

Committee on the Application of Standards

Date: 15 June 2023

Part One

▶ Draft General Report

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 **247** members (**128** Government members, **8** Employer members and **111** Worker members). It also included **8** Government deputy members, **80** Employer deputy members and **93** Worker deputy members. In addition, **65** international non-governmental organizations were represented by observers.
2. The Committee elected its Officers as follows:

Chairperson: H.E. Ambassador Khalil Hashmi
(Government member, Pakistan)

Vice-Chairpersons: Mr Paul Mackay (Employer member, New Zealand) and
Mr Marc Leemans (Worker member, Belgium)

Reporter: Ms Joanna Żeber (Government member, Poland)
3. The Committee held **23** sittings.
4. In accordance with its terms of reference, the Committee considered: (i) the reports supplied under articles 22 and 35 of the ILO Constitution on the application of ratified Conventions; (ii) the reports requested by the Governing Body under article 19 of the Constitution on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165), and the Maternity Protection Recommendation, 2000 (No. 191); (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; and (iv) written information supplied by the governments.¹

Opening sitting

5. **Chairperson:** Let me start by thanking you for the confidence you have placed in me by electing me to preside over the work of this important Committee. It is a great honour for me and for my country to represent the Asia-Pacific region, and to be given the responsibility of chairing the Conference Committee on the Application of Standards this year, the year of return to normality.
6. I would like to congratulate the two Vice-Chairpersons, as well as the Reporter, on their election as Officers to this Committee. I look forward to working closely with you over the course of the next two weeks. I count on your experience, cooperation and wise counsel in steering the work of this Committee.
7. The founder of our nation, the Quaid-i-Azam Muhammad Ali Jinnah, once said, and I quote: "We must work our destiny in our own way and present to the world an economic system based on the true Islamic concept of equality of mankind and social justice". Working its own way towards social justice is what this august Committee has relentlessly done since 1927, and I hope my chairmanship may strengthen the faith in its mission. Our national Urdu poet Dr Allama Muhammad Iqbal also described the centrality of faith in our mission: "In slavery, neither swords nor strategies are of any use, but with the taste of faith, chains are broken".
8. This Committee has always been the pillar of the regular ILO supervisory system and at the heart of the ILO's tripartite system. It is the forum for tripartite dialogue in which the Organization has been debating the application of international labour standards and the functioning of the standards system since 1926. The conclusions adopted by the Conference Committee and the technical work of the Committee of Experts on the Application of Conventions and Recommendations, together with the technical assistance of the Office, are essential tools for Member States when implementing international labour standards.
9. I am pleased to note that the Report of the Committee of Experts provides a solid basis for our debates once again this year. I would like to take this opportunity to acknowledge the online presence of the Reporter of the Committee of Experts, Professor Ago, who will address your Committee remotely in a short while. I must inform you that for reasons beyond her control, the Chairperson of the Committee of Experts, Ms Graciela Dixon Caton, has been unable to travel to Geneva to address your Committee this year. I also acknowledge the presence of the Chairperson of the Committee on Freedom of Association, Professor Evance Kalula.
10. I strongly encourage you to participate actively in the debates and I trust that in the course of the two-week session of the Conference, the Committee will be able to meet the high expectations of the ILO constituents in the spirit of constructive dialogue.
11. I would also like to particularly welcome those Government representatives who have been asked to coordinate the work of the regional groups in this Committee. Your contribution and cooperation will be central to ensuring the full involvement of all governments. I would like to bring to your attention the fact that, unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are

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

reported as having been made on behalf of all governments, members of the group or organization in question, who are Members of the ILO and are attending the Conference.

12. **Employer members:** This is the first full in-person meeting of the Committee since the outbreak of the COVID-19 pandemic and the hybrid meeting last year. We think it is important to draw lessons from the adjustments and modalities adopted during the pandemic. In particular, we need to embrace the improvements and good practices on time management to ensure that our work continues to remain effective and relevant. We trust that the Chairperson with his able leadership will ensure efficient use of time and avoid evening sittings as much as possible, in order to allow sufficient time to prepare for the discussion of cases and the all-important negotiation of conclusions.
13. The discussion this year takes place against the backdrop of the continuing impact of the pandemic, as well as a challenging geopolitical situation with economic and humanitarian consequences which continue to shake the world and destabilize many countries. All of this has severely affected the application of ILO standards and we need to take this into account in our supervisory work.
14. Let me recall that the Standing Orders of the Conference indicate that the Committee has an unrestricted mandate to supervise the application of standards. In delivering its tasks, the Conference Committee receives technical preparatory support from the Office and uses the Committee of Experts reports and written information provided by governments as a starting point. The Conference Committee then adopts conclusions on all items discussed, and does so autonomously without being bound by the views or non-binding analyses of other parties.
15. Furthermore, let me recall the importance for social partners to maintain full authority and control over the list of individual cases. According to our Committee's practice, the list should be drawn up by the Worker and Employer members with consideration for a balance of regions and the types of Conventions. It is important that this process be respected and free from any external interference or influence.
16. The ILO Centenary Declaration for the Future of Work (2019) calls upon all tripartite constituents to "promote a clear, robust, up-to-date body of international labour standards and to further enhance transparency. International labour standards also need to respond to the changing patterns of the world of work, protect workers and take into account the needs of sustainable enterprises, and be subject to authoritative and effective supervision". To fulfil this mandate, we need to carefully listen to constituents in order to fully understand the national context, including the protection needs of workers and the needs of sustainable enterprises. Only on this basis will we be able to support them effectively with relevant guidance to find appropriate solutions through their national social dialogue for better compliance with standards-related obligations.
17. This Conference Committee, the Committee of Experts and the Office, which provides the support for the work of both committees, should demonstrate their capacity for realism, balance and pragmatism in the ILO standards supervision as we assume our share of responsibility for the promotion of resilient economies and labour markets in ILO Member States.
18. The Employer members are committed to participating in the discussions in a constructive spirit and look forward to a results-oriented, balanced tripartite dialogue at this session. While divergence of views on substantial issues exists among constituents and between the Conference Committee and the Committee of Experts, we trust that they will continue to be voiced in a spirit of mutual respect, understanding and cooperation. We also request that the

views expressed in our Committee and its conclusions be duly considered by other ILO supervisory bodies, by the Office in its support of the overall system and its technical assistance, and by ILO initiatives and in discussions in the context of the 2030 Agenda for Sustainable Development. We look forward to meaningful discussions and completing the work of this Committee over the next two weeks.

- 19. Worker members:** The Conference this year is characterized by a return to normality, which means, among other things, the return to 24 cases, which we are used to discussing. During the Conference Committee's sittings, we will have the opportunity to discuss cases that all show, to varying degrees, shortcomings in the observance of standards. But the supervision of standards cannot be carried out in isolation. It is always influenced by political, economic and even geopolitical issues. These issues clearly have a determining impact on women and men workers, and particularly on their rights. I would like to review some of them, without being exhaustive.
- 20.** The aggression against Ukraine by the Russian Federation and the war that is ravaging the country have had serious repercussions for workers throughout the world. Combined with the effects of the pandemic, they have given rise to inflation that is continuing to undermine the living standards of workers. Despite the relative calm that we have observed for several months, it is clear that these trends are likely to persist, and even to accelerate. It is essential for governments to adopt appropriate measures to maintain the living standards of workers, particularly the most precarious, in accordance with ILO standards.
- 21.** Recent history teaches us that governments often tend to sacrifice the rights and interests of workers when they are confronted with difficulties. The economic challenges resulting from the situation that we are experiencing must not under any event serve as a pretext to weaken workers' rights, especially those that enable them to make their voices heard, namely freedom of association and the right to collective bargaining, fundamental rights of which we are celebrating the 75th anniversary. In times of crisis, these empowering rights are even more important, in the same way as other fundamental standards.
- 22.** But, over and above the impact of inflation, no one can ignore the fact that our societies are at a pivotal moment and facing a series of reconfigurations. In this context, I would like to warn against two perils that are a threat to international standards. The first is based on the observation that several countries, which have hitherto been held as examples for the observance of rights, have seen a deterioration in their situation. An increasing number of laws are being seen that restrict individual freedoms, the right to demonstrate, as well as the right to strike. These are excesses that are bound to give rise to our concern and condemnation. We warn these governments and remind them that it will be increasingly difficult to call on other governments to respect rights that they themselves are undermining in their own territories. Being exemplary is often the price of being credible.
- 23.** The other danger is found at another level. It is an argument darkened by a relativism that seeks to fight against the universality of standards. It consists of making use of so-called specificities to explain and excuse non-respect for these standards. These arguments claim that developing countries must first concern themselves with their economic development before recognizing and respecting the labour rights of workers. This reminds us of colonialist narratives which refused to accept the applicability of standards on the pretext that colonized peoples were not ready for their implementation, or again those that claim that there is no social paradise in an economic desert. This type of reasoning seems to ignore the fact that the full recognition of workers' rights is an indispensable precondition for economic prosperity. Moreover, when they are drawn up, ILO standards already take into account

differences in levels of development and adopt a flexible and progressive approach. In particular, it should be noted that these standards have as their purpose the emancipation of workers from hunger, poverty and arbitrary treatment. They are intended to offer a means of regulating industrial relations which, irrespective of the specific characteristics of each country, provides workers with protection and a way of ensuring that their voices are heard.

24. I indicated at the beginning of my intervention that we would have the occasion to discuss many cases of the non-observance of standards. I hope that our discussions will be held in a spirit of mutual respect. And evidently, these discussions must be free from any attempt at intimidation. Finally, I recall that our Committee is not a court of law. Its mission does not consist of deciding between points of view or finding a guilty party. Based on the situation of the country that is failing to give effect to its obligations, it instead endeavours to lay down a path and develop a way forward that will enable it to fulfil its commitments. I hope that we can all bear this in mind so that our work is constructive and fruitful.

Work of the Committee

25. During its opening sitting, the Committee held a moment of silence in memory of Mr Alberto Echavarría, former Employer member of the Committee on the Application of Standards and Employer spokesperson on the ILO Governing Body's Committee on Freedom of Association. The Employer and Worker members, the Government member of Colombia, the representative of the Secretary-General, and the Chairperson of the Committee on Freedom of Association paid tribute to Mr Echavarría's contribution to the work of the Committee and his legacy in strengthening the ILO supervisory system, while conveying their sincere condolences to his family, friends and colleagues.
26. The Committee also adopted at its opening sitting document D.1, which sets out the manner in which the work of the Committee is carried out² and, on that basis, the Committee considered its working methods, as reflected below.
27. In accordance with its usual practice, the Committee continued 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.
28. The final part of the general discussion focused on the General Survey entitled *Achieving gender equality at work*. This discussion is contained in section I of Part Two of this report. The outcome of this discussion is contained in section C of Part One of this report.
29. 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 II of Part Two of this report.
30. 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 explanations provided by the governments concerned. As usual, the Committee also referred

² Work of the Committee on the Application of Standards, International Labour Conference, 111th Session, [CAN/D.1](#) (see Appendix 1).

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. 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 information submitted by governments and the discussions on the examination of individual cases, are contained in section III of Part Two of this report. The conclusions adopted by the Committee are contained in section E of Part One of this report.

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

Working methods of the Committee

32. **Chairperson:** One of the important challenges that our Committee will have to face once again this year will be to complete its crucial work in a tight time frame and this brings me to the question of how best to manage our time. To ensure success we have to abide by our working schedule and implement strictly the measures contained in document D.1, in particular concerning time management. Let me emphasize certain key steps in this respect. First, maximum speaking time will apply during the general discussion, the discussion of the General Survey and during the examination of individual cases. I intend to enforce these limits very strictly and I count on your support and understanding. Details about time limits are contained in Part IX of document D.1 which is also available on the Committee's web page. During the interventions, screens will indicate the remaining time for speakers. Once the maximum speaking time has been reached, the time indication will turn red on the screen and I will have the unpleasant duty of interrupting the speaker. The speaking times will be adjusted according to the number of speakers who may have registered. Where necessary, I will have recourse to the possibility of deciding, in consultation with the Officers of the Committee, to reduce speaking time limits, for instance where there is a very long list of speakers. Where such a decision is warranted, the Committee will be informed and the secretariat will try, as far as possible, to inform the delegates on the list of speakers, thus allowing them to adapt the text (more precisely shorten the text) of their statements to the time they will finally be allocated. Speakers who have not registered in advance may only be given the floor if time allows.
33. Let me now turn to registration on the list of speakers. To allow efficient time management, delegates are requested to register on the list of speakers as early as possible. As indicated in document D.1, the practice of drawing up a list of speakers 24 hours before the examination of each item on the Committee's agenda remains in force. Delegates who are accredited to the Conference and registered in the Committee should request their inclusion on the list of speakers by filling in the relevant form which is available on the Committee's web page and by sending this form by email to can@ilo.org. In addition, in line with the practice of the Committee, observers can be placed on the list of speakers after approval by the Officers of the Committee. The list of speakers will be visible on screens in both the rooms for each sitting of the Committee. The number of speakers registered to take the floor will be clearly indicated. Moreover, group interventions are encouraged over individual statements or interventions.
34. Let me now turn to the minutes of the sitting. The discussions of the Committee will be produced in the form of verbatim transcripts. Each intervention will be reported in extenso in the working language in which it has been delivered or, failing that, the language chosen by the government, which is English, French or Spanish. The verbatim draft minutes will be made available online on the Committee's dedicated web page.

35. It has been the Committee's practice to accept amendments to the verbatim draft minutes of previous sittings prior to their adoption by the Committee. The time available to delegates to submit amendments to the verbatim draft minutes will be clearly indicated by me when they are made available to the Committee. Delegates are kindly requested to send their amendments to the secretariat by email with track changes. Where needed, in order to make track changes, delegates are invited to request the Word version of the draft verbatim minutes by sending an email. Also, to avoid delays in the preparation of the Committee's Report, no amendments may be accepted once the draft minutes have been approved.
36. Finally, in accordance with Part X of document D.1, 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 my responsibility as Chairperson of this Committee to ensure that the rules of decorum are respected. During the Committee's sittings, filming is not allowed and delegates may not take photos of delegations other than their own. Nor is it allowed to send live tweets during Committee sittings.
37. In conclusion, let me underline that while the challenges ahead of us are great, I trust that we can count on our collective wisdom and experience, as well as on that of our dedicated secretariat to ensure the success of this Committee.

Adoption of the list of individual cases

38. The Committee adopted, during the course of the opening sitting, the list of individual cases to be discussed.³
39. **Worker members:** We welcome the adoption of the list. Without being an exact science, its formulation tries to take into account certain criteria such as regional balance, the nature of the Conventions or the degree of seriousness of the situation. My Employer counterpart and I will be at the disposal of the governments for the explanatory meeting that is scheduled immediately after our session.
40. The need to take several criteria into account means that many cases that appear on the preliminary list deserve to be on the final list but are not. There are a few to which I would like to draw particular attention. The case of China continues to hold our full attention. The written information supplied by the government after the publication of the preliminary list contains some interesting details. We note that the government is committed to implementing our Committee's conclusions, which date back to last year. We hope that this will be done as soon as possible and that they will be fully implemented.
41. I would also like to express the concern of the Worker members about the situation in Tunisia. Freedoms in the country continue to be restricted. Trade union freedoms, in particular, are being seriously curtailed. The practices that we are observing are detrimental to the interests of Tunisian workers and violate their rights. The Tunisian Government cannot ignore the fact that the trade union movement in the country has always been a driver and guarantee of stability. We therefore call on it to respect individual freedoms, and in particular freedom of association. Lastly, we would like to raise the case of France, where protection against unfair dismissal has been severely limited, as part of a more general undermining of workers' rights in the country, which heightens our concerns. I reiterate my hope that all parties will approach the discussion of the 24 cases in a constructive and respectful manner.

³ International Labour Conference, 111th Session, Committee on the Application of Standards, [CAN/D.2](#).

- 42. Employer members:** Like the Worker members, we too are satisfied that the list of cases has been adopted. As everybody knows, this is a negotiated list and therefore represents compromises that had to be made regarding the cases that will be heard and the ones that will not. Ideally, we would have liked to hear the Committee examine more cases of progress. Nepal is the only example on this year's list that would come under that heading. We would like to see more cases where compliance with Conventions would enhance the creation of a sustaining and sustainable environment for business growth and job creation. In respect of fundamental Conventions, we note that there are no Conventions on occupational safety and health (OSH) on the list this year, which is a pity given that last year we celebrated the elevation of OSH to the status of fundamental principles and rights at work.
- 43.** Conversely, we feel that certain cases should not have been included in the list. I won't go into the details because these will become apparent when these cases are discussed. Our concerns relate to the fact that each has characteristics that deviate from the core mandate of this Conference Committee, which is to examine compliance with the specified Convention. Broadly speaking, these cases fall into three main groups: (i) where discussions to address certain issues of application are already well advanced at the national level; or (ii) where discussions have previously taken place in the Conference Committee and the details haven't changed; or (iii) where cases concern issues that exceed the ambit of ILO Conventions, for instance the prevailing political environment in the country. In our view, this Committee should be focused on examining a case strictly in the context of the Convention that is the subject of the Committee of Experts' report. Allowing ourselves to drift from this focus invites criticism of the relevance and effectiveness of our work that none of us wants.
- 44.** Secondly, and at the outset of our work, I would like to remind the Committee that as in previous years, any issues referring to a right to strike in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which, as we all know, has been contentious, will not be included in the conclusions of cases. This will apply in this year's context to the cases of Guatemala, Liberia, Madagascar, Netherlands–Sint Maarten, Nicaragua, Peru, the Philippines and the United Kingdom of Great Britain and Northern Ireland. As many of you will recall, in previous Committee sessions we have expressed our concerns with the Committee of Experts' extensive, yet non-binding, assessment of Convention No. 87 on this point. We have pointed out on many occasions the legislative history of Convention No. 87, documented in the proceedings of the International Labour Conference. It is clear from these records that the proposed Convention related only to freedom of association and not to the right to strike.
- 45.** Having commented briefly on the areas of concern, let me turn to what we would like to see in the future, albeit in general terms. Overall, we want to see a balanced list of cases as we also heard from the Worker members. This balance would take into account regional spread, different types of Conventions (fundamental, priority, governance and technical), as well as balance between those of primary interest to Worker and Employer members respectively. Such a list can provide enhanced benefits because the guidance derived across a broader range of Conventions is likely to be of benefit to a broader range of countries in a given reporting cycle. This should also include a number of cases of progress. We need to show the global community that the Committee not only deals with issues of non-compliance but can also contribute to improvements in the application of ILO Conventions. With these remarks I commit to working constructively with our social partners in addressing the cases we have before us now. As I said at the outset, the Employer members accept the list of cases.

B. General questions relating to international labour standards

Statement by the representative of the Secretary-General ⁴

46. **Representative of the Secretary-General:** As the representative of the Secretary-General for your Committee, I have the privilege of leading the team that stands ready to provide you with all necessary assistance to ensure that the Committee functions smoothly and effectively.
47. At the outset, I would like to thank Professor Ago, the Reporter of the Committee of Experts on the Application of Conventions and Recommendations, and Professor Evance Kalula, Chairperson of the Committee on Freedom of Association, who will address your Committee to present the reports of their respective committees.
48. My brief intervention will cover two main points: (i) the constitutional mandate and work of your Committee; and (ii) a brief up-date of key developments in respect of the ILO's normative work.
49. Your Committee is a standing committee of the International Labour Conference. Since 1926 when it was established, the Committee has met at each session of the International Labour Conference. Its mandate lies at the heart of the ILO's action and consists of examining and bringing to the attention of the plenary of the Conference:
 - (i) the measures taken by Members to comply with their obligations to communicate information and reports under articles 19, 22, 23 and 35 of the Constitution and to give effect to the provisions of Conventions to which they are 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, your Committee examines at every session of the Conference, a General Survey on the law and practice of Member States in a specific area.
50. This year, your Committee has before it the report produced by the Committee of Experts at its 93rd Session (November–December 2022) along with the 2023 General Survey entitled *Achieving gender equality at work*. This is the first General Survey that examines together the topics of gender discrimination, maternity protection and workers with family responsibilities.
51. Now, a few words about the work of your Conference Committee. Document D.1 details all the measures that will allow your Committee to discharge its constitutional obligations. These reflect the outcome of the informal tripartite consultations on the Committee's working methods which took place on 5 April 2023. These informal tripartite consultations, that were held this year for the 17th time, have resulted in numerous improvements of your Committee's working methods and are a testimony of the agility of the ILO supervisory system, including of your Committee to constantly adjust and innovate to deliver effectively on its important function. Detailed information about the many improvements introduced over time in the working methods of your Committee is available on the Committee's web page.
52. No doubt all Government delegates will appreciate the consensus reached during the informal tripartite consultations of April 2023 to schedule the adoption of the final list of "individual" cases to be discussed by the Committee, at today's opening session. This should certainly facilitate your preparation of the examination of the 24 individual cases. The provisional working schedule (document D.0) will be rapidly adjusted to reflect the order in which the

⁴ International Labour Conference, 111th Session, Committee on the Application of Standards, [CAN/D.3](#).

24 cases will be discussed. The Conference Committee's report will be presented for adoption to the plenary sitting of the International Labour Conference on Friday, 16 June.

53. I would now like to refer to some standards-related anniversaries that we will be commemorating this year and provide a quick overview of the main standards-related activities carried out since your previous session. This year we commemorate the anniversaries of several important instruments:

- Convention No. 87, adopted 75 years ago, a few months before the Universal Declaration of Human Rights, established the right to organize of both employers and workers and thus enabled the ILO supervisory bodies to relentlessly defend them and their organizations over the years and to this day. This anniversary is an opportunity for us to take the time to remind ourselves and all the constituents of this Organization that Convention No. 87 along with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), constitute the DNA of this Organization, as the right to organize is a precondition for the effective exercise of all other rights at work beginning with the concurrent right to collective bargaining.
- Convention No. 111, adopted 65 years ago, played a pioneering role, as complemented by the Equal Remuneration Convention, 1951 (No. 100), in adding sex among the prohibited grounds of discrimination and making it clear that equality of opportunity and treatment between women and men does not mean identical or equal treatment but rather substantive equality of opportunity and human dignity. It also innovated in enabling the ILO supervisory bodies to address the question of affirmative or positive action to deal with the consequences of past discrimination.
- The Minimum Age Convention, 1973 (No. 138), and its accompanying Recommendation (No. 146), adopted 50 years ago, was among the first to proclaim children's rights, serving as a precursor to the UN Convention on the Rights of the Child, adopted 16 years later, and Convention No. 182 on the worst forms of child labour, 1999, which has since been universally ratified.
- The 1998 Declaration on Fundamental Principles and Rights at Work also turns 25 this year. Together with its annual follow-up, the Declaration is the blueprint of the ILO's strategy to promote a fair globalization. In the aftermath of the COVID-19 pandemic, the Declaration confirmed that it continues to play a pivotal role for the promotion of decent work by virtue of its 2022 amendment which added a safe and healthy work environment to its scope.

54. Last but not least, we celebrate the 75th anniversary of the emblematic Universal Declaration of Human Rights. The vision of "all human beings born free and equal in dignity and rights", proclaimed in the Universal Declaration, is once again today at the heart of the increasing claims for dignity, equality, respect, freedom and rights, particularly of the most vulnerable, whose daily reality is reflected in the statistics that report rising inequalities across the globe. In this context, it is hardly surprising that the report of the Secretary-General to the Conference on the need for greater social justice globally and the means to achieve it, gives high prominence to human rights and international labour standards as a fundamental dimension of social justice. To mark the anniversary of the Universal Declaration of Human Rights, the Committee of Experts undertakes in a joint statement with the Chairpersons of eight treaty bodies supervising the human rights Conventions, to join efforts in order to promote all human rights, including international labour standards, through joint analyses, concerted action, and thematic periodic meetings.

55. Since the Committee's last meeting in June 2022, 42 ratifications of ILO Conventions have been registered, confirming the continuing commitment of Member States to a rules-based multilateral system in pursuit of social justice.
- The Violence and Harassment Convention, 2019 (No. 190), received 12 ratifications over the past 12 months and has a total of 27 ratifications so far.
 - The Social Security (Minimum Standards) Convention, 1952 (No. 102), received 4 ratifications and has a total of 65.
 - Eight ratifications concerned occupational safety and health instruments. Two of them concerned the Occupational Safety and Health Convention, 1981 (No. 155), and three the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The recently granted fundamental status of these two Conventions is expected to enhance their ratification rate in the near future.
56. Allow me to briefly recall that only a few ratifications are missing for the fundamental Conventions on forced labour, equality and non-discrimination and child labour to reach universal ratification. One ratification was registered for each of Conventions Nos 100 and 138 as well as the Forced Labour Convention, 1930 (No. 29), while the Abolition of Forced Labour Convention, 1957 (No. 105), received two ratifications.
57. However, no ratification has been registered in the past 12 months for the fundamental Conventions on freedom of association and collective bargaining and the Protocol of 2014 to Convention No. 29. I am therefore pleased that on the occasion of this Conference, the Director-General should receive the instruments of ratification for Convention No. 87 from Guinea Bissau and for the Protocol to Convention No. 29 from Mexico. This important Protocol has been ratified by 59 Member States so far, corresponding to one third of the ILO's constituents.
58. With regard to the governance Conventions, the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), received one ratification each.
59. As you know, the modernization of the ILO's normative activities is one of our Director-General's priorities and work is continuing in that regard. First of all, the work of the Tripartite Working Group established under the Standards Review Mechanism (SRM) continues and is being accelerated. The SRM Tripartite Working Group met for the seventh time in September 2022 and completed its review of instruments concerning employment injury, making consensual recommendations which were adopted by the Governing Body. The follow-up to the SRM is an institutional priority that calls for a redoubling of efforts in order to make sure that the relevant Governing Body decisions trickle down to the country level where normative records need to be modernized. A series of activities will take place in the coming months in order to raise awareness and promote follow-up.
60. Second, ways are actively explored to facilitate reporting under articles 22 and 19 of the ILO Constitution by governments among other ways to promote an authoritative and transparent system of supervision. In consultation with stakeholders, the Office is preparing proposals on this subject for examination by the Governing Body at its 349th Session (October–November 2023).
61. Third, increased emphasis is placed on systematically connecting the supervisory body comments to technical assistance in order to ensure that normative guidance gives rise to tangible results at country level. As can be seen on your Committee's web page, the Office has

followed up on almost all cases discussed at the Committee's previous session in order to promote the implementation of the conclusions and recommendations adopted in June 2022.

62. Finally, the Office continues to deliver capacity-building to constituents through online courses and in person, in collaboration with the International Training Centre of the ILO in Turin. I am pleased to report that the next International Labour Standards Academy will be delivered online from 11 September to 6 October this year to the tripartite constituents from the Arab States and the European and Central Asian regions. Members from these regions are cordially invited to seek further information from the secretariat and on the Committee's web page on the programme and registration modalities for this important capacity-building activity.
63. The International Labour Standards Department is pleased and honoured once again this year to place its expertise at the service of your Committee which plays a pivotal role. I wish to take this opportunity to acknowledge the many invisible colleagues of my department who service your Committee under the able leadership of Ms Karen Curtis, Chief of the Freedom of Association Branch, and of Mr Horacio Guido, Chief of the Application of Standards Branch, who once again this year will accompany me in guiding the secretariat of your Committee. I would also like to thank the two coordinators of the Committee's secretariat, Ms Rosinda Silva and Mr Carlos Magalhaes for their outstanding work. Once again this year, I look forward to working with you all, Chairperson, Vice-Chairpersons, Reporter, and all the members of the Committee.

Statement by the Reporter of the Committee of Experts

64. On behalf of the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations, I welcome this invitation to attend the work of the Conference Committee at the 111th Session of the International Labour Conference, which is characterized by a return to normality. The Committee of Experts values this participatory practice, which has been established for several years, as it allows constructive interaction and discussions that are productive and respectful of our different bodies, which are both committed to the full application of international labour standards.
65. During our session in 2022, in addition to the special sitting with the Vice-Chairpersons of your Committee, the Committee of Experts organized an information session for Government representatives which offered the occasion for an interesting exchange of views.
66. We continue to take heed of the concerns expressed by the tripartite constituents in relation to the operation of the various aspects of the supervisory system, and accordingly, on behalf of the Committee of Experts, I reiterate our readiness, within the framework of our mandate, to play an active role in the process of the modernization of certain aspects of the supervisory system. The Committee of Experts also reaffirms the importance of ensuring that our work retains the necessary relevance to have a positive impact in relation to the human rights of workers. This is all the more important in the context of the many crises that are undermining the world in which we live.
67. Moreover, in the context of the Subcommittee on Working Methods, the Committee of Experts is continuing its examination of its working methods, their adaptation and modernization to achieve maximum efficiency. Among other positive changes put into practice, at our previous session, we were able to start working for the first time before our arrival in Geneva at the beginning of the Committee's session. This was possible as a result of the application of information technology, through the digitalization of the process of the examination of government reports and the production of the Committee's documents. In addition to improving our productivity, this allowed a more effective use of time. This is also an

appropriate occasion to express our gratitude to the Governing Body for the measures adopted in this respect, which have enabled the Committee of Experts to organize its work more flexibly and to have more time for in-depth discussion among the experts, despite the growing and ever more intense workload.

- 68.** By way of illustration, I can share with you that the Committee has continued the use of hyperlinks as a means of improving understanding of its comments and its work by constituents, and of increasing the visibility of its conclusions. We have also continued to use tables in the General Report with a view to placing emphasis on urgent appeals and cases of progress, among other aspects. Moreover, we have continued the practice adopted in recent years of publishing an executive summary of the General Survey. Also, based on the recognition that the examination of compliance with international labour standards in the context of urgent appeals is, in the view of the Committee of Experts, an important element in promoting dialogue between countries and the supervisory system based on updated comments, it should be noted that the latest report includes an urgent appeal among the double footnotes proposed by the Committee of Experts. These small but significant changes introduced in the presentation of the report of the Committee of Experts are a reflection of our sustained efforts to achieve greater efficiency in the work of the Committee of Experts as a part of the ILO supervisory system.
- 69.** The Committee of Experts dedicated a special sitting to an exchange of views with the Chairpersons of the UN bodies created under the human rights treaties. During this dialogue, which was very productive, emphasis was placed on the complementarity of our work, the need to develop new synergies and for greater collaboration and coherence. The exchange led to the adoption of a joint statement (attached to our report) in which emphasis is placed on the contribution made by the human rights protection mechanisms, which include the UN human rights treaty bodies and the ILO supervisory bodies, to reinforcing respect for human rights and international labour standards at the country level through their analyses and recommendations, as well as addressing socio-economic development challenges through human rights-based solutions, placing people and the planet at the centre of the realization of the 2030 Agenda.
- 70.** I now turn to the General Survey, which this year covers Conventions Nos 111, 156 and 183, and Recommendations Nos 111, 165 and 191. The Committee of Experts hopes that its exhaustive analysis of law and practice in relation to the instruments analysed responds to the expectations of constituents and will enable them to draw up more effective measures for the achievement of gender equality at work. In this regard, I would like to emphasize that the General Survey is particularly timely, as it covers an objective set out in the ILO Centenary Declaration in relation to “achieving gender equality at work through a transformative agenda” and accompanies current debates on the promotion of equality at work and the equitable distribution of care responsibilities.
- 71.** The General Survey analyses the manner and means by which the six instruments examined are mutually reinforcing and shows that specific measures are being adopted in many countries to address the various dimensions of gender inequality at work, including with regard to issues of maternity protection and family responsibilities covered by Conventions Nos 156 and 183, which have not been ratified as widely as Convention No. 111. In the General Survey, the Committee emphasizes that full equality cannot be achieved in the broader current context of ongoing inequality, and that qualitative and comprehensive change is urgently needed in the gender dynamics in which gender-specific constraints and structural obstacles find their origins.

72. The Committee of Experts notes in its report the creation of the Global Coalition for Social Justice, which offers a message of hope to women and men facing the harsh reality of periods of crisis. Within the framework of reinforcing a human-centred future, respect for international labour standards and supervision of their application will undoubtedly be a crucial element in finding a way through the multiple crises that are affecting the world of work (conflict, the challenges of the climate crisis, more deep-rooted poverty and inequality than ever). There is no doubt that the work of our Committees will be essential tools for the action undertaken in the context of collaboration under the Global Coalition for Social Justice.
73. The Committee of Experts also welcomes the decision to include a safe and healthy working environment among the fundamental principles and rights at work and to recognize Conventions Nos 155 and 187 as fundamental Conventions. In this regard, we also hope that the work of the Committee of Experts, both through its comments and its General Surveys, will provide guidance to Member States in the decisions and measures that they adopt to ensure a safe and healthy working environment.
74. I am pleased to be able to tell you that, at our last session, the Committee of Experts welcomed 3 new members, which enabled us to work with the full complement of 20 members. This is essential for the proper functioning of the Committee, especially in view of its heavy workload. It is also important to indicate that three other members with long experience of the Committee's work and excellent technical and legal knowledge in various areas, ceased to be members of the Committee last year. The Committee of Experts would be grateful for every effort to be made to fill these vacancies as soon as possible so that the Committee can count on its full complement of 20 members in order to be able to work with the serenity ensured by an adequate distribution of the workload.
75. Before ending my statement, I would like to reaffirm the unshakable commitment of the Committee of Experts to continue carrying out its work with the highest sense of responsibility, impartiality and objectivity in fulfilling its mandate, as indicated in paragraph 33 of the General Report. I once again welcome the privilege of participating in the discussions of the Conference Committee on the General Report and the General Survey, and wish you all a productive Conference.

Statement by the Chairperson of the Committee on Freedom of Association

76. It is an honour and a privilege for me to come once again before your esteemed Committee to report on the activity of the Committee on Freedom of Association. As a preliminary matter, allow me to underline the importance of the 75th anniversary of Convention No. 87, which you will be considering at your current session. The combined anniversary with the Universal Declaration for Human Rights highlights the nature of this right among the most fundamental internationally proclaimed human rights. Freedom of association as a means of promoting individual and collective choice, social and political participation and the ability to lead a valuable life, is an enabling right allowing for the exercise of all other human rights, starting with the corollary right to collective bargaining. Collectively protecting and nurturing democratic participation is central to achieving sustainable development, preventing conflicts, tackling inequalities and combating discrimination among other things. These higher aspirations can only be reached when organizations of employers and workers are free to be established and exercise their activities in full freedom, without intimidation and threats of any kind. As such, freedom of association is indeed indispensable to paving the way towards social justice and was thus one of the reasons for the establishment of the special complaints mechanism over which I preside.

77. We last met a year ago and since then, the Committee has issued its sixth annual report covering the year 2022. The Committee's annual reports are intended to provide helpful information on the work undertaken by it throughout the year and assist constituents' understanding of the Committee's work and functioning. They contain information, supported by visual statistical data, on the developments over the years in the use of the Committee's special procedure, the progress made and the serious and urgent cases examined. Furthermore, the annual report and its presentation to your august body fulfils an important objective of the Workers' and Employers' groups' 2015 Joint Statement to support the complementarity of the ILO supervisory system while avoiding duplication of procedures.
78. I would like to recall that the role of the Committee on Freedom of Association is to examine complaints of violations of freedom of association regardless of ratification of the relevant freedom of association Conventions. The object of the Committee's complaints procedure is not to blame governments, but rather to engage in a constructive tripartite dialogue to propose avenues to ensure the respect of freedom of association in law and practice.
79. In 2022, the Committee on Freedom of Association examined 59 active cases and 18 cases concerning the effect given to its recommendations through its follow-up procedure. As freedom of association is a fundamental right which must be ensured for both workers' and employers' organizations, the Committee had the occasion last year to examine one complaint brought by an employers' organization. The allegations received over the year globally covered both the public and the private sectors. The annual report outlines, among other information, the types of allegations that came before it most often. In 2022, as in the previous year, these were: protection against acts of anti-union discrimination, violation of collective bargaining rights and trade union rights and civil liberties.
80. While much remains to be done, it is my pleasure to inform you that there has been important progress noted by the Committee on Freedom of Association with interest or satisfaction during this period. The progress noted has encompassed a variety of measures, including, for example, legislative amendments to further freedom of association, the signing of new collective agreements, the removal of restrictions on the applicability of collective bargaining agreements, the registration and implementation of collective bargaining agreements, the reinstatement of workers without loss of wages or benefits and the dropping of charges brought against trade union leaders. I invite you to consult the report which contains tables and graphs on the cases of progress by type of allegations as well as on the cases of progress by region.
81. Aware of the fact that ILO technical assistance is a critically important tool for governments and social partners alike to resolve outstanding matters, in 2022, the Committee on Freedom of Association suggested that governments avail themselves of ILO technical assistance in nine cases, with a view to addressing its conclusions and recommendations.
82. In order to ensure complementarity, while avoiding duplication, the Committee often transmits the legislative aspects of cases where governments have ratified the relevant Conventions to the Committee of Experts. In 2022 – comparable to the numbers covering two previous years – this practice was used in nine cases. This also ensures a pertinent dialogue between the Committee on Freedom of Association, a complaints-based procedure, on the one hand, and the Committee of Experts and your Committee, on the other. The regular review provided by the Experts and your body provides an important key to ensuring sustainable progress in respect for freedom of association around the globe.
83. The engagement over the years with your Committee's procedures demonstrates that the Committee on Freedom of Association's work is well known and appreciated as an authoritative

voice for identifying shortcomings and finding workable solutions, promoting social dialogue at national level for full resolution. You will recall that just two years ago, the Committee adjusted its methods of procedure to further promote the space for crucial national dialogue when the parties to a complaint agree and a few countries have had recourse to national conciliation measures with the support of the Office, enabling the suspension of the Committee's consideration for a period of up to six months.

84. I am very proud of the work of the Committee on Freedom of Association and would like to underline the commitment of all its members to ensuring that its outcomes are constructive and useful to governments and their social partners. As the Conference Committee begins its important work, may I extend my sincerest wishes for a constructive and fruitful debate that will further bolster the achievement of our common objectives.

Statement by the Employer members

85. On behalf of the Employer members, I welcome all Committee members to this discussion. I also welcome Professor Ago who is listening into the discussion in order to prepare his reply. This is appreciated as I know from experience, coming from New Zealand, that it is particularly onerous. We would also like to congratulate the three new members of the Committee of Experts, Professor Herrera Vergara, Judge Kanyip and Ms Sreenevasan, on their appointment. This year we finally return to a fully in-person Conference and normal operations after particularly hard years. Hopefully this will facilitate our dialogue and make our work more effective.
86. Allow me now to turn to some of the points that the Employer members consider important for our work. First, we note that this year's report of the Committee of Experts is sizeable, containing around 1,000 pages and 656 observations; it certainly is one of the biggest in recent years. In addition, the Committee of Experts made 1,263 direct requests, which are not contained in the report itself. This is approximately a 20 per cent change. It is a significant increase over last year and these figures suggest rather alarming levels of large-scale non-compliance if you take them at face value.
87. For the Employer members, this once again raises questions about Member States' approach to the ratification and application of ILO Conventions. For instance, do Member States carry out thorough pre-ratification assessments and related changes in law and practice needed to ensure compliance? Have the national social partners, including representative and independent employers' organizations, been adequately consulted? Have their views and needs been taken into account in the planning of ratification and implementation and, if so, have Member States followed up on the results of pre-ratification assessments and developed action plans to ensure correct implementation prior to ratification? The Employer members' long held view is that ratification should only take place once there is clarity that correct implementation can be ensured, ideally in a way that reconciles the needs of all tripartite constituents, including employers of course. The large number of comments made by the Committee of Experts suggests that pre-ratification preparation is lacking in many instances and that ratifications are made prematurely or without proper pre-ratification assessment. The Office has an important role to play here through its promotional activities regarding ILO Conventions. It should advise and guide constituents to take a careful and considered approach to ratification. Ratification should come at the end of a process when it is clear that the envisaged Convention is implementable, not at the beginning. In this regard, it is important to remember that the ratification of a treaty under international law comes with the obligation to comply with all of its provisions. We believe that the application of ratified Conventions could be considerably improved if ratification was approached in a consistent and compliance-

oriented manner. This would reduce significantly the number of comments by the Committee of Experts, and thus also the burden on the supervisory system allowing it to focus on the most serious violations.

- 88.** The second point that we want to make, is the distinction between direct requests and observations. This is not the first time that we revert to this distinction in the Committee of Experts' report. We note from paragraph 11 of the Report, that the Committee of Experts had a discussion on the distinction between observations and direct requests and decided as a result that where observations are accompanied by direct requests, the texts of the latter could be streamlined. In paragraph 30 of the report, the Committee of Experts states that "the concerns expressed with regard to certain distinctions between observations and direct requests were taken very seriously. Without embracing change for the sake of change the Committee was ready to build inroads based on the criteria of continuous reliability, predictability, and transparency." This is rather vague language. We not only wonder what this means, but also what it will look like when implemented, as we have not perceived changes in the differentiation between observations and direct requests in this year's report. For instance, we find requests for information and assessments of compliance in both observations and direct requests. Given that direct requests are not usually discussed in the Conference Committee, by including compliance assessments in direct requests, the Committee of Experts excludes a major part of their standard supervisory work from tripartite scrutiny in this Committee. That is not how the supervisory system was designed to work.
- 89.** We therefore, once again, request the Committee of Experts to make any comments that contain assessments of compliance, whether based on a first or later government report, in the form of observations. We would also like to recall our alternative proposal to discontinue direct requests altogether and only issue observations. Mere requests for clarification or additional information could be informally obtained by the Office from the governments concerned via email for example, without the need for the Committee of Experts to make formal direct requests. In our view, this would not only simplify matters but also make the difference between preparing the information basis for standards supervision, on the one hand, and the actual standards supervision, on the other, more transparent.
- 90.** Our third point relates to the Committee of Experts' exchanges with governments and the UN human rights treaty bodies. We noted from paragraph 12 of the Report that the Committee of Experts held an information session with Government representatives on a number of matters related to standards supervision, including how to streamline Article 22 reports on similar Conventions to avoid duplication, the criteria for determining which organizations may be considered as employers' or workers' organizations when they submit comments under article 23.2 of the ILO Constitution, and the follow-up given by the Committee of Experts to cases referred to it by the Committee on Freedom of Association. These are actually subjects of interest to all the groups and we therefore respectfully request the Committee of Experts to provide more detailed information on what was said and possibly agreed in this exchange with governments.
- 91.** We also noted from paragraph 13 that a joint reflection took place between the Committee of Experts and the Chairpersons of seven human rights treaty bodies over ways to strengthen synergies and complementarities in the context of a repositioned UN development system and the UN Secretary-General's Call to Action for Human Rights. While the Employer members support the idea of creating synergies between the different UN human rights treaties, they would like to stress the distinct differences between the mandates and competences of each individual body, as well as the absolute need to not confuse or conflate the unique nature of the individual international treaties and instruments. The unique feature of international

labour standards is the tripartite framework in which they are created, implemented and supervised. Within this system, the Committee of Experts has a specific technical role to perform but it does not represent the ILO standards as such and should not be seen as such. Unfortunately, in the present joint statement, there is no mention of the tripartite nature of the ILO standards system.

- 92.** Fourth, we welcome the continued exchange of views between the Committee of Experts and the Employer and Worker Vice-Chairpersons of this Committee on the occasion of the special sitting with the Committee of Experts. We believe that a more structured and in-depth exchange on specific issues, such as on the interpretation of ILO Conventions, would be of benefit to the cooperation between the two Committees and the functioning of the entire supervisory system. A case in point is the various interpretations by the Committee of Experts on collective bargaining in Article 4 of Convention No. 98. This concerns, for instance, the question of whether organizations of self-employed workers have a right to collective bargaining. This is an issue that has been controversially discussed recently in various tripartite consultations in the ILO. In most jurisdictions only organizations of workers in an employment relationship have a right to collective bargaining, whereas organizations of self-employed workers who lack an employer cannot have this right. They are under a different legal regime. Further questions in this context are: whether, according to Article 4, there exists a preferential level of collective bargaining, whether Article 4 provides for a hierarchy of norms according to which collective agreements cannot depart from applicable legislation; whether there is a legal obligation for employers to negotiate under Article 4, or whether compulsory arbitration on the sole initiative of a workers' organization is compatible with the voluntary nature of collective bargaining as reflected in Article 4; whether a country has the right to dictate when a collective agreement should exist, and whether only a union should decide whether a collective agreement should exist and the scale and scope of it. These are major questions that we have – there are obviously many more.
- 93.** With respect to the question of the right to strike in the context of Convention No. 87, the Employer members noted that in the Committee's report, out of the 63 observations on this Convention, 49 relate partly or exclusively to the right to strike. Moreover, out of 42 direct requests, 35 also deal, in one way or another, with the right to strike. We have recognized that the right to strike has significant relevance for national and industrial relations systems and that countries have established varied and specific legislative practices to deal with this issue. We would nevertheless recall that the detailed interpretation and assessments by the Committee of Experts on the right to strike have no basis neither in the text nor in the legislative history of Convention No. 87. We would also like to remind the Committee of Experts of the view of the Government group in the Governing Body, according to which the conditions and practice of the right to strike is to be defined at the national level. In view of the recent discussion on a possible referral of this contentious issue to the International Court of Justice the Employer members are more than ever convinced that a realistic and sustainable solution can only be found through discussion within the ILO's tripartite fora and procedures. As the interpretation of the Committee of Experts and the Office is at the origin of this dispute, we once again respectfully call upon them to contribute to the search for a tripartite consensus instead of remaining inactive and continuing as in the past.
- 94.** In terms of the needs of sustainable enterprises, we would like to recall the importance of paying more attention to these needs in standards' supervision. We are of the opinion that the Committee of Experts neglects this central question. Sustainable enterprises comply with national laws and regulations and contribute to economic growth, employment creation and socio-economic progress. The UN 2030 Agenda has recognized the central role of enterprises

in solving societal challenges through responsible business conduct, innovation and collaboration. The ILO Centenary Declaration states that international labour standards also need to respond to the changing patterns of the world of work, protect workers, take into account the needs of sustainable enterprises and be subject to authoritative supervision. Giving due attention to the needs of sustainable enterprises would improve the balance of the Committee of Experts' observations and thus relevance and acceptance of their recommendations.

95. Lastly, on the topic of social justice, with regard to the section in the Committee of Experts' Report on the "Application of International Labour Standards and the quest for social justice in the context of protracted and interlocking crises", in particular, the Committee of Experts' explicit support for the launch of a Global Coalition for Social Justice and the urgent need of a new social contract, we have concerns. These are not matters related to the supervision of labour standards. The Committee of Experts has no mandate, in our view, to be a political advocate. Our concern is deepened by the fact that these proposals are still all under discussion and require adoption by the tripartite constituents in the competent ILO bodies. We believe that the Committee of Experts should have recognized this and hope that it will exercise more restraint on similar issues in future.
96. In conclusion, we would like to reaffirm our commitment to the ILO standards supervisory system as a key governance tool in the advancement of universal social justice. In saying that, we also say that the priority of the Committee of Experts, and indeed the Committee on the Application of Standards, should be to ensure that their focus stays on monitoring and supervising the compliance of Member States with Conventions they have ratified; leave politics to others. But we also recognize that in order for ILO standards and their supervision to have real and lasting impact, both need to be adapted to the constantly evolving situations and needs of Member States and the world in general. With that in mind, we look forward to cooperating with both governments and worker representatives of this session of the Conference Committee.

Statement by the Worker members

97. **Worker members:** It is important to mention that today is a useful time to discuss ways of increasing the impact of the supervisory system as a whole. I will focus more on the relationship between our Committee – the Committee on the Application of Standards – and the Committee of Experts. Let us recall that these are two independent bodies that seek to develop a certain complementarity. In addition, our Committee is not called upon to exercise any kind of oversight over the Committee of Experts, which carries out its mission in impartiality and independence. The Workers' group continue to attach the utmost importance to these features, which are guarantees of credibility for the Committee.
98. We also support the modernization of the supervisory system. However, this modernization must roll out taking into consideration the importance of preserving the fundamental aspects that guarantee the balance of our system. It is with this in mind that we note the meeting of the Committee of Experts with the governments. These exchanges can be interesting on several fronts, particularly to better explain the expectations and reciprocal points of view. Nevertheless, in our opinion, there is a thin line between constructive dialogue on the one hand and an exertion of influence on the other. It is our conviction that the Committee of Experts is also aware of these limits. Certain issues that were the subject of discussions at this year's meeting give cause for concern. I mention, for example, the question of how the Committee of Experts interprets the notion of the representative organization of workers and employers – a question which seems to us inappropriate, to say the least. The same applies to

the idea of rationalizing the reports that governments send to the various UN monitoring bodies. We see the value of improving certain aspects, but it is important to avoid diluting the specificities of ILO supervision.

99. We note with interest the reflection and follow-up carried out by the Committee of Experts concerning the impact of crises on labour standards. This responds to a wish expressed by the Worker members at our 2021 session. We invite the Committee of Experts to continue this exercise. I would like to draw your attention to the issues that the Committee of Experts identified in its General Report concerning social protection, particularly in the post-COVID-19 context. We must certainly continue to think about ways to address long COVID and take note of the concerns expressed by that Committee in this regard pertaining to the Netherlands. More generally, the developments covered in the report give us a perspective on the many challenges that we must highlight with regard to compliance with standards. We have already expressed several times that the supervisory system should focus on ways to have a bigger impact.
100. The Employer members often comes back to the importance of taking account of enterprise sustainability in the examination of compliance with standards. We have already spoken extensively on this subject but allow me to be more specific. If we are to follow this logic, it would be enough to unilaterally assert that a standard is at the detriment of enterprise sustainability for this standard to be set aside. This could lead, for example, to a restriction to the right to form trade unions because the exercise of this right could reduce the profits of an enterprise. This reasoning leads to stalemate. We emphasize that the aim of the ILO's mandate is to promote social justice through worker protection. Enterprise development is a means and not an end for the realization of social justice.
101. More generally, we consider that it is not necessary for the Committee of Experts to align itself with the wishes of each group or country in order that its work be effective. On the contrary, it is essential that, collectively, we reflect on the specific ways in which we can have a bigger impact. To this end, we have two proposals. Firstly, it would undoubtedly be useful to take greater account of the situation of the countries we are called upon to discuss or highlight. Ratification of a Convention entails the same obligations for all governments. The country situation can, however, vary, for example due to an acute crisis. We may have to look at this so as to adapt the form and nature of the supervision that our committees carry out. In order to avoid misunderstandings, I specify that what we are talking about here is not the content of the standards but rather how to ensure compliance and, moreover, what the most appropriate tools are to ensure the effectiveness of standards, while taking account of the country situations.
102. The second proposal concerns the importance of having a fairly specific inventory of the actions and measures taken for the implementation of our Committee's conclusions. This could be a helpful way of having continuous monitoring of certain cases. The case of India comes to mind, which we discussed in 2019 and on which we are very interested in having more information. It should be pointed out that the information that the Office has kindly posted on our Committee's web page, with regard to the monitoring of cases, can certainly serve as a basis in this regard.
103. We also note with interest the appendix to the report of the Committee of Experts. You will recall that we already welcomed the Committee's efforts to increase synergies with other UN monitoring bodies. This appendix illustrates this momentum and confirms the credibility of the Committee of Experts vis-à-vis with other UN bodies. Echoing what I said earlier, this exercise must, of course, be carried out with respect for the ILO's specificities.

- 104.** I would like to add something else, which has not been prepared in advance but which is a kind of reaction to the fact that there are long-standing differences of opinion on the right to strike. We will return to this in our closing speech to set out our position on the subject. But what I would like to say here is that it is not the Conference Committee that has the mandate to discuss the legal perspective relating to the right to strike. It is not under the competence or mandate of our Committee to discuss this. Whatever body or institution it comes through, it pertains to other entities within the ILO. There have been agreements and decisions, and we have to live with these agreements and decisions. The Conference Committee session is not the place or the time for such discussions, while we are addressing various individual cases and discussing the proper application of ratified Conventions.
- 105.** Echoing what I said earlier, our undertaking must be carried out with respect for the ILO specificities. So, I conclude by daring to hope that we will be in a position to continue our exchanges with a view to improving our respective modes of operation, by avoiding issues that lead to stalemates.

Statement by Government members

- 106. Government member, Algeria:** Progress has been made in the Conference Committee's working methods, as set out in document D.1 presented to us, in terms of visibility this year, thanks to the tripartite dialogue in the informal consultations on the Committee's working methods. However, these consultations should be expanded so that the preliminary and final lists of individual cases are published in advance, in order to give governments more time to prepare and present arguments on certain aspects that are vital to the discussion. Regarding the adoption of the conclusions, we are of the view that it is certainly important to take our time.
- 107.** Moreover, the list of individual cases drawn up should primarily reflect the observations and recommendations of the Committee of Experts and the Committee on Freedom of Association, based on the reports submitted by governments, in accordance with article 22 of the ILO Constitution, and avoid the selection of countries for political reasons or interests that undermine the credibility of the supervisory procedure.
- 108.** Lastly, it is important that the Worker members and Employer members inform governments of the conditions under which they have assessed the cases and how the criteria are applied to establish the final list of countries, so that a constructive dialogue in our Committee may strengthen tripartism and thus lead to the adoption of balanced conclusions to help governments better fulfil their obligations under ratified Conventions.
- 109. Government member, Sweden speaking on behalf of the European Union ⁵ (EU) and its Member States:** The candidate countries, Albania, Bosnia and Herzegovina, North Macedonia, Republic of Moldova, Montenegro, the potential candidate country Georgia, the EFTA countries, Iceland and Norway, members of the European Economic Area aligned themselves with this statement.
- 110.** We welcome the discussion of the Conference Committee, a crucial pillar of the supervisory system, and appreciate that we are back to our normal schedule with 24 cases. We strongly believe in the fundamental importance of international labour standards, the ratification and

⁵ Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations, are reported as having been made on behalf of all Government members of the group or organization in question, who are members of the ILO and are attending the Conference.

the effective and authoritative supervision of their implementation. We highly appreciate the analysis and the expertise of the Committee of Experts shown in the General Report, which provides a solid basis for the work of our Committee. We recall our strong commitment to the independence, objectivity and impartiality of the Committee of Experts. We appreciate the information session with the Committee of Experts last year and look forward to a new meeting this year.

- 111.** The EU and its Member States also welcome the joint statement by the ILO Committee of Experts and the UN human rights treaty bodies that is inspired by the UN Secretary-General's Call to Action for Human Rights. The common values of peace, freedom, equal rights, human dignity, social justice and the rule of law are universal, complementary and mutually reinforcing. We share the view that human rights, including international labour standards, are fundamental for relations between peoples and nations, and that continuously undermining the exercise of fundamental rights and further shrinking civic space, will exacerbate the already protracted and interlocking crises the world faces. Through the EU Action Plan on Human Rights and Democracy, we put an increased emphasis on human rights, including labour rights.
- 112.** The Russian Federation's war of aggression against Ukraine not only grossly violates international law and the principles of the UN Charter but is also incompatible with the aims and purposes of this organization and the principles governing ILO membership. The EU and its Member States strongly condemn the unprovoked and unjustified war of aggression and its devastating impact on the world of work and labour rights in Ukraine, including for seafarers stranded in Ukrainian ports and workers in the Zaporizhzhia nuclear power plant, as well as the wider ramifications across the globe. We reaffirm our steadfast support for the return to the global rules-based order, with the UN, including the ILO, at its core. We therefore welcome that the Committee of Experts will follow up on the resolution of March 2022, within the framework of its mandate and also the Committee's call in light of Russia's war of aggression against Ukraine, of preserving seafarers' rights as enshrined in the Maritime Labour Convention, 2006.
- 113.** We welcome the historic decision taken by the ILO last year, to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. All EU Member States will strive to ratify the related fundamental ILO Conventions, since we truly believe that ratification, implementation of, and compliance with all fundamental ILO Conventions, should not only contribute to the protection and promotion of human rights, including labour rights, but also to the larger objectives of building social and economic stability, as well as inclusive and equitable societies all over the world.
- 114.** We welcome the part of the General Report on the Application of International Labour Standards and the quest for social justice in the context of the protracted and interlocking crises. We strongly support the Global Coalition for Social Justice initiative, its aim and its ambition. It comes at a critical juncture where there is an urgent need to advance social justice questions globally and beyond the ILO. We share the hopeful message of the Committee of Experts that the Global Coalition for Social Justice will mobilize a wide range of partnerships, leading to concrete progress in the effective exercise of labour rights at country level. This initiative should rely on international labour standards and their supervision as a compass towards sustainable development. We are committed to championing decent work, including through strengthening fundamental principles and rights at work, and addressing the impact of COVID-19. This commitment is reaffirmed in the EU's bilateral and regional trade investment agreements, in unilateral preferential trade schemes, as well as through our continued support for ILO technical assistance.

- 115.** Building support for international labour standards through extended cooperation across the multilateral system with the support of the UN family is also key to ensure that these standards continue to guide and be part of recovery policies, while also contributing to the achievement of the Sustainable Development Goals. We are convinced that a well-functioning and authoritative supervisory system, tripartism and social dialogue are critical to ensure the credibility of the Organization's work as a whole. We will continue to fully support the ILO normative system, as we remain convinced that it is one of the most valuable examples of a multilateral rules-based order which, we feel, is under attack. We are looking forward to a constructive engagement with tripartite constituents during the debate in this Committee.

Reply of the Reporter of the Committee of Experts

- 116.** I would like to thank you for the opportunity to attend the work of the Conference Committee, which is an important pillar of the ILO supervisory system, so that I can report to the Committee of Experts on the discussions. Thank you very much for adjusting your meeting schedule to accommodate the time difference between Japan and Europe. Be assured that I was able to follow your discussions online.
- 117.** At the outset, allow me to recall that the Committee of Experts has invited the two Vice-Chairpersons of your Committee to a common reflection on how to work in mutually reinforcing ways towards securing compliance with the conclusions adopted by the Conference Committee on the cases considered each year. The Committee of Experts trusts that the special sitting with the Vice-Chairpersons could serve as a forum for an exchange on this crucial aspect of making the supervisory system more effective.
- 118.** With regard to questions of interpretation of international labour standards, the Committee of Experts, while emphasizing the independent nature of its work, follows with great interest the discussions taking place on this subject in the appropriate forum, which is the ILO Governing Body.
- 119.** With regard to the distinction between observations and direct requests, allow me to recall that the Committee of Experts has established criteria differentiating between the two types of comments and these appear in its General Report. The Committee strives to apply the criteria consistently, even though this is not an exact science. At its last meeting, the Committee took a decision to streamline, as of its next session, the text of direct requests when they accompany observations. This effort to streamline the two types of comments will be reflected in the Committee's 2024 report.
- 120.** With regard to questions raised on the information session with Government representatives, allow me to recall that, as indicated by the Chairperson of the Committee of Experts last year, this information session was organized at the margins of the Committee of Experts' 2022 session, as a response to an earlier request by certain Government members of your Committee. In a spirit of tripartism, the Committee gave positive consideration to this request, acknowledging that governments constitute an indispensable link for the effective ratification, application and reporting on international labour standards under articles 22 and 19 of the ILO Constitution. This informal session provided an opportunity for representatives of the Committee of Experts, and not the full Committee, to clarify certain questions raised by governments. Its purpose was not to discuss any specific country situation nor to lead to any kind of decisions.
- 121.** The Committee of Experts is also pleased to have reinvigorated the traditional ties it has maintained with other treaty bodies over many decades due to similarities in their respective composition and the important synergies among the instruments they supervise. This does

not affect in any way each body's specific mandate and particularities, nor does it have any incidence on the respective instruments and the supervisory mechanisms through which they are supervised. The important aspect here is the fact that the ILO's international labour standards and supervision of their application is a basic part of the overall efforts of the international community to protect human rights, which were preceded by standards.

- 122.** I would like to thank all the members of the Conference Committee for their comments on the General Survey entitled *Achieving gender equality at work*. I acknowledge the positive feedback provided on the quality of the General Survey and the vast array of good practices it has identified. I am also pleased to witness that Committee members have widely reaffirmed their commitment towards gender equality at work and non-discrimination in employment and occupation, and that some Member States are considering the ratification of relevant ILO instruments. The discussions show that gender equality remains a common objective for all, and that the elimination of discrimination, the provision of maternity protection and the consideration of workers with family responsibilities are fundamental to this end.
- 123.** While there have been advances towards gender equality, progress has stalled in recent decades, in particular with the impact of the COVID-19 pandemic. Nevertheless, by no means does this imply that ILO constituents are inactive. I welcome the extensive information provided by the ILO tripartite constituents on measures adopted in their countries to promote gender equality at work. These include legislation, national policies and strategies, social dialogue initiatives, collective agreements, and campaigns and other actions for awareness-raising.
- 124.** Allow me to address some of the points raised. As regards the topic-driven perspective of the General Survey, the approach followed by the Committee of Experts reflected the key contributions of the instruments examined towards the achievement of gender equality at work through a transformative agenda, as highlighted in the Governing Body discussions and the ILO Centenary Declaration. In this regard, I am pleased to note that the discussions significantly underscored the key interlinkages between the instruments examined, as well as with other relevant international labour standards, such as Convention No. 100 on equal remuneration and Convention No. 190 on violence and harassment in the world of work. The General Survey's goal is to provide an overview of existing national law and practice of Member States, that is to show the extent to which Members have given effect to the standards examined, including new laws or emerging practices or trends, regardless of whether they are adopted widely or by a limited number of countries. It also aims to reflect on ratification challenges, when information thereon is provided in the reports received.
- 125.** In relation to paternity and long-term leave, the Committee of Experts has recalled that a number of countries have explicitly introduced these types of leave in their national legislation to cope with societal, demographic and organizational changes. The Committee welcomed this trend as a good practice that helps workers combine work and family responsibilities. Regarding the health and safety of pregnant and breastfeeding women and their children, the Committee of Experts has emphasized that affordable and adequate medical care, including prenatal care, is essential to guarantee that women do not have to make a choice between health and income security. In this regard, the Committee of Experts recalled that health protection measures for pregnancy and maternity should not be the sole burden of enterprises and are the shared responsibility of governments and society.
- 126.** Finally, I observe that your Committee underlined the need for governments to work with workers and employers on cross-cutting policies to achieve gender equality. These should promote societal change, address structural barriers and combat gender-based stereotypes.

Measures adopted should also respond to the evolving patterns of the world of work, while protecting workers and taking into account the needs of sustainable enterprises.

- 127.** I will convey all the opinions expressed during this discussion at the forthcoming session of the Committee of Experts in November–December 2023 through Ms Graciela Dixon Caton, the Chairperson of the Committee of Experts. Once again, thank you for the opportunity to engage with your Committee’s work. This is a very valued aspect of our constructive engagement. I look forward to our continued dialogue.

Reply of the representative of the Secretary-General

- 128.** I wish to start by thanking all the speakers who contributed to the discussion of the General Report of the Committee of Experts and the discussion of the General Survey. In response to the debate, I identified four issues on which you have expressed interesting views or called for more information from the Office.
- 129.** Let me first address the role of the Office in respect of the promotion of ratification. I heard the Employer and Worker spokespersons calling for an increased role of the Office in this regard, but potentially from different perspectives. As indicated in the Programme and Budget, the Office does indeed quite actively promote the ratification of Conventions by Member States and we do this in the context of a targeted ratification campaign for all instruments, the fundamental Conventions clearly, but also the governance and technical Conventions. This is also done as a follow-up to the SRM. The promotion of ratification in the context of the follow-up to the SRM aims primarily to invite those governments that are still party to outdated Conventions to ratify the most modern instrument in the same area, knowing that for some of these outdated instruments the Governing Body has already decided a date for their abrogation. Further to these decisions, we are indeed actively promoting the ratification of the most modern instruments by those Member States and some of you may be familiar with the letters we have sent out, as well as with the pyramids that we have prepared to try to simplify your understanding of the decisions resulting from the SRM tripartite working group. I see a few nods in the room, that gives me assurance.
- 130.** So let me say a few words about how we promote ratification in view of some of the comments made by the Employer members and also a call for more action on the part of the Office from the Worker members. The first thing we do when we promote ratification is to advocate tripartite engagement in this discussion at the national level and offer technical assistance upon request. We advise on the content of the Convention considered for ratification, and also provide assistance in undertaking the analysis of national legislation and practice vis-à-vis the Convention, in order to assess whether there are any gaps that might need to be filled, either in the legislation of the countries concerned or in their practice. We also have a large portfolio of technical advisory services on labour law reform, in the context of which we provide very detailed technical memoranda on legislation that can be adjusted, in view of the contemplated ratification.
- 131.** In all parts of ILO technical advisory services, we offer to facilitate tripartite consultation. Of course, we cannot impose this but we strongly encourage it, and when it is taken up, we facilitate it. So, on this point I wish to conclude by saying that as we will soon start planning the implementation of our next Programme and Budget, we will take into full consideration the various comments and suggestions that we have heard in your discussion today.
- 132.** The second point that you have raised relates to the information provided to your Committee concerning the follow-up to your conclusions. The Worker spokesperson emphasized the

importance of this information being available and updated regularly. I just want to assure you that we have taken good note of that.

- 133.** I have also noted certain comments supporting the modernization of the standards-related activities and I would like to put that into perspective in relation to the discussion that you have just held on the failure to fulfil reporting obligations. I want to do so because one part of the modernization of standards-related activities will be related to reporting methods in the future. We are aware that it is a burden that can be heavy, particularly for countries that have ratified a certain number of Conventions and, as I indicated in my opening statement, we have begun a process of reflection on this subject. At the same time, I have also heard many calls or comments appreciating the technical assistance provided by the Office to help countries fulfil their reporting obligations. And I would just like to point out that, in the context of the modernization of the ILO's standards-related activities, one of the components of this programme of activities is intended to reinforce technical assistance at the national level. Clearly, therefore, all of your calls for more technical assistance to ensure that reporting obligations are met in full by all Member States will be taken fully into account.
- 134.** As indicated by the statement of the Government member of the Central African Republic during the discussion on serious failures, technical assistance by the Office is available and can play an important role in helping Member States to comply with their standards-related obligations. I am pleased to inform you that the vacant posts for international labour standards and labour law specialists in Yaoundé and San José have been filled and our new colleagues are currently following the discussion in the Committee so that they can effectively serve the constituents in their respective subregions.
- 135.** Finally, I would like to conclude my reply by referring to your discussion on the General Survey. The high number of speakers is in my view an indicator of the pertinence of the General Survey and that a discussion of the subject in the Committee was timely. As indicated by the Chairperson, when closing the discussion, your debate was rich, and I am not just using that term for rhetorical purposes, as I particularly appreciated the numerous interventions which drew the attention of all the members of the Committee to the latest developments at the national level in terms of legislative changes and also the adoption of inclusive policies in relation to gender equality. This information is very useful. Some of it had not yet been drawn to our attention and the fact that it will now be reflected in your report will shed further light on future examinations by the supervisory bodies of the implementation of Conventions Nos 111, 156 and 183, which are so important. With this final comment and my gratitude once again for your involvement in this discussion, I would like to thank you for your attention.

Concluding remarks

- 136. Worker members:** I would like to begin by thanking the Office for the explanations and replies which have been shared with our Committee. We have heard a series of observations which in fact have not surprised us. They follow on directly from discussions which we have already had and which seem increasingly pointless. In general, I would say that these observations stem from a persistent misunderstanding regarding the independence and autonomy of the Committee of Experts and regarding the relationship between our two Committees. Just now, as part of the discussion on the General Survey, the EU members formulated an excellent reply on this matter, explaining this important distinction very well. So yes, we have heard statements regarding respect for the independence of the Committee of Experts, but no sooner have they been delivered than these statements are challenged or called into question by certain requests which, precisely, undermine this independence. I will illustrate my remark by coming back to several points.

- 137.** Concerns have been expressed regarding the size of the report. However, the report merely reflects the problems encountered in the application of standards in the world. In our view, making this an issue of quantity misses the point. We have already had an exchange on the distinction that the Committee of Experts makes between direct requests and observations. The Worker members have also requested clarification on this matter in the past. It is time to accept the autonomy of the Committee of Experts as regards the organization of its work and the options which it considers most appropriate. The Committee maintains an ongoing dialogue with the Member States and is in a position to evaluate the tools which enable progress to be made on the points that it raises.
- 138.** I would also like to rectify another misunderstanding which suggests that our Committee is supposed to undertake a tripartite examination of the report of the Committee of Experts. We are not here to correct that report. The EU Members also drew attention to this just now in the context of the discussion on the General Survey. We are not here to correct the report of the Committee of Experts but to hold a calm dialogue on the relationship between our two Committees. Saying that direct requests prevent this examination is a very risky statement, in our view.
- 139.** It has also been suggested once again that governments should undertake an evaluation exercise before ratification. We would like to reassure everyone that to our knowledge no government proceeds with ratification lightly. It is often the fruit of a long process which includes a dialogue with the constituents, in consultation with the Office. But the more problematic aspect of this statement is thinking that once conformity with a ratified Convention has been achieved, it stays that way for ever. However, it often happens that a government is in conformity and then the situation takes a turn for the worse. This, by the way, is the whole *raison d'être* of the supervisory bodies: if ratification guaranteed conformity, we would not be here today and the supervisory task would be irrelevant.
- 140.** The Committee of Experts has also been accused of welcoming the idea of launching a coalition on social justice on the grounds that this point is supposedly still under discussion at the ILO. For us, this calls into question the autonomy of the Committee of Experts, whose members are neither secretaries for the tripartite constituents nor their spokespersons. They have the freedom to express their views on behalf of their Committee regarding a proposal which forms part of the mandate of the Organization, even if the exact procedures involved are not yet known.
- 141.** The position of the Employer members regarding the right to strike has also been recalled. We have made several points in this regard but wish to reiterate our refusal to see our Committee become the forum for a discussion which should be held elsewhere. Nor can I see the role that the Committee of Experts might play in the solution to this divergence of views, given that the ILO Constitution provides for specific means to achieve that, as we have stated on several occasions.
- 142.** I will not dwell on the Employer members' unilateral interpretation of Article 4 of Convention, No. 98, as we have already addressed this point in the past and our views are known and remain unchanged. I will merely underline the fact that persisting with this stance is incompatible with respect for the autonomy of the Committee of Experts.
- 143.** The Worker members consider that discussions are needed to enable progress towards effective implementation of international labour standards and suggest vigorously that the proposals they have made to improve the impact of the supervisory system are analysed and made the subject of an in-depth discussion. Modernization is not about endlessly reviving

outmoded discussions; rather, it is about considering ways of creating an outlook for the future.

- 144. Employer members:** At the outset, I would like to thank the Government and the Worker members for their rich and interesting contributions to the General Discussion and to the discussion on the General Survey. We also greatly appreciate the reply of the representative of the Secretary-General and we await with interest the statement from Professor Ago in relation to the Committee of Experts. Indeed, the presence of Professor Ago on behalf of the Chairperson of the Committee of Experts and the ongoing dialogue between the Committee of Experts and the Conference Committee is important, not only for the ILO constituents to better understand standards-related requirements, but also to facilitate the Committee of Experts' understanding of the realities and needs of the users of the supervisory system.
- 145.** It is thus of utmost importance in our view to build as much convergence as possible between the Conference Committee and the Committee of Experts in order to provide effective and practical guidance to tripartite constituents in ILO Member States. We wish to respond to some of the remarks that were made by various contributors earlier in the General Discussion.
- 146.** First, we consider the work of the Committee of Experts as vital to the successful functioning of the Conference Committee and the regular standards supervision as a whole. In this regard, it is equally vital that the Conference Committee provides its views on the interpretation and application of international labour standards in an independent manner, while taking into account the reality of the world of work. We agree with the Worker members that standards supervision must preserve balance. However, this means that the Committee of Experts should consider both the perspectives of the Worker members and the promotion of an enabling environment for sustainable enterprises, as set out in the ILO Centenary Declaration. Contrary to the Worker members' views, the consideration of one does not mean undermining the other. We believe the Committee of Experts should in fact promote both of these views equally.
- 147.** Second, once again and regrettably, we have to come back on the view that the Conference Committee had no mandate to discuss the right to strike. The Committee has a comprehensive competence to examine the compliance by countries with ratified Conventions. As long as the Committee of Experts continues to provide detailed interpretation of the right to strike, in the context of Convention No. 87, the Conference Committee must be able to at least respond. We do not consider that the proposals discussed by the Governing Body at its March 2023 session to refer the dispute to the International Court of Justice or an in-house tribunal are in fact the most effective means of reconciling these different views. For a start, these proposals do not take into account that the origin of the dispute is in fact the interpretation by the Committee of Experts. In other words, without that, we would not have this dispute. We simply request the Committee of Experts and the Office, as a key part of the standards supervisory bodies, to facilitate a solution rather than simply continue down the current path. We strongly believe that the question of whether there should be international rules on the right to strike and if so, what they should look like, can only be meaningfully addressed through social dialogue and the available and competent ILO bodies. For example, an ILO tripartite technical meeting, or a dedicated discussion at the Conference on the law and practice in Member States on the right to strike, or a mediation process, or even the possibility of standard-setting, could all be considered to try and settle the existing interpretation issue. We regret that such tripartite events have never taken place before and we strongly believe that the time has come to look at this as an option. Such an approach could ensure that all ILO constituents actively engage in the process, that solutions are based on consensus and that outcomes adopted are universally relevant and accepted.

- 148.** That said, let me be clear that we do not mean to instruct the Committee of Experts on how to provide non-binding assessments, but we do consider that it is important for that Committee not to create new obligations beyond what has been intended and agreed by the tripartite constituents at the Conference. In other words, it is not acceptable that the flexibility for implementation deliberately granted in Conventions to Member States is then later restricted by unilateral interpretations by the Committee of Experts.
- 149.** Let me turn now to the General Survey. We made comprehensive submissions to the General Survey and we heard many other views as well. We agreed with the Committee of Experts on many points but also respectfully expressed our disagreement on some of its views and findings. In doing so, we have sought to contribute to a broader and more factual debate and we thank others who have done so. We considered the instruments selected for the General Survey to be particularly timely and pertinent for us in present times, notably due to the fact that the COVID-19 pandemic exacerbated continuing inequalities for women and girls around the world. In our view, the achievement of gender equality and non-discrimination, support to workers with family responsibilities and maternity protection are critical for social, economic and business development. Yet, we have expressed legitimate concerns regarding the scope, content and effective implementation of the instruments examined in the General Survey, as well as regarding the format of the General Survey itself. Overall, we brought to the Committee's attention the need to promote inclusive, balanced and effective implementation in consultation with the most representative social partners to ensure that realities and circumstances are adequately taken into account.
- 150.** In conclusion, the Employer members look forward to ongoing exchanges between the Conference Committee and the Committee of Experts. We look forward to more opportunities for dialogue to continue building convergence on matters of application of international labour standards. We count on the Office, in particular the International Labour Standards Department, which plays a decisive role in the preparatory work to facilitate dialogue and the building of convergence.
- 151.** We would like to reaffirm our full commitment to continue improving the international labour standards system, including regular standards supervision, to ensure it remains credible, relevant, balanced and transparent, as the ILO continues in its second century. For the standards supervisory system to contribute to a sustainable and resilient recovery, it is necessary to have clear, relevant and balanced assessments and recommendations. Past experience has demonstrated that where the Conference Committee and the Committee of Experts reached converging views, more positive responses were obtained from governments and social partners on the ground, leading to faster, better and more sustainable compliance with ILO standards, both in law and in practice. Unity on the essentials seems all the more important in the face of an uncertain world, that we are increasingly confronted with as evidenced by the pandemic and the war in Ukraine.

C. Reports requested under article 19 of the Constitution

General Survey: Achieving gender equality at work

- 152.** The Committee dedicated two sittings to the discussion of the General Survey carried out by the Committee of Experts concerning the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No.156), the Maternity Protection Convention, 2000 (No. 183), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), the Workers with Family Responsibilities Recommendation, 1981 (No. 165) and the Maternity Protection

Recommendation, 2000 (No. 191). The record of this discussion is contained in section I of Part Two of this report.

Concluding remarks

- 153.** At the meeting on the adoption of the outcome of the discussions, the following statements were made by members of the Committee.

Outcome of the discussion of the General Survey

- 154.** The Committee approved the outcome of its discussion, which is reproduced below.

[...]

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D. Compliance with specific obligations

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

- 155.** During a dedicated sitting, the Committee examined the cases of serious failure by Member States to respect their reporting and other standards-related obligations. As explained in document D.1, Part X, 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; “Urgent appeals” – failure to supply reports on the application of ratified Conventions for at least three years and failure to supply first reports on the application of ratified Conventions for at least three 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. The procès-verbaux of this discussion is found in section III of Part Two of this report.

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

- 156.** 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.
- 157.** 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 99th Session (2010) to the 108th Session (2019), because the

Conference did not adopt any Conventions and Recommendations during the 97th (2008), 98th (2009), 102nd (2013) 105th (2016) and 107th (2018) 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.

158. 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.
159. The Committee recalls that compliance with the obligation to submit Conventions, Recommendations and Protocols to competent national authorities is a requirement of the highest importance to ensure the effectiveness of the Organization's standards-related activities. It also recalled that governments could request technical assistance from the Office to overcome their difficulties in this respect.
160. 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, Belize, Plurinational State of Bolivia, Brunei Darussalam, Chad, Comoros, Congo, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea, Haiti, Hungary, Lebanon, Liberia, Libya, Marshall Islands, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, Syrian Arab Republic, Timor-Leste, Tuvalu, United Arab Emirates, Vanuatu, Yemen and Zambia**. 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

161. 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 is 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 recalled that the ILO could provide technical assistance to contribute to compliance in this respect.
162. The Committee noted that, by the end of the 2022 meeting of the Committee of Experts, the percentage of reports received (article 22 of the ILO Constitution) was **70.9** per cent (65.9 per cent for the 2021 meeting). Since then, further reports have been received, bringing the figure to **76.2** per cent (as compared with 74.2 per cent in June 2022).
163. The Committee noted that no reports on ratified Conventions have been supplied for the past two years or more by the following States: **Afghanistan, Antigua and Barbuda, Chad, Comoros, Dominica, Haiti, Lebanon, Saint Lucia, Somalia, Syrian Arab Republic, Tuvalu, Vanuatu and Yemen**.

164. The Committee also noted that first reports due on ratified Conventions have not been supplied by the following countries for at least two years: **Cook Islands, Grenada, Lebanon, Marshall Islands, North Macedonia, Sudan, Tuvalu and Vanuatu.**
165. The Committee noted that no information has 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 2022 from the following countries: **Afghanistan, Antigua and Barbuda, Barbados, Burundi, Central African Republic, Chad, Comoros, Congo, Dominica, Grenada, Haiti, Iraq, Lebanon, Libya, Malta, Montenegro, North Macedonia, Papua New Guinea, Romania, Saint Lucia, Singapore, Somalia, South Sudan, Syrian Arab Republic, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland – Falkland Islands (Malvinas), Vanuatu and Yemen.**

1.3. Urgent appeals

166. Following the decision of the Committee of Experts to institute a new practice of launching urgent appeals for cases corresponding to countries which have failed to send, under article 22 of the Constitution, the reports due for at least three years, and failed to send first reports for at least three years, to draw the attention of the Committee on the Application of Standards to those cases, the Committee invited the countries concerned to provide information during the examination of cases of serious failure to fulfil reporting obligations, and expressed the hope that the Governments of **Antigua and Barbuda, Dominica, Haiti, Lebanon, Saint Lucia, Syrian Arab Republic, Tuvalu, Vanuatu and Yemen** will supply their reports due as soon as possible.
167. The Committee brought to the attention of these governments that the Committee of Experts could examine in substance, at its next session, the application of the Conventions concerned on the basis of publicly available information, even if the government has not sent the corresponding report. The Committee recalled the possibility of governments availing themselves of the technical assistance of the Office in this regard.

1.4. Supply of reports on unratified Conventions and Recommendations

168. The Committee stressed the importance it attaches to the constitutional obligation to supply reports on unratified Conventions and Recommendations. These reports permit a better evaluation of the situation in the context of the General Surveys of the Committee of Experts. In this respect, the Committee expressed the firm hope that the governments concerned will comply with their obligation to supply these reports and recalled that the ILO can provide technical assistance to contribute to compliance in this respect.
169. 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, have been supplied by: **Albania, Barbados, Chad, Djibouti, Dominica, Haiti, Liberia, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Timor Leste, Tuvalu, Uganda and Yemen.**

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

170. The Committee welcomes the fact that no Member State has failed to indicate during the past three years 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. 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. The Committee expresses the firm hope that this is a sign of genuine tripartite social dialogue in all ILO Member States. The Committee encourages Member States to continue in that direction.

2. Application of ratified Conventions

171. The Committee noted with **interest** the information provided by the Committee of Experts in paragraph 122 of its report, which lists new cases in which that Committee has 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 has listed in paragraph 125 of its report cases in which measures ensuring better application of ratified Conventions have been noted with interest. These results are tangible proof of the effectiveness of the supervisory system.

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

2.1. Specific cases

173. The Committee considered that it should draw the attention of the Conference to the discussion it held regarding the case of the application of Convention No. XX by XXX. The full record of this discussion, the Committee's conclusions and the government statement following their adoption, appear in Part Two of this report. The Committee's conclusions are also reproduced below.

2.2. [Continued failure to implement

174. The Committee recalls that its working methods provide for the listing of cases of continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions which it had previously discussed. The Committee ...]

3. Participation in the work of the Committee

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

176. The Committee nevertheless **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: **Afghanistan, Albania, Angola, Antigua and Barbuda, Barbados, Belize, Burundi, Chad, Comoros, Congo, Cook Islands, Democratic Republic of the Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea, Haiti, Hungary, Iraq, Lebanon, Liberia, Libya, Malta, Marshall Islands, North Macedonia, Papua New Guinea, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Singapore, Solomon Islands, Somalia, South Sudan, Sudan, Syrian Arab Republic, Timor-Leste, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland – Falkland Islands (Malvinas), and Vanuatu.**

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

177. Overall, the Committee expresses **regret** at the large number of cases of serious failure by Member States to respect their reporting and other standards-related obligations. The Committee observes that some governments have provided written information after the session dedicated to examining this question. While acknowledging the efforts made in this regard, the Committee trusts that in the future governments will act swiftly to enable it to carry out this examination in full knowledge of the facts. The Committee recalls that governments may request technical assistance from the Office to overcome their difficulties in this regard.

E. Conclusions adopted following the examination of the individual cases

178. During the informal tripartite consultations on the working methods of the Committee in April 2023, it was decided to present the conclusions adopted following the examination of the individual cases in Part One of the report. The conclusions adopted this year are presented below.

XX (ratification: xxx)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

[...]

F. Adoption of the report and closing remarks

179. The Committee's report was adopted, as amended.

Geneva, 15 June 2023

(Signed) H.E. Ambassador Khalil Hashmi
Chairperson

Ms Joanna Žeber
Reporter