



Governing Body

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Legal Issues and International Labour Standards Section
International Labour Standards and Human Rights Segment

LILS

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SECOND ITEM ON THE AGENDA

The Standards Initiative: Initial evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group

Purpose of the document

In accordance with the decision adopted in October 2015 to undertake an initial evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group (SRM TWG) no later than March 2017, pursuant to paragraph 26 of the terms of reference of the SRM TWG, the Governing Body is invited to note the report of the Officers of the SRM TWG, as it undertakes its initial evaluation (see the draft decision in paragraph 3).

Relevant strategic objective: All four.

Main relevant outcome/cross-cutting policy driver: Outcome 2: – Ratification and application of international labour standards and cross-cutting driver concerning international labour standards.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: Subject to Governing Body decision.

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.328/PV/Draft; GB.328/LILS/2/1; GB.326/PV; GB.326/LILS/3/2; GB.325/PV; GB.325/LILS/3; GB.323/PV; GB.323/INS/5.

1. Pursuant to paragraph 26 of the terms of reference of the SRM TWG, the “Governing Body shall evaluate the functioning of the SRM Tripartite Working Group at regular intervals”. In October 2015, on the basis of that paragraph of the terms of reference, the Governing Body decided to “undertake an initial evaluation of the functioning of the SRM Tripartite Working Group no later than March 2017”.¹
2. At its second meeting in October 2016, the SRM TWG considered that an evaluation of its functioning would require information concerning the meetings it had held. In that context, the SRM TWG decided that its Officers would transmit to the Governing Body information concerning its meetings, so as to inform the Governing Body’s initial evaluation of its functioning.² A report of the SRM TWG Officers on its meetings, included in the appendix to this document, is accordingly transmitted for the Governing Body’s consideration as it undertakes its initial evaluation of the functioning of the SRM TWG.

Draft decision

3. *The Governing Body notes the information provided by the Officers of the SRM TWG and, in undertaking its initial evaluation of the functioning of the SRM TWG, notes that the SRM TWG has started its work. The Governing Body requests that it continues to be kept informed of the functioning of the SRM TWG so as to allow it to undertake a further evaluation no later than March 2020.*

¹ [GB.325/LILS/3](#) (October 2015), para. 5(d).

² [GB.328/LILS/2/1](#) (October 2016), para. 10.

Appendix

Report of the Officers of the SRM TWG

1. In accordance with the decision taken by the SRM TWG at its meeting in October 2016, this report provides information concerning its meetings and is transmitted to the Governing Body within the context of its initial evaluation of the functioning of the SRM TWG.
2. Following the tripartite development of terms of reference for the SRM TWG, through an informal consultation process in September–October 2015, the Governing Body convened two meetings of the SRM TWG in 2016 – one prior to its 326th Session (March 2016) and the other prior to its 328th Session (October–November 2016) – to allow it to begin its substantive work and to report progress to the Governing Body in 2016. From this point onwards, and in accordance with paragraph 14 of the terms of reference, the SRM TWG is expected to hold one meeting annually.

Overview of the functioning in light of the SRM TWG's terms of reference

3. The SRM TWG's meetings have been carried out according to its terms of reference. It has operated in a tripartite manner and decisions have been taken by consensus following thorough discussion. Its consensual recommendations have been submitted to the Governing Body for decision and follow-up action, as required.¹
4. While attendance at the meetings has been limited to its Chairperson, its members, the secretariats of the Employers' and Workers' groups, ILO officials, and a limited number of advisers as it has authorized,² its working documents and the reports of its meetings to the Governing Body have been made public.³ In accordance with paragraph 24 of the terms of reference, and under the direction of the Officers, the Office has provided support, including materials and technical advice before and during meetings, to facilitate those meetings.
5. In its functioning, the SRM TWG has been mindful of its mandate, pursuant to paragraph 8 of the terms of reference of the SRM TWG, to contribute to the overall objective of the Standards Review Mechanism to ensure that the ILO has a clear, robust and up-to-date body of international labour standards that respond to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises.
6. Further, throughout its work, the SRM TWG has borne in mind the need to contribute to the implementation of ILO standards policy as set forth in the ILO Declaration on Social Justice for a Fair Globalization (2008) and to consolidate tripartite consensus on the role of international labour standards in achieving the ILO's objectives.⁴ Its review of standards has been organized according to the ILO's four strategic objectives and builds on the recommendations of the Working Party on Policy regarding the Revision of Standards ("Cartier Working Party").⁵

¹ [Terms of reference of the SRM TWG](#), para. 22.

² [Terms of reference of the SRM TWG](#), para. 18.

³ [Terms of reference of the SRM TWG](#), para. 19.

⁴ [Terms of reference of the SRM TWG](#), para. 1.

⁵ [Terms of reference of the SRM TWG](#), para. 11.

First meeting of the SRM TWG
(22–25 February 2016)

7. The first meeting of the SRM TWG was chaired by Mr Jan Farzan (Germany) and attended by the 32 members of the SRM TWG. Mr Alberto Echavarría Saldarriaga and Mr Luc Cortebeek were appointed Vice-Chairpersons, respectively, by the Employers' and Workers' groups. The SRM TWG considered two working papers prepared by the Office and published on a dedicated webpage. ⁶ A report by its Officers was noted by the Governing Body at its 326th Session. It was noted that the SRM TWG had enjoyed "constructive discussion". ⁷
8. At its first meeting, the SRM TWG adopted an initial programme of work that reviewed a total of 231 international labour standards, organized into 20 thematic sets of instruments and grouped by strategic objective. The instruments included in the programme of work are all the international labour standards adopted from 1985 to 2000 (inclusive), as well as those classified following the Cartier Working Party as having an interim status, being in need of revision, about which further information was to be requested, and the instruments identified as outdated and which have not been fully acted upon.
9. Further, the SRM TWG referred the maritime instruments to the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006 (MLC, 2006) ⁸ and decided that during its second meeting it would examine the unfinished follow-up to the standards identified as outdated by the Cartier Working Party. ⁹ It authorized the attendance of eight advisers to assist the Government members at its second meeting.
10. Recognizing that there was a need for clarity in relation to the classification of international labour standards, there was consensus that the discussion would continue as the work progressed at the second meeting.

Second meeting of the SRM TWG
(10–14 October 2016)

11. Once again, the second meeting was chaired by Mr Farzan, and Mr Echavarría Saldarriaga and Mr Cortebeek were Vice-Chairpersons. The meeting was attended by 31 of the 32 members of the SRM TWG, as well as a limited number of advisers to support the Government members. The SRM TWG considered a series of 31 preparatory documents prepared by the Office under the direction of the Officers and published on the dedicated webpage. ¹⁰ Members of the SRM TWG made detailed comments on the instruments under review and made different proposals for follow-up. A report by its Officers was noted by the Governing Body at its 328th Session. ¹¹
12. At its second meeting, the SRM TWG discussed the follow-up to take to the 63 instruments identified as outdated by the Cartier Working Party and made recommendations in relation to each of these Conventions and Recommendations. The SRM TWG recommended that nine instruments be abrogated or withdrawn, as appropriate, by the Conference; that the

⁶ See: http://www.ilo.org/global/standards/WCMS_449687/lang--en/index.htm.

⁷ GB.326/LILS/3/2 (March 2016), para. 3.

⁸ Sets of instruments 18 and 20.

⁹ Sets of instruments 4, 11, 13, 16 and 19.

¹⁰ See: http://www.ilo.org/global/standards/WCMS_449687/lang--en/index.htm.

¹¹ GB.328/LILS/2/1 (October–November 2016); GB.328/PV/Draft, paras 568–581.

Office take the necessary steps immediately in regard to the juridical replacement of 14 Recommendations; and that the Office commence strategic follow-up within 12 months in relation to 30 Conventions and that the SRM TWG itself follow-up those Conventions and an additional ten Recommendations at its later meetings.

13. In determining follow-up, the SRM TWG was guided by its mandate as well as by the need to ensure that actions taken did not result in gaps in protection. The actions taken may include Office follow-up to promote ratification and assess reasons for non-ratification of the most up-to-date instrument on the particular subject area, denunciation of the outdated instrument in accordance with the respective denunciation “windows”, abrogation or withdrawal as appropriate, and the possibility of standard setting to address possible gaps in coverage. The SRM TWG took due note of paragraph 11 of the terms of reference which states that its review shall not have any effect on the legal status of a standard until a final decision has been taken on that standard by the International Labour Conference, or the Governing Body, as appropriate. In addition, the SRM TWG identified regulatory gaps in relation to apprenticeship and shift work.
14. Finally, the SRM TWG revised its initial programme of work so that it would review a total of 235 international labour standards organized into 20 thematic sets of instruments grouped by strategic objective. Further, it decided that its third meeting, to be held from 25 to 29 September 2017 would review the 19 instruments on occupational safety and health (general provisions and specific risks) that are included in its initial programme of work.

Future meetings of the SRM TWG

15. A third meeting will, accordingly, be held prior to the Governing Body’s 331st Session in November 2017. In that meeting and any subsequent meetings to be determined, the SRM TWG will continue to examine the 235 international labour standards falling within its initial programme of work. In addition, the SRM TWG has agreed on the need for strategic and systematic follow-up to its recommendations to ensure their full and effective implementation.