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FIFTH ITEM ON THE AGENDA

The Standards Initiative: Follow-up to the joint report of the Chairpersons of the Committee of Experts on the Application of Conventions and Recommendations and the Committee on Freedom of Association

Consolidating tripartite consensus on an authoritative supervisory system

Purpose of the document

In follow-up to its earlier decisions in relation to the *Joint report* of the two Chairpersons in the context of the Standards Initiative, the Governing Body is invited to approve the workplan for the strengthening of the supervisory system; to request the Office to take the necessary steps to implement it based on the guidance received from the Governing Body, report on progress made at its 331st Session (November 2017) and review the workplan, as may be adjusted by the Governing Body during its 331st Session, in the context of its broader review of the Standards Initiative at its 332nd Session (March 2018) (see the draft decision in paragraph 42).

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: Will depend on the outcome of the discussion of the Governing Body.

Legal implications: Will depend on the outcome of the discussion of the Governing Body.

Financial implications: Will depend on the outcome of the discussion of the Governing Body.

Follow-up action required: Will depend on the outcome of the discussion of the Governing Body.

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.328/PV/Draft; GB.328/LILS/2/2; GB.328/INS/6; GB.326/PV; GB.326/LILS/3/1; GB.323/PV; GB.323/INS/5.

Introduction

1. At its 323rd Session (March 2015), the Governing Body requested the Chairpersons of the Committee of Experts on the Application of Conventions and Recommendations and of the Committee on Freedom of Association 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”.¹ In receiving the *Joint report*, the Governing Body requested further consultations² and recommendations for its consideration in March 2017.³ Separate consultations with the three groups were held in January and February 2017, ensuring tripartite involvement in the development of the proposals below.
2. Under the ILO Constitution, the supervisory system is the heart of the ILO. Ratification and effective implementation of international labour standards are vital to the fulfilment of the ILO’s mission to promote social justice. The ILO supervisory system is a functioning system of interrelated procedures, each of which has a distinctive mandate and should operate in a way that enhances complementarity and eliminates unnecessary overlap. Its impact depends on how it works as a whole. The strengthening of the supervisory system contributes to the way in which the ILO is equipping itself to respond to the changes in the world of work and to give leadership in the global goal of ensuring decent work for all women and men.
3. Challenges and areas in which the supervisory system could be strengthened have been identified by the tripartite constituents. The *Joint report*, reflecting some of those views, referred to issues concerning transparency, visibility and coherence; mandates and the interpretation of Conventions; and workload, efficiency and effectiveness.⁴ In considering the functioning of the supervisory system as a whole, the *Joint report* raised the question whether its complexity may lead to overlap between, or a duplication of, procedures; and whether there may be too many different committees involved in the system which may have negative effects on the transparency and effectiveness of the procedures for those involved. It also indicated that extra efforts could be made to make the system more user-friendly and clear.⁵
4. This document presents proposals to address the challenges raised by the constituents, including those reflected in the *Joint report* and those expressed during the consultations in January and February 2017, against a backdrop of previous Governing Body decisions.⁶

¹ [GB.323/PV](#), para. 84. See further [GB.323/INS/5](#), Appendix I, including statements from the Government group and a joint statement from the Workers’ and Employers’ groups.

² [GB.326/PV](#), para. 502.

³ [GB.328/PV/Draft](#), para. 594.

⁴ See [GB.326/LILS/3/1](#) (the *Joint report*), paras 125–144.

⁵ *Joint report*, para. 126.

⁶ Notably, the recognition by the Governing Body of the Committee of Experts’ statement of its mandate, the critical importance of the effective functioning of the Committee on the Application of Standards and the need for steps to improve the working methods of the supervisory system, including through the examination of their working methods by the supervisory bodies: [GB/320/PV](#), para. 596. See also joint statement of the Workers’ and Employers’ groups in [GB323/INS/5/Appendix I](#), Annex I.

The consultations provided helpful and constructive guidance to the Office, and confirmed that the package of ten complementary concrete proposals was an acceptable starting point.

5. The Governing Body will continue its usual governance role in relation to the supervisory system, including raising issues that are addressed by the supervisory bodies' ongoing reviews of their methods of work.⁷ The overall review by the Governing Body of the implementation of the Standards Initiative at its 332nd Session (March 2018) will be a further opportunity for it to consider the supervisory system.⁸

Common principles guiding the strengthening of the supervisory system

6. Constituents have expressed diverse views on the functioning of the supervisory system and its specific procedures. At the same time, there is convergence on the expected outcome of measures to ensure a well-functioning and effective supervisory system within the constitutional framework.

The value of the supervisory system is incontrovertible ...

7. The role of the supervisory system is to give practical effect to the ILO founding values and constitutional objectives. The tripartite constituents have highlighted the importance of the system as a whole, as well as of the individual supervisory procedures, for the discharge of the ILO's mandate. Any evolution of the supervisory system must be based on its well-established strengths. Equally, there is consensus that the system could be strengthened.

... and the responsibility to further strengthen the supervisory system lies with the tripartite constituents.

8. There is a collective view that it is the joint responsibility of the tripartite constituents to consider further strengthening the supervisory mechanisms. The tripartite structure adds value to the supervisory system, and is an important reason for its authoritativeness. It is the responsibility of the ILO constituents to guarantee the functioning and evolution of the system in line with the Constitution, supported and assisted by the Office in the discharge of its constitutional role. Solutions lie with the tripartite constituents and decisions will be taken on a consensual and participatory basis by the ILO governance bodies. The tripartite structure adds value to the supervisory system, and is an important reason for its authoritativeness. In addition to recognizing their role in the functioning of the system, the tripartite constituents have committed to engaging fully in the process of strengthening it.

Improvements must result in a robust, relevant and sustainable system ...

9. The supervisory system must remain relevant to the existing world of work. This will enable it to continue to guide the ILO in achieving progress and social justice in a constantly changing environment, remaining pertinent and retaining global significance. Fundamentally, within the constitutional framework, the system must enjoy committed tripartite support that is manifested in constructive involvement and genuine engagement. A

⁷ The Committee of Experts, the Committee on the Application of Standards and the Committee on Freedom of Association have ongoing processes for reviewing their working methods. See *Joint report*, paras 138–140.

⁸ GB.328/PV/Draft, para. 108.

strong supervisory system inspires confidence, while enabling the ILO and its Members to be resilient to change.

... and its procedures should be efficient and effective.

10. Effectiveness and efficiency are important components of the supervisory system. In supervising the application of international labour standards, it must continue to fulfil its purpose and make the best use of available resources. Its recommendations must be followed up and implemented. An organized and coherent system contributes to the achievement of the ILO's strategic objectives through the ratification and effective application of standards in member States.

The supervisory system must be transparent, fair and rigorous, leading to consistent and impartial outcomes.

11. Transparency and integrity in the system are essential. Due process and procedural fairness should be guaranteed, including through necessary procedural safeguards, and the supervisory system must operate on the basis of consistent and impartial practices. Comments, decisions and recommendations that are understood to be the outcome of a balanced, objective and rigorous process are essential to the credibility and authority of the system.

Concrete proposals

12. To contribute to the consolidation of tripartite consensus, the document presents proposals on which the constituents could build a tripartite process to strengthen the supervisory system. The ten proposals are grouped under four complementary focus areas. A workplan describing the set of proposals and their timing is set out below.

Work plan and timetable for Governing Body discussions

	Governing Body discussion, March 2017	Governing Body discussion, October 2017	Governing Body discussion, March 2018
Focus area 1: Relationships between the procedures			
1.1. Guide on established practices across the system	Integrated in regular Office action	Report on action taken	Review of implementation of Standards Initiative
1.2. Regular conversation between supervisory bodies	First consideration	Continuation of discussion	
Focus area 2: Rules and practices			
2.1. Consider codification of the article 26 procedure		Guidance on possibility of Standing Orders	Review of implementation of Standards Initiative
2.2. Consider the operation of the article 24 procedure	Guidance on initial elements	Examine possible options	
2.3. Consider further steps to ensure legal certainty	Guidance on whether discussion should proceed		
Focus area 3: Reporting and information			
3.1. Streamline reporting	Decision to carry out a feasibility study	Examine possible options	Review of implementation of Standards Initiative
3.2. Information-sharing with organizations	Regular action by Office continued		
Focus area 4: Reach and implementation			
4.1. Clear supervisory body recommendations	Integrated in support provided by Office		Review of implementation of Standards Initiative
4.2. Systematized follow-up at the national level	Integrated in support provided by Office	Report on actions taken	
4.3. Consider potential of article 19	Guidance on initial elements	Consider options (coordination with 2016 resolution)	
Review by the supervisory procedures of their working methods			
Committee on the Application of Standards		Informal tripartite consultation on working methods	
Committee of Experts		Ongoing consideration including through sub-committee	
Committee on Freedom of Association	Ongoing discussion of working methods		

Focus area 1: Relationships between the procedures

Main aims of the proposals, based on the common principles of: enhanced transparency, coherence, predictability and sustainability

- 13.** Many views expressed by the constituents concern the supervisory system systemically, highlighting the fact that it is a functioning system of interrelated and complementary individual procedures.⁹ Constituents have underlined the need to consider the functioning of the system as a whole, and to improve understanding of its procedures and the linkages between them, as well as to avoid unnecessary overlap and to take extra efforts to make it more user-friendly and clear.
- 14.** The proposals included within this focus area aim to respond to those challenges and issues. Concrete proposal 1.1 addresses the need to ensure clarity in relation to the individual supervisory procedures. Concrete proposal 1.2 addresses the need to consider the relationships between the individual procedures and consider the functioning of the system as a whole.
- 1.1. Guide on practices across the supervisory system
- 15.** The Office would create a user-friendly and clear guide for the supervisory system, bringing together useful information and ensuring a level playing field of knowledge. In practical terms, such a guide would build on existing descriptions of the supervisory system and its procedures. As illustrated in Appendix I, it will set out, in a step-by-step format, the practices for each supervisory procedure, including admissibility criteria, timelines and implementation of the recommendations. The guide will be regularly updated to reflect the evolution of working methods or any decisions of the Governing Body.
- 16.** The development of the guide would be integrated into regular Office action and would be reported on at the Governing Body's session in October 2017.
- 1.2. Regular conversation between the supervisory bodies
- 17.** As set out in the *Joint report*,¹⁰ a regular conversation between the supervisory bodies could complement the existing dialogue between the Committee on the Application of Standards and the Committee of Experts.
- 18.** For example, an annual meeting could take place between the Committee on the Application of Standards, the Committee of Experts, the Committee on Freedom of Association and representatives of the articles 24 and 26 procedures. The supervisory bodies could be represented by their Officers and the Officers of the Governing Body in their role in relation to the articles 24 and 26 procedures. The meeting could be envisaged as an informal exchange with two parts. The first part could be a forum for the representatives of the supervisory bodies to address together synergies or any unnecessary duplication between the

⁹ See *Joint report*, para. 126.

¹⁰ See *Joint report*, para. 127.

procedures. A second part could be an information session with representatives of governments.¹¹

19. At its March 2017 session, the Governing Body could discuss how to enhance the interaction between the supervisory bodies, including considering options for a regular conversation other than an annual meeting.

Focus area 2: Rules and practices

Main aims of the proposals, based on the common principles of: enhanced accessibility, transparency, clarity and due process

20. The constituents have underlined the need to consider the functioning of the individual supervisory bodies and to preserve their distinct roles and features. In particular, the *Joint report* recorded issues concerning the mandates and working methods of the supervisory bodies, and the question of interpretation of the Conventions.
21. The proposals within this focus area concern rules and practices. Concrete proposal 2.1 addresses the article 26 procedure; and concrete proposal 2.2 addresses the operation of the article 24 procedure. Concrete proposal 2.3 concerns legal certainty and, in particular, the interpretation of Conventions.
22. These proposals complement the ongoing work of the Committee on the Application of Standards, the Committee of Experts and the Committee on Freedom of Association to review their working methods. In that regard, it should be recalled that the Committee on Freedom of Association will report to the Governing Body on its review of its working methods in March and June 2017.¹²

2.1. Consider codification of the article 26 procedure

23. The practices related to the complaint procedure set out in articles 26–34 of the ILO Constitution are not currently codified beyond the rules set out in the Constitution. While the proposed guide above would set out the practice in relation to the article 26 procedure, codification suggests formalized rules, such as Standing Orders. Taking into account the views expressed during the consultations in January and February 2017, the possible codification of the article 26 procedure could be discussed in November 2017 after a first

¹¹ This could be modelled on the meeting held in 2013 where the Committee of Experts responded to questions raised by Government representatives. See the Report of the Committee of Experts to the Conference in 2014 ([ILC.103/III\(1A\)](#)), para. 30.

¹² Further information on the ongoing examination of the methods of work can be found as follows:

- The [report of the Committee on the Application of Standards](#) to the 105th Session of the Conference presents the latest decisions of the Committee in relation to its work. The oral [report of the Chairperson of the Working Party on the Functioning of the Governing Body and the International Labour Conference](#) at the 328th Session (October–November 2016) of the Governing Body presents information on the most recent informal tripartite consultations on the working methods of the Committee;
- The report of the [Committee of Experts](#) submitted to the 106th Session (2017) of the Conference presents information on the consideration of its methods of work during its 87th Session.
- The [377th](#) report of the Committee on Freedom of Association, raising in particular concrete steps to improve its functioning and its interface with constituents.

discussion of the operation of the article 24 procedure, while ensuring coherence between the two discussions.

2.2. Consider the operation of the article 24 procedure

24. During the consultations in January and February 2017, the constituents indicated that consideration of the operation of the article 24 procedure could commence in March 2017. In the context of the *Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the ILO*, a first tripartite discussion could consider the operation of the procedure, in the context of the initial elements set out in Appendix II. These elements include a possible standing committee, admissibility, time limits, linkages with other supervisory procedures and follow-up of recommendations, as well as linkages with national procedures.

25. At its March 2017 session, the Governing Body could provide guidance based on those initial elements and any other aspects of the operation of the article 24 procedure. On that basis, possible options for the strengthening of the operation of the article 24 procedure could be discussed by the Governing Body at its November 2017 session.

2.3. Consider whether to take steps to ensure further legal certainty

26. Legal certainty is important for the continued credibility and effectiveness of the supervisory system. The *Joint report* proposed steps to be taken in relation to the question of how to interpret Conventions.¹³ At its March 2017 session, the Governing Body may wish to decide whether to take this issue forward.

Focus area 3: Reporting and information

Main aims of the proposals, based on the common principles of: enhanced relevance and efficiency

27. Submission of reports is at the core of the functioning of the supervisory system. Notably, the constituents have expressed views on workload; the reliability and quality of information; new technologies; and ensuring the best use of available resources.

28. The proposals within this focus area concern the communication of reports and other information for the purposes of the supervisory procedures. Concrete proposal 3.1 addresses the streamlining of reporting and proposal 3.2 addresses exchanges of information with other international organizations.

3.1. Streamline reporting

29. Building on a proposal set out in the *Joint report*,¹⁴ steps will be taken to streamline reporting, optimizing the use of technology and meeting the needs of constituents.

30. As a first step, a feasibility study will address: (i) options for the full computerization of the reporting/supervisory system; and (ii) the streamlining of reports and information requested. Through this feasibility study, the prime users of the system – government officials

¹³ *Joint report*, paras 133–136.

¹⁴ *Joint report*, para. 130.

responsible for providing reports to the ILO supervisory system – could set out their views, experiences and suggestions on possible improvements to the reporting process. Views would be sought electronically from governments through a set of concise questions¹⁵ soon after the March 2017 session of the Governing Body, to be followed by consultation with the groups' secretariats.

31. Based on the feasibility study, detailed proposals will be submitted to the Governing Body at its November 2017 session as a second step.
32. At its March 2017 session, the Governing Body could decide to implement the two-step approach. Progress would be reported to the November 2017 session of the Governing Body, together with proposals of further steps to be taken and their cost estimates.

3.2. Information sharing with international organizations

33. The Office has numerous current exchanges and collaborations with other international organizations in supervising the implementation of standards. Based on the views expressed during the January and February 2017 consultations, the Office will continue its regular exchange of information with other international organizations.

Focus area 4: Reach and implementation of recommendations of the supervisory bodies

Main aims of the proposals, based on the common principles of: enhanced efficiency and effectiveness

34. There is tripartite agreement on the need to improve the efficiency, effectiveness and reach of the supervisory system within the constitutional framework. The comments of the supervisory procedures should contribute to the impact of international labour standards at the country level.
35. Proposals 4.1 and 4.2 address the implementation of the outcomes of the supervisory system. Proposal 4.1 aims to ensure that the recommendations of the supervisory bodies are effective, by enhancing their clarity, and proposal 4.2 aims to ensure that the recommendations inform all ILO work and that technical assistance is available to member States to facilitate national level measures to ensure their implementation. Concrete proposal 4.3 aims to strengthen the reach and implementation of the supervisory system, by addressing the potential of article 19(5)(e) and 6(d) to consider the effect given to all instruments by member States, regardless of ratification and to provide information on the obstacles to ratification.
36. During the consultations in January and February 2017, there was broad support for all three proposals. The Office will continue to integrate the actions under proposals 4.1 and 4.2 in its ongoing work, in light of the comments made by the constituents during the consultations. In response to a request for further information on proposal 4.3, additional elements are included in Appendix III.

¹⁵ Inputs would be sought on: (i) the greatest difficulties in fulfilling reporting obligations; (ii) the greatest strengths of the existing reporting process; (iii) the best ways to incorporate national circumstances; and (iv) concrete examples of national and international level processes, systems and methodologies which could inspire the streamlining.

4.1. Clear recommendations by the supervisory bodies

37. The recommendations made by the supervisory bodies should be clear and provide practical guidance to member States. In its secretariat role, the Office will pursue this objective with the supervisory bodies as they continue to review their working methods, mindful of the recent experience of the Committee on the Application of Standards.¹⁶

4.2. Systematized follow-up at national level

38. To enhance the reach of the comments generated by the supervisory system, the Office will continue its work to systematize the technical assistance member States choose to take up in follow-up to the comments of the supervisory bodies and ensure their integration into other ILO work and Decent Work Country Programmes.¹⁷ In this context, the Office will promote the use of recognized social dialogue mechanisms, including those established under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

39. Currently, the Office reports on the technical assistance it provides through reports to the Governing Body relating to the programme and budget. In the latest programme and budget proposals, it was indicated that “[t]he ILO supervisory bodies have noted increased ratification and improved application of international labour standards, where a virtuous cycle exists between the ILO’s normative function, Decent Work Country Programmes and technical assistance”.¹⁸ Systematizing technical assistance would encourage more detailed reporting to the Governing Body on good practices which may be of assistance to governments.

4.3. Consider potential of article 19 to extend reach and implementation of standards

40. The request for concrete action arises from the Conference in its 2016 resolution on Advancing Social Justice through Decent Work.¹⁹ The initial elements set out in Appendix III respond to the constituents’ request for additional information.

41. On the basis of the Governing Body’s discussion at its March 2017 session, the Office could compile elements detailing the various uses of article 19 to facilitate the Governing Body’s discussion in November 2017.²⁰

¹⁶ See footnote 12 above.

¹⁷ See [GB.328/PFA/2](#), paras 23–32 and paras 120–122.

¹⁸ [GB.329/PFA/1](#), para. 63.

¹⁹ See subparagraphs 15(1) and 15(2)(b) of the 2016 resolution.

²⁰ In November 2017, the Governing Body will consider a revised framework for recurrent discussions under the follow-up to the 2016 resolution, which would address the linkages between the discussions of the General Surveys by the Committee on the Application of Standards and the recurrent discussions (see [GB.328/INS/5/2](#) and [GB.328/PV/Draft](#), para. 102(c)).

Draft decision

42. *The Governing Body:*

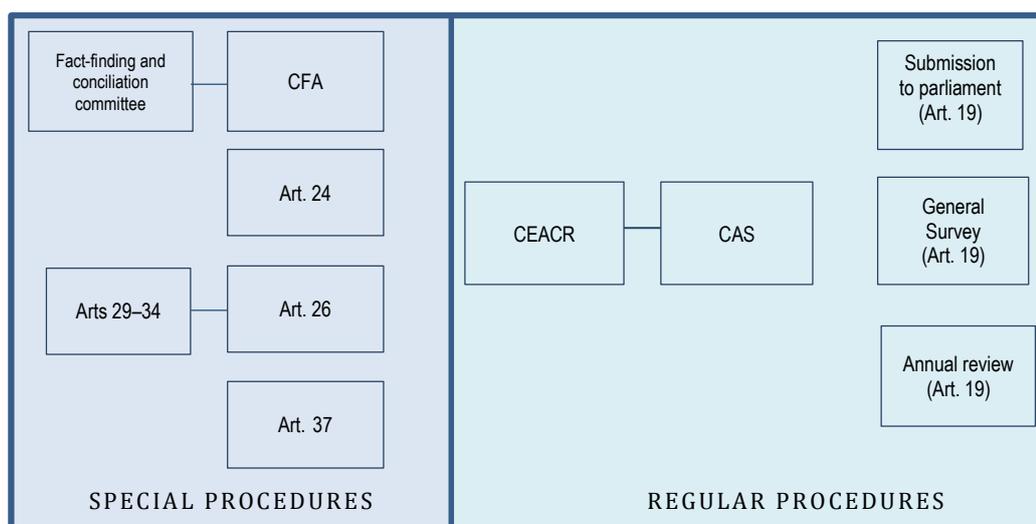
- (a) approves the workplan for the strengthening of the supervisory system;*
- (b) requests the Office to take the necessary steps to implement the workplan based on the guidance it provides and to report on progress made at its 331st Session (November 2017), following consultations with the tripartite constituents; and*
- (c) decides to review the workplan, as may be adjusted by the Governing Body during its 331st Session, in the context of its broader review of the Standards Initiative at its 332nd Session (March 2018).*

Appendix I

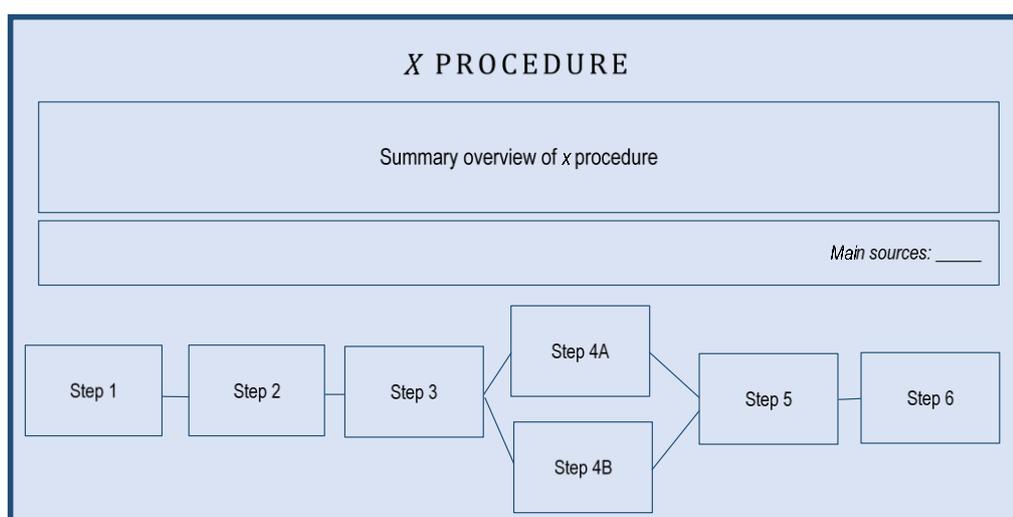
Outline of guide on practices related to the operation of the procedures (proposal 1.1)

The *expected format* of the guide would be a web-based tool, organized in a step-by-step way for each procedure, and regularly updated to reflect any changes to the practices over time. It would provide user-friendly information about the operation of the supervisory procedures in practice.

An *entry screen* would identify each of the supervisory procedures to be addressed in the guide. An example of such an entry screen could be:



There would then be *separate pages for each of the supervisory procedures* set out in that entry screen, which would commence with a main screen providing a summary overview and links to the main sources. An example of the main screen for each procedure could be:



There would then be a *series of screens for each step in the procedure*, each of which would provide an explanation of the step and relevant information including the expected time frame, the source, and linkages with other procedures. An example of the screens for steps in the procedure could be:

X PROCEDURE - STEP Y	
Explanation	
Expected time frame ____	
Source: Constitutional: _____; Standing Orders: _____; Other written rules: _____; Established practice: _____	
Linkages across supervisory system: Y procedure Z procedure	

Appendix II

Initial elements concerning the operation of article 24 procedure (proposal 2.2)

Statistical information about the use and operation of the article 24 procedure¹

- At present, there are nine pending article 24 representations. At the beginning of 2016, there were 20 pending representations, 11 of which were resolved by the end of the year.
- Article 24 representations usually take between nine and 24 months to resolve from the time that they are determined to be receivable until the time that the tripartite committee submits its report to the Governing Body. Most often, this involves two–three meetings of the tripartite committee over two, not necessarily consecutive, Governing Body sessions.
- Representations have been made against 71 of the 187 member States of the ILO. Of those 71 member States, 24 have been the subject of only one representation and seven have been the subject of eight or more.
- The receivability of a representation is usually determined within 3–6 months from the time that it is lodged, dependant on the timing of the Governing Body sessions. In some cases, the question of receivability is considered twice by the Officers of the Governing Body, in which case the timeline may be extended to one year.
- Normally, the tripartite committee is established in the same session of the Governing Body that the representation is deemed receivable, or in the months before the next session of the Governing Body. In the case of renewal of the Governing Body, the groups may wish to delay the establishment of the committee until the new membership is appointed.

Establishment of standing committee to deal with article 24 representations

- At present, article 24 representations are usually dealt with by tripartite committees set up by the Governing Body on a case-by-case basis. It has been suggested that a standing committee be established, to which representations would be referred.
 - In general, standing committees are open-ended committees that meet regularly to deal with a particular subject; ad hoc committees are established for a limited time to address a specific issue. Ad hoc committees have a membership that is tailored to the specific representation, with relevant subject matter and language skills; in comparison, members of a standing committee would have a general expertise in examining representations. In terms of logistics, the appointment of an ad hoc committee will take the time needed to identify appropriate members, while the members of a standing committee would be appointed once for each renewal of the Governing Body or each year, as determined by the Governing Body.

¹ This information is in addition to the figures concerning article 24 representations produced in the *Joint report*; see figures 1–3 of Appendix II.

- A standing committee to examine article 24 representations could involve an independent chairperson; a pool of available and expert members; and an expressly determined mandate including matters such as timelines and follow-up.
- The establishment of a standing committee could have the *positive effect* of enhancing timeliness and competence.
- Alternatively, it could have the *negative effect* of adding a further supervisory body; possibly inducing an increase in the number of representations submitted.

Other suggestions made by the tripartite constituents

Receivability of representations

- At present, the Officers of the Governing Body determine the receivability of representations based on the Standing Orders concerning the article 24 procedure. There has been a call from some constituents to examine the criteria on which receivability is decided,² notably including linkages with national procedures and other supervisory bodies.
- Examination of the receivability criteria could have the *positive effect* of reducing overlap with other procedures.
- Alternatively, it could have the *negative effect* of possibly unduly restricting access to the procedure by employers' and workers' organizations, and reducing the use of the procedure by the Governing Body.

Introduction of time limits

- At present, there are no time limits set out in the Standing Orders in relation to the establishment of a tripartite committee or its examination of the representation. The tripartite committee can determine time limits in relation to its requests for information in the course of its examination. Some constituents have suggested that attention be paid to the application of clear time limits.
- The introduction of clear time limits could have the *positive effect* of increasing effectiveness, clarity, timeliness and transparency in the process.
- Alternatively, it could be considered to have the *negative effect* of reducing the time needed for a proper examination of more complex representations.

Follow-up to recommendations of tripartite committees

- At present, the recommendations of tripartite committees are followed up by the Committee of Experts within its regular review. Some constituents have suggested enhancing the follow-up, including through time-bound elements and considering the link with national procedures.
- Enhancing follow-up would have the *positive effect* of increasing effectiveness, visibility and accountability.
- Alternatively, it could have the *negative effect* of adding to the workload of the Governing Body, the supervisory bodies and the Office.

² These criteria are set out in article 2 of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organisation.

Appendix III

Initial elements on the potential of article 19 to extend the reach and implementation of the standards (proposal 4.3)

The request for concrete action arises from the Conference in its 2016 resolution on Advancing Social Justice through Decent Work.

The Conference calls on the ILO to “(e)nsure that there are appropriate and effective linkages between the recurrent discussions and the outcomes of the Standards Initiative, including exploring options for making better use of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States”.¹ This includes the adoption of appropriate modalities to ensure the contribution of General Surveys and the related discussion by the Committee on the Application of Standards to recurrent discussions.²

The *Joint report* referred to the implementation of article 19 to improve the impact and effectiveness of international labour standards. In particular, it indicated that more attention to non-ratifying Members could improve the impact and effectiveness of international labour standards.³

Currently, article 19(5)(e) and (6)(d) is mainly used to gather information for the General Surveys prepared by the Committee of Experts and discussed in the Committee on the Application of Standards. The Governing Body has adapted the number of instruments covered by General Surveys and the report form to address specific priorities it has identified.

The use of this provision is not, however, limited to General Surveys. It is currently also encompasses the annual follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work under which reports are requested from governments which have not ratified one or more fundamental Conventions. A number of other uses have been made in the past on a more ad hoc basis.⁴

The variety of uses reflects the multifaceted function of article 19(5)(e) and (6)(d) and the discretion that the Governing Body can exercise as regards its application. The article constitutes an important tool for the impact of the standards system across the ILO membership and in particular to assist member States in giving effect to ILO instruments, including by overcoming obstacles to ratification, and by enabling the ILO to ensure that standards-related actions respond to the needs identified in Members’ reports.

¹ Subparagraph 15.1 of the resolution. The follow-up to the Social Justice Declaration emphasizes the need for “the fullest possible use” of all the means of action provided under the Constitution of the ILO to fulfil its mandate. This could include adapting existing modalities of the application of article 19(5)(e) and (6)(d), without increasing the reporting obligations of member States. In practice, the adaptation of these modalities has focused on the arrangements for the General Surveys and their discussion by the Committee on the Application of Standards to ensure coordination with recurrent discussions.

² Subparagraph 15(2)(b) of the resolution.

³ Para. 143.

⁴ These included periodic reports on Convention No. 111 and/or use in the context of an integrated approach to standards adopted by the Governing Body in 2000.

Through the Standards Initiative, the Governing Body has the opportunity to consider a modern use of article 19(5)(e) and (6)(d). A coherent and broad approach must avoid increased reporting obligations.

The choice of options for how the Governing Body could use article 19 will depend on the specific aspects of its function it wishes to emphasize. In turn, this would determine the type of information it would request. Whichever approach is taken, these options would address the scope of reports; their format and design; how to best ensure that the information gathered leads to meaningful discussions and outcomes, including the appropriate tripartite forums, timing and format; and technical assistance in reporting and follow-up, in particular within Decent Work Country Programmes.

To facilitate the discussions of the Governing Body in November 2017, the Office would prepare a working paper gathering all elements relating to the various uses made of article 19(5)(e) and (6)(d) so far.