

Statement by Ms Cleopatra Doumbia-Henry, Representative of the Secretary-General

I. Introductory remarks

As the representative of the Secretary-General to this Committee, it is my privilege and duty to complete the information set out in the reports of the Committee of Experts on the Application of Conventions and Recommendations and the accompanying information document by bringing to your attention any important developments that will be relevant to your discussion.¹ I would like to acknowledge the presence of the Chairperson of the Committee of Experts, Judge Abdul G. Koroma, who is participating in the Committee for the second time. He will make a statement in a short moment.

II. Mandate of the Conference Committee

Your Committee has a mandate under the Constitution and the Standing Orders of the Conference that is at the core of the ILO's work in supervising the effective implementation of international labour standards at the national level.² Your work over this week and next week is to consider: (i) the measures taken by Members to give effect to Conventions to which they are parties; (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution; and (iii) the measures taken by Members in accordance with article 35 of the Constitution. Your Committee then reports on these matters to the plenary of the Conference.

Your Committee is the barometer of the ILO standards system because it is an emanation of the ILO supreme policy body: the International Labour Conference. Your Committee is also the quintessence of the ILO unique advantage referred to in the ILO Declaration on Social Justice for a Fair Globalization: its tripartite structure and standards system.

¹ Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), ILC, 104th Session, Geneva, 2015; General Survey concerning the right of association and rural workers' organizations instruments, Report III (Part 1B), ILC, 104th Session, Geneva, 2015; Information document on ratifications and standards-related activities, Report III (Part 2), ILC, 104th Session, Geneva, 2015 (as updated).

² Article 23, paragraph 1, of the ILO Constitution, and article 7 of the Standing Orders of the Conference.

For these reasons the discussions in this Committee are central to the overall work of the Organization. You will all recall that the Committee's discussions in 2012 sparked off a challenging but very useful dialogue in the ILO on its standards system. The further developments that took place in this Committee in 2014 influenced the solutions which ultimately enabled the 2015 March session of the Governing Body to move forward. This social dialogue is not easy, but it is in my view a key feature of the ILO, which provides for creative solutions and development, indeed evolution of approaches and ideas. We are now in a world that seems to be changing and moving faster and faster at all levels.

Thankfully the ILO is responding to this. The ILO is not a static organization but one that is regularly confronting issues and – after intensive tripartite exchanges – its constituents find a way to move forward together. This is inspiring.

III. Work of the Committee

Details concerning the work of your Committee are set out in document D.1. Having regard to the importance of this document, its adoption has been moved earlier on in the working schedule to take place during the present opening sitting.

In particular, document D.1 reflects the decisions taken by your Committee on its methods of work. Since 2006, these decisions have been made on the basis of the recommendations of the informal tripartite working group on working methods. Thus, document D.1 reflects the autonomy enjoyed by your Committee – like the other supervisory bodies – as regards its methods of work and procedure. This autonomy is an important aspect of the effective functioning of the ILO supervisory system.

Document D.1 has been communicated to all ILO member States one month before the opening of the session of the Conference, together with the provisional working schedule (document D.0) and the preliminary list of cases. I will therefore not dwell on its contents. I would just recall that document D.1 reflects the discussions and recommendations adopted by the informal tripartite working group in March 2015. The informal working group was reconvened by the Governing Body in the context of the standards initiative to ensure the effective functioning of your Committee at the present session of the Conference. In reconvening the informal working group, the Governing Body requested it to prepare recommendations on the establishment of the list of cases and the adoption of conclusions. The informal working group also made recommendations on the effective functioning of your Committee during the current two-week session of the Conference. This shortened duration is a pilot project that is being tried out this year. It will be analysed by the Governing Body at its November session. It would be important that your Committee contribute to this analysis by expressing its views in its report to the Conference.

Your Committee has had a long-standing practice of focusing its discussions on a list of individual cases proposed by the representatives of the Employers and Workers of your Committee, on the basis of the report of the Committee of Experts. Tomorrow, your Committee is expected to adopt this list and the discussion of individual cases should start on Wednesday.

Tomorrow, your Committee will also begin its discussion of the General Survey of the Committee of Experts concerning the Right of Association (Agriculture) Convention, 1921 (No. 11), the Rural Workers' Organisations Convention, 1975 (No. 141), and the Rural Workers' Organisations Recommendation, 1975 (No. 149). While Judge Koroma will address the importance and topicality of the subject matter, I should like to highlight the important institutional dimension to this General Survey.

General Surveys are an important tool for the Organization and I wish to highlight for example the contribution of last year's General Survey on minimum wage systems. The Survey itself and your Committee's discussion of it in June 2014 made an important contribution to the Office's preparation of the recurrent discussion on labour protection at the present session of the Conference. Moreover, the outcome that your Committee adopted last year, which set out a number of essential principles of Convention No. 131 and Recommendation No. 135, has informed the technical assistance provided by the Office.

In the same spirit, I would like to draw your attention to the recent decisions taken by the Governing Body concerning the instruments to be examined in the upcoming General Surveys. They could hardly be more topical: next year, your Committee will discuss the General Survey concerning migrant workers' instruments that will be prepared by the Committee of Experts at its next session. One of the instruments concerned is Convention No. 143, which was adopted 40 years ago by the Conference. In 2017, your Committee will discuss instruments concerning occupational safety and health in certain sectors, including the mining sector. The applicable Convention No. 176 was adopted 20 years ago by the Conference.

For this meeting, the General Survey on the rural workers' organizations instruments will, of course, inform the recurrent discussion on the strategic objective of fundamental principles and rights at work to be held at the 106th Session (2017) of the Conference, with the outcome of your discussion being integrated into the standards-related aspects of the report prepared by the Office in that regard. Further, the General Survey, and your discussion in this regard, will inform the work towards attaining the ILO's goal, in an area of critical importance to decent work in the rural economy and outcome 5 of the Programme and Budget for 2016–17: namely, increasing the voice of rural people through organization of communities and promotion of rights, standards and social dialogue. In addition, given its subject matter, the General Survey on rural workers' organizations is intrinsically linked with the standard-setting item concerning the transition from the informal to the formal economy that will be discussed again by the International Labour Conference this year. Finally, I note that the General Survey refers to the Standards Review Mechanism (SRM) to be launched by the Governing Body. It also covers the possibility of the Office conducting background work to explore the usefulness of consolidating the various agricultural and rural instruments and to promote their usefulness.

I would also like to indicate that in order to continue to support implementation of ratified Conventions, the International Labour Standards Department has continued to upscale its assistance to member States and to the social partners to enable them to effectively implement ILO Conventions and to respond to the comments of the ILO supervisory bodies. The Information document prepared by the Office provides information in this respect.³ In particular, follow-up missions to the conclusions adopted by the Conference at its recent sessions were undertaken in four countries. In addition, the Information document contains a table detailing the technical cooperation provided by both the International Labour Standards Department and the field offices at the national and subregional levels as well as the assistance provided by the International Turin Centre.

³ Report III (Part 2), *op. cit.*

IV. The institutional context: Focus on the standards initiative and the agenda of the Conference

I now wish to provide a brief update on the institutional context of your Committee's work, beginning with the standards initiative.

The standards initiative is one of the seven centenary initiatives presented by the Director-General's Report to the session of the Conference in 2013.⁴ Its objective is to establish full tripartite consensus on the functioning of an authoritative standards supervisory mechanism and to enhance the relevance of international labour standards through a Standards Review Mechanism, in line with the Social Justice Declaration. The standards initiative encompasses the follow-up to the developments in relation to the events that I referred to earlier in the Committee in 2012 and in 2014.

These developments have been at the forefront of ILO tripartite discussions over the last three years. I will limit myself to recalling the following developments which have arisen recently. In the context of the Tripartite Meeting which took place last February on Convention No. 87, in relation to the right to strike and the modalities and practices of strike action at the national level, the Workers' and Employers' groups presented a joint statement concerning a package of measures intended to provide a constructive way forward for the questions that had arisen with respect to the role of the supervisory system.⁵ The Government group expressed its common position on the right to strike in relation to freedom of association and also delivered a second statement in response to the social partners' joint statement. At its 323rd Session last March, noting the outcome and report of the Tripartite Meeting, the Governing Body took a comprehensive decision embracing all the matters that had been put on the table. It decided not to pursue for the time being any action in accordance with article 37 of the Constitution to address the interpretation question concerning Convention No. 87 in relation to the right to strike. The effective functioning of your Committee during this session of the Conference was the next matter addressed by the Governing Body, which took into account the recommendations made by the informal tripartite working group on the working methods.⁶ The Governing Body also called on all parties concerned to contribute to the successful conclusion of the work of your Committee at this session of the Conference. In addition, the Governing Body decided to establish a Tripartite Working Group under the proposed SRM. The SRM is one of the means of implementing the ILO standards policy in response to the requirement set out in the Social Justice Declaration. The Governing Body requested the Director-General to prepare draft terms of reference for the SRM Working Group for its consideration and submission to the session of the Governing Body next November. This Tripartite SRM Working Group is due to report to the Governing Body at its 325th Session in November 2015 on progress made. Finally, the Governing Body requested the Chairperson of the Committee of Experts, Judge Koroma, and the Chairperson of the Committee on Freedom of Association (CFA), Professor Paul van der Heijden, to jointly prepare a report, on the interrelationship, functioning and possible improvement of the various supervisory procedures related to articles 22, 23, 24 and 26 of the ILO Constitution and the complaints mechanism on freedom of association. Preparations are under way for

⁴ The seven centenary initiatives are as follows: the governance initiative, the standards initiative, the enterprises initiative, the end of poverty initiative, the green initiative, the women at work initiative, and the future of work initiative.

⁵ All these statements were attached to the outcome of the Tripartite Meeting. See: GB.323/INS/5/Appendix I.

⁶ GB.323/INS/5(Add.).

the presentation of the joint report in March 2016 to the 326th Session of the Governing Body.

This is the context. The immediate priority is to enable your Committee to fulfil its mandate at the present session of the Conference. Rest assured that the secretariat of your Committee will spare no efforts to that end. The Office has already made preparations for the next priority to be addressed, namely the first meeting of the tripartite working group of the SRM, which is to report to the Governing Body at its session in November 2015.

In terms of aligning your work with the centenary initiatives, I should like to refer briefly to the Future of Work initiative, the objective of which is to enable a far-reaching reflection on the major trends impacting on the world of work, and what this means for the ILO in the pursuit of its social justice mandate in its second century of existence. The centenary session of the Conference in 2019 is likely to devote a major part of its agenda to the consideration of the issues arising from the initiative. The Director-General's Report on the future of work to the present session of the Conference is a first building block in this respect.

The Future of Work initiative must build on a vigorous implementation of the standards initiative with a marked tripartite engagement. The work begins here in this Committee.

The continued implementation of the centenary initiatives has been woven into the structure of the Programme and Budget proposals for 2016–17 which are presented at the current session of the Conference. Under these proposals, international labour standards are addressed both as one of the ten policy outcomes but also has a key cross-cutting policy role. The proposals underline that an effective functioning of your Committee is a critical condition for the effectiveness of the outcome concerning standards.

Both the Report of the Director-General and the programme and budget proposals are standing items on the agenda of the Conference. For this session, the other items placed by the Governing Body on the agenda of the Conference are:

- a general discussion on small and medium-sized enterprises and decent and productive employment creation;
- a proposed recommendation concerning the transition from the informal to the formal economy;
- the recurrent discussion on the strategic objective of social protection (labour protection), to which I already referred.

I expect that the Conference discussions and their outcome will in due course feed into the implementation of the SRM, bearing in mind in particular that one of the SRM's guiding principles will be to ensure a clear, robust and up-to-date body of standards for the purpose of protecting workers, taking into account the needs of sustainable enterprises.

* * *

Concluding remarks

Seventy years ago, in 1945, your Committee adopted a resolution through which it contributed to the debate taking place at the time on the revision of the ILO Constitution to equip the ILO for a new international order. This resolution had far-reaching consequences for the constitutional architecture of the supervisory system. It called for its expansion as regards the submission of instruments to competent authorities and the effect given to unratified Conventions and to Recommendations. Most of the proposals contained in the resolution were endorsed by the Conference. They led to the broadening of the mandate of your Committee and the Committee of Experts, called for by your Committee.

Having regard to these important mandates, I see a window of opportunity for your Committee to make a marked contribution to the celebration of the ILO centenary in four years' time. This celebration will take place in an international environment, with moves to strengthen the normative agenda of the United Nations system, in which a solid, credible and authoritative International Labour Organization will be able to make its contribution, particularly in the area of social standards.

I am looking forward to productive discussions at this session.