. His group did not have an express opinion on the maximum time allotment for the sitting.

29. Speaking on behalf of the Africa group, a Government representative of Egypt confirmed his previous preference for option 2. However, the Africa group could go along with option 3.
30. Speaking on behalf of ASPAG, a Government representative of Japan indicated no particular objection to option 3.

31. Speaking on behalf of GRULAC, a Government representative of Brazil stated that GRULAC did not have a particular position on this point.

32. A Government representative of Canada expressed support for option 3.

33. Speaking on behalf of the Eastern European group, a Government representative of Croatia expressed support for option 3 as the most balanced and appropriate option.

34. Speaking on behalf of the Western European group, a Government representative of Greece indicated that her group could go along with option 3 since it would provide governments with an opportunity to take the floor.

35. The Chairperson indicated that in principle participants were in agreement with option 3 and that the exact time allotment would be reviewed when discussing the schedule.

6. Discussion of the General Survey

36. The Chairperson recalled that the proposals relating to the discussion of the General Survey received reasonable support during the last meeting (paragraphs 39-44 of the background note).

37. The Worker spokesperson indicated that his group could go along with the proposals.

38. The Employer spokesperson recalled the length of the General Survey and the importance of the discussion. Although her group would not oppose the time allocation of 15 minutes for their introductory remarks, time flexibility could still be required. In relation to the proposal to structure the discussion around three generic questions, her group could accept the proposal if there would be a clear indication that the three questions would not restrict the speakers in their interventions.

39. The Africa group, ASPAG, GRULAC, the Eastern European group, the Western European group and a Government representative of Canada supported the proposal.

40. The Chairperson indicated that the proposal in paragraph 44 was accepted with the clarification referred to by the Employer spokesperson.

7. Discussion of individual cases

Order of examination of individual cases

41. All the participants expressed support for the proposal concerning the order of examination of individual cases (paragraphs 45-47 of the background note).

Adoption of the conclusions

42. The Chairperson invited the participants to provide their comments on paragraphs 54-59 of the background note on the adoption of conclusions.

43. The Employer spokesperson indicated that her group was flexible with the way in which draft conclusions would be adopted and communicated to governments. She reiterated the view that arranging a specific sitting to adopt all the conclusions and the outcome on the General Survey at the end of the second week would be the most appropriate way to proceed, considering the unusual and unprecedented circumstances under which the Committee would work.
44. **The Worker spokesperson** indicated that his group could go along with the proposal made by the Employer spokesperson. All the conclusions could be adopted at one or two sittings after the discussion of all the individual cases. Due to the time constraints faced at the end of the Committee's session, it was important to ensure sufficient time for the preparation of the draft conclusions concerning the last individual cases discussed.

45. **The Employer spokesperson** agreed with the last point of the statement of the Worker spokesperson.

46. **Speaking on behalf of the Africa group, a Government representative of Algeria** expressed support for the proposal to send the draft conclusions to the governments concerned a few hours before their adoption. The Africa group was in favour of having one dedicated sitting for the adoption of all conclusions with a view to save time.

47. **Speaking on behalf of ASPAG, a Government representative of Japan** indicated that ASPAG did not have particular views on the possibility of holding more than one sitting for the adoption of conclusions.

48. **Speaking on behalf of GRULAC, a Government representative of Brazil** considered reasonable to proceed with the adoption of all conclusions at the end of the session. That would be in line with the need to share the draft conclusions with the governments in advance and to have a more feasible time management.

49. **A Government representative of Canada** expressed support for holding one dedicated sitting or sittings for the adoption of conclusions at the end of the session.

50. **Speaking on behalf of the Eastern European group, a Government representative of Croatia** was flexible with having more than one sitting dedicated to the adoption of the conclusions.

51. **Speaking on behalf of the Western European group, a Government representative of Greece** was open to the adoption of all conclusions at the last two sittings of the Committee as contemplated in the scenarios proposed in the background note.

52. **The Director of the International Labour Standards Department** noted that the adoption of conclusions at once would put additional pressure on the Office. However, she would discuss arrangements with the Employer and Worker spokespersons to facilitate the preparation of draft conclusions in the three languages on time.

53. **The Chairperson** noted that most of the governments had indicated their preparedness for some flexibility taking into account both the capacity of the Office and the concerns expressed by the social partners.

**Time allotment for examination of individual cases**

54. **The Director of the International Labour Standards Department** provided a brief overview of the four possible scenarios for the working schedule of the Committee. The scenarios were based on the common features set out in paragraph 61 of the background note, which have received support from the participants. Scenarios 1 and 2 were based on clear determination of the total time allotment for a country case. They addressed the Governments’ concerns relating to predictability and time zone difference. Scenario 1 was based on a limited duration of the discussion of an individual case set at 90 minutes, which would involve reduction of speaking times. Scenario 2 was built on a limited duration of the discussion of an individual case set at 100 minutes with the same limitations of speaking times as in scenario 1, except for the Government concerned, for which the current speaking times would be maintained. Predictability would be preserved by ensuring that two cases would be discussed during a sitting. However, 9 extended sittings...
up to 3 hours and 20 minutes would be required. Scenario 3 maintained the established practice in terms of participation in the discussion of a case within a limited sitting of three hours. In this scenario, the total number of cases that could be discussed could not be assured in advance nor would it be assured that a given case could be finalized in a single sitting, considering the impossibility to have recourse to extended or night sittings. The date and timing for the discussion of a given case could also not be guaranteed and would need to be adjusted in real time as the session proceeds. Scenario 4 was based on the upholding of the established practice of discussing 24 individual cases. It implied a limited duration of the discussion of an individual case set at 90 minutes with three extended sessions up to 4 hours 30 minutes.

55. The Employer spokesperson indicated that scenario 3 was the only possible scenario. In scenario 1, the time proposed would be too tight; scenarios 2 and 4 were not acceptable, as her Group would not agree with the duration of sessions beyond 3 hours. Her group was in favor of scenario 3 as it was based on a realistic number of individual cases (between 15-16) that could be addressed properly. The Employers group proposed to examine 15 individual cases based on 90 minutes discussion for each case. The discussion of the individual cases could take place from Monday 7 June to Tuesday 15 June (with 2 cases each day) whereas the sitting of Wednesday 16 June could be reserved to address possible delays in the discussions, to finalize draft conclusions, or to revise the Officers’ drafts. The conclusions of the individual cases and the outcome on the discussion of the General Survey could be adopted on Thursday 17 June and the closing sitting and the adoption of the Committee’s report could be done on Friday 18 June. She underscored the need to address the time zone differences and therefore remained committed to sittings of 3 hours as a rule.

56. Speaking on behalf of the Africa group, a Government representative of Algeria was in favor of scenario 3, which involved the discussion of 15 individual cases and maintained speaking times. He proposed some adjustments to scenario 3: i) contemplating the possibility to extend the duration of the sitting by 30 minutes if needed; ii) no-restrictive time limits for speakers but rather setting an indicative total duration for the discussion of a case that could be set at 1 hour and five minutes; and iii) if the discussion of a case could not be finalized during a sitting, it would be postponed to the next day, taking into account time zones differences. With the adjustments proposed, scenario 3 would enable genuine and constructive social dialogue and would ensure a flexible and optimal use of the time available for all participants. This would require a collective effort.

57. Speaking on behalf of ASPAG, a Government representative of Japan indicated that there was no definite position of his Group. However, based on the comments provided by the participants, it seemed that groups would need to agree on a format in which concerned governments would be given the same time allotment as usual while other speakers would have reduced speaking times. Another important guiding principle identified was predictability and time zone friendliness. These elements were most important for building an acceptable scenario. Therefore, groups would need to look at scenarios 3 and 4 from that perspective and decide whether these scenarios would not sacrifice these elements too much.

58. Speaking on behalf of GRULAC, a Government representative of Brazil underscored that the quality of the debates and comprehensive and fair discussions could not be guaranteed with reduced speaking times for the governments concerned. The current practice should be preserved: 15 minutes for the introductory statements and 10 minutes for the final statements. Furthermore, those speaking times should not be considered as binding references. GRULAC was in favor of scenario 3 and proposed three adjustments
to enhance predictability: i) determination in advance of the number of individual cases based on the calculation of the average time needed for one case under the recommended reasonable speaking times; flexibility on the duration of the sittings that could be extended to 3 hours and 30 minutes given that speaking times limitations would not be enforced strictly; and iii) opening and closing the discussion of an individual case in the same sitting. However, on an exceptional basis, the discussion could resume the next day and the Office would ensure time zone friendliness for the country concerned.

59. A Government representative of Canada considered scenario 2, involving 20 individual cases, as a reasonable compromise solution. She supported the speaking times of 15 and 10 minutes for the governments concerned and proposed an extension of speaking times from 2 to 3 minutes for the other members. For maintaining predictability and make the most efficient use of the time available, she proposed that the Office would prepare a list of speakers, with the possibility to register 24 hours in advance of the dedicated sitting. Based on the number of registered speakers, it would be possible to adjust speaking times and speakers would know it in advance. She specified however that the list should not preclude other speakers to take the floor during the sitting.

60. Speaking on behalf of the Eastern European group, a Government representative of Croatia stressed the complexity and challenges faced for the establishment of the Committee’s schedule and indicated that, at this stage, there was no particular scenario preferred by her Group.

61. Speaking on behalf of the Western European group, a Government representative of Greece expressed support for scenario 2, which ensured predictability, quality and inclusivity of the discussions and maintained speaking times for the governments concerned. Maintaining the established practice of discussing 24 individual cases, scenario 4, with four sittings of 4 hours and 30 minutes, would seem excessive for all parties and non-realistic. Additionally, her Group could not accept scenario 3 because it would not ensure predictability as it would not guarantee the date and time of the discussions.

62. After listening to the interventions, the Worker spokesperson stressed that he did not have the mandate to lower the number of individual cases to be discussed. The exceptional circumstances linked to the COVID 19 crisis should not entail a diminution in the number of cases discussed this year. All constituents needed to show flexibility. Scenario 3 was out of question for his group since it did not even guarantee that 15 cases could be discussed and it would entail engaging in complicated discussions in an unacceptable way. The most preferable scenario would be scenario 4, which guaranteed the examination of 24 cases. However, his group could start considering scenarios 1 and 2, as a basis for a possible compromise, on the condition that there was flexibility from the participants in the meeting in this regard.

63. The Chairperson noted the complexity of the issue and the absence of a convergence of views on the choice of the scenario. Listening to the discussions, he proposed to agree on general principles on the basis of which a new compromise scenario could be elaborated. These principles could include:

(i) Two individual cases discussed every day;
(ii) The discussion of an individual case is opened and closed on the same sitting;
(iii) Time allotment of a sitting set at three hours with flexibility to extend the sitting for 30 minutes in exceptional cases;
(iv) Speaking times for the Government concerned are maintained (15 minutes for the opening statement and 10 minutes for the closing statement);
(v) A speakers list is established 24 hours in advance of the discussion of the case. Speakers would need to register and limitation of speaking times will be adjusted according to the number of speakers registered. Speakers not registered in advance will be given the floor according to the remaining time available.

64. The Director of the International Labour Standards Department noted that these principles could help the Office to develop a new scenario. The suggestion to prepare a list of speakers in advance of the dedicated sitting and applying flexibility in time management for registered and non-registered speakers could be helpful. She recalled that speaking time limits was an established practice of the Committee.

65. The Employer spokesperson considered scenarios 2 and 4 problematic due to the excessive length of the sittings that went beyond 3 hours and were used as a starting point for the schedule. For this reason, her group had zero flexibility to examine scenario 4, which envisaged sittings of 4 hours and 30 minutes. In her view, scenario 3 would enable realistic discussions within a realistic schedule and some governments had supported this option. She considered that scenario 3 could serve as a base for further development of a new scenario in light of the consensus that emerged during the discussions. The proposed principles could be acceptable for the Employers group.

66. The Worker spokesperson confirmed that his group was still in favor of scenario 4, in which only 4 sittings went beyond 3 hours. Considering the established working methods of the Committee, the constituents could accept this scenario. His group could go along with the principle of opening and closing the discussion of a case in the same sitting and maintaining speaking time limits of 15 minutes for the governments concerned. The limitation of the duration of a sitting to 3 hours and 30 minutes could be accepted only if it would lead to a compromise solution. His group did not accept the principle of having only 2 individual cases per day since it would lead to the reduction of the number of individual cases discussed.

67. Speaking on behalf of the Africa group, a Government representative of Egypt confirmed his support for scenario 3, as it was the most appropriate to achieve genuine dialogue and to ensure flexibility in time management. The Africa group considered that the reduction of the number of individual cases was required to reduce the workload of the Committee, and it was not willing to accept a limited time allotment for the discussion of individual cases.

68. Speaking on behalf of ASPAG, a Government representative of Japan indicated that he had no further comments.

69. Speaking on behalf of GRULAC, a Government representative of Brazil indicated that most of the proposed principles were in line with GRULAC’s views. He highlighted that scenario 4 did not enjoy enough support from the participants. GRULAC expressed support for the examination of 2 cases per day and reiterated that maintaining the speaking time for governments concerned at 15 and 10 minutes was crucial. Moreover, he called for some flexibility in time management in view of the virtual format of the Conference and the possible internet connection problems. The establishment of a speakers list was a good proposal. In conclusion, GRULAC considered that the most probable scenarios on which consensus could be built were between scenarios 2 and 3.

70. A Government representative of Canada confirmed that scenario 2, while not a perfect solution, would be a compromise solution, which furthermore met the proposed general principles.
71. Speaking on behalf of the Eastern European group, a Government representative of Croatia indicated that the Group had no position on the proposals and would come back later on these issues.¹

72. Speaking on behalf of the Western European group, a Government representative of Greece agreed with the proposed principles and expressed support for the establishment of a list of speakers in advance. Her group considered that scenario 2 would be a good basis for the development of a compromise solution.

73. The Director of the International Labour Standards Department noted that the Office could certainly elaborate a compromise scenario based on the five general principles. However, she stressed that there would not be an ideal scenario that would meet all the considerations expressed during the discussion. She referred to the need to work in a spirit of flexibility and compromise given the exceptional circumstances.

74. The Worker spokesperson recalled that based on the mandate he had from his group, he was not in the position to accept a scenario that would be built on a reduced number of individual cases, as it was the case in scenario 3. Scenario 3 could not be used as a basis for the construction of a compromise solution. Even in scenario 2, the Committee would lose the possibility of examining four individual cases and this was beyond his mandate.

75. The Employer spokesperson proposed that a scenario 5 be elaborated based on elements of scenarios 2 and 3. Referring to the worker spokesperson's position, she noted the absence of consensus around the idea of maintaining 24 individual cases. This would not be physically possible. There was consensus on making compromises in relation to adapting speaking times and accepting new ways to address the extraordinary circumstances under which the Committee will work. She proposed a maximum of 16 individual cases, which would lead to the examination of four cases per region. She reiterated her support for the general principles and stressed the need to move towards the construction of a scenario 5, which would capitalize on the consensus expressed.

76. Replying to a request of clarification from the Director of the International Labour Standards Department on the sitting in which the opening statements could be delivered, the Employer spokesperson insisted on the ability of the employers group to make this statement on Thursday 3 June.

77. The Worker spokesperson considered that during the early opening sitting, his Group would be in a position to provide some general opening remarks on the importance of striving to maintain a good and constructive discussion around the application of international labour standards, particularly under exceptional, difficult circumstances. The substantial elements of the opening statements relating to the general report should be delivered on the 3rd of June.

78. The Chairperson concluded by indicating that the Office would circulate to the participants a new document with a proposed revised schedule, in the second half of the week.

¹ In a communication of 14 April 2021, a Government representative of Croatia, acting on behalf of the Eastern European group, informed the Office that her group supports scenario 2 as the best compromise solution.