



Governing Body

344th Session, Geneva, March 2022

Legal Issues and International Labour Standards Section

LILS

Minutes of the Legal Issues and International Labour Standards Section

Contents

	Page
Legal Issues Segment.....	3
1. Review of the Standing Orders for technical meetings and Standing Orders for meetings of experts adopted in November 2018 (GB.344/LILS/1)	3
Decision.....	3
International Labour Standards and Human Rights Segment.....	3
2. Proposed form for reports requested under article 19(5)(e) and 19(6)(d) of the Constitution in 2023 on the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978 (GB.344/LILS/2)	3
Decision.....	3
Summary of the written comment received during the consideration of the item by correspondence	4
3. Third evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group (GB.344/LILS/3).....	4
Decision.....	8
4. Committee of Experts on the Application of Conventions and Recommendations: Proposals on extending the duration of its annual session to ensure sufficient time is allocated to discharge its workload (GB.344/LILS/4)	8
Decision.....	14

Legal Issues Segment

1. Review of the Standing Orders for technical meetings and Standing Orders for meetings of experts adopted in November 2018 (GB.344/LILS/1)

1. In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 1 March 2022.
2. The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 11 March 2022.

Decision

3. **The Governing Body, having reviewed the application of the Standing Orders for technical meetings and the Standing Orders for meetings of experts in accordance with its decision taken at the time of their adoption in November 2018, decided that no further action was needed at this stage.**

(GB.344/LILS/1, paragraph 18)

International Labour Standards and Human Rights Segment

2. Proposed form for reports requested under article 19(5)(e) and 19(6)(d) of the Constitution in 2023 on the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978 (GB.344/LILS/2)

4. In preparation for the adoption of a decision by correspondence, the Office held a briefing session for Governing Body members on this item on 1 March 2022.
5. The Screening Group agreed to put the item forward for a decision by correspondence and the decision was approved by consensus and announced to all Governing Body members by a communication of 11 March 2022.

Decision

6. **The Governing Body:**
 - (a) **requested governments to submit reports for 2023, under article 19 of the ILO Constitution, on the Labour Administration Convention, 1978 (No. 150), and Labour Administration Recommendation, 1978 (No. 158); and**
 - (b) **approved the report form concerning these instruments set out in the appendix to document GB.344/LILS/2.**

(GB.344/LILS/2, paragraph 6)

Summary of the written comment received during the consideration of the item by correspondence¹

- 7. The group of industrialized market economy countries (IMEC)** noted that a General Survey covering the Labour Administration Convention, 1978 (No. 150), and Labour Administration Recommendation, 1978 (No. 158), would be of particular relevance in the context of the recovery from the COVID-19 pandemic. Recalling its previous suggestions aimed at further improving the process for finalizing questionnaires, IMEC thanked the Office for the successful consultations that had been held on the item and welcomed the questionnaire's concise nature. The selection of instruments and development of the corresponding questionnaires were of great importance given the central role played by General Surveys in the ILO's work on standards

3. Third evaluation of the functioning of the Standards Review Mechanism Tripartite Working Group (GB.344/LILS/3)

- 8. The Chairperson of the Standards Review Mechanism Tripartite Working Group (SRM TWG)** said that since the second evaluation of its functioning, the SRM TWG had held one meeting, in September 2021. The virtual format of that meeting had highlighted the complexities of the work of the SRM TWG, which, for the first time since its inception, had failed to reach consensus on all instruments on its agenda. Nevertheless, there had been unanimous agreement on the importance of its work and a common commitment among its members to seeking consensus. At its next meeting, the SRM TWG would examine the lessons learned to strengthen the implementation and impact of its recommendations and consider matters linked to standards policy.
- 9. The Worker spokesperson** highlighted that her group's engagement with the SRM TWG was contingent on progress in increasing ratifications of up-to-date standards, and particularly those that are related to outdated standards; and identifying and filling gaps in standards by placing standard-setting items on the agenda of the International Labour Conference at the earliest opportunity. Greater efforts were needed to ensure that all of the SRM TWG's recommendations were followed up as an institutional priority; it was of particular regret that the Employers' group had not committed fully to ensuring that the Governing Body followed up the SRM TWG's recommendations. The SRM TWG's failure to reach consensus at its last meeting was also regrettable.
- 10.** Standard-setting items must be placed on the Conference agenda more swiftly to avoid gaps in standards, and a discussion must take place on addressing more than one standard per Conference session. For example, she hoped that the consolidation of instruments on chemical hazards would be placed on the agenda of the 114th Session of the Conference; that would be more than eight years after the SRM TWG's recommendation in that regard. Her group favoured an expedited process to facilitate the implementation of the SRM TWG's older recommendations on occupational safety and health instruments, preferably through a preparatory technical conference in 2023. Almost five years after the SRM TWG's recommendation and three years after the Governing Body's request that the Office begin to prepare proposals for the relevant standard-setting items, standard-setting items on machine safety and ergonomics and manual handling had yet to be placed on the Conference's agenda.

¹ The complete text of the comment in the original language is available on the [Governing Body's web page](#), together with the decision.

Her group expected that the Governing Body would take the step at its session in November 2022 to place those items on the Conference agenda at the earliest possible date.

11. Considerable work remained to ensure the ratification of up-to-date Conventions related to outdated Conventions, and many Member States remained bound by Conventions due for abrogation in 2024. She made an urgent appeal to Member States to ratify up-to-date standards related to those outdated Conventions and to request any necessary technical assistance from the Office; failure to do so would inevitably result in gaps in worker protection. The recommendations of the SRM TWG must be included systematically in Decent Work Country Programmes and development cooperation activities. Her group had always cautioned against setting dates for the abrogation of outdated instruments by which Member States remained bound; those instruments continued to provide protection to workers, and eliminating them without ensuring that new instruments had been ratified ran counter to the objectives of the SRM TWG. Progress in ratification was central to the objective of achieving a clear, robust and up-to-date body of standards.
12. The date on which the Unemployment Convention, 1919 (No. 2), would be abrogated would be decided by the SRM TWG in 2026. The Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), the Sickness Insurance (Industry) Convention, 1927 (No. 24), and the Sickness Insurance (Agriculture) Convention, 1927 (No. 25) would be abrogated in 2030. It was important that Member States still bound by those Conventions take steps to ratify the related up-to-date instruments well in advance of their abrogation. Similarly, Member States should ratify up-to-date Conventions related to outdated Conventions not yet proposed for abrogation or withdrawal so that the SRM TWG could reach agreement on placing the abrogation or withdrawal of those standards on the Conference's agenda.
13. **The Employer spokesperson** emphasized the value placed by his group on the work of the SRM TWG and expressed surprise at the Workers' accusation that the Employers did not respect its recommendations. Documents for future evaluations of the SRM TWG should contain more detail about how the SRM TWG's discussions had been run, the challenges faced and opportunities for improvement. The ILO should have a clear, robust and up-to-date body of standards; therefore, ILO standards should be transparent, manageable, balanced and universally relevant, in addition to being easy to understand, apply and monitor.
14. The increasing complexity in the review of standards because of divergent views did not need to be a setback but indicated a need to focus efforts on issues to ensure that the mandate was fulfilled. There was a difference between the roles of the SRM TWG and the Governing Body; while the SRM TWG formulated recommendations on the standards it reviewed, it was for the Governing Body to decide how they should be implemented, including, in the case of standard-setting recommendations, taking into account other proposed items for the Conference's agenda. Should the SRM TWG be unable to reach consensus, the Governing Body must take a decision based on the divergent views set out in its report. There appeared to be confusion between the concepts of gaps in coverage and gaps in protection. While the former referred to a gap in the standards as set out in the SRM TWG's terms of reference, the latter related to insufficient protection in national contexts as a consequence of abrogation or withdrawal and could not be said to exist without proof. In addition, gaps in protection were uncommon, given that Member States did not normally repeal national legislation or practice immediately after a standard was abrogated or withdrawn. Such gaps did not, therefore, justify delaying abrogation.
15. His group had suggestions as to how to improve the running of the SRM TWG. The constituents should participate to a greater extent in drafting the SRM TWG's recommendations, which

should respect the Governing Body's autonomy and competence to take final decisions. For example, the SRM TWG could provide several alternative recommendations together with a detailed report setting out the different opinions expressed within the SRM TWG. In addition, the promotion of standards should be realistic in the future. Lastly, to avoid fragmentation, the SRM TWG should aim to create key standards in important thematic areas, supported by non-normative technical guidelines.

16. **Speaking on behalf of the Asia and Pacific group (ASPAG)**, a Government representative of Saudi Arabia reiterated the importance of the SRM TWG and that it continue to follow its work plan, despite the lack of consensus on some standards at its previous meeting. The success of the ratification campaign should be measured, as the ratification numbers were low. The high number of ILO standards should be made more manageable by grouping together Conventions and combining the content of similar Conventions into a single instrument. A standard's low ratification rate did not lessen its legal force or ability to contribute to working conditions, and the Office should make additional efforts to promote the ratification of such standards. The COVID-19 pandemic had clearly affected the work of the SRM TWG, and it should receive greater support to render its meetings more effective. ASPAG supported the draft decision.
17. **Speaking on behalf of the Africa group**, a Government representative of Namibia reiterated his group's support for the continuing role of the SRM TWG, whose sixth meeting had been particularly challenging for members from his region owing to constraints relating to the COVID-19 pandemic. He underscored the value of the SRM TWG and welcomed the commitment of its Members. The SRM TWG's failure to reach consensus for the first time was regrettable. The ratification rate of a standard was not a relevant factor in determining whether or not that standard was up to date. Even without ratification, such standards provided valuable guidance on action to be taken at the national level. He therefore urged the Office to expedite follow-up action by transmitting follow-up letters to Member States still bound by Conventions proposed for abrogation and updating "promotion pyramids" to communicate the recommendations to the Member States affected. The SRM TWG should draw on the lessons learned from its virtual sessions and the impact of the COVID-19 pandemic. The Africa group supported the draft decision.
18. **Speaking on behalf of the group of Latin American and European countries (GRULAC)**, a Government representative of Chile recalled that in recent years, a government spokesperson had been appointed within the SRM TWG, thereby allowing the Chairperson to assume a neutral position. The Government group could play a more proactive role in consensus-building; allowing the government spokesperson to act as one of the officers of the SRM TWG on an equal footing with the Employer and Worker Vice-Chairpersons could contribute to tripartite consensus. That practice had already been adopted at other ILO meetings. He proposed that the Governing Body invite the SRM TWG to consider GRULAC's suggestions.
19. **The Chairperson** said that he took it that GRULAC supported the draft decision.
20. **Speaking on behalf of IMEC**, a Government representative of the United States of America, expressing her group's support for the critical work of the SRM TWG, welcomed the many significant achievements of the SRM TWG to date. She recognized that the discussions that took place within the SRM TWG were complex and challenging and said that it was regrettable that the SRM TWG had been unable to achieve consensus on all items discussed during its sixth meeting, noting the additional difficulties created by its virtual format.
21. Acknowledging that 58 instruments were still pending review, she encouraged the SRM TWG to be ambitious in the number of instruments it considered at each meeting. The inclusion of

government advisers in the review of highly technical instruments had been useful, and that practice should continue where necessary. The SRM TWG should consider whether it should adopt any best practices from the Special Tripartite Committee established for the Maritime Labour Convention, 2006, as amended.

22. Relevant ILO standards were especially important in the context of the COVID-19 pandemic, and her group encouraged governments, social partners and the Office to follow up on the recommendations of the SRM TWG in a timely manner. IMEC supported the draft decision.
23. **Speaking on behalf of the European Union (EU) and its Member States**, a Government representative of France said that Turkey, North Macedonia, Montenegro, Serbia, Albania, Iceland, Norway, Ukraine, the Republic of Moldova and Georgia aligned themselves with the statement. The EU and its Member States aligned themselves with the statement by IMEC and emphasized the importance of the Standards Review Mechanism. The achievements of the SRM TWG in its first six meetings had a far-reaching institutional impact. The fact that the SRM TWG had not reached consensus on all items at its previous meeting should not deter members from striving to make more progress in the future, in the spirit of consensus.
24. The work carried out by the SRM TWG to date was impressive, and he welcomed the fact that all candidates for the post of Director-General had underscored the importance of the ILO's work on reviewing standards, including the SRM TWG. Notwithstanding the many achievements, there were still instruments pending review and timely, effective and proactive follow-up should be given to the recommendations of the SRM TWG. He expressed support for the adoption and implementation of appropriate measures in that regard, including standard-setting, which should be treated as an institutional priority and fully integrated into the ILO's activities and recommendations. The EU and its Member States supported the ongoing work of the SRM TWG, expressing the hope that its next meeting could be held in person, and looked forward to the next evaluation, which should take place no later than March 2024. The EU and its Member States supported the draft decision.
25. **The Employer spokesperson** said that it was not true that his group did not want to adopt the recommendations made by the SRM TWG. His group considered that the Governing Body should receive information on any potential options for recommendations. While the SRM TWG had a technical approach, the Governing Body could take decisions and should not simply endorse recommendations without making its own detailed analysis. Differing opinions on the mandate of the SRM TWG should not only be discussed in the SRM TWG and could facilitate consensus. While no one questioned the importance of protecting workers, the ratification of standards could be a problem for governments.
26. When promoting the ratification of a standard, the Office should provide each government with information on all relevant theoretical and practical elements in order to determine whether the ratification of an instrument and its subsequent application was feasible in their country, particularly as its application might require additional support from national experts or from the Office. Such a prior evaluation by the Office would also identify gaps in coverage in national legislation, which might encourage governments to take steps towards ratification. He emphasized that no standard should be considered in isolation.
27. Lastly, he reiterated the importance of simplicity. That did not mean reducing the scope or content of standards, but rather making sure that they were easier to understand and apply. His group would continue to call for simplicity in order to ensure that the ILO had a body of standards that was up to date, clear and robust.
28. His group supported the draft decision.

29. **The Worker spokesperson** welcomed the support expressed by governments for the work of the SRM TWG, which was an important part of the ILO's work and should be considered as an institutional priority. Her group had been critical of the commitment of the Employers' group because, despite its participation in meetings of the SRM TWG, it did not always seem to consider the follow-up to the resulting recommendations as an institutional priority. She reiterated the comments made by several government representatives that a low ratification rate was not a criterion for deciding that a standard was outdated; an up-to-date Convention remained relevant, irrespective of how many Member States had ratified it. In conclusion, she said that the SRM TWG should be solely responsible for determining its own working methods.

Decision

30. The Governing Body:

- (a) **thanked the Officers and Members of the Standards Review Mechanism Tripartite Working Group (SRM TWG) for the information allowing it to undertake a third evaluation of the functioning of the SRM TWG;**
- (b) **reiterated the importance of the SRM TWG in contributing to ensuring a clear, robust and up-to-date body of international labour standards and stressed the need for timely follow-up action by Member States, social partners as well as by the Office to its recommendations as adopted by the Governing Body; and**
- (c) **requested the SRM TWG to take its guidance into account in continuing its work and that it continue to be kept informed of the functioning of the SRM TWG so as to allow it to undertake a further evaluation in March 2024.**

(GB.344/LILS/3, paragraph 3)

4. Committee of Experts on the Application of Conventions and Recommendations: Proposals on extending the duration of its annual session to ensure sufficient time is allocated to discharge its workload (GB.344/LILS/4)

31. **The Employer spokesperson** expressed his group's concerns regarding the proposed organization of work as set out in paragraph 6 of document GB.344/LILS/4. He asked the Office to provide additional information in response to the following questions. First, he asked whether the two weeks of preparatory remote work would apply to all experts and why that period was limited to two weeks. It was his understanding that all experts had previously carried out preparatory work on an individual basis, as necessary. Second, with respect to the duration of meetings, he noted that shortening the meeting by half a week could promote efficiency, but asked whether that could also lead to more work being carried out remotely in order to compensate for the reduction in meeting time. Third, he asked why the pre-session working group for the examination of the General Survey had been extended from three days to four. Fourth, he asked how the increase in the honorarium had been calculated, particularly if the additional day allocated to the pre-session working group only applied to some experts. Fifth, he asked whether that increase would have an impact on the budget for the Committee of Experts and whether it would be sustainable in the long term. Sixth, he asked whether the increased workload was being shouldered by the Committee of Experts or, in fact, by the Office in terms of the support that it provided.
32. Recalling the statistics provided on the work of the Committee of Experts in Appendix II to its report to the 110th Session of the Conference (2022), he noted a 34 per cent reduction in the

number of reports submitted to the Committee of Experts between 2010 and 2021. Since its workload had decreased, primarily as a result of decisions made by the Governing Body, he asked why the duration of the annual session of the Committee of Experts was being extended and why the honorarium paid to its members was being increased. He recalled that the Governing Body had already decided not to increase the number of experts on the Committee and asked whether the proposed increase in the honorarium was a direct result of that decision and was, in fact, compensation for the perceived workload. The proposals did not appear to reflect the current reality nor would they improve efficiency, a goal that was important to his group.

- 33. The Worker spokesperson** commended the quantity and quality of the work of the Committee of Experts. She asked the Office to provide clarification on the purpose of the current discussion, because she had thought that broad agreement had been reached at the 343rd Session of the Governing Body and that the current discussion had only been intended to finalize the details. In her view, the Governing Body had already agreed to extend the annual session of the Committee of Experts in view of the increasing workload of that Committee. Her group agreed with the proposed organization of work and supported the increase in the honorarium paid to the members of the Committee of Experts. Lastly, her group supported the draft decision.
- 34. Speaking on behalf of the Africa group**, a Government representative of Gabon recalled the important role of the Committee of Experts. The information provided regarding the longer duration of the sessions of other United Nations treaty bodies was useful and demonstrated the importance of supervisory bodies within the United Nations system, in which the tripartite nature of the ILO was unique. In that context, it was necessary for the Governing Body to extend the duration of the annual session of the Committee of Experts in order to enable its members to work more effectively and tackle its workload, which would only continue to increase as ILO Conventions and Protocols were ratified by more governments. Her group therefore supported the proposed extension set out in the draft decision. However, she asked the Office to clarify the steps it would take to ensure that the remote work was not interrupted by connectivity problems.
- 35. Speaking on behalf of IMEC**, a Government representative of Canada reiterated her group's support for the ILO's unique supervisory system. Her group expressed full confidence in the Committee of Experts and endorsed its principles of independence, objectivity and impartiality. The Committee of Experts must be enabled to function uninterrupted and with sufficient capacity to deal with the increased workload. Recognizing that the composition and duration of sessions of the Committee of Experts had remained unchanged since 1983, and noting the comparative data provided on the duration of sessions of other UN treaty bodies, her group supported the proposed changes to the working methods of the Committee of Experts. The financial implications of the proposed changes, resulting primarily from the increase in the honorarium paid to members of the Committee of Experts, were reasonable in light of the essential nature of the Committee's work. She noted the Office's commitment to take full advantage of the investment in digitalizing case management and in enabling the Committee to work remotely. IMEC supported the draft decision.
- 36. Speaking on behalf of the EU and its Member States**, a Government representative of France said that Turkey, North Macedonia, Montenegro, Serbia, Albania, Norway, Ukraine and Georgia aligned themselves with the statement. The EU and its Member States aligned themselves with the statement by IMEC and thanked the Office for incorporating the Governing Body's guidance when preparing the current proposals. Recognizing the vital role of the Committee of Experts, he commended the quality of work of its members. Despite an increased number

of ratifications, the duration of the Committee's annual session had not changed since 1983. He noted the information provided by the Office regarding the longer duration of supervisory meetings of the UN treaty bodies. Therefore, the EU and its Member States supported the proposed extension of the duration of the annual session of the Committee of Experts, according to the organization of work proposed in paragraph 6 of the document. He welcomed the Office's efforts to take full advantage of the investment made in digitalizing case management and said that the experts must have unimpeded access to the secure system. He said that the financial implications of the proposed changes, including the proposed increase to the honorarium, were reasonable. Supporting the draft decision, he said that while working methods may evolve, the principles of the Committee of Experts – objectivity, impartiality and independence – must remain.

37. **A Government representative of Mexico** reiterated the importance of the work of the Committee of Experts. In light of the increasing workload and the subsequent need to prepare for the annual session, her Government supported the proposed changes to the organization of work. She recognized the good use made of digital technologies enabling remote preparatory work to be done on the basis of lessons learned during the COVID 19 pandemic, both with regard to the work of the Committee of Experts and across the Organization as a whole, including its governing institutions. She expressed support for the proposed increase in the honorarium, which was to be met by existing resources. She supported the draft decision.
38. **A representative of the Director-General** (Director, International Labour Standards Department), responding to questions raised by the Employers' group, said that the preparatory work by the Committee of Experts lasted around two weeks and entailed the individual experts examining and reviewing the files attributed to them and preparing draft comments, which then went to the plenary of the Committee, at which all the members discussed all the comments and adopted them. Many experts had long been asking to carry out the preparatory work remotely, also in the context of their regular discussions on working methods. Thus, while the COVID-19 pandemic had forced the Committee to establish remote working more quickly than anticipated, it had already been considering such modalities. The 2021 session of the Committee of Experts had been held in hybrid format. If the time spent on experts' individual examination of files was performed remotely, the time needed for the collective deliberation in Geneva would be reduced. Previously, all the Committee's work had been done together in Geneva during a very intense period. For some years, the Committee had also been requesting an additional day for the examination by the Working group for the examination of the General Survey, as three days had proven extremely short to enable them to fulfil their obligation with respect to the General Survey.
39. As the workload necessarily increased in parallel with the ratifications rates, the issue of an increased workload had been shared with the governments. The Office had looked into ways to deal with the increased workload by exploring ways to obtain efficiency gains in the organization of the work. Some such benefits had been realized through the digitalization of the case management system. Other work being done to increase the efficiency of the Committee's working methods included the pioneering of a pilot project on baseline reporting, in cooperation with 12 governments, aimed at mainstreaming the reporting obligation and its processing by the Office. The outcome of the project would be shared with the Governing Body with a view to deciding whether to upscale that initiative.
40. Turning to questions raised with regard to remote working technology, during the preparation of the first virtual meeting of the Committee of Experts, due consideration had been taken of the problems of connectivity that some experts, especially those in the African region or the

Arab States, might encounter. With additional support provided by the Office, all experts had been connected throughout the session without interruption and had been able to access the electronic case management system. The Office also placed great importance on the security of its communication and information technology.

41. **A representative of the Director-General** (Treasurer and Financial Comptroller), responding to questions raised, said that the amount of the honorarium that had originally been approved in 2014 was CHF5,200 for each session. That amount was prorated across the number of days that the new session was estimated to take, arriving at an overall honorarium of CHF7,500. The net difference between the honorarium paid for the additional days of preparatory work and the savings due to the reduction of the meeting in Geneva was US\$28,000, which represented 0.003 per cent of the budget and would be easily absorbed within the budget for the current biennium.
42. **The Employer spokesperson** said that the issue under discussion could have been addressed by correspondence, like many other issues before the Governing Body. While appreciating the information provided concerning the examination of the Committee of Experts' working methods and efforts to increase efficiency, he said that such details could have been included in the document itself, and his group proposed that that be done going forward. Although the increasing ratification rates implied more reporting under articles 19 and 22 of the Constitution, statistics showed that the workload had in fact decreased by around a third since 2010, when the Committee had processed its largest ever number of reports. The question remained therefore as to how, if the number of reports requested and comments published had fallen, the Committee had arrived at the notion that there was a greater workload and why there was a proposal to increase the experts' honorarium. Such statistics changed the scenario on which the current discussion was based as there had been an assumption that the experts' workload had increased. His group would appreciate clarity in that regard and proposed that the Governing Body return to the draft decision the following week, after having received further details.
43. **The Worker spokesperson** said that she would like confirmation on whether decisions had been taken at the November 2021 session of the Governing Body regarding the matter under discussion, meaning that the purpose of the current session was to settle the details of that decision. Broad support for the draft decision had been expressed by members and she proposed that the Employers' group obtain the clarification it sought on a bilateral basis with the Office.
44. **The representative of the Director-General** (Director, International Labour Standards Department) said that indeed two options to address the increased workload faced by the Committee of Experts had been proposed at the November 2021 session of the Governing Body. The Governing Body had opted for the proposal on extending the duration of the Committee's annual session. Implicit in the agreement to consider the proposal to extend the duration of the session was an acknowledgement of an increased workload. She was open to engaging in bilateral discussion with the Employer spokesperson in order to clarify any details.
45. **The Employer spokesperson** said that the draft decision that had been discussed at the 343rd Session concerned proposals, but the current draft decision did not contain proposals. It rather put forward a notion of increasing the honorarium of the Committee of Experts with a substantial detail missing. It was predicated on the understanding that the experts' workload had increased, but information showed that that was not the case. The whole discussion was therefore not based on reality and an assessment of the workload should have been carried

out prior to the current meeting. Clear details on the workload should be presented to the Governing Body the following week before any decision was adopted.

46. **The representative of the Director-General** (Director, International Labour Standards Department) said that a number of Governing Body decisions taken over the years had been aimed at extending the reporting cycle, which had had an impact of the number of comments received each year. Decisions had been taken, for example, to extend the reporting cycle for technical Conventions to six years but that had not resulted in a lighter workload. Such decisions had been made precisely to address the problem of an increasing workload, by ensuring a more even distribution of cases over the years and enabling the Committee to deliver on its mandate in the most appropriate working environment. New ratifications were accompanied by new reports and the workload was therefore always increasing. The experts examined a great number of treaties over a short period of time, which was testament to their commitment and the intensity of their work.
47. **The Employer spokesperson** said that he agreed that decisions that had been taken by the Governing Body to extend the reporting cycle for the majority of Conventions had facilitated the work of the supervisory bodies, and they had resulted in a 34 per cent reduction in the workload.
48. **The Worker spokesperson**, speaking on a point of order, said that the Employers had received the information from the Office regarding the workload of the experts and apparently did not believe the explanation. She asked whether they wanted to amend the draft decision and whether they had a proposal in that regard. If they did not, she would like them to clarify issues after the meeting in order to proceed with the adoption of the draft decision.
49. **The Employer spokesperson** said that he would like the Office to provide the Governing Body with detailed information on the statistics that his group had referred to and to know the number of reports examined by the Committee of Experts as of the report of the Committee of Experts suggested a 34 per cent decrease in the workload; in that way the discussion could continue in good faith the following week. His group could not accept the draft decision as it stood.
50. **Speaking on IMEC**, a Government representative of Canada requested that the Governing Body proceed with the adoption of the draft decision, given that the agenda for the forthcoming week of the Governing Body meetings was rather full.
51. **Speaking on behalf of the European Union and its Member States**, a Government representative of France said that his group supported the statement made by IMEC.
52. **The Chairperson** asked whether the Employers' group could agree to adopt the draft decision.
53. **The Employer spokesperson** said that, according to the rules of procedure, if there was no consensus, the item could not be closed. It was normal for complex matters to be deferred in order to have a thorough discussion. The issue should be discussed the following week once information had been provided by the Office.
54. **The Worker spokesperson** asked whether, if the Employers' group continued to disagree, the discussion had to be postponed under the rules of procedure. If it did, the Employers' group should receive the information it was requesting outside the Governing Body meetings so that the matter could be postponed with a view to returning to the adoption of the decision but not to the discussion; there should be no further discussion of the matter either in a tripartite consultation or in plenary.

55. **The Employer spokesperson**, thanking the Worker spokesperson for her proposal, said that the information his group was seeking should be brought before the plenary, following which either the decision would be taken rapidly or the Governing Body as a whole should seek further clarification.
56. **The Chairperson** noted that it was, however, only the Employers' group that was requesting such clarification in order to adopt the draft decision.
57. **The Employer spokesperson** insisted that it was important to know whether it was true or not that the Committee of Experts had an increased workload before adopting the draft decision and that the matter must therefore be postponed.
58. **The representative of the Director-General** (Director, International Labour Standards Department) said, in response to the request from the Employers' group, that while the number of reports requested for examination by the Committee of Experts had decreased from 2,745 in 2010 to 1,865 in 2021, a difference of 880 reports, it was important to contextualize those figures in order to appreciate how they related to the workload.
59. First, the number of reports requested each year in relation to a given Convention fluctuated in accordance with the distribution of the total number of reports requested over the full reporting cycle. The annual distribution depended on the topics covered and the number of ratifications of the Conventions concerned. Second, the reporting cycle had been modified on two occasions during the period in question. In 2011, the Governing Body had extended the reporting cycle for fundamental and governance Conventions from two to three years and the reporting cycle for technical Conventions from four to five years; in 2018, the reporting cycle for technical Conventions had been further extended to six years. Those changes had reduced the number of reports requested in the years following the implementation of these new reporting cycles. This was precisely the intended objective of these GB decisions. A third element that needs to be considered to understand the reduction in the number of reports requested is specific to the maritime conventions. The entry into force of the Maritime Labour Convention, 2006, as amended (MLC, 2006) in 2013 had entailed the denunciation of all previously ratified maritime Conventions by ratifying Member States. Since then, 456 denunciations of the relevant instruments had been registered, meaning that the corresponding reports were no longer requested. The situation was similar for a number of other Conventions.
60. While the extension of the reporting cycle and the high number of automatic denunciations mentioned above have led to a decrease in the number of reports requested, there had been no consequent decrease in the workload of the Committee of Experts, however, as the work involved in the examination of a single report depended largely on the complexity and type of report examined. The Maritime Labour Convention was a clear example of the fact that numbers alone might be misleading to assess the workload of the CEACR. For instance, a single report relating to the MLC, 2006 covered elements contained in the 34 Conventions, one Protocol and 29 Recommendations consolidated in that instrument. While the Committee of Experts was now expected to examine only 107 reports from ratifying Member States and the non-metropolitan territories to which the MLC, 2006 applied, in comparison with the 456 reports examined prior to 2013, its workload had increased considerably because the examination of each report involved an extensive comparative analysis of more than 100 pages of content and the drafting of detailed comments. Another example concerned the report requested in relation to the Protocol of 2014 to the Forced Labour Convention, 1930; given their complementary nature, the two reports submitted by ratifying Member States on that

Protocol and on the Forced Labour Convention, 1930 (No. 29) counted as a single report in the statistics, even though the Committee of Experts was required to examine both.

61. In addition, the workload generated by the examination of the first report submitted by a Member State two years after its ratification of a Convention was much higher than that generated by subsequent reports, as a first report required more thorough analysis. The Office had registered 475 ratifications since 2013, including 173 since 2018 alone. That trend was likely to continue, bringing with it an increase in the number of reports. Indeed, in the past three days, the Office had received instruments of ratification of the Minimum Age Convention, 1973 (No. 138) from Bangladesh, the Protocol of 2014 to the Forced Labour Convention, 1930 from Malaysia, and the Labour Inspection (Agriculture) Convention, 1969 (No. 129) and the Maternity Protection Convention, 2000 (No. 183) from Panama. Reflecting recent ratifications, the number of reports requested under articles 22 and 35 of the ILO Constitution had increased from 2,007 reports in 2019 to 2,169 reports in 2022, an additional 162 reports.
62. In the light of those factors, the decrease in the number of reports requested for examination by the Committee of Experts had not translated into a decrease in its intense workload and had, on occasion, resulted in an increase. It is for all these reasons, that the Governing Body had before it a proposal to extend the duration of the CEACR annual session to ensure sufficient time is allocated to discharge its intense workload.
63. **The Employer spokesperson** thanked the Office for the detailed information and acknowledged that the number of observations submitted by the Employers' and Workers' groups also required considerable attention from the Committee of Experts. It would be useful at a future session of the Governing Body, perhaps in a discussion concerning budgetary matters, to consider the impact of that workload not only on the members of the Committee of Experts but also on the teams that supported its work. It would also be important to assess for the future whether the growing number of Conventions and obligations under articles 19, 22 and 35 of the ILO Constitution would require the Governing Body to take further decisions in relation to the submission of reports. His group was satisfied with the details provided, which allowed the Governing Body to make an informed decision on the matter, and was ready to support the draft decision.
64. **The Worker spokesperson** expressed her group's appreciation for the work of the Committee of Experts and for the detailed information provided on its workload. She welcomed the recent ratifications of ILO instruments, in particular the ratification of Convention No. 138 by the Government of Bangladesh, which represented an important step forward for that country.

Decision

65. **The Governing Body decided:**
 - (a) **to extend the annual session of the Committee of Experts on the Application of Conventions and Recommendations to include two weeks of remote preparatory work, two weeks of meetings in Geneva and a four-day pre-session for the working group examining the General Survey;**
 - (b) **to increase correspondingly the honorarium paid to each member of the Committee of Experts to CHF7,500; and**
 - (c) **that the dates of the annual session of the Committee of Experts in Geneva will be from 28 November to 10 December 2022, with a four-day pre-session working group on the General Survey.**