Informal tripartite consultations on the working methods of
the Committee on the Application of Standards
(7 April 2022)

Background note

Introduction

1. Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards (the Committee) were held 11 times from June 2006 to 2011. Subsequently, at its 322nd session (October–November 2014), in the context of its decisions concerning the Standards Initiative, the Governing Body decided to relaunch informal tripartite consultations to prepare recommendations for the 323rd Session (March 2015) of the Governing Body. Since then, informal tripartite consultations on the Committee’s working methods have been held 11 times.

2. The outcome of these informal tripartite consultations and the subsequent adjustments made to the working methods of the Committee are reflected in the document entitled "Work of the Committee" (document D.1), which the Committee adopts every year. Important improvements to the working methods of the Committee have been adopted on the basis of the recommendations of the informal tripartite consultations since they were first established in 2006 (see Annex 1).

3. In addition, all background notes and brief reports relating to consultations held between 2006 and 2021 have been compiled and are available on the e-library site created for this purpose on the Committee’s web page.

4. In 2021, the participants in the informal tripartite consultations met three times (30 March, 12 and 27 April) to decide on the adjustments that would need to be made to the organizational arrangements of the Committee in order for it to fulfil its constitutional obligations in the context of a Conference Session that would be held in an entirely virtual format; over a period of two and a half consecutive weeks; and with a short opening sitting of the Conference. These adjustments were reflected in Document D. 1, which the Committee adopted at its first working session. These exceptional adjustments and their implementation are discussed in the first part of this document.

5. This year, tripartite consultations were held in the tripartite working group on 16 and 24 February 2022 to enable constituents to provide guidance on arrangements for the 110th Session of the International Labour Conference. Constituents emphasized the need for the 2022 Session to be organized as closely as possible to a normal Session. In

1 GB.322/PV, para. 209(3).
these consultations, a consensus emerged on the following organizational arrangements:

- a Session of two consecutive weeks, from 27 May to 11 June;
- a formal opening sitting of the Conference in virtual format on Friday, 27 May, to conduct some preparatory work and thereby give the Committees more time to complete their work, which will begin on 30 May, as was done in 2021;
- meetings at the Palais des Nations and at the ILO, with as many representatives as the capacity of the available meeting rooms will allow, with the possibility of remote participation in all meetings;
- the work will be carried out in two daily sittings during office hours (Geneva time); and
- convening of the World of Work Summit on Friday 10 June.

6. At its 344th Session in March 2022, the Governing Body adopted these organizational arrangements (document GB.344/INS/3/2). On that occasion, it was specified that “the arrangements for the Committee on the Application of Standards will be developed through the informal tripartite consultations on its working methods conducted within the framework of the tripartite working group”.

7. The first part of the background note provides an account of how the exceptional adjustments adopted in 2021 worked in practice; the second part presents proposals for adjustments to enable the Committee to conduct its work within the framework of the operating modalities decided for the 110th Session of the Conference.

8. The adjustments agreed upon after the informal tripartite consultations will be reflected in document D.1 to be adopted by the Committee at its first meeting.

## Functioning of the Committee in the light of the exceptional adjustments introduced in 2021

9. In 2021, the Committee's work was conducted from Thursday 3 June to Friday 17 June, in virtual sessions, with a single three-hour sitting each day. The Committee thus held 14 3-hour sittings (with the option of a 30-minute extension for 10 of them) and a preliminary opening sitting of 90 minutes (held on Friday 27 May). The Committee therefore had available **48 hours and 30 minutes** in total, compared to 67 hours and 30 minutes in 2019.

10. On the basis of the discussions during the informal tripartite consultations on the working methods of the Committee held in March and April 2021, the Committee adopted a number of exceptional adjustments to its working methods, the implementation of which is discussed below.

### Preliminary list

11. In accordance with the practice established since 2015, the preliminary list of cases was circulated 30 days before the opening session of the Conference. The 109th Session of the Conference was held from 3 to 19 June 2021 and it was decided that in order to accommodate the special circumstances of that Session, a formal early opening sitting would be held in virtual format on 28 May 2021. Consequently, the preliminary list of cases
was published on 20 April 2021. This gave governments more time to prepare for a possible intervention before the Committee.

12. In addition and as already proposed in 2019, governments on the preliminary list were invited to submit, on a purely voluntary basis, written information to the Committee by 20 May 2021. A total of 26 governments made use of that option; all of them met the deadline and most of them did not exceed the limit of 2,000 words.²

Adoption of the final list of individual cases

13. The final list of individual cases is normally adopted at the beginning of the Committee's work, ideally at its second sitting at the latest. In the context of the 2021 informal tripartite consultations, it was decided that, on an exceptional basis, the final list would be adopted at the early opening sitting of the Committee's session, which was held on 28 May.

General discussion

14. At the 2021 tripartite consultations, it was decided to divide the general discussion into two segments of 90 minutes each: one segment devoted to statements by the Chairperson of the Committee of Experts and the Chairperson of the Committee on Freedom of Association, followed by the discussion of the General Report, and the other segment devoted to the discussion of the consequences of the COVID-19 crisis on international labour standards. For each of the two segments, maximum speaking times were established:

- 15 minutes for the spokespersons of the Employers' and Workers' groups;
- 5 minutes for Government groups; and
- 3 minutes for the other members.

15. In addition, in order to compensate for the reduction in speaking time, constituents were given the opportunity to submit written communications for issuance 24 hours before the relevant sitting.

16. After statements by the Chairperson of the Committee of Experts and the Chairperson of the Committee on Freedom of Association, 13 speakers took the floor in the first segment, which lasted 114 minutes. The second segment, devoted to the impact of the COVID-19 crisis on the international labour standards, lasted 77 minutes, during which 13 speakers took the floor.

Cases of serious failure to respect reporting obligations

17. Following the 2021 tripartite consultations, a special procedure was established for the consideration of cases of serious failure to respect reporting obligations. The governments concerned were invited to submit written information on such failures in advance of the dedicated sitting and the spokespersons of the Employers' and Workers' groups were invited to submit their general comments. On this basis, the Office compiled and published a document in the three working languages 24 hours before the sitting. At the sitting, governments wishing to do so presented information on new developments, with speaking time limited to 2 minutes. In addition, the spokespersons of the Employers' and Workers' groups presented their concluding remarks.

² In two cases, the information submitted exceeded 2,500 words and in two other cases it exceeded 3,000 words.
18. Seven governments submitted written information within the deadline and six other governments took the floor during the discussion. The sitting lasted 59 minutes.

Discussion of the General Survey

19. At the informal tripartite consultations in 2021, it was decided that, on an exceptional basis, a single sitting of 3 hours would be devoted to the discussion of the General Survey, with the usual speaking time. It was also confirmed that the discussion would be structured around three generic issues, without limiting speakers' interventions to only those issues addressed in the General Survey.

20. In total, 30 speakers took the floor and the discussion lasted 3 hours and 13 minutes.

Discussion of individual cases

21. With regard to the discussion of individual cases, in order to take into account the circumstances in which the Committee would have to fulfil its mandate given the limited number of meetings at its disposal and the virtual nature of the discussions, it was agreed to:

- adjust the order of examination of individual cases to take account of different time zones;
- review the time limits for speakers as follows:
  - 15 minutes for the government whose case is being examined;
  - 10 minutes for the spokespersons of the Employers’ and Workers’ groups;
  - 6 minutes for the Employer and Worker members of the country concerned;
  - 4 minutes for Government groups;
  - 3 minutes for the other members (may be reduced to 2 minutes by the Chairperson);
  - 10 minutes for the concluding observations of the government whose case is being examined; and
  - 6 minutes for concluding remarks by the spokespersons of the Employers’ and Workers’ groups;
- communicate the draft conclusions to a person designated by the government concerned a few hours before the adoption of the text; and
- adopt all the conclusions at the end of the Committee session.

22. The Committee was able to discuss the 19 individual cases on its agenda within the time limit, between Monday 7 and Wednesday 16 June, in 3-hour sittings with the option of a 30-minute extension. The average duration of discussion of each individual case was 1 hour and 32 minutes; the shortest duration was 42 minutes and the longest duration was 2 hours and 21 minutes.

23. The adoption of limits for speaking time, the strict management by the Chairperson of the timetable and of the time available to the Committee, and the allocation of the order of consideration of individual cases, with due account being taken of both time zones and the complexity of each given case, enabled the Committee to complete its examination of the two cases scheduled for each sitting while exceeding the time allotted on only two occasions (by 18 and 9 minutes, respectively). These measures also ensured
the predictability of the Committee's agenda, thereby facilitating the full participation of constituents.

24. In addition and more generally, the constraints of the virtual format of the session and the arrangements for dealing with them were minimized by the introduction of specific measures to facilitate communication with constituents and the predictability of discussions. These measures included:

- the launch of the Committee's mailbox CAN2021@ilo.org to facilitate communication with constituents;
- registration on the list of speakers at least 24 hours in advance of the discussion;
- conducting a connection test with the governments concerned before discussing their individual cases;
- the reorganization of the Committee's web page to allow constituents to easily find all the information related to the different issues on the Committee's agenda.

25. The meeting participants may wish to provide the Bureau with their comments on how these various adjustments have been implemented.

Proposals for adjustments for the 2022 Session

26. In the light of the operating modalities for the 110th Session of the Conference approved by the Governing Body in March 2022 and subject to the discussions of the tripartite selection panel to be held on 8 April, the Committee could sit for 11 days (Monday 30 May to Friday 10 June 2022), with two daily sittings lasting a total of 5 hours and 30 minutes, that is a total of **60 hours and 30 minutes** of work. As a reminder and as indicated in paragraph 9 above, in 2021 the Committee had available **48 hours and 30 minutes**. In 2019, it held 24 meetings with a total duration of **67 hours and 30 minutes**. The time allocated to the Committee will therefore be reduced once again.³

27. Under these circumstances, in order to ensure that all the issues on the Committee's agenda can be dealt with as efficiently and effectively as possible given the abovementioned time limits, constituents may wish to consider the desirability of resuming the exceptional adjustments to the procedures and working methods approved in 2021. An outline of such adjustments for the different items on the Committee's agenda is set out below.

Publication of the preliminary list

28. Following the practice established since 2015, the preliminary list of cases should be made available 30 days before the official opening of the Conference Session. Given that the 110th session of the Conference will be held from 27 May to 11 June 2022, it is proposed that the preliminary list be published on **27 April 2022**.

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³ Once again this year, sittings will be limited in duration to take into account the different time zones of delegations that cannot travel to Geneva and it will not be possible to hold night sessions.
Option for governments to submit information in writing if they so wish

29. As agreed at the informal tripartite consultations in March 2019, governments on the preliminary list will be given the opportunity to provide written information to the Committee at least two weeks before the start of its work, that is by Monday 16 May 2022, if they so wish.

30. This information should only concern recent developments that have not yet been examined by the Committee of Experts; should be provided in at least one of the three working languages of the Bureau; and if possible should not exceed 2,000 words. A specially designed template for the presentation of this information is available on the Committee's web page.

Adoption of the final list

31. The adoption of the final list is the exclusive prerogative of the Committee. According to established practice, the list is submitted to the Committee for adoption after the Employers' and Workers' groups have met to discuss and adopt it. Since 2013, the Committee has adopted the final list at its second sitting. Given the particular circumstances in which the Committee will have to carry out its work, it may be anticipated, as was the case in 2021, that the list of individual cases could be adopted at the Committee's first sitting, on Monday 30 May 2022.

General discussion

32. In view of the limited number of hours for daily sittings and the need to make the best use of the time available, consideration may again be given, on an exceptional basis, to apply the speaking time limits introduced in 2021 for the general discussion, namely:

- 15 minutes for the spokespersons of the Employers' and Workers' groups;
- 5 minutes for statements by Government groups; and
- 3 minutes for the other members.

33. In order to compensate for the limitation of speaking time, delegates who so wish could again have the opportunity to submit information in writing, which would be published 24 hours before the relevant sitting, translated into the three working languages, and included in the Committee's final report.

Review of serious failure to respect reporting obligations

34. It is proposed that, on an exceptional basis, the special procedure introduced in 2021 for the consideration of cases of serious failure to respect reporting obligations be applied again this year. As mentioned in paragraph 18 above, seven governments exercised the option of submitting written information in advance of the dedicated sitting and six governments made interventions at the sitting. The discussion of these failures was shorter (59 minutes in 2021 compared to 1 hour and 40 minutes in 2019), but the Bureau gave more visibility to this issue by creating a special section dedicated to these failures on the Committee's web page.

35. If the constituents agree to use this special procedure again, the governments concerned would be invited to provide written information on their failure to report by Monday 16 May 2022. Spokespersons for the Employers' and Workers' groups would be invited to submit their general comments by Friday 27 May 2022. The Office would issue a document in the three working languages, compiling the information received, 24
hours before the sitting devoted to the examination of these cases. At the sitting, the
governments concerned could, if they so wish, present information on new
developments, with speaking time limited to 2 minutes, and the spokespersons of the
Employers' and Workers' groups would present their concluding remarks.

Discussion of the General Survey

36. This year, the Committee will discuss the 2021 General Survey, entitled "Securing decent
work for nursing personnel and domestic workers, key actors in the care economy". According to the Committee's working methods, the maximum speaking times for the
discussion of the General Survey are as follows:
- 15 minutes for the spokespersons of the Employers' and Workers' groups;
- 10 minutes for Government groups;
- 5 minutes for other members;
- 10 minutes for concluding remarks by the spokespersons of the Employers and
Workers' groups.

37. As decided in 2021, it is proposed to maintain these speaking times and to limit the total
duration of the General Survey to 3 hours, while allowing the Chairperson, in
consultation with the other members of the Bureau of the Committee, to shorten the
speaking times, as appropriate, for example if the list of speakers is very long.

Examination of individual cases

38. As mentioned above, the Committee will hold a reduced number of sittings that will be
limited in duration, given the uncertainties about the physical participation of all
delегations, and it will not be possible to hold night sittings. In these circumstances, it
seems appropriate to again consider, on an exceptional basis, setting maximum
speaking times for the discussion of individual cases, in the light of those applied in 2021.
As a reminder, the speaking times of governments whose cases are under examination
are not reduced. These times were as follows:
- 15 minutes for the government whose case is being examined;
- 10 minutes for the spokespersons of the Employers' and Workers' groups;
- 6 minutes for the Employer and Worker members from the country concerned,
respectively. This time will be divided between the different speakers in each group;
- 4 minutes for Government groups;
- 3 minutes for the other members;ṅ
- 10 minutes for the concluding observations of the government whose case is being
examined; and
- 6 minutes for concluding remarks by the spokespersons of the Workers' and
Employers' groups.

39. In addition, with regard to the order of examination of individual cases, based on
established practice the first group of countries to be listed will consist of those cases in

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4 A total of 11 days of work, with two sittings of 5 hours and 30 minutes per day.
5 This time may be reduced to 2 minutes by the Chairperson, in consultation with the other members of the the Bureau of the Committee, for example if the list of speakers is very long.
which a double footnote has been inserted by the Committee of Experts. The second group of countries will consist of all other cases on the final list.

40. With regard to the order of examination of individual cases within these two groups, it is again proposed that the Bureau of the Committee establish this order while taking into account the complexity of the cases and the different time zones in order to ensure a certain predictability for the government and social partners of the country concerned. Each day, the cases of countries in the easternmost time zones would thus be examined at the beginning of the sitting and those of countries in western time zones would be examined during the second part of the sitting. Also in the interests of predictability, it is recommended that the principle be maintained that the examination of each individual case should be completed at the same sitting during which it was initiated.

Adoption of conclusions

41. Based on established practice, the conclusions concerning the cases examined should be adopted at special sittings devoted to this purpose. In view of the limited number of working sittings and in the light of the considerations expressed by the social partners, it is proposed that this year the conclusions of all individual cases be adopted again at the end of the Committee's session. In addition, in view of the uncertainties surrounding the physical participation of all delegations, it is suggested that the practice be maintained whereby draft conclusions are transmitted to a person designated by the government concerned a few hours before the sitting scheduled for the adoption of the conclusions.

List of speakers

42. As mentioned above, the establishment of a list of speakers 24 hours before the examination of each individual case has facilitated the organization and smooth proceeding of discussions. It is proposed that the practice of pre-registration on the list of speakers be maintained. Therefore, delegates accredited to the Conference and registered in the Committee who wish to be placed on the list of speakers should send an email to CAN2022@ilo.org. Delegates wishing to speak who have not registered in advance may be given the floor if there is sufficient time to do so. It is proposed to extend this practice to all items on the Committee's agenda.

43. The meeting participants may wish to comment on these proposed adjustments to the working methods of the Committee.

Proposed work programme

44. The adjustments to the working methods of the Committee discussed above have enabled the Committee to conduct its work as efficiently as possible in exceptional circumstances. Most of them are envisaged once again, on an exceptional basis, so that the Committee may examine all the issues on its agenda during the Conference Session, while functioning as close as possible to normal but under arrangements and constraints that do not yet allow for operation following the Committee's customary working
methods. On this basis and with settings organized from 11.00 to 13.30 and from 15.00 to 18.00, the following work programme for the Committee is anticipated:

**Monday 30 May**
- **morning**
  - General information provided by the representative of the Secretary-General
  - Statement by the Chairperson of the Committee
  - Preliminary remarks by the Vice-Presidents
  - Adoption of documents D.1 and D.2
  - Statements by the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Chairperson of the Committee on the Freedom of Association
- **afternoon**
  - General discussion of the General Report
  - Discussion of the General Survey

**Tuesday 31 May**
- **morning**
  - Discussion of the General Survey (conclusion)
  - General discussion (conclusion): replies by the CEACR Chairperson and the representative of the Secretary-General; final remarks by the Vice-Chairpersons
- **afternoon**
  - Discussion of cases of serious failure of Member States to respect reporting and other standards-related obligations
  - Individual case 1

**Wednesday 1 June**
- Individual case 2
- Individual case 3
- Individual case 4

**Thursday 2 June**
- Individual case 5
- Individual case 6
- Individual case 7

**Friday 3 June**
- Individual case 8
- Individual case 9
- Individual case 10

**Saturday 4 June**
- Individual case 11
- Individual case 12
- Individual case 13

**Monday 6 June**
- Individual case 14
- Individual case 15
- Individual case 16

**Tuesday 7 June**
- Individual case 17
- Individual case 18
- Individual case 19

**Wednesday 8 June**
- Individual case 20
- Individual case 21
- Individual case 22
• Consideration of the draft General Report by the Bureau of the Committee

Thursday 9 June
- morning: Individual case 23
- Individual case 24
- afternoon: Discussion of the report of the Committee of Experts on the Application of the Recommendations concerning Teaching Personnel

Friday 10 June
- morning: Adoption of the outcome of the discussion of the General Survey
- Adoption of the General Report
- Adoption of conclusions on individual cases (1–10)
- afternoon: Adoption of conclusions on individual cases (11–24)

45. The meeting participants may wish to comment on this proposed work programme
## Annex 1

### Improvements made by the Committee based on the recommendations of the Working Group on the Working Methods of the Committee on the Application of Standards (2006–2019)

<table>
<thead>
<tr>
<th>Date</th>
<th>Proposed and adopted improvements</th>
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| November 2006  | • Issuance of the preliminary list 15 days before the opening of the Conference.  
• Advance registration of governments on the final list until noon on the Friday before the opening of the session.  
• Non-interactive briefings by the Employer and Worker spokespersons after the adoption of the list.  
• Conclusions adopted within a reasonable period of time after examination of a case. |
| March 2007     | • Discussion of a case conducted even if the country concerned is not present.  
• Information on respect for the rules of procedure and the role of the Chairperson included in document D. 1.  
• Documents D.0 and D.1 submitted with the preliminary list. |
| March 2008     | • Speaking time limits during the examination of individual cases strictly enforced and mentioned in document D.1.  
• Installation of time management equipment in the meeting room.  
• Automatic registration of countries for individual case reviews (in French alphabetical order, starting with the group of double footnote cases). |
| March 2010     | • Modalities for selecting the starting letter of the alphabet for the automatic registration of countries for the examination of individual cases. |
| March 2011     | • Long list of cases available at least 30 days before the opening of the Conference.  
• Final list agreed by Employer and Worker spokespersons on the Friday before the opening of the session, submitted to the groups on the first day of the session and adopted at the second sitting of the Committee.  
• Conclusions of individual cases adopted at special sittings.  
• Adoption of time management improvements. |
| March 2015     | • List of speakers displayed on-screen.  
• Advance registration of speakers encouraged.  
• Reduction of speaking time when the list of speakers is very long.  
• Draft minutes of the discussion of individual cases issued in patchwork and made available online.  
• Electronic transmission of changes.  
• Three meetings devoted to the adoption of conclusions. |
<table>
<thead>
<tr>
<th>Date</th>
<th>Proposed and adopted improvements</th>
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<tr>
<td>March 2016</td>
<td>• Adoption of Part II of the report of the Committee in patchwork and issuance in the three working languages 10 days after adoption.</td>
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<td>• Issuance on the Committee’s web page of a document on the follow-up to the conclusions of the Committee.</td>
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<td>March 2017</td>
<td>• Conclusions on individual cases displayed on-screen when read out by the Chairperson.</td>
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<td>• Hard copy of conclusions provided to the government concerned.</td>
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<td>• The government concerned may take the floor immediately after the adoption of the conclusions.</td>
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<td>November 2017</td>
<td>• Reduction of the time allocated to questions dealt with at the opening of the session in order to devote more time to the discussion of the General Survey.</td>
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<td>March 2018</td>
<td>• Issuance of some parts of the report of the Committee as a full report.</td>
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<td>• Restructuring of the content of Parts I and II of the report of the Committee.</td>
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<td>• Adoption of Part II of the report of the Committee and of the plenary of the Conference in patchwork and issuance in the three working languages 30 days after adoption.</td>
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<td>• Better use of D documents for governments on the long list.</td>
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<tr>
<td>March 2019</td>
<td>• Discussion of the General Survey structured around three generic issues.</td>
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<td>• Written information submitted by governments on the long list limited to 2,000 words.</td>
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