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

1. Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards (“the Committee”) took place on 27 April 2021, from 2 to 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 representative of Algeria 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 the 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 presented the new background note prepared by the Office based on the outcome of the meetings held on 30 March and 12 April. He invited the participants to provide comments on the agreed adjustments for the functioning of the 2021 session of the Committee (para. 9 of the background note) as well as on the proposal to hold the early opening sitting of the Committee on Friday, 28 May. He further presented the five principles that were generally accepted by the participants for the establishment of the working schedule of the Committee: (1) two individual cases discussed every day; (2) discussion of an individual case is opened and closed at the same sitting; (3) time allotment of a sitting set at 3 hours with flexibility to extend the sitting for 30 minutes in exceptional cases; (4) speaking times for the Government concerned are maintained (15 minutes for the opening statement and 10 minutes for the closing statements); and (5) a speakers list is established 24 hours in advance of the discussion of the case (para. 12 of the background note).

1. Agreed adjustments for the 2021 session of the Committee

4. The Employer spokesperson stated that the working schedule should ensure reasonable working conditions as well as full and active participation of the constituents. While agreeing with the proposed date for the holding of an early opening sitting, she stressed that the period between 20 May and 3 June should be dedicated to group meetings and preparatory work for the Committee. Consequently, the opening statements delivered by the Employer and Worker spokespersons at the opening sitting of the Committee should be of a formal nature. She reiterated her agreement with the division of the general discussion into two segments of 90 minutes each and, concerning

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1 The brief reports and background documents relating to the consultations held between 2006 and 2021 have been compiled and are available at the electronic library created for this purpose on the Committee's web page.
the examination of cases of serious failure to report, she proposed to set the deadline for submission of the general remarks of the Employer and Worker members to 3 June instead of 2 June.

5. **The Worker spokesperson** recalled that due to the exceptional situation exceptional decisions would be taken, and that flexibility and efforts were required from all groups. In this regard, the possibility to extend the duration of a sitting to 3 hours and 30 minutes was important to ensure proper discussions. He agreed with the date of 28 May for holding the opening sitting of the Committee. Given the exceptional circumstances, his group also agreed with the limitation of the general discussion to 3 hours, divided into two segments of 90 minutes each.

6. **A Government representative of Algeria, speaking on behalf of the Africa group, and a Government representative of Japan, speaking on behalf of the Asia and Pacific group (ASPAG),** thanked the Office for the organization of the meeting and the preparation of the background note and stated that they had no further comments on the agreed adjustments.

7. **Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC), a Government representative of Brazil** supported the general principles contained in paragraph 12 of the background note. While agreeing in principle with the proposal to discuss two individual cases at each sitting, he expressed concern about the lack of possibility to adjourn the discussion of an individual case to the following day, on an exceptional basis. He also stressed the need to apply flexibility when enforcing speaking times considering the virtual nature of the discussions and possible connectivity issues. In relation to the list of speakers, he considered that all interested parties should be able to speak.

8. **The Chairperson** noted that the revised scenario took into account possible extensions of the duration of the sittings. The Chairperson of the Committee would have discretion in the management of speaking times and the proposed principles would be applied with some level of flexibility.

9. **A Government representative of Canada** expressed agreement with the proposed date of 28 May for the holding of the early opening sitting as well as with paragraphs 9 and 12 of the background note. She requested clarification on speaking time limitations for individual speakers.

10. **The Chairperson** indicated that the intension of the proposal was to allocate three minutes to other speakers. However, in case of a large number of registered speakers the Chairperson could decide to reduce the speaking time to two minutes.

11. **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,** agreed with paragraphs 9 and 12 of the background note and with the proposed date for the early opening sitting.

12. **The Chairperson** concluded that there was general agreement with the arrangements and principles proposed in paragraphs 9 and 12 of the background note, and with the holding of an opening sitting of the Committee on 28 May. He recalled that all these arrangements would be implemented with pragmatism and reasonable flexibility.

13. **The Director of the International Labour Standards Department** clarified that the Employer and Worker spokespersons would send their general remarks on the cases of serious failure to report to the Office no later than 3 June 2021.
2. Revised scenario for the working schedule of the Committee

14. The Chairperson invited the participants to provide their feedback on the revised scenario for the working schedule of the Committee (paras 10–15 of the background note). The revised scenario was based on the discussion of 20 individual cases over the period 5 June–17 June. Two cases would be discussed during a sitting. The Office would work with the Officers to distribute the cases according to their complexity and the time zone differences. It was proposed to dedicate either one sitting to the adoption of the conclusions on 18 June, or two sittings on 17 and 18 June. However, the adoption of conclusions during two sittings would be preferable from a logistic perspective.

15. The Worker spokesperson expressed regret that it would not be possible to discuss 24 individual cases. This was a terrible feeling of a lost opportunity. His group could only accept the proposed scenario as a compromised consensual solution, which would avoid reopening discussions on the four scenarios previously proposed. He considered that it would be preferable to dedicate a single sitting to the adoption of the conclusions, ensuring that all Governments would be treated in the same way.

16. The Employer spokesperson indicated that the issue of the number of cases that could realistically be accommodated in the revised schedule of the Committee was challenging. She considered that to ensure active participation in the discussions the following elements needed to be considered: (i) sittings limited to 3 hours; (ii) number of individual cases to be discussed limited to 16 (4 cases per region); (iii) 2 cases discussed at each sitting; (iv) speaking time limits should not apply to the Governments concerned and the social partners; (v) all conclusions should be adopted at one sitting; and (vi) the discussion of the first individual case should be held on 7 June.

17. Speaking on behalf of the Africa group, a Government representative of Algeria acknowledged the merits of the revised scenario, however he indicated that his group was in favour of reducing the workload of the Committee. It was important to guarantee the quality of the discussions and the relevance of the conclusions adopted. To this end, he expressed support for the examination of 16 individual cases.

18. Speaking on behalf of ASPAG, a Government representative of Japan indicated that there was no group position.

19. Speaking on behalf of GRULAC, a Government representative of Brazil considered that the proposed scenario took into account some of the concerns expressed, nevertheless the schedule was too tight. It would not be feasible to organize comprehensive discussions for each case. He agreed with the Employers' proposal to discuss 16 individual cases as the most adequate solution. This proposal would prevent the Committee from rushing the discussions and would provide for some buffer time to manage any possible delays.

20. A Government representative of Canada expressed his support for the revised scenario. While not perfect, it could be considered as a reasonable solution that ensured predictability under exceptional circumstances. She was flexible with the two proposed options concerning the adoption of the conclusions.

21. Speaking on behalf of the Eastern European group, a Government representative of Croatia expressed support for the revised scenario. In view of the exceptional circumstances and the virtual nature of the session, her group accepted some adjustment to the Committee’s work, including a reduced number of individual cases.
22. Speaking on behalf of the Western European group, a Government representative of Greece expressed support for the revised scenario as it took into account the five general principles and could be considered as a compromise solution. Her group was flexible with the two proposed options concerning the adoption of conclusions.

23. The Chairperson indicated that there was no consensus on the number of individual cases to be included in the schedule of the Committee.

24. The Worker spokesperson recalled that there was agreement on the principle of discussing two individual cases every day and on the principle of opening and closing the discussion of an individual case at the same sitting. Therefore, according to the revised scenario, there would be nine sittings (7-16 June) with two cases and two sittings (5 and 17 June) with one case. In total, that would result in 20 cases. In the event of a decision to further reduce the number of cases, there would be sittings with only one individual case, which could hardly be justified. He reiterated that his group regretted that the Committee would not be able to discuss 24 cases and therefore he insisted on the discussion of at least 20 individual cases. Flexibility was essential and the Committee should be able to discuss two cases per day with possible extensions of the sittings by 15 minutes or more. This demand for flexibility should be acceptable to all participants when it came to an issue as important as the supervision of the application of standards.

25. The Employer spokesperson indicated that her group felt very strongly about the need to hold three-hour sittings, as contemplated by the Governing Body. She pointed out that dedicating nine sittings to the discussion of individual cases, would lead to 18 cases in total, which was already very ambitious. In the Employers' view, it would be unrealistic to envisage the discussion of 20 cases. This would involve a working programme that could not fit in the Committee's agenda. A realistic solution could not be based on more than 18 cases.

26. The Worker spokesperson requested clarification on the decision of the Governing Body to limit the time allotment of the sittings to three hours.

27. The Chairperson indicated that, to his recollection, a three-hour sitting was considered by the Governing Body as a general principle with the possibility to tolerate longer meetings on an exceptional basis.

28. Speaking on behalf of the Africa group, a Government representative of Algeria noted that even with the preregistration system it would be difficult to manage to discuss two cases during a three-hour sitting. It was therefore preferable to alleviate the workload by retaining 18 individual cases and contemplating a day off. He requested clarification on the manner in which predictability would be ensured.

29. The Chairperson indicated that the Chairperson of the Committee would have the possibility to adjust speaking times depending on the number of speakers registered. In addition, the Office would work with the Officers to adjust the agenda and to schedule a more complicated case with a less complicated one at the same sitting. All participants would be called upon to show some level of discipline in relation to the duration and number of their interventions. He was confident that with a blend of discipline, common sense and effective conduct of the discussions, the Committee could accommodate the proposed schedule.

30. Speaking on behalf of ASPAG, a Government representative of Japan indicated there was no group position on this point.
31. Speaking on behalf of GRULAC, a Government representative of Brazil stressed the importance of the work of the Committee not only in terms of the number of cases discussed, but also in terms of the quality of the discussions. Considering that the proposed schedule was too tight, he agreed with the suggestion to avoid discussing a case on Thursday, 17 June, and to rather reserve that sitting to accommodate possible delays. His group considered that the most feasible scenario was to discuss 16 cases or, at most, 18 cases including 2 cases of progress. That would constitute a good opportunity to discuss the manner in which countries could best apply standards.

32. A Government representative of Canada remained of the view that the discussion of 20 individual cases would be possible even though challenging. She stressed the need to reach a consensus.

33. Speaking on behalf of the Eastern European group, a Government representative of Croatia still considered the revised scenario as feasible although challenging. She would come back later on GRULAC's proposals.

34. Speaking on behalf of the Western European group, a Government representative of Greece reiterated that, considering the special circumstances, her group accepted the revised scenario as a reasonable way to move forward.

35. The Worker spokesperson recalled the principles on which there was agreement from the participants and indicated that, in a spirit of cooperation, he could eventually accept 19 cases. The last case scheduled on 17 June could be dropped. This would result in saving time for the closure of other discussions and the adoption of the conclusions. He stressed that this option of 19 cases was not a proposal but should be considered as the last compromise solution that he could be able to consider.

36. The Employer spokesperson appreciated the Workers' movement to 19 cases but considered that the Employers' group could not accept more than 18 cases. She referred to the very tight schedule and the need to adopt a feasible and realistic working programme that would not involve unduly reduced discussions. She reiterated that it would not be possible to schedule the discussion of an individual case on 5 and 17 June and that the only way forward was to accept 18 cases.

37. The Chairperson noted the absence of consensus on the number of individual cases considering that, according to the views expressed, the compromise number would be between 18 and 20.

38. The Employer spokesperson considered 18 cases as a compromise solution. However, in the absence of an agreement on 18 cases, the Employers' group would go back to 16 cases. She indicated that this was a pivotal issue on which it would be preferable to reach an agreement at the current meeting.

39. The Worker spokesperson recalled that, more than ever, it was essential to preserve and make the supervisory system functional as much as possible. His group was in favour of 24 cases and reluctantly accepted the revised scenario of 20 cases prepared by the Office as a consensual accepted scenario. The Employers' group rejected this proposed scenario. He stressed that he had overstepped his mandate and had accepted to lower the number of cases to 19 to end the discussion. It would be impossible to go beyond that.

40. Speaking on behalf of the Western European group, a Government representative of Greece asked for clarification on the date of the next meeting in case social partners could not reach agreement at the current meeting.
41. **The Chairperson** recalled the views expressed and the flexibility showed by the Government representatives. He indicated that the Office considered that the proposed revised scenario with 20 cases was feasible. Listening to the requests to include some breathing space in the schedule, he proposed that the participants consider 19 cases as a compromise solution. He insisted on the fundamental role played by the Committee, which would examine critical issues during difficult times.

42. **The Worker spokesperson** accepted 19 individual cases only if this proposal led to a general consensus.

43. **The Employer spokesperson** indicated that she could not accept 19 cases. Her group was fully committed to the supervisory system but the working schedule should be realistic. She referred to the the intense programme of the Committee's work this year, which included work during two-and-a-half weeks and on three Saturdays, as well as groups' meetings.

44. **The Chairperson** recalled that although the session would last two-and-a-half weeks and the schedule would be tight, there would be fewer sittings and constituents would not need to travel.

45. **The Worker spokesperson** reminded that the participants had previously spent the same amount of time or even more in the sittings of the Committee. He further recalled that he had already overstepped his mandate by accepting 19 cases and that he did it under his personal responsibility in an attempt to breach the gap.

46. **Speaking on behalf of the Africa group, a Government representative of Algeria** recalled the importance for the Committee to examine each individual case in a proper manner. The Africa group considered that the examination of 18 cases would allow a quality discussion.

47. **Speaking on behalf of ASPAG, a Government representative of Japan** indicated that he did not have particular views nor any impediment.

48. **Speaking on behalf of GRULAC, a Government representative of Brazil** thanked the Worker spokesperson for the spirit of compromise. Unfortunately, he indicated that he did not have a mandate to depart from 18 cases, which he considered a middle ground position.

49. **A Government representative of Canada** stressed the importance of the supervisory system and reminded that since no cases had been discussed last year, it was important to examine as many cases as possible this year. Although her preference would be 20 cases, in the spirit of compromise 18 or 19 cases could be accepted.

50. **Speaking on behalf of the Eastern European group, a Government representative of Croatia** concurred with the Government representative of Canada and indicated her group’s preference for 20 cases. However, some flexibility could be given to the reduction to 18 or 19 cases as a compromise solution. She further indicated that she did not have the mandate to decide on the particular number of cases (18 or 19 cases) and some extra time would be required.

51. **Speaking on behalf of the Western European group, a Government representative of Greece** indicated that her group could go along with 19 cases.

52. **The Chairperson** requested a few days to allow negotiations between the Employers’ and Workers’ groups on the final number of cases, considering the flexibility expressed by the Government representatives. He stressed that there was agreement on all other issues.
53. The Employer spokesperson indicated that according to her understanding, there was convergence from the Government representatives on 18 cases.

54. The Worker spokesperson indicated that the acceptance of 19 cases, made under his personal responsibility, might not resist further consultations with his group.

55. The Chairperson reiterated his proposal to close the meeting and to request the Office to hold discussions with the Employer and Worker spokespersons on the number of individual cases. In the absence of agreement, a meeting of the informal tripartite consultations on the methods of work of the Committee would be reconvened.

56. The Director of the International Labour Standards Department noted the collective commitment to make the supervisory system operational. In relation to the views expressed concerning the quality of the discussion of the individual cases, she invited Governments to focus their individual statements on new elements that had not already been raised in group interventions.

57. The Employer spokesperson stressed that by supporting the discussion of 18 individual cases her group stood on the conservative side of the reasonable. She was confident that an agreement could be reached on 18 cases so that the constituents could move forward with the preparation work of the Committee.

58. The Worker spokesperson agreed on the need to find a compromise solution and reiterated that he did not have a mandate to go beyond 20 individual cases.

59. The Chairperson concluded that the Office would contact the Employer and Worker spokespersons and would come back to the participants with the results of their discussion in the coming days.