



Third item on the agenda: Information and reports on the application of Conventions and Recommendations

Report of the Committee on the Application of Standards

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A. Introduction

1. In accordance with article 7 of the Standing Orders, the Conference set up a Committee to consider and report on item III on the agenda: “Information and reports on the application of Conventions and Recommendations”. The Committee was composed of 231 members (126 Government members, eight Employer members and 97 Worker members). It also included ten Government deputy members, 90 Employer deputy members, and 154 Worker deputy members. In addition, 29 international non-governmental organizations were represented by observers.¹

2. The Committee elected its Officers as follows:

Chairperson: Mr Washington González (Government member, Dominican Republic)

Vice-Chairpersons: Ms Sonia Regenbogen (Employer member, Canada) and Mr Marc Leemans (Worker member, Belgium)

Reporter: Mr Mostafa Abid Khan (Government member, Bangladesh)

3. The Committee held 22 sittings.

4. In accordance with its terms of reference, the Committee considered: (i) the reports supplied under articles 22 and 35 of the Constitution on the application of ratified Conventions; (ii) the reports requested by the Governing Body under article 19 of the Constitution on the Occupational Safety and Health Convention (No. 187), and Recommendation (No. 197), 2006; the Safety and Health in Construction Convention, 1988 (No. 167), and Recommendation (No. 175), 1988; the Safety and Health in Mines Convention (No. 176), and Recommendation (No. 183), 1995; the Safety and Health in Agriculture Convention (No. 184), and Recommendation (No. 192), 2001; and (iii) the information supplied under article 19 of the Constitution on the submission to the competent authorities of Conventions and Recommendations adopted by the Conference.²

Opening sitting

5. The Chairperson said that he was honoured to preside over this Committee, which was a cornerstone of the regular supervisory system of the International Labour Organization (ILO). It was a forum for tripartite dialogue in which the Organization examined the application of international labour standards and the functioning of the supervisory system. The conclusions adopted by the Committee and the technical work of the Committee of Experts on the Application of Conventions and Recommendations, together with the recommendations of the Committee on Freedom of Association and the technical assistance of the Office, were essential tools for member States when implementing international labour standards. The Chairperson trusted that, in the course of the two-week session of the

¹ For the initial composition of the Committee, refer to *Provisional Record* No. 4. For the list of international non-governmental organizations, see *Provisional Record* No. 3.

² Report III to the International Labour Conference – Part 1A: Report of the Committee of Experts on the Application of Conventions and Recommendations; Part 1B: General Survey.

Conference, the Committee would be able to work harmoniously and efficiently, and in a spirit of constructive dialogue.

6. The Worker members emphasized that the Committee's task of supervising the application of standards served the objective of promoting social justice which lay behind the foundation of the ILO. The Committee's work should therefore be guided by the conviction that the development of international labour standards was a response to people's aspirations towards better living conditions and a more humane system of work. In a world characterized by cultural isolationism and populist rhetoric in the face of economic difficulties and social inequalities, the Worker members appealed for cooperation between States to ensure social progress and the well-being of all peoples and recalled the words to that effect contained in the 1944 Declaration of Philadelphia, which formed part of the ILO Constitution.
7. The Employer members noted that the Committee was the key pillar of the regular standards supervisory system: it provided the only opportunity for tripartite constituents from all ILO member States to discuss issues with governments regarding the application of ratified Conventions and specific measures for improved and sustained compliance, with the participation of Employer and Worker members. The report of the Committee of Experts was the initial basis for the work of the Conference Committee. In addition to the technical assessment and observations of the Committee of Experts regarding countries' compliance with ratified Conventions, the members of the Conference Committee contributed with their own legal evaluation, understanding and knowledge of national economic, social and political circumstances, and their experience of practical, feasible and sustainable solutions, to the final supervisory assessment, as reflected in the Conference Committee's conclusions.

Work of the Committee

8. During its opening sitting, the Committee adopted document C.App./D.1, which set out the manner in which the work of the Committee was carried out.³ At that occasion, the Committee considered its working methods, as reflected under the next heading below.
9. In accordance with its usual practice, the Committee began its work with a discussion on general aspects of the application of Conventions and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution. In this general discussion, reference was made to Part One of the report of the Committee of Experts on the Application of Conventions and Recommendations. A summary of the general discussion is found under relevant headings in sections A and B of Part One of this report.
10. The Committee then examined the General Survey on the occupational safety and health instruments concerning the promotional framework, construction, mines and agriculture. Its discussion is summarized in section C of Part One of this report.
11. Following these discussions, the Committee considered the cases of serious failure by member States to respect their reporting and other standards-related obligations. The result of the examination of these cases is contained in section D of Part One of this report. More detailed information on that discussion is contained in section A of Part Two of this report.
12. The Committee then considered 24 individual cases relating to the application of various Conventions. The examination of the individual cases was based principally on the observations contained in the Committee of Experts' report and the oral and written

³ Work of the Committee on the Application of Standards, ILC, 106th Session, C.App./D.1 (see Annex 1).

explanations provided by the governments concerned. As usual, the Committee also referred to its discussions in previous years, comments received from employers' and workers' organizations and, where appropriate, reports of other supervisory bodies of the ILO and other international organizations. Time restrictions once again required the Committee to select a limited number of individual cases among the Committee of Experts' observations. With reference to its examination of these cases, the Committee reiterated the importance it placed on the role of tripartite dialogue in its work and trusted that the governments of the countries selected would make every effort to take the necessary measures to fulfil their obligations under ratified Conventions. The result of the examination of these cases is contained in section D of Part One of this report. A summary of the information submitted by governments and the discussions of the examination of individual cases, as well as the conclusions adopted by the Committee, are contained in section B of Part Two of this report.

13. The adoption of the report and the closing remarks are contained in section E of Part One of this report.

Working methods of the Committee

14. Upon adoption of document C.App./D.1, the Chairperson announced the time limits for interventions made before the Committee. It was his intention to strictly enforce them in the interest of the work of the Committee. He also called on the members of the Committee to make every effort to ensure that sittings started on time and that the working schedule was respected. Lastly, the Chairperson recalled that all delegates were under the obligation to use parliamentary language. Interventions should be relevant to the subject under discussion and remain within the boundaries of respect and decorum.
15. The Worker members pointed out that many changes had been made recently to the Committee's working methods to make them as effective as possible. It was also important for the changes to occur without affecting the quality of the substantive work of the Committee. In that regard, the reduction of the work of the Committee – and of the Conference – to a two-week period meant an extremely heavy programme and the need for strict time management. That time constraint had become a source of concern since the seriousness of the subjects addressed by the Committee warranted more extensive debates. Moreover, the Worker members, aware that a tripartite discussion called for discipline in terms of speaking time, undertook to maintain such discipline again this year. However, even though strict time management in the previous year had enabled the Committee to finish its discussions in the allocated time, many Worker members had expressed their concern at the quality of the discussions that could take place under such conditions. Lastly, more constant engagement on the part of the three constituents, particularly the Governments, in the work of the Committee would add further weight to its conclusions. The Government group should not underestimate its contribution to the Committee's work since the sharing of experience was a useful way to inspire and enable solutions which were already tried and tested. The Worker members expressed the wish that the Committee would once again work in a constructive spirit this year with a view to adopting consensus-based, consistent and effective conclusions that would enable member States to make improvements in their law and practice.
16. The Employer members noted that the length of the report of the Committee of Experts had further increased this year, indicating that the challenges of compliance with ratified international labour Conventions had not become smaller. In their view, key to better compliance were balanced, relevant, practical and fair conclusions which pointed out to governments concerned concrete and realistic ways to move towards better implementation. This could only be achieved with full tripartite governance and ownership, which required active participation by all the tripartite constituents in the supervisory process. The Employer

members noted that the percentage of government reports received had slightly increased this year and highlighted that while some stability in government reporting seemed to have been achieved over the years, higher rates would of course be desirable since the reports were the vital fact basis and thus the starting point for any standards supervisory activity. The Employer members welcomed the fact that the number of observations sent by employers' and workers' organizations had increased, and highlighted that there was room for improvement. The Employer members welcomed the efforts to streamline reporting, including optimizing the use of technology, as considered by the Governing Body in March 2017, and trusted it would help to facilitate reporting and increase the rate of reports in future.

17. The Government member of Cuba considered that the supervisory mechanisms should maintain transparency, objectivity, impartiality and the balanced handling of information, while avoiding any possibility of being politicized or unduly manipulated. The drawing up of the lists of individual cases should satisfy the criteria of balance between fundamental and technical Conventions, between developed and developing countries, and between regions. She considered that the preliminary list of cases did not correspond to those criteria and there was a visible priority given to selecting cases relating to freedom of association to the detriment of the other Conventions. She expressed the hope that a balanced final list would be agreed upon and that the analysis of the individual cases would focus on the fundamental principles and objectives of the ILO.
18. The Government member of Egypt thought that every effort should be made to find effective solutions concerning the functioning of the Committee and the goals to be achieved in the supervision of standards. This called for clarification of the methodology used to establish the preliminary list and then the final list of individual cases. One way of improving current procedures might be to establish an additional mechanism for monitoring the comments of the Committee of Experts, whereby it could be verified whether a State had complied in the meantime with the observations made, as a result of which it could be removed from the preliminary list and hence from the final list.

Adoption of the list of individual cases

19. During the course of the second sitting of the Committee, the Chairperson of the Committee announced that the list of individual cases to be discussed by the Committee was available.⁴
20. Following the adoption of this list, the Employer members considered that the overall goal of the process for the adoption of the list of cases was to ensure a balance between the regions, between member States in terms of levels of development, and between fundamental, priority and technical Conventions. The Employer members highlighted the importance of having at least one case of progress in the list of 24 cases. In their view, progress had been made this year in achieving balance in terms of the types of Convention. The Employer members expressed regret that the Committee would not be able to discuss: the application by Equatorial Guinea of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), a case of serious failure to report in relation to which the Committee of Experts noted with deep concern that for the last ten years the reports due on ratified Conventions had not been received despite technical assistance provided in 2012; the application by Papua New Guinea of the Worst Forms of Child Labour Convention, 1999 (No. 182), which concerned extremely serious issues such as the sale and trafficking of children, commercial sexual exploitation of children as young as 13 years of age, and the situation of "adopted" children under 18 years of age who were compelled to work under

⁴ ILC, 106th Session, Committee on the Application of Standards, C.App./D.4 (see Annex 2).

conditions similar to bonded labour or under hazardous conditions; the application by Sierra Leone of the Guarding of Machinery Convention, 1963 (No. 119), concerning which the Committee of Experts had drawn attention for a number of years to the fact that the national legislation did not contain provisions to give effect to the Convention; the application by Armenia of the Labour Inspection Convention, 1947 (No. 81), which concerned deficiencies in the functioning of the labour inspection system; and the application by Azerbaijan of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), concerning stereotypes and the lack of a national employment policy that favoured women in employment. The Employer members also expressed deep concern at the fact that the case of the application by the Plurinational State of Bolivia of the Minimum Wage Fixing Convention, 1970 (No. 131), which concerned the lack of consultation between 2006 and 2017 on minimum wage fixing with the Confederation of Private Employers of Bolivia (CEPB), the most representative employers' organization, was not included on the list. Lastly, the Employer members expressed deep concern about the lack of implementation of long-standing conclusions of the Conference Committee by the Government of Uruguay. The Employer members trusted, in light of the speech delivered by the President of Uruguay to the Conference and the request made for technical assistance, that the Government would move towards the implementation of Convention No. 98, in line with the Committee's conclusions.

- 21.** The Worker members underlined the contrast between the limited number of cases examined by the Committee and the number of serious cases contained in the report of the Committee of Experts. This year, many cases had been adopted relating to violations of fundamental Conventions and that reflected the growing pressure against observance of fundamental rights at work worldwide. Even though the corresponding cases would not be discussed, the Worker members wished to highlight disturbing situations affecting the world of work, in the hope that those situations would be addressed in the very near future within other ILO supervisory bodies. One example was the violent dispersal by the police of peaceful demonstrations of workers in Indonesia and the Philippines. Further examples were the measures against fundamental rights at work in Brazil and the serious violations of fundamental rights and public freedoms in Colombia and Honduras. It was also regrettable that the Committee was not in a position to discuss the situation in Belarus in relation to the follow-up to the recommendations of the Commission of Inquiry set up under article 26 of the ILO Constitution. Regarding the situation of migrant workers in Qatar, a request had been made in connection with the possible setting up of a Commission of Inquiry and the Worker members would provide information in that regard at the November 2017 session of the Governing Body. The Worker members supported the proposal of the Employer members to discuss a case of progress since this made it possible to showcase governments which implemented the conclusions and recommendations of the supervisory bodies. However, the case of progress should be considered separately from the list of 24 selected individual cases.
- 22.** The Government member of Brazil, with reference to the statement of the Worker members concerning his country, indicated that the modernization of labour laws was essential for strengthening collective bargaining and making rules clear and objective, so as to increase legal certainty and generate employment. The draft law did not undermine any constitutional right and was still going through legislative proceedings. Even after promulgation, it would be subject to judicial review. During recent events, the Constitution had been closely respected and all actions of the Government had been under scrutiny by the courts.
- 23.** The Worker member of Uruguay expressed his support for the speech made by the President of his country at the opening ceremony of the Conference, particularly concerning the importance of the right to strike and the right to collective bargaining. It was the third time that an agreement was being concluded in Uruguay between employers, workers and the

Government to follow up the observations of the ILO and Uruguay had given an undertaking to request assistance from the Office.

24. The Employer member of Uruguay recalled that a complaint had been made by the employers against Uruguay for non-observance of the right to collective bargaining, in conjunction with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In the context of this case, which was ongoing, Uruguay had been the subject of observations on eight occasions. Little progress had been made and there was still no compliance with the provisions of Convention No. 98.
25. At the end of the sitting, the Employer and Worker spokespersons conducted an informal briefing for Government representatives on the process for the selection of individual cases.

B. General questions relating to international labour standards

Statement by the representative of the Secretary-General

26. The representative of the Secretary-General recalled that the Committee on the Application of Standards was a standing Committee of the International Labour Conference which had met each year since 1926 and its mandate, which was at the heart of the ILO's activities, consisted, among other functions, of examining and bringing to the attention of the Conference meeting in plenary session: (i) the measures taken by Members to give effect to the Conventions to which they were parties; and (ii) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution. Under the terms of this article, the Committee examined each year a General Survey on the law and practice of member States in a specific field. The details of the Committee's work were contained in Document D.1, which also reported on the many improvements made to the working methods of the Committee following the informal tripartite consultations held on this subject since 2006.
27. Following the latest informal tripartite consultations held in November 2016, it was agreed that the summary records (PVs) of the sittings would once again this year be issued in a trilingual "patchwork" version (English, French and Spanish). Each intervention would only be reported in the language in which it was delivered, or in the language chosen by the speaker when taking the floor. The main innovation this year would be the submission for adoption by the Conference plenary of the Committee's final report, and particularly Part II on the examination of individual cases, in the same "patchwork" version. The fully translated versions of the report would be put online ten days after the end of the Conference. In addition, all the Committee's documents, including the draft summary records, would be put online on the Committee's web page, which would now be the way of sharing important documents, in conformity with the Office's "paper smart" policy. Amendments to the summary records could be submitted either in writing or by electronic mail.
28. Reviewing the progress made in the context of the Standards Centenary Initiative, the representative of the Secretary-General recalled that the launching of the initiative by the ILO Director-General was largely a result of the difficult but useful discussions on the ILO standards system within the Committee. The Standards Initiative had two components, which were both under the responsibility of the ILO Governing Body. The first was the Standards Review Mechanism and its Tripartite Working Group (TWG), which had the mandate of ensuring that the body of standards was up to date and relevant to the world of work. Work was progressing in a constructive manner in that respect. The speaker drew

attention to the direct connection between the discussion on the General Survey on occupational safety and health, and particularly the four instruments on safety and health in construction and mines, and the future work of the TWG of the Standards Review Mechanism. The discussions on the General Survey and the conclusions that the Committee would adopt on that matter would inform the work of the TWG.

- 29.** The second component of the Standards Initiative was intended to reinforce tripartite consensus on an authoritative supervisory system. At its March 2017 session, the Governing Body held an important discussion on the 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. The Governing Body had approved the common principles that would form the basis of its work in that field. It was agreed that the supervisory system was incontrovertible and that it was for the tripartite constituents to further strengthen it. Improvements needed to result in a robust, relevant and sustainable system, with effective and well-functioning supervisory procedures. Lastly, the Governing Body had emphasized that the supervisory system needed to be transparent, fair and rigorous, leading to consistent and impartial outcomes. On that basis, it had then examined ten specific proposals on which the constituents could build within the tripartite process of strengthening the supervisory system.
- 30.** The Governing Body had examined an important proposal intended to establish regular discussions between the supervisory bodies. The proposal was based on the dialogue that has been long established between the Committee and the Committee of Experts, and was intended to strengthen that dialogue. In that context, it was planned to invite the Chairperson of the Committee on Freedom of Association to speak to the Conference Committee alongside the Chairperson of the Committee of Experts at its next session. The Governing Body had also discussed the means of strengthening the efficiency and effectiveness of the supervisory system. It was agreed that the recommendations of the supervisory bodies needed to be clear and provide practical guidance to member States. In that context, it had made specific reference to the recent experience of the Committee in drafting conclusions and recommendations. Lastly, the Governing Body had examined another important proposal intended to harmonize the follow-up to the comments of the supervisory bodies through technical assistance at the national level.
- 31.** The representative of the Secretary-General said that, further to the latest informal tripartite consultations on the working methods of the Committee, information on the action taken by the Office to give effect to its recommendations had been put up on its dedicated website and would be regularly updated. The reports received from Governments that had benefited from such assistance often showed the extent to which the decisions and conclusions of the Committee could further the provision of targeted and very effective support by the Office. Certain development cooperation projects, which were currently being implemented under the responsibility of the International Labour Standards Department with the support of donors, and particularly the European Commission, were intended to ensure the effective application of international labour standards, and particularly compliance with reporting obligations. This was a promising form of collaboration, which the Office was actively endeavouring to develop and extend in future. With the ILO International Training Centre in Turin, the Office was continuing to provide training at the national, subregional and regional levels on international labour standards. The current year had seen the inauguration of the International Labour Standards Academy, which had the objective of disseminating knowledge and tools related to international labour standards to the ILO's tripartite constituents, judges, lawyers, law professors and media professionals. All of those activities were carried out by the Office with a view to ensuring, through specific and effective action, that international labour standards were better known, better understood and therefore better implemented.

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32. Lastly, referring to the links between the work of the Committee on the Application of Standards and that of the other committees of the International Labour Conference, the representative of the Secretary-General said that the Committee for Labour Migration would examine the issue of governance in relation to migration trends on the basis, inter alia, of the conclusions that the Committee had adopted in the previous year following its discussion of the General Survey concerning the migrant workers instruments. Another committee, the Committee for Fundamental Principles and Rights at Work, would examine progress and challenges in the achievement of fundamental principles and rights at work on the global scale, and perspectives in this crucially important field with respect to international labour standards in the context of this year's recurrent discussion under the Follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008. Furthermore, the Committee on Employment and Decent Work for the Transition to Peace would examine a new instrument to revise the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71), which would be adopted by the Conference at the end of its present session and incorporated in the body of international labour standards, the application of which the Committee was responsible for examining. Lastly, the Finance Committee would examine the draft Programme and Budget for 2018–19, of which Strategic Outcome 2 focused on the ratification and application of international labour standards. In that respect, the programme and budget envisaged the systematic provision of technical assistance by the Office to promote the ratification and implementation of international labour standards, as well as support to the supervisory bodies to ensure their smooth functioning.
33. By way of conclusion, the representative of the Secretary-General reaffirmed that the Office was determined to support and consolidate the constructive participation of the tripartite constituents in a reliable supervisory system that enjoyed their confidence and in which all parties felt that they were stakeholders.

Statement by the Chairperson of the Committee of Experts

34. The Committee welcomed Mr Abdul Koroma, Chairperson of the Committee of Experts, who expressed his appreciation for the opportunity to participate in the opening of the meeting of the Committee. For schedule-related reasons, he would not be able to participate in all the discussions on the General Report and the General Survey. The Chairperson of the Committee of Experts stressed the importance of the Committee of Experts' special sitting with the two Vice-Chairpersons of the Conference Committee, which, together with his participation in the work of the Conference Committee, represented the institutional framework and good practice whereby representatives of the two bodies exchanged views on matters of common interest. At the last special sitting, the Committee of Experts had highlighted the systematic way in which it was monitoring the follow-up to the conclusions of the Conference Committee. It had also reiterated its concerns with respect to its workload, expressing the hope that measures would be taken to remedy the situation and calling for the support of the Employer and Worker members in the framework of the Standards Initiative. Additional clarifications had been provided regarding the working methods of both committees especially as they had implications for each committee's work. The Committee of Experts planned to discuss its working methods in relation to the naming of companies and the length of comments, especially with regard to technical Conventions, as a result of the views exchanged by the Employer and Worker Vice-Chairpersons.
35. Furthermore, the Committee of Experts had noted in its report the unprecedented number of observations received from employers' and workers' organizations on the application of Conventions and Recommendations, which was an indicator of the vitality of the supervisory mechanism and greatly assisted it in making its assessment. The Committee of Experts had also reiterated its longstanding concern at the low proportion of reports received by

1 September, which disturbed the sound operation of the regular supervisory procedure. Moreover, the Committee of Experts had called on all governments to ensure that copies of reports on ratified Conventions were communicated to the representative employers' and workers' organizations so as to safeguard this important aspect of the supervisory mechanism. As regards ways of increasing the visibility of its findings by country, the Committee of Experts had underlined the available electronic means, in particular the NORMLEX database, and the important practical guidance given to member States through technical assistance. In this context, the Committee of Experts had reiterated its hope that a comprehensive, adequately resourced technical assistance programme would be developed in the near future to help all constituents improve the application of international labour standards in both law and practice. Lastly, the speaker drew the Conference Committee's attention to the cases, identified by the Committee of Experts, in which, in view of the seriousness of the issues addressed, the governments concerned had been requested to provide full particulars to the Conference (paragraph 48 of its General Report).

36. Finally, the Chairperson of the Committee of Experts gave the assurance that the latter was firmly engaged in the path of meaningful dialogue with the Conference Committee and all other ILO supervisory bodies, in the interest of an authoritative and credible supervisory system and ultimately for the cause of international labour standards and social justice worldwide.

Statement by the Employer members

37. The Employer members welcomed the presence of the Chairperson of the Committee of Experts in the general discussion of this Committee. They welcomed the 2017 report of the Committee of Experts and highlighted three positive elements in that report. Firstly, the mandate of the Committee of Experts had been reproduced in paragraph 17 of its General Report, thus helping to clarify that its opinions and recommendations were not legally binding for member States. Secondly, the Employer members noted with satisfaction that most of the conclusions adopted last year had been followed up in the meantime by Office assistance, for instance by direct contacts missions and the provision of technical assistance and advice. They agreed with the Worker members that the cases discussed by the Conference Committee should be included in a special section of the Committee of Experts' report. In this regard, there was a need to apply more realism in standards supervision by making greater efforts to assess the implementation of ratified Conventions in the light of the specific circumstances of the respective countries and acknowledge the progress that could realistically be expected within a particular period of time. Assessments and recommendations for rectification in standards supervision and other means of assistance at the ILO's disposal should mesh without leaving gaps. Thirdly, the systematic reference made by the Committee of Experts in its observations to the discussions and conclusions of the Conference Committee reflected growing integration of the activity of the two main supervisory bodies, which constituted a key positive development. With reference to the continuous reproduction of considerations of the Committee on Freedom of Association in certain observations on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and on Convention No. 98, the Employer members recalled the distinct mandates of the Committee on Freedom of Association and the Committee of Experts and the fact that the Committee of Experts was called upon to analyse, in certain cases, only the legislative aspects of the Committee on Freedom of Association cases.
38. The Employer members further made a number of constructive proposals to make standards supervision more effective, transparent, relevant and sustainable: (i) in view of the need to make the report of the Committee of Experts more reader-friendly, transparent and relevant, the Employer members, observing that the outcome of the Committee of Experts' subcommittee on working methods was not reproduced in the report, proposed to set up a

joint working party of members of the two bodies to look into further improvements; alternatively, members of the Committee of Experts could be invited to participate in special meetings with members of the Conference Committee to examine possible enhancements of its working methods. In this way, the cooperation between the two pillars of the regular supervisory system, and hence its effective functioning and cohesion, could be strengthened; (ii) it would be desirable that the text of all submissions made by employers' and workers' organizations to the Committee of Experts be made available via a hyperlink in the electronic version of its report and on the NORMLEX website, should the organizations so desire; (iii) as stated in the 2017 Joint Position of the Workers' and Employers' groups, it was expected that mission reports regarding the Committee's conclusions, or a summary with the non-confidential concrete results of the mission, be published in NORMLEX; and (iv) the dedicated web page for the 2017 Conference Committee should be further expanded, for instance by adding information concerning the tripartite deliberations, including written submissions made by constituents.

- 39.** Finally, the Employer members raised three issues of concern in the report of the Committee of Experts. Firstly, given the increase in the number of cases of serious failure to report as compared to last year, they suggested an in-depth discussion and specific measures to be considered in the next working methods meeting of the Conference Committee. The Employer members inquired as to the concrete measures taken by the Office to ensure fuller submission of reports and responses to the Committee of Experts' comments, specifically in regard to those countries with a long history of failure to report. Secondly, they expressed concern at the heavy workload of the Committee of Experts owing to the ever-rising number of ratifications and reports to be examined. Measures used so far, such as extending reporting intervals, seemed to have been stretched to their limits. It was necessary to focus reporting on essential regulatory issues in ILO Conventions and to consider concentration, consolidation and simplification of the standards system and its supervision as a sustainable way forward. The Employer members had high expectations in this regard concerning the work of the Standards Review Mechanism Tripartite Working Group. On the basis of the information in paragraph 38 of the report, they inquired how many reports had not been brought to the Committee of Experts' attention because of lack of time or resources and what measures would be adopted to avoid the examination of reports with outdated information. Thirdly, the Employer members reiterated their belief in fundamental principles and rights at work, including freedom of association, as the foundation for democracy. At the same time, they emphasized their disagreement with the direct connection created by the Committee of Experts between Convention No. 87 and the regulation of the right to strike, as well as the ensuing extensive interpretation in this regard. They highlighted the fact that, out of 64 observations, 45 dealt with the right to strike and that, out of 62 direct requests, 51 dealt in one way or another with the "right to strike" and that, out of these 51 direct requests, 22 dealt exclusively with the right to strike. The Employer members were therefore bound to reiterate their deep concern that the right to strike remained a major, and possibly the main, issue of the supervision of Convention No. 87. Given that the Committee of Experts had continued to reaffirm its position in this respect, they were obliged to continue expressing their divergent views so as to avoid any misunderstanding in the form of tacit acceptance. Observing that the Committee of Experts' interpretations on the subject had enjoyed limited support from the Government group at the March 2017 discussions of the Governing Body, the Employer members emphasized that requests of the Committee of Experts to align national law and practice on this controversial matter were non-binding, and that there was no reporting obligation for governments to provide information concerning law and practice on the right to strike. Finally the Employer members highlighted that the conclusions of the Committee on the Application of Standards would not contain requests linked to the controversial observations on the right to strike and that the Office's technical assistance and follow-up of the conclusions would need to focus exclusively on the consensus agreed among constituents.

Statement by the Worker members

40. The Worker members welcomed the presence of the Chairperson of the Committee of Experts in the general discussion of the Conference Committee. The annual report of the Committee of Experts offered a global perspective on the implementation of international labour standards in that it compiled governments' reports on the application of standards and also a significant number of observations made by workers' and employers' organizations. Because of its independence and the quality of its analysis, the Committee of Experts was able to promote in specific ways the observance of international labour standards and the application thereof in the countries concerned, and the Conference Committee was able to perform substantive work by enriching those standards with the interventions of its various groups. Moreover, the General Surveys of the Committee of Experts cast light on the prospects for the development of international labour standards. In view of the quantity of information to be processed, the extensive, high-quality work of the Committee of Experts was to be commended.
41. However, the Worker members made some suggestions with a view to improving the quality of the report. Among other things, they suggested that the observations made by the social partners, which in many cases contained information that could enrich the examination by the experts, should be reflected more widely in the report. Moreover, the Worker members were struck by the tone of the report in certain respects: some comments that had been made for a number of years had disappeared even though the problematic situation remained. The tone adopted was sometimes very mild given the seriousness of the violations described. Some comments were so short that they made the task of selection and preparation of cases difficult. Lastly, the Worker members expressed regret that numerous important elements appeared in direct requests and not in the observations of the Committee of Experts. In order to improve readability in certain cases, it was suggested that such information be reproduced in the report of the Committee of Experts.
42. The Worker members' remarks regarding the Committee of Experts' report should be taken constructively; they did not call into question the action of the Committee of Experts, in relation to which it was necessary to acknowledge a certain amount of interpretation with respect to evaluating the conformity of national legislation and the application thereof with international labour standards. Moreover, the aim of uniformity in the observations of the Committee of Experts was to help ensure legal certainty for member States and to guaranteeing a certain predictability. Lastly, the collegiate composition of the Committee of Experts, whose members originated from regions with different legal, economic and social systems, ensured balanced, independent and impartial work, thereby reinforcing the authority of the observations and recommendations made. The Worker members wished to express once again their confidence in the work of the Committee of Experts and indicated that the workload of the latter would be one of the aspects considered when evaluating and improving the working methods of the ILO supervisory mechanisms with a view to strengthening them.
43. The Worker members wished to respond to the comments of the Employer members on the treatment of the right to strike in the Committee of Experts' report. While recalling the joint position adopted by the Workers' and Employers' groups in February 2015, which was reaffirmed at the Governing Body in March 2017, and also the statement of the Government group, the Worker members reiterated that their position on the right to strike in the context of Convention No. 87 had not changed; they considered that the right to strike needed to be recognized in the context of the aforementioned Convention since that right was linked to freedom of association, which was a fundamental right and principle of the ILO. However, it had never been a question of the Worker members claiming that the right to strike was absolute; if evidence of that was required, it sufficed to consult the numerous consensual decisions adopted in that regard within the Committee on Freedom of Association.

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44. Wishing to respond to certain proposals made during the discussions, the Worker members were in favour of having a separate section in the report of the Committee of Experts concerning the individual cases dealt with by the Conference Committee in the previous year, with particular attention given to repeated cases of failure to meet obligations. Such a section would make for greater visibility and better monitoring of the action taken by member States in response to the Committee's conclusions. However, the Worker members were not in favour of the proposal to follow up and monitor cases for more than one year since this might be detrimental to the supervisory cycle. Nor were they in favour of the Employer members' proposal to publish on NORMLEX the observations sent to the Committee of Experts by any employers' or workers' organizations that wished it since this might undermine the role of the Committee of Experts. On the other hand, the Worker members considered that reproduction of the recommendations of the Committee on Freedom of Association by the Committee of Experts did not pose any problem and that the proposal that the Committee on Freedom of Association's Chairperson should present a report to the Conference Committee was interesting. Moreover, they endorsed the Employer members' proposal to publish the reports of direct contacts missions carried out at the request of the Conference Committee since that would be a source of important information in assessing progress made in cases that had been discussed by the Committee.
45. The Worker members welcomed the constructive work that had been carried out in the Committee since 2015 and they expressed the wish that, this year once again, there could be frank and constructive discussions in order to arrive, beyond any divergence of views, at consensual conclusions designed to assist member States in their efforts to honour any obligations that had not been fulfilled.

Statement by a Government member

46. The Government member of Malta, speaking on behalf of the European Union (EU) and its Member States, the Candidate Countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania, and potential candidate Bosnia and Herzegovina, as well as the Republic of Moldova, pointed out that the EU was actively engaged in the promotion of universal ratification and implementation of the core labour standards, as part of the 2015 Action Plan on Human Rights. Decent work was promoted in all relevant internal and external policies, including employment, trade, human rights and development cooperation. The speaker reiterated the strong and continued support for the ILO supervisory system. While the reporting process sometimes overburdened governments, it was essential to ensure successful monitoring of the application of international labour standards and further move towards universal ratification of ILO Conventions. He commended the fact that the Committee had been able to function in a positive and constructive atmosphere since 2015. With respect to continual improvement of its working methods, the speaker referred to the efforts under the Standards Initiative to enhance complementarity and eliminate any unnecessary overlap of procedures. While not questioning the process for the selection of individual cases, he thought that discussion of cases already dealt with under the complaint procedure established in article 26 of the ILO Constitution should be avoided as much as possible. Moreover, it could be particularly relevant to address related Conventions in the same case; in that regard, the Committee of Experts had innovated this year with such an approach. He shared the general concern at the workload of the Committee of Experts. Lastly, adopting the final list of individual cases after the Conference had already started remained very challenging for governments in terms of preparation.

Reply of the representative of the Secretary-General

47. The representative of the Secretary-General assured the Committee that all comments pertaining to the methods of work of the Committee of Experts and the relations between the supervisory bodies, would be duly communicated to the Chairperson of the Committee of Experts so that the fruitful dialogue between the two committees could continue and be further enhanced. Due note had also been taken of the suggestions made with respect to questions to be further discussed in the framework of the Standards Initiative or during the tripartite informal consultations on the working methods of the Committee.
48. Concerning the request for information on the specific measures taken to ensure fuller submission of reports and responses to previous comments, technical assistance had already been programmed and both national and regional activities on reporting would take place before the end of 2017 in several of the countries mentioned during the discussion. The number of countries which had failed to supply first reports had increased due to the complexities of the Maritime Labour Convention, 2006 (MLC, 2006). The Office was providing tailored reporting assistance in this regard and would follow up on all additional requests for technical assistance. With reference to the development assistance projects aimed among other things at improved reporting launched with the support of the European Commission, she welcomed this new area of interest for development cooperation, which the Office intended to further develop with the European Commission, the only donor at present. A number of countries had succeeded in resolving reporting difficulties this year with Office assistance, though there was still room for improvement. The reflection on long-term solutions aimed at facilitating reporting in a sustainable manner was ongoing. Options such as the optimal use of information technology would be considered in the framework of the Standards Initiative.
49. With regard to the number of reports that were not brought to the Committee of Experts' attention owing to lack of time and resources, she clarified that the dates for submission of reports under article 22 of the ILO Constitution were 1 June–1 September every year. Less than half of the reports due every year were received by the final due date of 1 September. Despite the late reception of many reports, the Office endeavoured to bring as many as possible to the attention of the Committee of Experts, in particular where the report constituted a follow-up to a case discussed at the Conference Committee or concerned the subject of a procedure before the Governing Body. It was however impossible to ensure that all of these reports were submitted to the Committee of Experts, which meant that some of them were deferred to the next year. Another reason for deferral was the need to ensure the translation of a significant number of reports into one of the Office's working languages, which was a time-consuming process. Other ways for addressing the workload of the Committee of Experts would also be considered in the framework of the Standards Initiative.
50. As to the measures taken to ensure that the information brought to the attention of the Committee of Experts was up to date, she indicated that the secretariat of the supervisory bodies routinely carried out research, using the expertise of the international labour standards specialists in the field, especially as far as legal references and national developments were concerned. Moreover, the increasing number of observations received from the social partners allowed the Committee of Experts to be well informed of the situation in ratifying countries and to obtain up-to-date and crucial information in time for its examination.
51. The representative of the Secretary-General also emphasized the Office's intention to continue enhancing capacity-building for workers' and employers' organizations, so as to ensure their effective participation in the supervisory mechanism, including in particular through collaboration with ACTRAV and ACT/EMP.

Concluding remarks

52. The Worker members expressed their appreciation of the discussions held on the respective roles of the Conference Committee and the Committee of Experts aimed at improving their functioning. The systematic references of the Committee of Experts to the conclusions adopted by the Conference Committee constituted an important development which demonstrated growing cooperation between the two pillars of the regular supervisory mechanism. However, it was essential to preserve the independence of each committee from the other. The reproduction of the mandate of the Committee of Experts in paragraph 17 of its report was welcome in that respect. Nevertheless, the two committees did not operate in isolation. The Employer and Worker spokespersons were invited to the annual meeting of the Committee of Experts and thus had the opportunity to make their observations on the work of the two committees. Such occasions appeared to be sufficient and there was no need to increase their number. Consequently, the proposal to establish regular dialogue between the supervisory bodies deserved to be discussed in more detail. In the opinion of the Worker members, any action taken by the Conference Committee should have the aim of reinforcing the effectiveness of mechanisms for supervising the application of standards while preserving the mutual independence of the bodies concerned. This was a key condition for achieving the constitutional objectives of the ILO.
53. The Employer members welcomed the ongoing close cooperation between the Conference Committee, the Committee of Experts and the Office. This dialogue should not only enable the ILO constituents to better understand their obligations under the supervisory system but also enable the Committee of Experts and the Office to grasp the practical realities and needs of the constituents. Considering the Committee's general discussion and discussion on the General Survey as evidence of tripartite ownership, they trusted that this would inform various ILO initiatives, processes and publications as well as the Office's work. The Employer members welcomed the information from the Office on concrete measures taken to ensure fuller submission of reports and responses to previous comments, and trusted that technical assistance to be provided before the end of 2017 would deliver positive results. They looked forward to continuing discussions on measures to tackle this and other issues during the next informal tripartite consultation on working methods in November 2017. Recognizing the challenge of the late submission of reports, they called on governments to make efforts in this respect. The issue of translations was, however, within the Office's control and needed to be resolved. They expressed concern that, owing to the workload, the information supplied to the Committee of Experts could be outdated by the time the latter was able to consider it. The workload of the Committee of Experts was an urgent matter and should be examined in the context of the discussion on working methods. Lastly, the Employer members affirmed their respect for the independence of the Committee of Experts but said that they were bound to express disagreement when they considered that it had exceeded its mandate.

C. Reports requested under article 19 of the Constitution

General Survey on the occupational safety and health instruments concerning the promotional framework, construction, mines and agriculture

54. The Committee discussed the General Survey carried out by the Committee of Experts on the occupational safety and health (OSH) instruments concerning the promotional framework, construction, mines and agriculture, which examines the Safety and Health in Construction Convention, 1988 (No. 167), the Safety and Health in Construction

Recommendation, 1988 (No. 175), the Safety and Health in Mines Convention, 1995 (No. 176), the Safety and Health in Mines Recommendation, 1995 (No. 183), the Safety and Health in Agriculture Convention, 2001 (No. 184), and the Safety and Health in Agriculture Recommendation, 2001 (No. 192), in the context of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197).

55. The General Survey took into account information on law and practice provided by 111 governments under article 19 of the ILO Constitution, as well as the information provided by member States which had ratified the Conventions in their reports under articles 22 and 35 of the Constitution. The General Survey also reflected the comments received from 41 workers' organizations and 17 employers' organizations pursuant to article 23 of the Constitution.
56. The representative of the Secretary-General underlined, within the context of the Standards Initiative, the direct connection between the General Survey and the Standards Review Mechanism (SRM). In that regard, she highlighted the contribution of the discussion to the work of the SRM Tripartite Working Group.
57. The Chairperson of the Committee of Experts indicated that it was the first time that any of the eight instruments had been the subject of a General Survey. He recalled that the Committee had built upon its conclusions from the 2009 General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), and its accompanying Protocol and Recommendation, as well as the discussion of that Survey by the Conference Committee. The Committee of Experts had aimed to situate its examination within the broader framework of the 2030 Development Agenda, which turned a spotlight on OSH. The General Survey highlighted the almost universal recognition of the importance of working together to promote a safe and healthy working environment. Nonetheless, the Committee of Experts had noted that major challenges remained with respect to OSH, and in that respect, emphasized the importance of prevention to overcome them and achieve progressive improvement. Lastly, it had recalled that social dialogue was at the heart of the instruments examined and a central prerequisite for successful action at both the national and enterprise levels.

General remarks on the General Survey and its topicality

58. The Committee welcomed the subject matter of the General Survey, emphasizing its timeliness and topicality and highlighting that occupational safety and health was at the core of the ILO's mandate. Both Worker and Employer members, and a number of Government members, stressed that, as recalled by the General Survey, ILO estimates indicated that 2.3 million workers died from work-related accidents or diseases and over 313 million workers suffered non-fatal occupational injuries each year.
59. The Employer members noted that the General Survey, which built on the 2009 General Survey, allowed a more complete overview of the status of implementation of the ILO standards on OSH concerned. The significant number of reports sent by constituents showed the importance of the subject. Improving safety and health at work had a positive impact on working conditions, productivity and economic and social development. The promotion of OSH and the prevention of accidents and diseases at work was a core element of the ILO's founding mission and of the Decent Work Agenda, and it featured prominently in the Sustainable Developments Goals. OSH remained one of the most vital labour issues and should be given priority in the ILO's work. Making the world of work safer was a continuous task that required constant effort and adaptation to new challenges.

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60. The Worker members noted that the General Survey offered an opportunity to consider the important issue of OSH. Every 15 seconds, a worker died from an occupational accident or disease and 149 workers were the victim of a non-fatal accident. In practice, better OSH standards were often the difference between life and death for so many workers, and it was hoped that the common will to address the numerous OSH-related fatalities and injuries was more powerful than the various practical, legal, economic and political concerns.
 61. The Government member of Malta, speaking on behalf of the EU and its Member States, indicated that the Government members of Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia aligned themselves with his statement, and recalled that the Committee's discussion was important to stimulate action to implement the 2030 Agenda for Sustainable Development and monitor progress towards achieving its targets, with particular attention to protecting labour rights and promoting safe and secure working environments for all workers under target 8.8.
 62. The Government member of Kuwait, speaking on behalf of the member States of the Gulf Cooperation Council (GCC), stated that the General Survey was comprehensive and highlighted the technical aspects required to strengthen safety and health for workers. The Government member of Colombia expressed support for the conclusions of the General Survey.
 63. The Government members of Belgium, Colombia, the Islamic Republic of Iran, Morocco Senegal and Sweden highlighted the importance placed by their Governments on keeping workplaces safe and secure. The Employer member of India highlighted that OSH was a subject on which the social partners agreed, although the approach and mechanisms might vary. The Worker member of South Africa emphasized the importance of both governments and employers taking measures to protect workers from dangerous workplace practices and the Worker member of Ghana underscored that freedom from fear of occupational injury or harm to health was at the heart of the ILO Decent Work Agenda.

Importance of the instruments covered by the General Survey: Conventions Nos 167, 176, 184 and 187 and Recommendations Nos 175, 183, 192 and 197

64. A number of members of the Committee commented on the value and relevance of the instruments covered by the General Survey.
65. The Worker members recalled that a total of 75 member States had ratified at least one of the four Conventions. They noted that Convention No. 187 and Recommendation No. 197 set out general principles on the basis of which each nation would establish its OSH policy, by setting basic rules for safe and healthy working conditions in dialogue with the social partners, taking into account national conditions and practice. Those were not detailed technical principles, but a series of essential basic principles which were the cornerstone of an effective OSH policy. Forty-one member States had ratified Convention No. 187. That was well below the ambitions declared when the standard had been adopted, when the Employers' Vice-Chairperson had expressed the hope of seeing 100 ratifications within the next five years. In addition to Convention No. 187 and its Recommendation, the General Survey covered six instruments concerning occupational safety and health in the construction, mining and agriculture sectors. Recalling the high number of occupational accidents and diseases recorded in those sectors, they emphasized that the ILO had rightly devoted particular attention to construction, mining and agriculture through the adoption of those specific standards.
66. The Employer members noted that Convention No. 187 was organized around two key objectives: the development of a preventative OSH culture and the application of a systems

approach to managing OSH. Those objectives were promoted through the implementation of three foundational concepts: a national policy, a national system and a national programme on OSH. Those concepts were the basis of a successful approach to OSH. They offered the necessary flexibility in implementing the Convention to ratifying States, whatever their level of development. The sectoral instruments, in contrast, were poorly ratified and contained detailed and technical provisions that resembled the provisions of a code of practice or a guideline. That was inconsistent with the general approach. In order for OSH policies to have impact, an integrated approach would be needed.

67. The Government member of Malta, speaking on behalf of the EU and its Member States, as well as Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, expressed support for the two key aims of Convention No. 187, the development of a preventative safety and health culture and the application of a systems approach to the management of OSH at the national level. He further highlighted the importance of the three foundational concepts of the Convention, of a national policy, a national system and, where appropriate, national programmes, as key instruments for the continuous improvement of OSH.
68. The Government member of Kuwait, speaking on behalf of the member States of the GCC, afforded great importance to Convention No. 187, as it was key to preventing shortcomings related to OSH. He also attached great importance to the instruments related to the construction, mining and agricultural sectors, and indicated that the General Survey demonstrated the importance of workers' protection in those sectors.
69. The Government member of Norway considered that Convention No. 187 was a flexible instrument, as it allowed member States a wide margin of discretion with respect to its implementation. In comparison, the sectoral OSH Conventions were more technical and detailed.

National OSH policies, laws and practices

70. A number of members of the Committee provided information concerning the situation in their own countries, including national OSH policies and other OSH initiatives as well as legislative and regulatory measures taken.

National OSH policies and OSH programmes

71. A number of Government members highlighted that national OSH policies had been adopted and other measures implemented. The Government member of Malta, speaking on behalf of the EU and its Member States, as well as Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, recalled the importance of OSH policies and referred to the EU Strategic Framework on Health and Safety at Work 2014–20. The Government member of Kuwait, speaking on behalf of the member States of the GCC, indicated that those States were working to promote national policies and programmes aimed at protecting the lives and safety of all workers, irrespective of their national or ethnic origin, in accordance with their systems and programmes. The Government member of Côte d'Ivoire indicated that, in order to achieve his Government's OSH objectives, a national policy and a national OSH programme should be finalized and adopted. He referred to the establishment of a tripartite technical advisory committee, a national observatory for occupational accidents and diseases and a national bipartite coordinating committee on OSH.
72. The Government member of Senegal indicated that a national policy to improve workplace conditions had been formulated in 1999. In 2013, national actors had undertaken a global OSH audit to assess the implementation of OSH programmes. The tripartite social partners

had prepared a national OSH plan in line with international standards, particularly Conventions Nos 155 and 187, as part of its ILO Decent Work Country Programme. The Government member of Morocco indicated that the forum for social partner consultations on OSH matters had recently created an OSH country profile, with a view to developing a national policy. South–South development cooperation on OSH was important, and her Government had recently hosted a meeting of several countries in the region to discuss national OSH systems. The Government member of the Islamic Republic of Iran referred to the implementation of a Healthy Work Environment Plan, indicating that the outcome-oriented plan had resulted in a significant reduction in dangerous incidents in the industrial, construction and mining sectors.

- 73.** The Government member of Brazil indicated that a tripartite OSH committee had been established, which promoted improvements to the national OSH system, through the establishment of mechanisms for continuous dialogue. An OSH awareness campaign was being implemented and measures had been taken to improve the handling of OSH data. The Government member of Kenya indicated that his country had adopted a coherent national policy in 2012. The policy covered all workplaces in all sectors of the economy and all forms of work. It was reviewed every five years, and was overseen by the tripartite National Council for OSH. The Government member of Sweden indicated that the work environment policy, developed in consultation with the social partners, prioritized the prevention of accidents and a zero tolerance of fatal accidents; a sustainable working life; and a sound psychosocial working environment.
- 74.** The Government member of Belgium stated that a national strategy for well-being at work for 2016–20 was being implemented, with the main strategic objective of reducing work-related accidents and occupational diseases. The Government member of Colombia referred to the formulation of the OSH plan for 2013–21 which aimed to advance worker protection within the framework of a preventative culture and to promote the formalization of informal work. Sectoral OSH committees with tripartite representation issued policies and guidelines for the protection of occupational risks at both the national and sectoral levels. The Government member of Egypt indicated that a national OSH strategy for 2013–17 was being implemented with the social partners. The strategy aimed to ensure the application of the highest OSH standards and to promote the development of an OSH culture through training, education, awareness raising and advice to employers’ and workers’ organizations.

Strengthening the legal framework for OSH and its implementation

- 75.** A number of Government members provided information on measures taken to strengthen their national legal frameworks with respect to OSH. The Government member of Côte d’Ivoire stated that significant effort had been put into developing the national OSH system equipped with tools for prevention. The Constitution stipulated that all citizens had the right to decent working conditions, and the principle had been developed through significant regulatory and institutional measures. The Government member of the Islamic Republic of Iran indicated that new OSH regulations, developed in consultation with the ILO, had been adopted, as had regulations on hazardous jobs, which set a basis for the reduction of occupational accidents and diseases. The Government member of the Republic of Korea indicated that it was planned to expand the scope of the Labour Standards Act to provide OSH protection to all workers, and not only employees. Moreover, the level of fines for OSH violations had been revised, including by reducing the scope for the mitigation of fines and the immediate imposition of fines under certain circumstances. The Government member of Brazil stated that within the previous five years, 21 revisions to OSH standards had been adopted. The Government member of Colombia indicated that a Ministerial Regulation on minimum standards had been issued. It would protect the lives and health of

over 10 million workers and would apply to over 670 thousand enterprises covered by the country's general occupational risk system.

76. Concerning the implementation of OSH legislation, a number of Government members, including Brazil and Morocco, referred to measures to improve OSH inspections. The Government member of Kuwait, speaking on behalf of the member States of the GCC, indicated that those States actively cooperated with the International Training Centre of the ILO with a view to strengthening labour inspection. The Government member of the Islamic Republic of Iran referred to the development of a systematic labour inspection approach focused on prevention and based on the analysis of occupational accident statistics.

Challenges to the implementation of the instruments

Overcoming obstacles to the provision of safe and healthy working environments

77. A number of members of the Committee highlighted certain obstacles to the provision of safe and healthy working environments, including the challenge presented by informality, global supply chains, new and emerging risks, difficulties in labour inspection, psychosocial risks and the specific support required for small and medium-sized enterprises.
78. With respect to the informal economy, the Worker member of Ghana indicated that it was difficult to exercise the right to removal from dangerous work situations in that sector. The Worker member of Colombia highlighted that that was the sector where the most accidents occurred. The Government member of Côte d'Ivoire highlighted the emergence of the informal economy beyond the control of the labour administration where workers were exposed to a number of occupational risks.
79. Turning to global supply chains, the Worker members considered that certain multinational enterprises ignored their responsibilities for the health and safety of workers throughout their supply chain. The Worker member of France highlighted the importance of enterprises ensuring the respect for OSH throughout their supply chains, which were involved in 60 to 80 per cent of global trade. While certain transnational enterprises established rules on corporate social responsibility, including on OSH issues, that was insufficient for achieving significant and tangible improvements on OSH. As highlighted during the Conference Committee discussion on decent work in global supply chains held in 2016, failures at all levels within supply chains contributed to decent work deficits in working conditions, including with respect to OSH. The Worker member of South Africa emphasized that steps must be taken towards effective standards to regulate global value chains, as in many countries multinational companies disregarded health and working standards.
80. Certain members of the Committee referred to the challenges presented by new and emerging risks as well as the opportunity of technological innovation. The Employer members recalled that Recommendation No. 197 pointed to the need for risk assessments to pay attention to new hazards and risks in the workplace. While the introduction of technical innovations could involve new risks, at the same time new technology often provided possibilities to better control or eliminate them. In that respect, the Employer member of the Islamic Republic of Iran highlighted that technological improvements contributed to the reduction of workplace deaths.
81. The Government member of Côte d'Ivoire noted that his country's recent economic growth was accompanied by technology transfer, including the introduction of new chemical substances, new machines and new working methods in most economic sectors. That contributed to job growth, but was also a significant source of occupational risks for workers who often received inadequate information. The Government member of Morocco

highlighted that in view of changes in the labour market, including rapidly changing production techniques, governments and social partners had to redouble their efforts to guarantee all workers a decent, safe and healthy working environment.

- 82.** A number of Government members, including the Government members of Morocco and Sweden, referred to the challenge presented by psychosocial risks at work. The Government member of Belgium underlined the importance of vigilance with regard to new forms of organizing work, such as temporary work and subcontracting. Belgium's national strategy aimed to raise awareness of psychosocial risks, which were a major cause of long-term absences from and incapacity for work. It was important that the issue of psychosocial risks would be addressed at the 107th Session of the International Labour Conference in June 2018 in the context of the standard-setting discussion on ending violence and harassment against women and men in the world of work. The Government member of Colombia referred to the development of an evaluation process for psychosocial risk factors which enabled enterprises to identify and address those factors in various activities and occupations.
- 83.** Certain Worker members expressed concern regarding the implementation of labour inspection in their countries. The Worker member of Switzerland expressed concern that austerity measures had meant that inspections were not being undertaken as often as required in some cantons. The Worker member of the Republic of Korea indicated that safety and health inspections were only carried out in approximately 1 per cent of workplaces. While violations were found in 90 per cent of workplaces, penalties were quite low and no penalties of imprisonment had been applied recently in cases of fatal occupational accidents.
- 84.** The Worker members recalled that consultation, in appropriate forms, was particularly necessary in small enterprises, where the highest number of work-related accidents occurred. The Employer members noted that many employers, in particular small businesses, relied on governmental support with respect to OSH training. The Government member of Belgium highlighted that small and medium-sized enterprises found it difficult to formulate prevention policies, and that employers must have the necessary means and expertise at their disposal. The Employer member of India highlighted that the construction, mining and agriculture sectors were all characterized by small enterprises. That posed a challenge in ensuring health and safety.

OSH challenges in construction, mining and agriculture

- 85.** Recalling the specific challenges in the construction, mining and agricultural sectors, the Worker members stated that the ILO was right to devote particular attention to those three sectors and to have specific standards for each of them. The Government member of Malta, speaking on behalf of the EU and its Member States, as well as Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, noted the particularly critical situation in construction, mining and agriculture and the high number of occupational accidents and diseases in those sectors, as did the Worker members of Colombia, Japan and South Africa. The Worker member of Ghana recalled the importance of the three sectors for the economy of most sub-Saharan African countries. Moreover, the Worker member of South Africa recalled that migrant workers were often engaged in those sectors, with little OSH protection and the Worker member of Colombia highlighted that informality was prevalent in those sectors.

Construction

- 86.** The Worker members indicated that the construction sector employed between 5 and 10 per cent of the working population in industrialized countries. However, it accounted for a disproportionate number of fatal accidents, and the rate of accidents had not fallen in recent

years. The Government member of Norway highlighted the specific challenges facing the construction sector. The Government member of Belgium indicated that such difficulties included poor knowledge of regulations among those working on building sites and communication problems due to differences of language. To address that, awareness-raising campaigns had been implemented by the labour inspectorate and the national action committee for safety and health in construction. The Government member of Morocco highlighted that the construction and public works sectors provided a significant number of jobs, but gave rise to considerable occupational risks. Her Government had an action plan on the prevention of occupational risks in the sector. That included a targeted campaign to monitor working conditions on building sites, an information and awareness campaign on OSH in the sector and a charter on the prevention of occupational risks in construction and public works, signed by the social partners, sectoral stakeholders and civil society representatives. The Worker member of Ghana highlighted that enforcement of legislation remained an issue in the construction sector, including with respect to the use and disposal of asbestos.

Mining

- 87.** With respect to mining, the Worker members recalled that mining remained the most dangerous occupation in the world, not only due to the long list of mining disasters, but also as a consequence of occupational diseases resulting from the particularly arduous working conditions. Moreover, they expressed concern that many countries which had ratified Convention No. 176 had not yet engaged in dialogue to formulate a coherent policy on safety and health in their national mining industry.
- 88.** The Worker member of Ghana considered that the unregulated and unsupervised small-scale mining in the informal economy had endangered the lives of mineworkers and the Worker member of South Africa called for a comprehensive audit of the extractive sector with respect to the adherence of that sector to national and international standards. The Employer member of the Islamic Republic of Iran underlined that risks were particularly acute in the mining sector, and that there had been many tragic mining accidents in recent years. A coalmining accident in her country in May 2017 had killed 43 workers and left 73 others seriously injured. Specific procedures and arrangements were required to protect workers in emergencies. While the introduction of new technologies contributed to the reduction of injury and fatality rates, the number of mining accidents was related to the proliferation of illegal mining operations and a lack of up-to-date personal protective equipment.

Agriculture

- 89.** The Worker members recalled that the sector accounted for half of all fatal work-related accidents throughout the world. They expressed concern that the sector often suffered from the absence of a coherent national OSH policy based on social dialogue. Moreover, it was a cause of deep concern that it was still necessary to negotiate with employers as to whether workers in the agricultural sector should have access to drinking water and sanitary facilities during their work, or protective measures for pregnant workers, or provide the same rights and treatment to temporary workers. A minimum level of respect for the dignity of workers in the sector was needed and social dialogue was also essential for finding solutions to the high number of work-related accidents. The exclusion of the agricultural sector, or workers in small agricultural enterprises, from certain forms of national or sectoral OSH dialogue was a very serious problem. In that respect, the Worker member of Switzerland expressed concern that in his country, agricultural workers, along with certain other categories of workers, were excluded from the OSH protections of the Labour Act.

Common commitments on OSH

Preventative approach to OSH

- 90.** The Employer members recalled that a preventative safety and health culture was one in which the right to a safe and healthy working environment was respected at all levels, and where the principle of prevention was accorded the highest priority. Promoting high levels of safety and health at work was the responsibility of society as a whole. Occupational safety and health should not just be a priority but a fundamental value in national agendas and a national OSH culture should be built and maintained. In line with that, OSH should be part of general education and be promoted outside the workplace. Certain good examples of promotional OSH activities were cited in the General Survey, including the use of social media and OSH awards. OSH was about well-being, and that required active participation. The General Survey highlighted that another crucial element for the development of an OSH culture was the promotion of the assessment of occupational risks and hazards. While conducting risk assessments was a central pillar of OSH management in companies, it was important that assessment work in practice to ensure that businesses are able to protect their workers in a cost-effective way proportionate to the specific risks at their workplace. The focus should be on result-oriented measures that were appropriate for a workplace and using risks assessment as a tool for appropriate prevention measures at the workplace.
- 91.** The Worker members from Japan and Ghana, as well as the Government member of the Islamic Republic of Iran, emphasized the importance of accident prevention. The Government members of Colombia, Egypt, Morocco and Sweden emphasized the importance of the preventative approach to OSH, including the development of a preventative safety and health culture. The Government member of Belgium highlighted measures taken to pursue a policy of prevention, including the development of an online interactive risk-assessment tool for businesses to carry out fast and effective risk analysis and determine the necessary prevention measures. The Government member of the Islamic Republic of Iran stated that risk-assessment management had been promoted, with the cooperation of employers, and that training on self-inspection had been provided.
- 92.** A number of members of the Committee highlighted the importance of training and awareness raising in developing a culture of prevention. The Employer members recalled that the General Survey underlined education and training as a major contributor to the promotion of an OSH culture and thus an important component of a national OSH system. Continuous OSH training for both workers and employers was important in that respect. The Government member of Colombia indicated that a strategy had been developed to promote safety and health from school onwards to contribute to the development of a preventative culture. The Employer member of India recalled the importance of education and awareness-raising programmes on OSH as well as training and advice for both employers and workers. Technical training programmes should include modules on OSH in their curricula. The Worker member of Japan considered that OSH training, conducted jointly by the social partners, could contribute to accident prevention.

Pivotal role of social dialogue

- 93.** The Government members of Sweden and Egypt underlined that social dialogue was an essential condition for OSH. The Government member of Malta, speaking on behalf of the EU and its Member States, as well as Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, recalled the importance of dialogue in achieving progressive OSH achievement and expressed full support for the Committee of Experts' view that the national process, with full participation of the social partners, remained the crucial engine for improving the national OSH situation and creating safe and healthy working environments.

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- 94.** The Worker members noted that, in the General Survey, several organizations had reported practical difficulties and limited opportunities and facilities for national tripartite dialogue on OSH, including a lack of resources, the suspension of activities and an absence of support. Economic problems were a poor excuse for the dismantling of national OSH policies. In that respect, they recalled that the General Survey had emphasized the importance and the major contribution made by collective agreements in the field of OSH.
- 95.** The Employer member of India recalled the importance of consultation with industry and employers in developing safety standards. The Worker member of Japan highlighted the importance of social dialogue, and that the absence of such dialogue contributed to accidents. The Worker member of Colombia stressed that OSH policy should be formulated in collaboration with employers' and workers' organizations. The Worker member of Ghana pointed to the need to develop robust and responsive tripartite mechanisms that ensured the prevention and remedying of OSH issues, including in the mining, construction and agriculture sectors.

Participation and cooperation at the level of the undertaking

- 96.** The Worker members fully supported the finding by the Committee of Experts that the participation of workers in OSH matters was a fundamental and integral element for achieving safer and healthier workplaces. The right of participation needed to be guaranteed through the establishment of procedures. A strong trade union presence at the workplace was often the best guarantee of OSH. The General Survey showed that it was not unusual for that right to be undervalued during consultations on OSH issues. Major categories of workers were not able to participate in such dialogue, nor to select their representatives in a democratic manner, including in industrialized countries. The situation was difficult for precarious workers and often training or facilities were not provided for temporary workers or workers' representatives. The Committee of Experts rightly emphasized that the right of workers to designate their representatives for such consultations was essential for the establishment of an adequate OSH policy at the workplace.
- 97.** The Employer members agreed with the Committee of Experts that effective OSH management required close cooperation among all those having responsibilities and expertise. Arrangements for cooperation, however, had to take into account the size of the enterprise and the nature of its operations. For that reason, the Conventions rightly did not require particular forms of cooperation. Enterprises must have the necessary flexibility to develop effective forms of OSH cooperation that were suited to their situation, non-bureaucratic and affordable. For example, the establishment of joint OSH committees might be an appropriate form of participation in big enterprises, but would exceed the resources of small enterprises. The Employer members emphasized the need for coordination and cooperation between different parties in the workplace and stated that good practices should be encouraged in that respect.
- 98.** The Government member of Kenya stated that the establishment of workplace safety and health committees, with equal representation from management and workers, was mandatory for workplaces with more than 20 employees, and that training was mandatory for members of such committees. An observer representing IndustriALL Global Union recalled the importance of a worker's right to participate fully in the development and implementation of OSH policies and procedures, including risk assessments. That required effective joint health and safety committees and workers' representatives selected freely by workers themselves. The Worker member of the Republic of Korea highlighted that subcontracted workers could not join or be represented by OSH committees at their workplace. Moreover, she indicated that the role of trade unions in OSH should be strengthened.

Rights and duties of workers

- 99.** The Employer members recalled that a safety and health culture was one in which government, employers and workers actively participated in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties. They acknowledged the importance of a worker's right to a safe and healthy working environment, but considered that there was a close link between workers' rights and duties with respect to OSH. In that respect, the General Survey provided relatively little substantial information on the law and practice on workers' duties, and as close cooperation between workers and employers was important for effective OSH management, closer examination of that was required. The principle of accountability should apply to all that have OSH responsibilities and duties, including workers.
- 100.** The Worker members considered that the right of workers to remove themselves from the workplace in the event of serious and imminent danger to their safety and health remained a matter of concern. It was unacceptable for that right to be impeded or to be dependent on preliminary procedures. Several governments had indicated that that right was not set out in national law, in breach of the requirements of the three sectoral Conventions. The frequent absence of the provision of personal protective equipment and clothing to workers was also of concern. Temporary or precarious workers should also be fully entitled to such measures.
- 101.** With respect to the implementation of workers' rights in practice, the Worker member of Japan highlighted the importance of the right of workers to remove themselves from situations of danger, and referred to the Rana Plaza disaster in that respect. The Worker member of the Republic of Korea indicated that lawsuits had been filed in her country related to the exercise of the right to refuse hazardous work as stipulated in collective bargaining agreements. The Worker member of Ghana indicated that while national legislation allowed workers to remove themselves from unsafe working environments, that right was difficult to exercise in practice.

Employers' responsibilities with respect to OSH

- 102.** The Employer members acknowledged that employers bore the main responsibility in ensuring OSH at the workplace, as reflected in the respective Conventions. They noted that where several employers were involved it was indeed important that the respective duties were clearly and fairly assigned among them. In this context, the Employer members referred to paragraph 269 of the General Survey, where it was stated that "the high use of subcontracting can have a significant impact in terms of the fragmentation of employers' responsibilities to ensure the safety and health of workers" and the fact that reference was also made to a study in connection with a major accident in the mining industry in an ILO member State, which found "that the establishment of subcontracting relationships was a mechanism that appeared to be particularly prone to abuse" and that "it was frequently used as a mechanism to grant worse labour conditions". The Employer members questioned whether the study intended to suggest discouraging subcontracting as a remedy to improve OSH and considered the references as clearly overstating the case. The Employer members expressed the view that while the existence of subcontracting arrangements might make OSH management more challenging, it did not hinder it, highlighting the fact that nobody would discourage the setting up of small businesses only because formal OSH management in small enterprises was more difficult than in big enterprises. The Employer members stated that a substandard OSH performance should not be confused with other bad labour conditions as different remedies might be required.
- 103.** The Worker member of the Republic of Korea highlighted that the proliferation of the outsourcing of hazardous work had resulted in a rising number of fatal occupational accidents among subcontracted workers.

104. The Government member of Côte d'Ivoire highlighted that under the Labour Code, employers were required to take measures to protect workers from occupational accidents and diseases, and to provide health and safety training for new workers, as well as following legislative or regulatory changes. The Government member of Kenya indicated that employers' responsibilities were established in national legislation, and those applied equally to contractors and subcontractors. The Government member of the Republic of Korea stated that national legislation provided that where workers of the principal contractor and its subcontractor worked together in the same workplace, the principal contractor was required to take action to protect the subcontractor's workers from industrial accidents, and that violations could be punished. A new bill had been developed to expand the scope of principal contractors' safety and health responsibilities with the aim of reducing accident rates for subcontracted workers. Principal contractors were required to provide appropriate information on hazardous work to subcontractors, and the Government supported cooperation between principal contractors and subcontractors.

Importance of OSH statistics and systems for the notification and recording of occupational accidents and diseases

105. The Employer members concurred with the General Survey on the need for collecting and analysing relevant and accurate data. That was necessary for various purposes, in particular for prioritizing action and economic sectors; for defining realistic objectives, including indicators of progress; for measuring progress and the effectiveness of measures taken; and for assisting enterprises in their efforts to prevent work-related accidents and diseases. While the collection of data posed a challenge for many national statistical systems, as stated in paragraph 161 of the General Survey, it was a necessary precondition for the proper implementation of the Conventions. One method of data collection, referred to in the sectoral OSH instruments, was the recording and notification of occupational accidents and diseases. The General Survey, in paragraph 175, reported allegations by trade unions regarding non-compliance with recording and notification obligations by employers. While agreeing that accident and disease reporting and notification by employers was an important source of OSH information, it was important that those indications on non-compliance, in the absence of official confirmation, be clearly marked as allegations. Nonetheless, the Employer members agreed with the recommendation of the Committee of Experts in paragraph 176 that the causes of under-reporting needed to be examined and, on the basis of the outcome of the examination, proactive measures to address the difficulties should be identified. Such difficulties might include misreporting, due to the reporting of private accidents as work-related accidents and a lack of knowledge of the reporting system.

106. The Worker members noted that the General Survey had stressed several problems which resulted in significant under-reporting of occupational accidents and cases of occupational disease. They supported the call made by the Committee of Experts for governments to establish an effective and robust system for the reporting of employment accidents and occupational diseases, in consultation with the social partners. Such measurement was essential for the implementation of an effective policy. It was a concern that difficulties were still frequently observed even in the most industrialized countries.

107. The Government member of Malta, speaking on behalf of the EU and its Member States, as well as Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, expressed concern about the difficulties in the collection and analysis of OSH data and joined the Committee of Experts in recalling the fundamental importance of reliable statistical information on OSH.

108. The Employer member of India indicated that while accidents are reflected in OSH statistics, occupational diseases caused by prolonged exposure to hazardous working conditions often went unnoticed. The Worker member of the Republic of Korea stated that official

occupational accident statistics underestimated the number of accidents, and that there was a lack of statistical information regarding fatal industrial accidents in disguised employment relationships. Workers, particularly precarious workers, had been pressured not to report accidents or apply for compensation, or to report accidents as non-work related. The Government member of the Republic of Korea stated that certain estimates of occupational accidents included non-occupational accidents, as well as accidents among the self-employed and that therefore the Government's official occupational accident figures were more reliable.

Mechanisms for achieving compliance

- 109.** The Worker members stressed that while a good legislative framework was important, effective monitoring mechanisms to ensure compliance and, where necessary, impose penalties in the event of serious violations, were essential. Such mechanisms were in the interest of honest employers who otherwise would suffer from unfair competition from those who engaged in unscrupulous practices. The Committee of Experts had noted that the lack of human and material resources for inspection services was a recurrent problem in all regions of the world. In that respect, the role of the public authorities was fundamental. Private inspection initiatives and ISO standards could not effectively replace the role of labour inspection. The allocation of adequate human and material resources, the imposition of robust and dissuasive penalties in the event of violations, the availability of adequate training for inspectors, as well as access to all workplaces without prior authorization, were all minimum fundamental prerequisites for an effective OSH policy. The Worker members therefore fully supported the appeal by the Committee of Experts for governments to ensure that the necessary skills, resources and personnel were made available so as to ensure effective labour inspection.
- 110.** The Employer members noted that the lack of human and material resources continued to be a major problem for labour inspection. Strategic approaches to the planning of labour inspection were necessary, including the examples in paragraphs 440 and 441 of the General Survey. Effective and efficient enforcement was not only about resources, but the quality of the inspection, the skills and capacities of inspectors, and the methods used, including the use of big data in the planning of inspection. Moreover, while penalties were a vital component of OSH compliance management, they were one of many elements. It was not appropriate that the General Survey first dealt at length with penalties and prioritized a repressive approach, and then subsequently dealt with preventive action such as guidance, advice and information.
- 111.** The Government member of Malta, speaking on behalf of the EU and its Member States, as well as Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, stated that focus should be given to practical implementation and enforcement of OSH provisions at all levels, and highlighted the important role of labour inspection in the progressive achievement of a safe and healthy working environment. The Government member of Belgium underlined the importance of strengthening labour inspection and the Government member of Sweden underlined that substantial resources had been allocated to recruit and train new occupational health and safety inspectors.
- 112.** The Employer member of India indicated that the emphasis on the role of the inspectorate and the need for higher resources should be understood in light of the need for greater education, awareness raising and capacity building, and not as an increase in inspections and prosecutions. The Employer member of the Islamic Republic of Iran indicated that member States needed to strengthen their regulatory effectiveness with respect to OSH, including through the promotion of cooperation and coordination among regulatory bodies.

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- 113.** The Worker member of South Africa called for the development of the capacity of the inspectorate in the three sectors covered by the General Survey. The Worker member of Ghana considered that governments had an obligation to ensure adequate resources for regulatory mechanisms that promote OSH, and that immediate attention must be paid to building the capacity of labour inspection institutions. An observer representing IndustriALL Global Union stated that private compliance initiatives were not effective.

Broad recognition of the economic cost of dangerous and unhealthy working conditions

- 114.** The Employer members highlighted that the General Survey rightly pointed to, in addition to the tremendous human cost, the significant economic impact of insufficient OSH measures by lost working time, interruptions in production, treatment of occupational injuries and diseases, rehabilitation and compensation. The Worker members highlighted the devastating effect of occupational accidents and diseases and considered that enforcement mechanisms were necessary to ensure that those who ignored safety standards would not gain a temporary financial advantage. The Government member of Malta, speaking on behalf of the EU and its Member States, as well as Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, indicated that effective OSH policies not only contributed to safeguarding workers' lives and health, but also played a vital role in increasing the competitiveness and productivity of enterprises, in facilitating the establishment of a level playing field and in contributing to the sustainability of social protection systems. Moreover, the Government member of Belgium considered that dangerous and unhealthy working conditions led to reduced productivity and to bankruptcies, redundancies and closures and that it constituted a form of unfair competition among enterprises. The Government member of the Islamic Republic of Iran recalled that, while workers' lives could not be measured in economic terms, the average losses and costs incurred due to occupational accidents and diseases amounted to between 5 and 7 per cent of GDP in industrial countries, and up to 12 per cent of the GDP in certain others. Reducing this loss, through effective government policies, sensitization of employers and training of workers, could contribute to job creation and poverty reduction. In addition, the Employer member of the Islamic Republic of Iran stated that high standards for health and safety practices paid for themselves, in helping businesses avoid staff illnesses, accidents and the associated cost. High standards also had reputational value with respect to customers, regulators and employees.

Recent ratifications and future prospects

- 115.** The Worker members supported efforts to promote ratification of all the Conventions covered by the General Survey. They encouraged all member States who had doubts as to the conformity of their national legislation with the Conventions to request technical assistance from the Office with a view to examining the possibility of ratification.
- 116.** The Employer members stated that the promotion of the ratification of Convention No. 187 constituted a good starting point. The sectoral instruments covered by the General Survey had been poorly ratified and that, in light of the difficulties identified, there seemed to be no real enthusiasm for their future ratification. In addition, the Employer members expressed concern over the regional divide in ratifications, in particular between Europe and the Asia and the Pacific region. That raised questions on the existing perceptions of the role and the benefits of ratification of ILO OSH Conventions, in particular sectoral instruments. Furthermore, the Employer members noted that, as regards the Safety Provisions (Building) Convention, 1937 (No. 62), none of the member States that had submitted a report for the General Survey had indicated the intention to ratify the more up-to-date Convention No. 167 or to denounce Convention No. 62. The Employer members considered the unwillingness to engage with more modern instruments as an unhelpful approach.

117. The Government member of Sweden encouraged member States to ratify the instruments concerned. The Government member of Norway indicated that her Government had recently ratified Convention No. 187. The ratification process had been quite time consuming, as a thorough assessment had been necessary in order to understand and clarify the implications of the Convention, which was flexible enough to leave to ratifying countries a wide margin of discretion. The Government member of Côte d'Ivoire recalled that his Government had ratified several OSH Conventions in 2016, including Conventions Nos 155, 161 and 187. The Government member of Belgium indicated that her country was about to ratify Convention No. 187, while the three sectoral Conventions had already been ratified. The Government member of Morocco indicated that, while Morocco had already ratified Convention No. 176, the ratification of Convention No. 187 was in its final stage, namely the deposit of the instrument of ratification at the ILO.

118. The Worker member of Ghana indicated that the ratification of the Conventions covered in the General Survey would be promoted within the existing national tripartite framework. The Worker member of Switzerland expressed the hope that Switzerland would ratify the Conventions. The Worker member of the Republic of Korea indicated that the Republic of Korea had ratified a number of OSH Conventions, including Convention No. 187, but not the sectoral Conventions and she emphasized the importance of doing so.

Possible ILO action

119. The members of the Committee indicated possible action that the ILO could take in follow-up to the General Survey.

1. Standards-related action

120. The Worker members considered that it was not necessary to devote time and resources to the development of a consolidated instrument to replace the current standards. The existing instruments offered sufficient flexibility and clarity, and already made it possible to take specific national situations fully into account. As indicated by the tripartite consensus in 2015 during the Global Dialogue Forum on Good Practices and Challenges in Promoting Decent Work in Construction and Infrastructure Projects, it was much more necessary to organize a robust campaign to encourage more countries to ratify the four Conventions.

121. The Employer members noted the suggestions by certain governments in the General Survey for consolidation of existing standards. There were 18 up-to-date OSH Conventions, and the focus on four Conventions in the General Survey was not a sufficient basis to examine the broader context of that important issue. The existing sectoral OSH Conventions were unduly detailed. Looking forward, the Employer members would promote the idea of a single and coherent framework Convention combining elements from both Conventions Nos 155 and 187. Relevant Conventions, including those in the General Survey, could be drawn from to produce a schedule-based approach that would allow for easier implementation and ratification, as well as amendment as necessary in the sectors covered. A comprehensive approach to OSH was needed, as the current discussion did not include important sectors which had a high number of accidents, such as forestry and fishing. That had been done before, as the MLC, 2006, had amalgamated, coordinated and restructured the entire approach to the maritime labour industry. In that respect, the Governing Body should be asked to examine the ways and means, perhaps using the SRM, of examining all of those issues in a comprehensive manner.

122. The Government member of Norway, noting that the sectoral Conventions were technical and detailed and that the OSH instruments suffered from low rates of ratification, stated that there should be an examination of whether a revision of the instruments was needed in order to achieve their full potential. The SRM could be an appropriate occasion for that. In

addition, the Government member of Sweden looked forward to the work of the SRM TWG in the field of occupational safety and health.

2. Development cooperation and technical assistance

- 123.** The Worker members encouraged the ILO to launch an urgent, large-scale and intensive campaign to promote the ratification and effective implementation of the Conventions covered by the General Survey and to provide legal clarifications, technical assistance and training as necessary. A proactive role for the Office was also necessary to more effectively inform member States concerning the flexibility offered by the instruments for their adaptation to specific national circumstances.
- 124.** The Employer members supported the promotion of ratification and implementation of Convention No. 187, a modern and flexible instrument. However, they did not support a ratification and implementation campaign of the sectoral Conventions.
- 125.** The Worker members noted that a large number of countries had already received technical assistance and support, including for the development and formulation of their national OSH policies. The ILO needed to strengthen its technical assistance, including in the fields of capacity building and policy-making. The Worker members hoped that the Office would respond rapidly to the requests for assistance and support.
- 126.** In view of the numerous requests for technical assistance and advice on law and practice on OSH, as well as capacity-building on OSH for the social partners, the Employer members considered that the ILO should increase the assistance it provided on OSH and shift a greater share of its available resources for technical cooperation to that area. The ILO should step up its technical assistance to member States on OSH, in particular on making risk assessments and on focusing limited labour inspection resources on high-risk sectors. It should continue to provide assistance to member States in need with respect to the collection of OSH data, and develop relevant tools and guidance materials, including for the validation of data to ensure the necessary quality of the statistical information. The ILO should also help build the capacity of employers' and workers' organizations on OSH. Those organizations played an indispensable role in the promotion of an OSH culture, and the implementation of OSH systems and OSH programmes. Noting the occupational mortality rates, they concurred that OSH measures required coordinated action. In that respect, the Employer members highlighted that an integrated approach would be needed in order for OSH policies to have impact.
- 127.** The Government member of Malta, speaking on behalf of the EU and its Member States, as well as Bosnia and Herzegovina, Georgia, Republic of Moldova, Montenegro, Serbia and the former Yugoslav Republic of Macedonia, indicated that practical tools, guides and best practices to assist micro-, small and medium-sized enterprises to perform quality risk assessments were needed to improve OSH performance. Recognizing that the ILO had already provided relevant recommendations, valuable consultations and ongoing technical cooperation with a view to creating a healthy and safe working environment, the Government member of the Islamic Republic of Iran invited the ILO to conduct capacity-building activities, such as trainings and workshops, on a regular basis and in various countries in order to share lessons learned with a view to preventing occupational accidents. The Government member of Egypt welcomed the continued cooperation with the ILO to build the capacity of the social partners in the area of OSH, while the Government member of Kenya requested ILO technical assistance with a view to addressing gaps in law and in practice in the implementation and enforcement of the Conventions ratified.
- 128.** The Worker member of Ghana called on the ILO to promote ratification of OSH standards among member States, while ILO regional offices should provide technical assistance with

a view to the implementation of such standards. An observer representing IndustriALL Global Union emphasized that ratification of Convention No. 176 was proceeding too slowly and encouraged the ILO to promote ratification and implementation of ILO OSH standards, and pay further attention to the collection of data on occupational accidents. The Worker member of Japan called on the ILO to conduct capacity building and trainings on OSH for employers and workers jointly.

- 129.** The Employer member of the Islamic Republic of Iran called on the ILO to provide technical assistance and support with a view to helping her country consider the possibility to ratify ILO instruments on OSH, developing awareness-raising activities in relation to the requirements of the OSH instruments covered by the General Survey, and building capacities at the national level on the implementation of OSH measures. In that respect, the ILO should expand and increase the current programmes to assist member States, targeting in particular certain technical areas and specific countries, in developing and improving their national infrastructure, including legislative and regulatory frameworks for OSH.

Concluding remarks

- 130.** The Worker members encouraged the ILO to launch an urgent and intensive campaign to promote the ratification and effective application of the instruments covered by the General Survey and to provide legal explanations, technical assistance and training thereon, as needed. They encouraged all member States who had doubts as to the conformity of their national legislation with the Conventions to request technical assistance from the Office with a view to examining the possibility of ratification or implementation. A proactive role for the Office was also necessary to more effectively inform member States concerning the flexibility offered by the instruments for their adaptation to specific national circumstances.
- 131.** The Worker members reiterated their concern that many countries that had ratified Conventions Nos 176 and 184 had not yet formulated a coherent national policy on OSH in those sectors, in consultation with workers' and employers' organizations. Moreover, several organizations had reported in the General Survey practical difficulties and limited opportunities for national consultations on OSH. In that respect, the General Survey had underlined the importance and significant contribution of collective agreements in the area of OSH. In addition, the establishment of an effective and robust system for the recording of occupational accidents and diseases, in consultation with the social partners, was essential for the formulation of an effective national policy on OSH. In that respect, the difficulties arising frequently in the most industrialized countries were worrying. Labour inspection was fundamental for ensuring compliance with national laws and regulations, and private compliance initiatives were not an appropriate replacement. An effective OSH policy required the allocation of adequate human and material resources, the imposition of robust and dissuasive penalties in the event of violations, the availability of adequate training for inspectors, as well as access to all workplaces without prior authorization. The Worker members reiterated that governments should ensure that the necessary skills, resources and personnel were made available so as to ensure effective labour inspection.
- 132.** With regard to standard-setting activities, time and resources did not need to be devoted to the development of a consolidated instrument to replace the current standards, as the existing instruments offered sufficient flexibility and clarity, and already permitted the taking into account of national circumstances. The sectoral Conventions and Recommendations should be maintained. The need for that was unfortunately illustrated in the statistics on occupational accidents and diseases: mining remained the most dangerous occupation in the world; the agricultural sector accounted for half of fatal workplace accidents worldwide; and the construction sector still recorded a disproportionate number of fatal accidents. In light of that reality, specific Conventions for those sectors had been drafted to translate the general

principles set out in Convention No. 155 into more specific directives adapted to those sectors. That approach remained valid today.

- 133.** The Employer members underlined that there was consensus that improving safety and health at work had a positive impact on working conditions, productivity, and economic and social development. The promotion of OSH and the prevention of occupational accidents and diseases were a core element of the ILO's founding mission and of the Decent Work Agenda. Additionally, promoting safe and secure working environments for all workers featured prominently in the Sustainable Development Agenda. OSH was a global concern and a priority for ILO constituents and should be given clear priority in the ILO's activities, including standards-related activities. The ILO should increase its technical assistance on OSH to member States, in particular on collecting data, on making risk assessments and on focusing limited labour inspection resources on high-risk sectors.
- 134.** The Employer members stressed that a preventative approach on OSH should always be given priority over penalties and other repressive approaches. To that end, the ILO should also help build the capacity of employers' and workers' organizations on OSH, as these organizations played an indispensable role in the promotion of a preventative culture on OSH, the proper functioning of OSH systems and the implementation of OSH programmes. Effective and efficient cooperation between employers and workers was needed and participation mechanisms had to be adapted to small and medium-sized enterprises. For the effective management of OSH in the workplace, both employers and workers had to live up to their duties and responsibilities, while regulations had to be simple and clear and institutions had to be not unduly bureaucratic.
- 135.** While stressing that the effectiveness of national strategies and programmes depended on their tripartite ownership, the Employer members supported the promotion of the ratification and implementation of Convention No. 187, a modern and flexible instrument. On the other hand, considering that Conventions Nos 167, 176 and 184 did not seem to have been embraced by constituents, they did not support a ratification and implementation campaign. The Employer members considered that OSH had to be analysed in a comprehensive way. In that regard, they highlighted that other hazardous sectors, including fishing and forestry, should not be overlooked, and that the focus should not only be on safety, but on health and disease prevention. The tripartite discussions in the context of the SRM provided an opportunity to discuss the possibility to consolidate ILO standards on OSH in order to ensure their continued relevance to the world of work. In the midterm, pending consolidation, reporting and supervision of OSH Conventions should be focused on a few crucial provisions.

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- 136.** The representative of the Secretary-General highlighted that both the General Survey and the views expressed during its discussion would inform the review of 19 OSH instruments (general provisions and specific risks) by the SRM TWG at its meeting in September 2017. The discussion would also inform various ILO initiatives concerning OSH, and notably the flagship programme entitled "Occupational Safety and Health Global Action for Prevention". In that respect, she took due note of the suggestions made by various members of the Committee concerning technical assistance on OSH and she indicated that those would be brought to the attention of the colleagues from the technical department concerned, who had collaborated closely in the preparation and follow-up on the General Survey. The discussion raised important points that could inform the International Labour Conference discussions next year concerning effective ILO development cooperation in support of the Sustainable Development Goals, as well as the standard-setting discussion on violence and harassment against women and men in the world of work.

Outcome of the discussion of the General Survey on the occupational safety and health instruments concerning the promotional framework, construction, mining and agriculture

- 137.** The Committee examined the draft outcome of its discussion of the General Survey on the occupational safety and health instruments concerning the promotional framework, construction, mines and agriculture.
- 138.** The Committee approved the outcome of its discussion, which is reproduced below.

Introduction

1. The Committee welcomed the opportunity, in its examination of the General Survey on the Safety and Health in Construction Convention, 1988 (No. 167), the Safety and Health in Construction Recommendation, 1988 (No. 175), the Safety and Health in Mines Convention, 1995 (No. 176), the Safety and Health in Mines Recommendation, 1995 (No. 183), the Safety and Health in Agriculture Convention, 2001 (No. 184), and the Safety and Health in Agriculture Recommendation, 2001 (No. 192), in the context of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), to discuss the vital issue of occupational safety and health (OSH).

2. It recalled that the promotion of a safe and healthy working environment for all was a core element of the ILO's founding mission, reflected in the ILO Constitution and reaffirmed in the 1944 Declaration of Philadelphia, and constituted a key component of the Decent Work Agenda. Moreover, the Committee recalled the opportunity provided by the 2030 Agenda for Sustainable Development and in particular, Sustainable Development Goal 8 and target 8.8.

3. The Committee reaffirmed its commitment to protecting workers from occupational accidents and diseases and called for a reinvigoration of efforts in that respect.

4. The Committee's discussion of this year's General Survey, together with the outcome of this discussion and the General Survey itself, will inform other ILO work, particularly in the context of outcome 7 of the Programme and Budget 2018–19 on promoting safe work and workplace compliance including in global supply chains.

Needs of member States and reality on the ground

5. The Committee noted the tremendous human cost of poor OSH and expressed grave concern with respect to the estimated 2.3 million workers who die from work-related accidents or diseases and the over 313 million workers who suffer non-fatal occupational injuries each year. It further noted that the construction, mining and agriculture sectors remained sectors that faced considerable OSH challenges, and recalled the specificities of those sectors. The Committee recalled the specific challenges faced by small and medium-sized enterprises (SMEs) and the support that these enterprises required. It further emphasized the need to promote OSH in global supply chains.

6. The Committee noted the difficulties faced in numerous member States with regard to the collection of accurate and comprehensive OSH data, and it recalled the importance of such information for measuring the impact of measures taken and for determining areas for future action.

Common commitments

7. The Committee welcomed the common commitment among the tripartite constituents for the prevention of occupational accidents and diseases. Improving OSH had a positive impact on working conditions, productivity, and economic and social development. It stressed that social dialogue was invaluable to the effective promotion of OSH.

8. A preventative approach to OSH was essential, involving awareness raising, consultation, participation, information, advice and training for both workers and employers. Building and maintaining a national preventative safety and health culture was indispensable, which required tripartite engagement in securing a safe and healthy working environment

through a system of defined rights, responsibilities and duties. In this respect, workers' and employers' organizations played a key role in the development and promotion of an OSH culture.

9. The Committee recalled the essential role of national OSH policies and programmes, developed in consultation with the social partners and adapted to national realities, in achieving progressive and sustained improvement towards ensuring safe and secure working environments. It further stressed the importance of improving the application of OSH legal frameworks. It highlighted the importance of ensuring that labour inspectorates are provided with adequate human and material resources, as well as the utility of strategic approaches to the planning of labour inspection.

ILO means of action

1. Standards-related action

10. Recognizing the importance of the promotional framework for occupational safety and health, the Committee considered that the Office should undertake a campaign for the ratification and implementation of Convention No. 187. This should highlight the flexibility of the instrument with a view to its adaptation to specific national circumstances.

11. The Committee noted that the General Survey, and its discussion, could contribute to the work of the Standards Review Mechanism Tripartite Working Group, particularly its consideration of standards policy with a view to ensuring institutional coherence on OSH.

2. Development cooperation and technical assistance

12. Acknowledging the references by a number of member States to the need for technical assistance in relation to the instruments, the Committee considered that the Office should, in light of the importance of accurate OSH data, enhance its collection of OSH statistics and provide technical assistance to member States in that respect to enable measuring progress and determining future priority action. This could include assistance concerning the strengthening, in consultation with the social partners, of systems on the reporting and registration of occupational accidents and cases of occupational disease.

13. The Office should strengthen its activities with regard to providing training and capacity building for workers' and employers' organizations to enable the social partners to participate fully in the development of a preventative safety and health culture. Moreover, it should provide assistance to those countries that have ratified one or more of the Conventions covered by the survey (Conventions Nos 167, 176, 184 and 187) with respect to their implementation. In its ongoing development cooperation activities, the Office should also pay particular attention to: building national capacities related to risk assessments at the workplace, training on the strategic approach to labour inspection, ensuring safe and secure working conditions throughout global supply chains, and the special OSH needs of SMEs.

14. The Committee expected the Office to undertake the technical support requested by member States and reinforce its technical assistance on OSH.

* * *

15. The Committee requested the Office to take into account the General Survey on occupational safety and health and the outcome of its discussion of the General Survey, as reflected above, in relevant ILO work, particularly in the context of outcome 7 of the Programme and Budget for 2018–19.

D. Compliance with specific obligations

1. Cases of serious failure by member States to respect their reporting and other standards-related obligations

139. During a dedicated sitting, the Committee examined the cases of serious failure by member States to respect their reporting and other standards-related obligations.⁵ As explained in document C.App./D.1, Part V, the following criteria are applied: failure to supply the reports due for the past two years or more on the application of ratified Conventions, failure to supply first reports on the application of ratified Conventions for at least two years, failure to supply information in reply to all or most of the comments made by the Committee of Experts, failure to supply the reports due for the past five years on unratified Conventions and Recommendations, failure to submit the instruments adopted for at least seven sessions to the competent authorities, and failure during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the Office under articles 19 and 22 have been communicated. The Chairperson explained the working methods of the Committee for the discussion of these cases.

140. The Employer members recalled that the functioning of the ILO supervisory system was based primarily on the information provided by governments in their reports. Compliance with reporting obligations was crucial for an appropriate and effective supervision of ILO standards. Member States had an obligation to supply copies of their reports to the representative employers' and workers' organizations. Compliance with this obligation was also key for the implementation of tripartism at the national level. Noting with concern the information on the number of reports requested, received, and received by 1 September, and also on first reports not received, as well as the general fact that the number of cases of serious failure to report had increased since the previous year, the Employer members considered that reporting failures had to be addressed in a more suitable way. The ILO supervisory system could not function without such reports being submitted regularly. The Committee of Experts and the Office should provide information on the concrete measures taken to assist these countries with their reporting obligations, and this question should be placed on the agenda for the next informal tripartite consultations on the working methods of the Conference Committee. Regarding preventive measures, the Office should better assist member States in the pre-ratification process, particularly by advising them of the related reporting obligations and the need to make available the necessary resources. As a pilot test, a unified report form for Conventions covering related subjects might be envisaged. The Employer members wondered how many reports were not brought to the attention of the Committee of Experts because of a lack of time or resources, and what concrete measures were being considered to avoid examining reports with outdated information. It was necessary to focus reporting on essential regulatory issues covered by ILO Conventions and to consider concentration, consolidation and simplification of the supervisory mechanisms as a sustainable way forward. With respect to the participation of the social partners in the supervisory system, there were still cases where governments failed to share their reports with the social partners. The Office should do more to encourage governments to respect this obligation.

141. The Worker members emphasized that the fulfilment of constitutional obligations remained the basis of the ILO supervisory system. Governance of the system was based on the

⁵ Detailed information on the examination of these cases is contained in section A of Part Two of this report.

requirement for member States to comply with articles 22 and 35 of the ILO Constitution. Cases of serious failure needed to be examined closely, particularly in relation to ratified Conventions. Thanks to ILO technical assistance, some countries had made significant progress but much remained to be done. This year once again, a significant number of reports had arrived after the deadline of 1 September. It was not only necessary to fulfil reporting obligations, but also to do so within the time limits. The failures noted above often concealed worrying situations, as the Committee of Experts had indicated in its report. The dialogue between the ILO supervisory bodies and member States was essential for the effective application of ratified Conventions. With regard to the obligation to submit adopted instruments to the competent authorities, there was a notable lack of will to comply. Lastly, it was regrettable that the failure to communicate reports to employers' and workers' organizations under article 23(2), of the Constitution prevented the social partners from participating in the effective application of international labour standards. The Office needed to ensure that countries experiencing difficulties benefited from technical assistance to help them fulfil their obligations. The initiative taken by the Office since the 105th Session of the Conference in 2016 to send letters to the member States which had failed to meet constitutional obligations was therefore to be welcomed.

142. A representative of the Office provided information to the Committee on tailored technical assistance which had been delivered to certain Pacific island countries in February 2017 on reporting obligations in relation to the MLC, 2006. The technical assistance provided resulted in the submission of the governments' first reports on the application of the MLC, 2006.

1.1. *Failure to submit Conventions, Protocols and Recommendations to the competent authorities*

143. In accordance with its terms of reference, the Committee considered the manner in which effect was given to article 19(5), (6) and (7) of the ILO Constitution. These provisions required member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the instruments adopted at that session to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.
144. The Committee noted that, in order to facilitate its discussions, the report of the Committee of Experts mentioned only the governments which had not provided any information on the submission to the competent authorities of instruments adopted by the Conference for at least seven sessions (from the 95th Session (2006) to the 104th Session (2015), because the Conference did not adopt any Conventions and Recommendations during the 97th (2008), 98th (2009) or 102nd (2013) Sessions). This time frame was deemed long enough to warrant inviting Government delegations to the dedicated sitting of the Committee so that they may explain the delays in submission.
145. The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. It noted the specific difficulties mentioned by certain delegates in complying with this constitutional obligation, and in particular the intention to submit shortly to competent authorities the instruments adopted by the International Labour Conference. Some governments have requested the assistance of the ILO to clarify how to proceed and to complete the process of submission to national parliaments in consultation with the social partners.
146. The Committee expressed deep concern at the failure to respect the obligation to submit Conventions, Protocols and Recommendations to national parliaments. It recalled that compliance with the obligation to submit Conventions, Protocols and Recommendations to

national competent authorities was a requirement of the highest importance in ensuring the effectiveness of the ILO's standards-related activities. It also recalled that governments could request technical assistance from the Office to overcome their difficulties in this respect.

147. The Committee noted that the following countries were still concerned with the serious failure to submit the instruments adopted by the Conference to the competent authorities: **Angola, Azerbaijan, Bahamas, Bahrain, Belize, Burundi, Comoros, Croatia, Dominica, El Salvador, Equatorial Guinea, Fiji, Gabon, Guinea-Bissau, Haiti, Jamaica, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Liberia, Libya, Pakistan, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Solomon Islands, Somalia, Syrian Arab Republic and Vanuatu.** The Committee expressed the firm hope that appropriate measures would be taken by the governments concerned to comply with their constitutional obligation to submit.

1.2. *Failure to supply reports and information on the application of ratified Conventions*

148. The Committee took note of the information and explanations provided by the Government representatives who took the floor during the dedicated sitting. Some governments have requested the assistance of the ILO. The Committee recalled that the submission of reports on the application of ratified Conventions was a fundamental constitutional obligation and the basis of the system of supervision. It also recalled the particular importance of the submission of first reports on the application of ratified Conventions. It stressed the importance of respecting the deadlines for such submission. Furthermore, it underlined the fundamental importance of clear and complete information in response to the comments of the Committee of Experts to permit a continued dialogue with the governments concerned. In this respect, the Committee expressed deep concern at the failure to respect these obligations and recalled that the ILO could provide technical assistance to contribute to compliance in this respect. The Committee noted the positive results of the technical assistance provided by the Office in relation to reporting obligations, including the tripartite regional workshop organized with certain Pacific island countries in February 2017 on reporting obligations in relation to the MLC, 2006.

149. The Committee noted that, by the end of the 2016 meeting of the Committee of Experts, the percentage of reports received (article 22 of the ILO Constitution) was 69.5 per cent (69.3 per cent for the 2015 meeting). Since then, further reports had been received, bringing the figure to 77.3 per cent (as compared with 75.6 per cent in June 2016).

150. The Committee noted that no reports on ratified Conventions had been supplied for the past two years or more by the following States: **Belize, Comoros, Dominica, Equatorial Guinea, Gambia, Guinea-Bissau, Guyana, Haiti, Republic of Maldives, Saint Lucia, Somalia, Timor-Leste and Yemen.**

151. The Committee also noted that first reports due on ratified Conventions had not been supplied by the following countries for at least two years: **Barbados, Equatorial Guinea, Guyana, Republic of Maldives, Nicaragua, Nigeria, Saint Vincent and the Grenadines and United Kingdom (Bermuda).**

152. The Committee noted that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2016 from the following countries: **Belize, Cabo Verde, Comoros, Congo, Croatia, Dominica, Equatorial Guinea, Eritrea, Gambia, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Libya, Netherlands (Aruba), Nicaragua, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sierra**

Leone, Singapore, Solomon Islands, Sri Lanka, Swaziland, Syrian Arab Republic, Thailand, Timor-Leste, Vanuatu, Viet Nam and Yemen.

1.3. Supply of reports on unratified Conventions and Recommendations

153. The Committee stressed the importance it attached to the constitutional obligation to supply reports on unratified Conventions and Recommendations. In effect, these reports permitted a better evaluation of the situation in the context of the General Surveys of the Committee of Experts. In this respect, the Committee expressed deep concern at the failure to respect this obligation and recalled that the ILO could provide technical assistance to contribute to compliance in this respect.

154. The Committee noted that over the past five years none of the reports on unratified Conventions and Recommendations, requested under article 19 of the Constitution, had been supplied by: **Armenia, Belize, Comoros, Congo, Democratic Republic of the Congo, Dominica, Fiji, Grenada, Guinea-Bissau, Guyana, Haiti, Kiribati, Liberia, Libya, Marshall Islands, Nigeria, Saint Kitts and Nevis, Saint Lucia, San Marino, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, Tuvalu, United Arab Emirates, Vanuatu, Yemen and Zambia.**

1.4. Communication of copies of reports to employers' and workers' organizations

155. The Committee noted that no information had yet been received from the **Islamic Republic of Iran** or **Rwanda** concerning the names of the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated for the last three years. The Committee pointed out that the fulfilment by governments of their obligation to communicate reports and information to the organizations of employers and workers was a vital prerequisite for ensuring the participation of those organizations in the ILO supervisory system.

2. Application of ratified Conventions

156. The Committee noted with interest the information provided by the Committee of Experts in paragraph 54 of its report, which listed new cases in which that Committee had expressed its satisfaction at the measures taken by governments following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. In addition, the Committee of Experts had listed in paragraph 57 of its report cases in which measures ensuring better application of ratified Conventions had been noted with interest. These results were tangible proof of the effectiveness of the supervisory system.

157. At its present session, the Committee examined 24 individual cases relating to the application of various Conventions.⁶

⁶ A summary of the information submitted by governments, the discussion and conclusions of the examination of the individual cases are contained in section B of Part Two of this report.

2.1. *Specific cases*

158. The Committee recalled that its working methods provided for the possibility of drawing the attention of the Conference to its discussion of the cases, a full record of which appears as Part Two of this report. It had not made use of that possibility this year.

2.2. *Continued failure to implement*

159. The Committee recalled that its working methods provide for the listing of cases of continued failure over several years to eliminate serious deficiencies, previously discussed, in the application of ratified Conventions. This year the Committee made no mention in this respect.

3. **Participation in the work of the Committee**

160. The Committee wished to express its appreciation to the **52** governments which had collaborated by providing information on the situation in their countries and participating in the discussion of their cases.

161. The Committee regretted that the Governments of the following States failed to take part in the discussions concerning their country and the fulfilment of their reporting and other standards-related obligations: **Azerbaijan, Bahamas, Bahrain, Cabo Verde, Comoros, Eritrea, Fiji, Gabon, Haiti, Kyrgyzstan, Nicaragua, Papua New Guinea, San Marino, Sao Tome and Principe, Sri Lanka, Syrian Arab Republic, Swaziland, Viet Nam and Yemen.**

162. The Committee noted with regret that the Governments of the following States, which were not represented at the Conference, were unable to participate in the discussions concerning their country and the fulfilment of their reporting and other standards-related obligations: **Armenia, Belize, Dominica, Equatorial Guinea, Gambia, Grenada, Guinea-Bissau, Guyana, Kiribati, Liberia, Marshall Islands, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Solomon Islands, Timor-Leste, Tuvalu and Vanuatu.**

E. **Adoption of the report and closing remarks**

163. The Committee's report was adopted as amended.

164. The Government member of Ghana, speaking on behalf of the Africa group, expressed satisfaction with the constructive nature of the Committee's discussion and highlighted the importance of the work of the ILO supervisory bodies given their role in promoting and monitoring progress in the implementation of Conventions. However, he wished to raise two points. First, the criteria for selecting countries to appear before the Committee presented shortcomings and gave rise to concerns regarding the transparency of the selection process. Countries from the Africa region, including four countries from North Africa, had appeared eight times before the Committee during the current session, despite the fact that, as acknowledged by the Committee, some of them were facing very difficult circumstances. While the Africa group was not opposed to the exclusion of governments in drawing up the list, the selection criteria should be made known to all ILO constituents. The Africa group called for transparency in the process of preparing the list of individual cases and looked forward to receiving information on how countries were placed on the list. Second, he raised

concerns that the Committee's discussion focused only on cases of non-compliance and suggested that cases of progress be included on the list. To advocate for social justice, the Committee should take the time to discuss positive cases, in order to share best practices and give encouragement to draw positive lessons. He expressed the hope and expectation that the number of cases of alleged violations on the list of 24 cases could be reduced and a few best practices added, while also discussing more cases on technical Conventions.

- 165.** The Government member of Spain indicated that the question of whether the conclusions of the Committee on the individual cases should be adopted without the Government concerned having been heard beforehand could be a subject of discussion during the informal tripartite consultations on the Committee's working methods, in which all governments could participate, at least as observers.
- 166.** The Government member of Brazil supported the statement of the Government member of Spain and indicated that the purpose of the consultations on this matter should be to enable governments to be aware of the conclusions that concerned them, at least before the conclusions were adopted by the Committee.
- 167.** The Government member of the Bolivarian Republic of Venezuela indicated that this year was the first time that the floor had not been given to the government concerned immediately after the adoption of the conclusions relating to it. Giving the floor only after all the conclusions had been read amounted to not granting the right of reply. All the issues relating to the functioning of the Committee should be discussed as a matter of urgency during the informal tripartite consultations on the Committee's working methods.
- 168.** The Government member of Malta indicated that he understood both the concerns of the Government members who had spoken and the position of the Chairperson of the Committee, who had to organize the discussion. These concerns should be discussed during the informal tripartite consultations referred to previously.
- 169.** The Employer members commended the Committee's report and recommended its adoption. The work of the Committee had taken place in a constructive and open atmosphere, and any subsisting divergences in the Committee had been voiced in a spirit of mutual respect. The Committee had once again demonstrated its ability to lead a meaningful and results-oriented tripartite dialogue, thus reaffirming its role as the centre stage of ILO regular standards supervision. The Committee provided the only opportunity for tripartite constituents from all ILO member States to discuss issues with governments regarding the application of ratified Conventions and specific measures for improved and sustained compliance, based on the Committee of Experts' technical preparatory work. The technical innovations in the work of the Committee had rendered the use of its time even more efficient and constituted evidence of the value and contributions of its Working Party on Working Methods. Additional opportunities for the Working Party to meet and continue to improve the efficiency and transparency of the Committee's work would be welcomed.
- 170.** Concerning the adoption of the outcome of the discussion by the Committee on the General Survey, the Employer members highlighted that OSH was a priority for them, and should be a priority for the ILO. With regard to the individual cases, the list of 24 cases had been negotiated in good faith and delivered in time, ensuring a threefold balance among the regions, as regards the levels of development of member States, and between fundamental, priority and technical Conventions. They believed that the Committee should also consider cases of progress so as to share best practices, as well as additional cases on technical Conventions. Furthermore, the Employer members appreciated the fact that the Committee had adopted, on the basis of consensus, short, clear and straightforward conclusions falling within the scope of the relevant Convention, which noted areas of progress and identified

what was expected from governments and concrete steps to address compliance issues, without reiterating elements of the discussion or reflecting divergent views.

- 171.** The Employer members emphasized that the follow-up to the Committee's conclusions was a key facet of tripartite governance within the supervisory system. The Office's technical assistance or follow-up missions, direct contacts missions and high-level tripartite missions needed to focus exclusively on areas of consensus and have as their mandate the Committee's conclusions, which should not be enlarged unilaterally. They encouraged the Office to include the ILO workers' and employers' specialists in the preparation and implementation of the missions, in line with the ILO's tripartite structure and mandate, and with a view to a balanced follow-up to the Committee's conclusions. The Office should also ensure that the most representative employers' and workers' organizations were prepared to contribute to the success of the mission and its follow-up, and that mission reports were made available after a reasonable period of time. The goal of the supervisory system was to guide member States on key matters relating to the governance of labour and social policy, thus enabling them to promote adequate protection of workers and full employment through sustainable enterprises.
- 172.** The Worker members welcomed the success of the work of the Committee, which continued to function on the basis of the consensual approach agreed upon in 2015. The general discussion had been the opportunity to address issues relating to the Committee's working methods and to the report of the Committee of Experts on the Application of Conventions and Recommendations, whose independence and expertise had been recalled by the Worker members. Hence they expressed regret at the fact that the Committee of Experts' work had been called into question by certain Employer members during the examination of the case of Botswana. The Worker members supported the conclusions adopted by the Committee further to the discussion of the General Survey calling on the Office to launch a campaign for the ratification of Convention No. 187. The Worker members would also have liked to see included in the conclusions the recognition of the compulsory nature of the procedures for the consultation of the social partners at all levels, the responsibility of multinationals in supply chains, and the strengthening of labour inspection through dissuasive penalties. Lastly, the Worker members drew attention to the link between the General Survey and other instruments, in particular the Occupational Safety and Health Convention, 1981 (No. 155), which was not part of the General Survey but the ratification of which should be promoted at the same level as that of Convention No. 187. Alongside the promotion of existing Conventions, the Worker members expressed the wish that the discussions on the future of work could give rise to new standard-setting initiatives for addressing, inter alia, new forms of employment that were currently outside the scope of the international standard-setting system.
- 173.** The list of 24 individual cases adopted by the Committee at the start of its work was concerned with examples of serious failure to fulfil obligations relating to fundamental, governance and technical Conventions. The Worker members considered that the list did not contain any case of progress. Without ruling out the possibility of noting progress during discussions, the presence of a country on the list generally meant that there was a serious failure regarding implementation by that country of the Convention under examination. Only three cases had dealt with technical Conventions this year. Their selection was sometimes made difficult by the shortness of the Committee of Experts' comments on them. The Worker members encouraged governments to supply more information on these technical Conventions in their reports. Moreover, the Worker members had expressed their deep concern at the fact that the examination of the cases had highlighted a general trend of the use of violence and intimidation to discourage the exercise of trade union rights. In response to the query by a number of governments concerning the process for drawing up the list of individual cases, the Worker members recalled the explanations contained in a dedicated working document of the Committee and also the informal information meeting for briefing

governments on this matter which took place immediately after the adoption of the final list of cases in the presence of the Vice-Chairpersons of the Committee.

- 174.** The Worker members welcomed the fact that it had been possible to adopt conclusions for all the cases. Now it was for the governments concerned to ensure their application. Hence their attitude was vitally important. The Worker members deplored the attitude of mutual support of certain governments, which were not exempt from the observance of international labour standards. On the contrary, the Worker members wished to see an attitude that focused resolutely on the observance of standards by member States and government groups. In this way the fundamental mission of the Committee would be strengthened.
- 175.** The Chairperson underlined the importance of tripartism as a means of maintaining and strengthening the role of the ILO. The Chairperson thanked the Employer and Worker Vice-Chairpersons, the Reporter and all the Government, Employer and Worker members for their engagement in the work of the Committee. He also thanked the secretariat for its continuous collaboration and support.

Geneva, 15 June 2017

(Signed) Mr Washington González
Chairperson

Mr Mostafa Abid Khan
Reporter

Annex 1

INTERNATIONAL LABOUR CONFERENCE
106th Session, Geneva, June 2017

C.App./D.1

Committee on the Application of Standards

Work of the Committee

I. Introduction

This document (D.1) sets out the manner in which the work of the Committee on the Application of Standards (CAS) is carried out. It is submitted to the Committee for adoption when it begins its work at each session of the Conference.¹ The document reflects the results of the discussions and informal tripartite consultations that have taken place, since 2002, on the working methods of the Committee, including on the following issues: the elaboration of the list of individual cases to be discussed by the Committee, the preparation and adoption of the conclusions relating to these individual cases, time management and respect for parliamentary rules of decorum.

This document takes into account the results of the last informal tripartite consultations on the working methods of the CAS held in March and November 2016.

II. Terms of reference and composition of the Committee, voting procedure and report to the Conference

Under its terms of reference as defined in article 7, paragraph 1, of the Standing Orders of the Conference, the Committee is called upon to consider:

- (a) the measures taken by Members to give effect to the provisions of Conventions to which they are parties and the information furnished by Members concerning the results of inspections;
- (b) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
- (c) the measures taken by Members in accordance with article 35 of the Constitution.

In accordance with article 7, paragraph 2, of the Standing Orders of the Conference, the Committee submits a report to the Conference. Since 2007, in response to the wishes expressed by ILO constituents, the report of the Committee has been published both in the

¹ Since 2010, it is appended to the General Report of the Committee.

Record of Proceedings of the Conference and as a separate publication, to improve the visibility of the Committee's work.

Questions related to the composition of the Committee, the right to participate in its work and the voting procedure are regulated by section H of Part II of the Standing Orders of the Conference.

Each year, the Committee elects its Officers: its Chairperson and Vice-Chairpersons as well as its Reporter.

III. Working documents

A. Report of the Committee of Experts

The basic working document of the Committee is the report of the Committee of Experts on the Application of Conventions and Recommendations (Report III (Parts 1A and B)), printed in two volumes.

Report III (Part 1A) contains, in Part One, the General Report of the Committee of Experts, and in Part Two, the observations of the Committee of Experts concerning the sending of reports, the application of ratified Conventions and the obligation to submit the Conventions and Recommendations to the competent authorities in member States. At the beginning of the report there is an index of comments by Convention and by country. In addition to the observations contained in its report, the Committee of Experts has, as in previous years, made direct requests which are communicated to governments by the Office on the Committee's behalf.²

Report III (Part 1B) contains the General Survey prepared by the Committee of Experts on a group of Conventions and Recommendations decided upon by the Governing Body.

B. Summaries of reports

At its 267th Session (November 1996), the Governing Body approved new measures for rationalization and simplification of the arrangements for the presentation by the Director-General to the Conference of summaries of reports submitted by governments under articles 19, 22 and 35 of the Constitution.³ Requests for consultation or copies of reports may be addressed to the secretariat of the CAS.

² See para. 39 of the General Report of the Committee of Experts. A list of direct requests can be found in Appendix VII of Report III (Part 1A).

³ See report of the Committee of Experts, Report III (Part 1A), Appendices I, II, IV, V and VI; and Report III (Part 1B), Appendix III.

C. Other information

The secretariat prepares documents (which are referred to, and referenced, as “D documents”) which are made available⁴ during the course of the work of the Committee to provide the following information:

- (i) reports and information which have reached the International Labour Office since the last meeting of the Committee of Experts; based on this information, the list of governments which are invited to supply information to the Conference Committee due to serious failure to respect their reporting and other standards-related obligations is updated;⁵
- (ii) written information supplied by governments to the Conference Committee in reply to the observations made by the Committee of Experts, when these governments are on the list of individual cases adopted by the Conference Committee.⁶

IV. General discussion

In accordance with its usual practice, the Committee begins its work with the consideration of its working methods on the basis of this document. The Committee then holds a discussion on general aspects of the application of Conventions and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution, which is primarily based on the General Report of the Committee of Experts.

It also holds a discussion on the General Survey entitled *Working together to promote a safe and healthy working environment*. The General Survey concerns the occupational safety and health instruments concerning the promotional framework, construction, mines and agriculture, more specifically, the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and Recommendation (No. 197), 2006; the Safety and Health in Construction Convention, 1988 (No. 167) and Recommendation (No. 175), 1988; the Safety and Health in Mines Convention, 1995 (No. 176) and Recommendation (No. 183), 1995; and the Safety and Health in Agriculture Convention, 2001 (No. 184) and Recommendation (No. 192), 2001.⁷

⁴ D documents will be made available online on the [Committee’s dedicated web page](#) (hard copies will be made available to delegates upon request).

⁵ See below Part V.

⁶ See below Part VI (supply of information).

⁷ It should be recalled that the subjects of General Surveys have been aligned with the strategic objectives that are examined in the context of the recurrent discussions under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization (2008). The discussion of General Surveys by the Committee will continue to be held one year in advance of the recurrent discussion under the new five-year cycle of recurrent discussions adopted by the Governing Body in November 2016. The full synchronization of General Surveys and their discussion by the Committee will be re-established under the new cycle in the context of the recurrent discussion on social protection (social security) to be held by the Conference in 2020 (see GB.328/INS/5/2 and GB.328/PV (paras 25 and 102)).

V. Cases of serious failure by member States to respect their reporting and other standards-related obligations⁸

Governments are invited to supply information on cases of serious failure to respect reporting or other standards-related obligations for stated periods. These cases are considered in a dedicated sitting of the Committee. Governments that submit the required information before the sitting will not be called before the Committee. The discussion of the Committee, including any explanations of difficulties that may have been provided by the governments concerned, and the conclusions adopted by the Committee under each criterion are reflected in its report.

The Committee identifies the cases on the basis of criteria which are as follows:⁹

- None of the reports on ratified Conventions has been supplied during the past two years or more.
- First reports on ratified Conventions have not been supplied for at least two years.
- None of the reports on unratified Conventions and Recommendations requested under article 19, paragraphs 5, 6 and 7, of the Constitution has been supplied during the past five years.
- No indication is available on whether steps have been taken to submit the instruments adopted during the last seven sessions of the Conference to the competent authorities, in accordance with article 19 of the Constitution.¹⁰
- No information has been received as regards all or most of the observations and direct requests of the Committee of Experts to which a reply was requested for the period under consideration.
- The government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23, paragraph 2, of the Constitution, copies of reports and information supplied to the Office under articles 19 and 22 have been communicated.

VI. Individual cases

The Committee considers cases relating to the application of ratified Conventions. These cases are selected on the basis of the observations published in the report of the Committee of Experts.

Preliminary list. Since 2006, an early communication to governments of a preliminary list of individual cases for possible discussion by the Committee concerning the

⁸ Formerly known as “automatic” cases (see *Provisional Record* No. 22, International Labour Conference, 93rd Session, June 2005, para. 69).

⁹ These criteria were last examined by the Committee in 1980 (see *Provisional Record* No. 37, International Labour Conference, 66th Session, 1980, para. 30).

¹⁰ This time frame begins at the 95th Session (2006) and concludes at the 104th Session (2015) of the International Labour Conference, bearing in mind that the Conference did not adopt any Conventions or Recommendations during the 97th (2008), 98th (2009) and 102nd (2013) Sessions.

application of ratified Conventions has been instituted. Since 2015, the preliminary list of cases has been made available 30 days before the opening of the International Labour Conference. The preliminary list is a response to the requests from governments for early notification, so that they may better prepare themselves for a possible intervention before the Committee. It may not in any way be considered definitive, as the adoption of a final list is a function that only the Committee itself can assume.

Establishment of the list of cases. The list of individual cases is submitted to the Committee for adoption, after the Employers' and Workers' groups have met to discuss and adopt it. The final list should be adopted at the beginning of the Committee's work, ideally no later than its second sitting. The criteria for the selection of cases, as revised in 2015, should reflect the following elements:

- the nature of the comments of the Committee of Experts, in particular the existence of a footnote;¹¹
- the quality and scope of responses provided by the government or the absence of a response on its part;
- the seriousness and persistence of shortcomings in the application of the Convention;
- the urgency of a specific situation;
- comments received by employers' and workers' organizations;
- the nature of a specific situation (if it raises a hitherto undiscussed question, or if the case presents an interesting approach to solving questions of application);
- the discussions and conclusions of the Conference Committee of previous sessions and, in particular, the existence of a special paragraph;
- the likelihood that discussing the case would have a tangible impact;
- balance between fundamental, governance and technical Conventions;
- geographical balance; and
- balance between developed and developing countries.

There is also the possibility of examining one case of progress as was done in 2006, 2007, 2008 and 2013.¹²

Since 2007, it has been the practice to follow the adoption of the list of individual cases with an informal information session for governments, hosted by the Employer and Worker Vice-Chairpersons, to explain the criteria used for the selection of individual cases.

Automatic registration. Since 2010, cases included in the final list have been automatically registered and scheduled by the Office, on the basis of a rotating alphabetical system, following the French alphabetical order; the "A+5" model has been chosen to ensure a genuine rotation of countries on the list. This year, the registration will begin with countries with the letter "J". Cases will be divided into two groups: the first group of countries to be registered following the above alphabetical order will consist of those cases in which the Committee of Experts requested governments to submit full particulars to the Conference

¹¹ See paras 43–50 of the General Report of the Committee of Experts. The criteria developed by the Committee of Experts for footnotes are also reproduced in Appendix I.

¹² See paras 51–57 of the General Report of the Committee of Experts. The criteria developed by the Committee of Experts for identifying cases of progress are also reproduced in Appendix II.

(“double-footnoted cases”).¹³ Since 2012, the Committee begins its discussion of individual cases with these cases. The other cases on the final list are then registered by the Office also following the abovementioned alphabetical order.

Information on the agenda of the Committee and the date on which cases may be heard is available:

- (a) through the *Daily Bulletin* and the Committee’s dedicated web page;
- (b) by means of a D document containing the list of individual cases and the working schedule for the examination of these cases, which is made available to the Committee as soon as possible after the adoption of the list of cases.¹⁴

Supply of information. Prior to their oral intervention before the Conference Committee, governments may submit written information that will be summarized by the Office and made available to the Committee.¹⁵ These written replies are to be provided to the Office at least **two days** before the discussion of the case. They serve to complement the oral reply that will be provided by the government. They may not duplicate the oral reply nor any other information already provided by the government. The total number of pages is not to exceed **five pages**.

Adoption of conclusions. The conclusions regarding individual cases are proposed by the Chairperson of the Committee, who should have sufficient time to hold consultations with the Reporter and the Vice-Chairpersons. The conclusions should take due account of the elements raised in the discussion and information provided by the government in writing. The conclusions should be short, clear and specify the action expected of governments. They may also include reference to the technical assistance to be provided by the Office. The conclusions should reflect consensus recommendations. Divergent views can be reflected in the CAS record of proceedings. Conclusions on the cases discussed will be adopted at dedicated sittings. The governments concerned will be informed of the adoption of conclusions by the secretariat including through the *Daily Bulletin* and the web page of the Committee.

As per the Committee’s decision in 1980,¹⁶ Part One of its report will contain a section entitled “Application of ratified Conventions”, in which the Committee draws the attention of the Conference to: (i) cases of progress, where governments have introduced changes in their law and practice in order to eliminate divergences previously discussed by the Committee; (ii) certain special cases, which are mentioned in special paragraphs of the report; and (iii) cases of continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions which it had previously discussed.

VII. Participation in the work of the Committee

As regards failure by a government to take part in the discussion concerning its country, despite repeated invitations by the Committee, the following measures will be applied, in conformity with the decision taken by the Committee at the 73rd Session of the Conference

¹³ See para. 48 of the General Report of the Committee of Experts.

¹⁴ Since 2010, this document is appended to the General Report of the Committee.

¹⁵ See above Part III(C) (ii).

¹⁶ See footnote 9 above.

(1987), as amended at the 97th Session of the Conference (2008),¹⁷ and mention will be made in the relevant part of the Committee's report:

- In accordance with the usual practice, after having established the list of cases regarding which Government delegates might be invited to supply information to the Committee, the Committee shall invite the governments of the countries concerned in writing, and the *Daily Bulletin* shall regularly mention these countries.
- Three days before the end of the discussion of individual cases, the Chairperson of the Committee shall request the Clerk of the Conference to announce every day the names of the countries whose representatives have not yet responded to the Committee's invitation, urging them to do so as soon as possible.
- On the last day of the discussion of individual cases, the Committee shall deal with the cases in which governments have not responded to the invitation. Given the importance of the Committee's mandate, assigned to it in 1926, to provide a tripartite forum for dialogue on outstanding issues relating to the application of ratified international labour Conventions, a refusal by a government to participate in the work of the Committee is a significant obstacle to the attainment of the core objectives of the International Labour Organization. For this reason, the Committee may discuss the substance of the cases concerning governments which are registered and present at the Conference, but which have chosen not to be present before the Committee. The debate which ensues in such cases will be reflected in the appropriate part of the report, concerning both individual cases and participation in the work of the Committee. In the case of governments that are not present at the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised.¹⁸ In both situations, a particular emphasis will be put on steps to be taken to resume the dialogue.

VIII. Minutes of the sittings

No minutes are published for the general discussion and the discussion of the General Survey. Minutes of sittings at which governments are invited to respond to the comments of the Committee of Experts will be produced by the secretariat. Each intervention will be reflected only in the corresponding working language – English, French or Spanish – and the draft minutes will be made available online on the Committee's dedicated web page (hard copies will be made available to delegates upon request).¹⁹ It is the Committee's practice to accept amendments to the draft minutes of previous sittings prior to their approval by the Committee. The time available to delegates to submit amendments to the draft minutes will be clearly indicated by the Chairperson when they are made available to the Committee.

¹⁷ See *Provisional Record* No. 24, International Labour Conference, 73rd Session, 1987, para. 33; and *Provisional Record* No. 19, International Labour Conference, 97th Session, 2008, para. 174.

¹⁸ In the case of a government which is not accredited or registered to the Conference, the Committee will not discuss the substance of the case, but will draw attention in its report to the importance of the questions raised. It was considered that no country should use inclusion on the preliminary list of individual cases as a reason for failing to ensure that it was accredited to the Conference. If a country on the preliminary list registered after the final list was approved, it should be asked to provide explanations (see *Provisional Record* No. 18, International Labour Conference, 100th Session, 2011, Part I/54).

¹⁹ These new modalities result from the informal tripartite consultations of March 2016. Delegates who will be intervening in a language other than English, French or Spanish will be able to indicate to the Secretariat in which of these three working languages their intervention should be reflected in the draft minutes.

The amendments should be clearly highlighted and submitted either electronically or in hard copy. Please refer to Appendix III or contact the secretariat in relation to the procedure for amendments to draft minutes and their electronic submission. In order to avoid delays in the preparation of the Committee's report, no amendments may be accepted once the draft minutes have been approved. The minutes are a summary of the discussions and are not intended to be a verbatim record. Speakers are therefore requested to restrict amendments to the elimination of errors in the report of their own statements, and not to ask to insert long additional passages.

This year, the second part of the report of the Committee which reflects the discussions of cases in which governments are invited to respond to the comments of the Committee of Experts will be submitted for adoption to the plenary session of the Conference in a single document reflecting the working language – English, French or Spanish – in which statements were delivered by the member of the Committee. Only the first – general – part of the report and the conclusions reached after the discussion of individual cases will be translated at that stage in all three languages for adoption.²⁰ The fully translated versions of the report will be made available online ten days following its adoption.

IX. Time management

- Every effort will be made so that sessions start on time and the schedule is respected.
- Maximum speaking time during the examination of individual cases will be as follows:
 - fifteen minutes for the government whose case is being discussed, as well as the spokespersons of the Workers' and the Employers' groups;
 - ten minutes for the Employer and Worker members, respectively, from the country concerned to be divided between the different speakers of each group;
 - ten minutes for Government groups;
 - five minutes for the other members;
 - concluding remarks are limited to ten minutes for the government whose case is being discussed, as well as spokespersons of the Workers' and the Employers' groups.
- Maximum speaking time will also apply to the discussion of the General Survey, as follows:²¹
 - fifteen minutes for the spokespersons of the Workers' and the Employers' groups;
 - ten minutes for Government groups;
 - five minutes for the other members;
 - concluding remarks are limited to ten minutes for spokespersons of the Workers' and the Employers' groups.

²⁰ These new modalities result from the informal tripartite consultations of November 2016.

²¹ These new modalities result from the informal tripartite consultations of March 2016.

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- However, the Chairperson, in consultation with the other Officers of the Committee, could decide on reduced time limits where the situation of a case would warrant it, for instance, where there was a very long list of speakers.
 - These time limits will be announced by the Chairperson at the beginning of each sitting and will be strictly enforced.
 - During interventions, a screen located behind the Chairperson and visible by all speakers will indicate the remaining time available to speakers. Once the maximum speaking time has been reached, the speaker will be interrupted.
 - The list of speakers will be visible on screens in the room. Early registration on that list of delegates intending to take the floor is encouraged.²²
 - In view of the above limits on speaking time, governments whose case is to be discussed are invited to complete the information provided, where appropriate, by a written document, not longer than five pages, to be submitted to the Office at least two days before the discussion of the case.²³

X. Respect of rules of decorum and role of the Chairperson

All delegates have an obligation to the Conference to abide by parliamentary language and by the generally accepted procedure. Interventions should be relevant to the subject under discussion and should avoid references to extraneous matters.

It is the role and task of the Chairperson to maintain order and to ensure that the Committee does not deviate from its fundamental purpose to provide an international tripartite forum for full and frank debate within the boundaries of respect and decorum essential to making effective progress towards the aims and objectives of the International Labour Organization.

²² These new arrangements result from the informal tripartite consultations of March 2016.

²³ See Part VI above.

Appendix I

Criteria developed by the Committee of Experts for footnotes

Excerpts of the General Report of the Committee of Experts (106 III(1A))

43. As in the past, the Committee has indicated by special notes (traditionally known as “footnotes”) at the end of its comments the cases in which, because of the nature of the problems encountered in the application of the Conventions concerned, it has seemed appropriate to ask the government to supply a report earlier than would otherwise have been the case and, in some instances, to supply full particulars to the Conference at its next session in June 2017.

44. In order to identify cases for which it inserts special notes, the Committee uses the basic criteria described below, while taking into account the following general considerations. First, the criteria are indicative. In exercising its discretion in the application of the criteria, the Committee may also have regard to the specific circumstances of the country and the length of the reporting cycle. Second, the criteria are applicable to cases in which an earlier report is requested, often referred to as a “single footnote”, as well as to cases in which the government is requested to provide detailed information to the Conference, often referred to as a “double footnote”. The difference between these two categories is one of degree. Third, a serious case otherwise justifying a special note to provide full particulars to the Conference (double footnote) might only be given a special note to provide an early report (single footnote) when there has been a recent discussion of the case in the Conference Committee. Finally, the Committee wishes to point out that it exercises restraint in its recourse to “double footnotes” in deference to the Conference Committee’s decisions as to the cases it wishes to discuss.

45. The criteria to which the Committee has regard are the following:

- the seriousness of the problem; in this respect, the Committee emphasizes that an important consideration is the necessity to view the problem in the context of a particular Convention and to take into account matters involving fundamental rights, workers’ health, safety and well-being, as well as any adverse impact, including at the international level, on workers and other categories of protected persons;
- the persistence of the problem;
- the urgency of the situation; the evaluation of such urgency is necessarily case specific, according to standard human rights criteria, such as life threatening situations or problems where irreversible harm is foreseeable; and
- the quality and scope of the government’s response in its reports or the absence of response to the issues raised by the Committee, including cases of clear and repeated refusal on the part of a State to comply with its obligations.

46. In addition, the Committee wishes to emphasize that its decision not to double footnote a case which it has previously drawn to the attention of the Conference Committee in no way implies that it has considered progress to have been made therein.

47. At its 76th Session (November–December 2005), the Committee decided that the identification of cases in respect of which a government is requested to provide detailed information to the Conference would be a two-stage process: first, the expert initially responsible for a particular group of Conventions recommends to the Committee the insertion of special notes; second, in light of all the recommendations made, the Committee will, after discussion, take a final, collegial decision once it has reviewed the application of all the Conventions.

Appendix II

Criteria developed by the Committee of Experts for identifying cases of progress

Excerpts of the General Report of the Committee of Experts (106 III(1A))

51. Following its examination of the reports supplied by governments, and in accordance with its standard practice, the Committee refers in its comments to cases in which it expresses its *satisfaction* or *interest* at the progress achieved in the application of the respective Conventions.

52. At its 80th and 82nd Sessions (2009 and 2011), the Committee made the following clarifications on the general approach developed over the years for the identification of cases of progress:

- (1) The expression by the Committee of interest or satisfaction does not mean that it considers that the country in question is in general conformity with the Convention, and in the same comment **the Committee may express its satisfaction or interest at a specific issue while also expressing regret concerning other important matters** which, in its view, have not been addressed in a satisfactory manner.
- (2) The Committee wishes to emphasize that **an indication of progress is limited to a specific issue related to the application of the Convention and the nature of the measures adopted by the government concerned.**
- (3) The Committee exercises its discretion in noting progress, taking into account the particular nature of the Convention and the specific circumstances of the country.
- (4) The expression of progress can refer to different kinds of measures relating to national legislation, policy or practice.
- (5) If the satisfaction relates to the adoption of legislation, the Committee may also consider appropriate follow-up measures for its practical application.
- (6) In identifying cases of progress, the Committee takes into account both the information provided by governments in their reports and the comments of employers' and workers' organizations.

53. Since first identifying cases of satisfaction in its report in 1964, the Committee has continued to follow the same general criteria. The Committee expresses *satisfaction* in cases in which, **following comments it has made on a specific issue, governments have taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the national policy or practice, thus achieving fuller compliance with their obligations under the respective Conventions.** In expressing its satisfaction, the Committee indicates to governments and the social partners that it considers the specific matter resolved. The reason for identifying cases of satisfaction is twofold:

- to place on record the Committee's appreciation of the positive action taken by governments in response to its comments; and
- to provide an example to other governments and social partners which have to address similar issues.

...

56. Within cases of progress, the distinction between cases of satisfaction and cases of interest was formalized in 1979.¹ In general, cases of *interest* cover **measures that are sufficiently advanced to justify the expectation that further progress would be achieved in the future and regarding which the Committee would want to continue its dialogue with the government and the social partners.** The Committee's practice has developed to such an extent that cases in which

¹ See para. 122 of the Report of the Committee of Experts submitted to the 65th Session (1979) of the International Labour Conference.

it expresses interest may encompass a variety of measures. The paramount consideration is that the measures contribute to the overall achievement of the objectives of a particular Convention. This may include:

- draft legislation that is before parliament, or other proposed legislative changes forwarded or available to the Committee;
- consultations within the government and with the social partners;
- new policies;
- the development and implementation of activities within the framework of a technical cooperation project or following technical assistance or advice from the Office;
- judicial decisions, according to the level of the court, the subject matter and the force of such decisions in a particular legal system, would normally be considered as cases of interest unless there is a compelling reason to note a particular judicial decision as a case of satisfaction; or
- the Committee may also note as cases of interest the progress made by a state, province or territory in the framework of a federal system.

Appendix III

Procedure for amendments to draft minutes

With reference to **Part VIII of document C.App./D.1**, this note provides information on the new procedure for amendments to draft minutes (PVs), taking into account the fact that, since 2016, each intervention is reflected in the draft PVs only in the corresponding working language¹ – English, French or Spanish – and the draft PVs will be made available online on the Committee’s dedicated web page.²

It is recalled that the Committee’s practice is to accept amendments to the draft PVs of previous sittings **prior to their approval by the Committee**. The time available to delegates to submit amendments to the draft PVs will be clearly indicated by the Chairperson when the draft PVs are made available to the Committee.

Delegates are encouraged to submit their amendments to the secretariat **electronically** in “track changes” via the following email address: AMEND-PVCAS@ilo.org. In order to make amendments directly in track changes, delegates are invited to request the “Word version” of the minute by sending an email to the address above.

Amendments will be received **only if they are sent from the email address** which will have been provided by the delegate concerned when requesting the floor. The secretariat will acknowledge receipt of the amendment and may contact the delegate concerned when the request does not fulfil the requirements contained in document C.App./D.1, which read as follows: *Minutes are a **summary of the discussions** and are not intended to be a verbatim record. Delegates are requested to **restrict amendments to the elimination of errors in the report of their own statements, and not to ask to insert long additional passages**.* Delegates should specify the draft PV concerned and make clearly visible the changes they wish to make.

Delegates who wish to submit hard copies of their amendments will still be able to do so, once a day, from 1.30 p.m. to 2.30 p.m. in Office No. 6-25. The secretariat will verify that the request fulfils the requirements reproduced above. Delegates will therefore need to show their identification badge.

¹ **When filling in a request for the floor, delegates will be requested to indicate in which working language (English, French or Spanish) their intervention should be reflected in the draft PVs, if this intervention is not in one of these three languages. They will also be requested to provide an email address and a phone number.**

² Hard copies will be made available to delegates upon request.

Annex 2

INTERNATIONAL LABOUR CONFERENCE
106th Session, Geneva, June 2017

C.App./D.4

Committee on the Application of Standards

Cases regarding which governments are invited to supply information to the Committee

The list of the individual cases on the application of ratified Conventions
appears in the present document.

The text of the corresponding observations concerning these cases
will be found in document C.App./D.4/Add.1.

Index of observations regarding which governments are invited to supply information to the Committee

Report of the Committee of Experts
(Report III (Part 1A), ILC, 106th Session, 2017)

Case No.	Country	Convention No. (The page numbers in parentheses refer to the English version of the Report of the Committee of Experts)
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2	Poland**	29 (page 221)
3	Ukraine**	81/129 (page 482)
4	El Salvador**	144 (page 441)
5	Ecuador**	87 (page 105)
6	Kazakhstan	87 (page 135)
7	Libya	182 (page 296)
8	Mauritania	29 (page 207)
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10	Democratic Republic of the Congo	182 (page 277)
11	United Kingdom	102 (page 564)
12	Sudan	122 (page 500)
13	Turkey	135 (page 177)
14	Bolivarian Republic of Venezuela	122 (page 502)
15	Zambia	138 (page 357)
16	Afghanistan	182 (page 264)
17	Algeria	87 (page 42)
18	Bahrain	111 (page 369)
19	Bangladesh	87 (page 48)
20	Botswana	87 (page 61)
21	Cambodia	87 (page 71)
22	Egypt	87 (page 110)
23	Guatemala	87 (page 125)
24	India	81 (page 462)

** Double footnoted case.
