

Informal tripartite consultations on the working methods of the Committee on the Application of Standards (12 April 2021)

Background note

► Introduction

1. Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standards (the Committee) took place 11 times from June 2006 to 2011. Subsequently, at its 322nd Session (October–November 2014), in the context of decisions taken by the Governing Body concerning the Standards Initiative, the Governing Body decided to relaunch informal tripartite consultations to prepare recommendations for the 323rd Session (March 2015) of the Governing Body.¹
2. The outcome of these informal tripartite consultations and the subsequent adjustments made to the working methods of the Committee are reflected in the document entitled “Work of the Committee” ([Document D.1](#)), which the Committee adopts every year. Important improvements to the working methods of the Committee were adopted on the basis of the recommendations of the informal tripartite consultations since they were first established in 2006 (see Appendix 1).
3. It should be recalled that due to the COVID-19 pandemic, the Governing Body decided, at its 338th Session, through a vote by correspondence to defer the 109th Session of the International Labour Conference from June 2021 to June 2021. In this context, the tripartite Screening Group held three rounds of consultations (January–February 2021) on the adjustments that would be required in the content, format, duration, dates, programme and working methods for the Conference to discharge its constitutional obligations in 2021. In these consultations, tripartite consensus emerged on the need to convene the 109th Session of the Conference in 2021:
 - in a fully virtual format ;
 - over a period of two and a half consecutive weeks, from Thursday, 3 June to Saturday, 19 June 2021 for virtual sittings of the plenary and all technical committees, with a brief formal opening of the Conference during the week of 17-23 May 2021;
 - retaining on the Conference agenda number of time-critical items including the standing item “Information and reports on the application of Conventions and Recommendations”.

¹ [GB.322/PV](#), para. 209(3).

4. At its 341st session, the Governing Body decided², inter alia, to convene the 109th Session of the Conference over three separate periods as follows:
 - A one-day opening sitting will be held on Thursday, 20 May 2021 to elect the Officers of the Conference, appoint its standing and technical committees and approve any adjustments to its Standing Orders and working methods, as may be necessary in view of the virtual format of the Conference.
 - The Conference will be reconvened from 3 to 19 June 2021.
 - The Conference shall be reconvened for a sitting of the plenary to adopt the reports and conclusions of the working parties responsible for items IV and VI and close the 109th Session.
5. The Governing Body noted that group meetings and preparatory committee meetings might be held between the opening of the Conference on 20 May 2021 and the formal commencement of its work on 3 June 2021. Furthermore, it also invited all parties concerned to examine as a matter of priority, through the informal tripartite consultations on the working methods of the Committee on the Application of Standards, for adoption by the Committee, the prioritization of its work and adjustments of its workload, taking into account the discussions that took place in the Governing Body.
6. Against this background, informal tripartite consultations were held on 30 March 2021. The participants at the meeting discussed proposals contained in the background note prepared by the Office relating to special adjustments to the working methods of the Committee required to allow it to discharge its constitutional obligations within the framework of a fully virtual Conference. The following items were discussed:
 - Publication of the preliminary list and transmission of written information by Governments
 - Opening sitting of the Committee and adoption of the final list
 - Use of written submissions and time allotment for the opening sitting and the general discussion
 - Examination of cases of serious failures to report
 - Discussion of the General Survey
 - Discussion of individual cases
 - Time allotments by item on the agenda
7. The brief report of the meeting was shared with the participants by email on 7 April 2021³. This document as well as all the brief reports and background documents relating to the consultations held between 2004 and 2019 have been compiled and are available on the [electronic library](#) created for this purpose on the Committee's webpage.
8. This paper reviews all the items on the agenda of the last meeting. It reflects the proposals on which there was agreement or a large degree of convergence and it takes account of the different views expressed during the discussions and the new options presented. In this regard, it emerged from the discussion that the arrangements and adjustments to the methods of work of the Committee, in the context of a full virtual session, should be guided by the following principles:

² [GB.341/INS/3/2/Decision](#) (Decision concerning the agenda of the International Labour Conference: Arrangements for the 109th Session of the Conference (2021))

³ See appendix 2

- Ensuring inclusivity; all constituents should be able to participate in the discussions and properly present their positions;
 - Ensuring proper, effective and qualitative discussions;
 - Ensuring predictability;
 - Making greater use of written submission in complement of oral statements;
 - Exceptional nature of the adjustments which necessitates acceptance of innovation and flexibility from all and would only apply for the 2021 session of the Committee.
9. The outcome of these informal tripartite consultations and the subsequent recommended adjustments to the working methods of the Committee to address these exceptional circumstances will be reflected in document D.1 to be adopted by the Committee itself.

► Adjustments to be considered in light of the new dates and the virtual format of the Conference

1. Prior to the start of the Conference session

1.1. Publication of the preliminary list

10. Since 2015, the preliminary list of cases has been made available 30 days before the opening of the Conference session. Considering that the 109th Session will be held from 3 to 19 June but that it will be formally opened on 20 May 2021, it was proposed that this year the preliminary list be dispatched on **20 April 2021**, that is 30 days prior to the formal opening of the session.

11. *During the last meeting, this proposal received wide support.*

1.2. Possibility for Governments to submit, if they so wish, written information

12. Concerning the opportunity for Governments appearing on the preliminary list to provide, if they so wished, written information to the Committee, it was proposed to invite Governments wishing to avail themselves of this opportunity to do so by **20 May 2021**. Based on the outcome of the consultations held in November 2019, the Office prepared a draft template for the presentation of information blocked at 2000 words to be used on a trial basis.

13. At the last meeting, the participants expressed agreement with the deadline of 20 May 2021 fixed for Governments in the preliminary list wishing to provide written information. Concerning the draft template, almost all participants agreed on the use of the template on a trial basis and emphasized the need to show some flexibility in relation to the limit of 2000 words. They recalled that information would be submitted on a purely voluntary basis.

14. In light of the discussions, the Office has prepared a revised draft template which includes the following additional text:

This information provided, on a purely voluntary basis, should concern only new developments not yet examined by the Committee of Experts. The information must be transmitted in at least one of the three working languages of the Office and, to the extent possible, should not exceed 2000 words.

If approved, the template will be made available on the Committee's webpage (see Annex 3).

15. *In the absence of any further consideration, these proposals would be considered supported by the meeting.*

2. Organization of the sittings of the Committee

16. Following the Governing Body decision to convene the 109th Session of the Conference over a period of two and a half consecutive weeks, from Thursday 3 June to Saturday 19 June 2021, the Committee will be able to hold sittings during 14 days.⁴ If the recommended duration of a sitting is three hours, the Committee will have at its disposal 42 working hours. In 2019, the Committee held 24 sittings, corresponding to 67 hours and 30 minutes. Thus, the time available to the Committee would be reduced **by a third**.
17. As indicated during the discussions of the tripartite Screening Group in early 2021, in order to deal as efficiently and effectively as possible with all agenda items within the time constraints of a virtual conference, innovative adjustments to procedures and working methods, as well as flexibility from all interested parties should guide the proposals.⁵
18. On this basis and in light of the views expressed during the meeting held on 30 March, this paper reviews the possible adjustments to the working methods that would allow the Committee to undertake its work in the exceptional circumstances of a virtual shorter session of the ILC in 2021.

2.1. Opening sitting of the Committee: date and agenda

19. Traditionally, the agenda of the opening sitting of the Committee includes the election of the officers as well as the opening statements from the Chairperson and the Employer and Worker spokespersons. Thereafter, the Chairperson of the Committee of Experts as well as the Chairperson of the Committee on Freedom and Association address the Committee. Finally, the Committee discusses and adopts its working methods (document D.1).
20. In light of the special circumstances under which the Committee will have to deliver on its mandate, it was proposed that the Committee holds its opening sitting soon after the formal opening of the Conference⁶, in the course of the week of 25-28 May. This opening sitting could be exceptionally devoted to the appointment of the Officers of the Committee and to the adoption of the working methods of the Committee and the final list.
21. During the last discussions, all the Government representatives supported the proposal to hold an opening sitting of the Committee in the course of the week of 25-28 May during which the Committee would adopt the final list of individual cases. They stressed that the early adoption of the final list would provide Governments with more time to prepare.
22. Following confirmation by the Office that it could facilitate full constituent groups meetings as well as group meetings at the beginning of the week of 25-28 May, the Worker spokesperson indicated his readiness to accept the proposal under these conditions. The

⁴ No sitting of the Committee on Saturday 19 June 2021 (adoption of the Report of the Committee in Plenary).

⁵ Third note for consultation of the Screening Group (25 February 2021) on Arrangements for the 109th Session of the International Labour Conference (ILC).

⁶ At its 341st session, the Governing Body decided that a one-day opening sitting would be held on Thursday, 20 May 2021 to elect the Officers of the Conference, appoint its standing and technical committees and approve any adjustments to its Standing Orders and working methods, as may be necessary in view of the virtual format of the Conference.

- Employer spokesperson agreed with an opening sitting of the Committee for the sole examination of procedural arrangements but could not make any commitment in relation to its timing, the organization of group meetings and the early adoption of the final list.
- 23.** *Concerning the date of the Opening Sitting, the Participants at the meeting may wish to confirm their agreement with the proposal to hold an opening sitting of the Committee on **Thursday 27 May or Friday 28 May 2021.***
- 24.** With respect to the agenda of the opening sitting, the holding of an early opening sitting of the Committee to adopt the working methods and the final list would have a number of advantages, as indicated in the previous background note. An early adoption of the final list by the Committee would provide Governments and social partners of the countries concerned with more time to prepare for the discussion of the individual cases. Furthermore, this would also allow the Committee to devote more time to the discussion of the general report, including the impact of the COVID-19 crisis on international labour standards, during the second sitting planned on Thursday 3 June.
- 25.** In the previous background document, it was proposed to allocate 90 minutes to the opening sitting and to dedicate this time to the appointment of the Officers of the Committee, and to the adoption of the working methods of the Committee and the final list. Considering the time constraints and the need to make best use of the time available, during the last meeting, the Director of the International Labour Standards Department drew attention to the fact that the Committee could undertake other tasks during the 90 minutes allotted to this sitting. It is proposed to take advantage of this sitting to enable the Chairperson of the Committee and the Employer and Worker spokespersons to deliver their opening statements and the Secretary-General to provide general information to the Committee. The Chairperson of the Committee of Experts and the Chairperson of the Committee on Freedom of Association would then deliver their statements at the second sitting.
- 26.** *The participants at the meeting may wish to provide further feedback on the agenda of the opening sitting.*

2.2. Use of written submissions

- 27.** In view of the limited number of plenary sittings, and the need to make the best use of the time available, it was proposed to invite a number of speakers to deliver their full statement in writing, before the corresponding sitting, and to have a set time-limit for their oral address to the Committee (see under point 2.3.). This could be the case in relation to:
- general information provided by the representative of the Secretary-General;
 - statement from the Chairperson of the Committee of Experts;
 - statement from the Chairperson of the Committee on Freedom of Association;
 - reply from the representative of the Secretary-General on questions raised during the general discussion;
 - introductory and concluding remarks on the general discussion from the Employer and Worker spokespersons;
 - individual statements during the general discussion.
- 28.** During the last meeting, the Office indicated that the intention was to offer the possibility of using written submissions to compensate the reduced speaking time so as to enable

sufficient space for the expression of views. It was also clarified that all written statements would be published 24 hours in advance of the sitting dedicated to the general discussion, translated in the three languages, and incorporated in the final report of the Committee.

29. *In general, the participants at the last meeting welcomed the use of written statements. In the absence of further consideration, this proposal would be considered confirmed.*

2.3. Time allotment for the general discussion

30. In relation to the time management, it should be recalled that the Committee has not established maximum speaking times for the opening sitting nor for the general discussion. Considering that the Committee will have at its disposal 14 sittings corresponding to 42 hours, with no possibility of recourse to extended sittings, it was proposed to consider limiting the time allotment for the general discussion to 180 minutes.
31. During the last meeting, while the majority of the Government representatives supported the time limits proposed, some participants expressed concern and indicated that, given the technical nature of the discussion, such time allotment could be difficult to respect and could restrict the debates. Therefore, it is now proposed to divide the session into two segments of 90 minutes. The first would be devoted to the statements of the Chairperson of the Committee of Experts and the Chairperson of the Committee on Freedom of Association followed by the discussion of the General Report. The second segment would be devoted to the discussion on the impact of the COVID-19 crisis on international labour standards.
32. In that context, the following maximum speaking times are proposed for each of these two segments:
- 15 minutes for the Employer and Worker spokespersons;
 - 5 minutes for Government groups;
 - 3 minutes for the other members.
33. *The participants at the meeting may wish to provide further feedback on this revised proposal.*
34. It is recalled that, traditionally the closure of the general discussion takes place after the discussion of the cases of serious failure to report. During that closure, the Chairperson of the Committee of Experts and the representative of the Secretary-General reply to comments or questions raised during the general discussion. Furthermore, the Employer and Worker Spokespersons deliver their final remarks. The closure of the general discussion will take place on Saturday 5 June and, considering the possibility to provide written statements, will last 30 minutes.

2.4. Examination of cases of serious failure to report

35. In 2019, the discussion of cases of serious failure by Member States to respect their reporting and other standards-related obligations lasted 1h40. In the previous background note, the Office made two proposals with a view to reduce the length of the discussion, in which it was envisaged to make greater use of written submissions.
36. The following two options were proposed:
- (1) Option 1: The Office would send an invitation to the Governments concerned to send written information at least three days before the dedicated sitting. This information, as well as the Employer and Worker spokespersons' remarks, would

be published on the Committee's webpage. The concluding remarks of the Employer and Worker spokespersons as well as the proposed conclusions on the cases of serious failure would be read out during the dedicated sitting and the conclusions adopted (30 minutes maximum).

- (2) Option 2: The Office would send an invitation to the Governments concerned to send written information at least three days before the dedicated sitting. This information, as well as the Employer and Worker spokespersons' remarks, would be published on the Committee's webpage. The Office would prepare a document compiling the information submitted as well as the proposed conclusions and publish it in the three languages on the Committee's webpage 24 hours before the sitting. The Committee would adopt that document during the dedicated sitting (5 minutes).

37. During the last meeting, while Government representatives had different positions on the options proposed, there was general support for making greater use of written statements. The Employer and Worker spokespersons emphasized the need to bring the proper amount of attention to the cases of serious failure and set out some additional points for consideration of a third option. Taking into account the views expressed, the Office proposes the following third option:

- (3) Option 3: The Office would send an invitation to the Governments concerned to communicate written information on their failure to report by 20 May 2021⁷. This information, provided in one of the official languages, would be made available on the Committee's webpage. The Employer and Worker spokespersons would send their general remarks to the Office no later than Wednesday 2 June 2021. The Office would prepare a document compiling the full information received, in the three languages, and publish it 24 hours before the dedicated sitting⁸. During the sitting, the Governments concerned could be given the opportunity, should they so wish, to provide information on any development that occurred since their written submission, with a maximum speaking time of two minutes followed by the concluding remarks of the Employer and Worker spokespersons. The proposed conclusions on the cases of serious failure would be read out during the dedicated sitting and the conclusions adopted (time allotment for the sitting: 60 minutes).

To date, approximately 70 Member States would be invited to provide information on cases of serious failure to report.

38. *The participants at the meeting might wish to provide further feedback on the options proposed.*

2.5. Discussion of the General Survey

39. In 2019, the discussion of the General Survey lasted 3h40. This year, the Committee will examine the 2020 General Survey entitled "Promoting employment and decent work in a changing landscape", as updated by the Committee of Experts in the 2021 Addendum to the 2020 General Survey. Considering the particular relevance of the topics addressed in the context of the COVID-19 pandemic, it was proposed to allocate 3 hours to the discussion.

⁷ This invitation will be included in the Office communication that will transmit the preliminary list of individual cases to members States (20 April 2021).

⁸ The cases of serious failure to report could be discussed on Saturday 5 June 2021.

- 40.** According to the Committee's methods of work, the maximum speaking times applicable to the discussion of the General Survey are as follows:
- 15 minutes for the Employer and Worker spokespersons;
 - 10 minutes for Government groups;
 - 5 minutes for the other members;
 - 10 minutes for Employer and Worker spokespersons concluding remarks.
- 41.** These maximum speaking times seem to allow for extensive participation in the discussion of the General Survey in the framework of a discussion of a duration of 3 hours. However, it could be envisaged that the Chairperson, in consultation with the other Officers of the Committee, decide on reduced time limits where the situation would warrant it, for example where there was a very long list of speakers.
- 42.** During the last meeting, there was convergence among the participants on the proposal to allocate a maximum of three hours for the discussion of the general survey.
- 43.** In this regard, it was recalled that, during the informal tripartite consultations that took place in November 2019, it was agreed to structure the discussion of the general survey around three generic questions. The Director of the International Labour Standards Department also clarified that this agreement was made on the understanding that the structuring of the discussion around these questions would not restrict the speakers in their presentations and therefore would not limit the richness of the debate. The three generic questions are:
- progress and challenges in the implementation of the instruments under examination;
 - measures to be taken to promote Conventions and their ratification in light of the good practices and obstacles identified; and
 - pathways for future ILO standards action and technical assistance.
- 44.** During the last meeting, in light of the clarification from the Office, the proposal to structure the discussion around the three generic questions was largely supported. *In the absence of further consideration, this proposal would be considered confirmed.*

2.6. Discussion of individual cases

2.6.1. Order of examination of individual cases

- 45.** According to the agreed practice, individual cases included in the final list will be automatically registered and evenly distributed by the Office, on the basis of a rotating alphabetical system, following the French alphabetical order. This year, the registration will begin with countries with the letter "Y". A first group of countries to be registered following the above alphabetical order will consist of those cases in which a double footnote was inserted by the Committee of Experts. The second group of countries will consist of all the other cases on the final list⁹.
- 46.** It was proposed to follow the same practice with some adjustments to take into account different time zones. For example, on a given day, countries from the most Eastern time

⁹ Case in which the Committee has requested the government to supply full particulars to the Conference at its next session in June 2021: Belarus, Convention No. 87; Ghana Convention No. 182; Tajikistan Convention No. 81; Turkmenistan Convention No. 105.

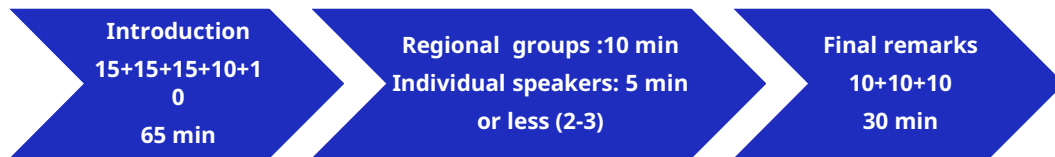
zones would be discussed at the beginning of the sitting and countries from the western time zones during the second part of the sitting.

47. *During the last meeting, this proposal received wide support and participants at the meeting might wish to confirm their agreement.*

2.6.2. Time allotment for examination of individual cases

48. According to the Committee's methods of work, maximum speaking times during the examination of individual cases have been established and are as follows:

- **15** minutes for the government whose case is being discussed, as well as the Employer and Worker spokespersons;
- **10** minutes for the Employer member and the Worker member from the country concerned to be divided between the different speakers of each group;
- **10** minutes for Government groups;
- **5** minutes for the other members;
- **10** minutes for concluding remarks for the government whose case is being discussed, as well as the Employer and Worker spokespersons.



49. On that basis, in 2019, the average time discussion per case was 110 minutes (the shortest discussion lasted 45 minutes and the longest 3 hours and 20 minutes). During its 2021 session, the Committee will be holding a reduced number of sittings, with a limited duration to take into account the different time zones, and with limited or no possibility to have recourse to extended sittings nor to night sittings. In these circumstances, it was proposed to contemplate limiting the total duration of the discussion of an individual case and to establish maximum speaking times accordingly.

50. In the last background note, it was proposed to envisage setting a maximum time allotment for the discussion of an individual case at 90 minutes¹⁰ and to reduce the maximum speaking times, allowing at the same time sufficient time for a number of interventions from regional groups and individual speakers to ensure inclusive participation. The reduced maximum speaking times would be as follows:

- **10** minutes for the government whose case is being discussed, as well as the Employer and Worker spokespersons;
- **6** minutes for the Employer member and the Worker member from the country concerned to be divided between the different speakers of each group;
- **4** minutes for Government groups;

¹⁰ This proposal also draws on the special arrangements and rules of procedure adopted for the discussions during the 341th virtual session of the Governing Body, and in particular the discussions concerning article 26 follow-up cases. See document "Time management and registration to take the floor during the 341st Session of the Governing Body" ([GB 341/Time management](#)).

- 2 minutes for the other members;
- 6 minutes for concluding remarks for the government whose case is being discussed, as well as for the employer and Worker spokespersons.



* Based on 4 regional interventions and 5 individual interventions (4 minutes margin).

- 51.** During the last meeting, the Worker spokesperson and the representative of the Western European Group accepted the proposal to limit the total duration of the discussion of an individual case and to fix maximum speaking times, in light of the exceptional circumstances under which the Committee will have to function. For their part, the Employer spokesperson and a number of Government representatives considered that the proposal had some drawbacks and did not accept the reduction of their speaking times.
- 52.** The Office indicated that the proposal to limit the total duration of the discussion was inspired by the decisions agreed upon by the tripartite constituents during the last two sessions of the Governing Body whereby discussions concerning article 26 complaints were conducted within a time allotment of 90 minutes. It was also stressed that with a view to achieve some degree of predictability and to take into account the different time zones for scheduling the order of examination of individual cases, the Office would need to have the ability to schedule with some level of certainty when and for how long the cases would be discussed. It was also mentioned that the length of the discussion did not always correlate with the technicality of the case under review but rather with the number of speakers.
- 53.** *The participants at the meeting may wish to provide further feedback on the possibility of fixing a time limit for the discussion of individual cases as well as maximum speaking times, in light of the scenarios developed below under point 2.7.*

2.6.3. Adoption of the conclusions

- 54.** Considering the virtual nature of the Conference, the practice of handing over the text of the conclusions to the Government representative concerned before their adoption by the Committee will not be possible. It was proposed that the Office send the draft conclusions to a designated person of the Government concerned a few hours before their adoption at the dedicated sitting.
- 55.** While the Government representatives welcomed that proposal, the social partners indicated that it could be difficult to make conclusions available in advance, particularly at the end of the session when they are under time pressure.
- 56.** In accordance with the established practice of the Committee, the conclusions are adopted at dedicated sittings. In light of the reduced number of sittings and the time constraints, it was proposed to extend by 30 minutes the duration of the sittings in which conclusions are planned to be adopted.
- 57.** Some support was expressed in favor of this proposal. However, the employer Spokesperson proposed that, in light of the compressed schedule and the different time

zones of the employer and worker spokespersons, all the conclusions be adopted at one sitting that could take place at the end of the session, for example on Thursday 17 June.

58. In this regard, it should be recalled that all the conclusions adopted, as well as the special paragraphs, are included in the first part of the report of the Committee that must be published in the three languages before its adoption by the Plenary of the Conference on Saturday 19 June 2021. Considering the tight deadlines for the finalization of the Committee's report by the Secretariat, it might be desirable to envisage the possibility of having more than one sitting dedicated to the adoption of conclusions (see scenarios below).

59. *The participants at the meeting may wish to provide further feedback on this matter.*

2.7. Possible scenarios for the working schedule of the Committee

60. The proposed adjustments to the working methods of the Committee and the reduced or maximum speaking times described above have been envisaged to enable the Committee to consider all the items on its agenda and carry out its mandate in the most efficient manner. On that basis, and in the light of the views expressed during the last meeting, the Office has prepared the following scenarios for consideration by the participants at the consultations.

61. The scenarios are centered around a majority of sittings of 3 hours and are based on the following common features:

- early opening sitting during the week of 25-28 May
- general discussion divided into two segments of 90 minutes each
- discussion of the general survey in a sitting of 3 hours
- examination of serious failures to report during a 60 minutes time allotment
- conclusions adopted at the end of the session

62. With these common features identified, different speakers referred to a variety of considerations in the previous discussion of the Committee's working schedule. These considerations can be set out in three distinct guiding principles based on which the corresponding scenarios are proposed.

Guiding principle: Ensuring predictability for the Government concerned and their social partners and time zone friendliness by discussing a case in one single sitting

(1) **Scenario 1** is based on a limited duration of the discussion of an individual case set at 90 minutes (with the maximum speaking times described in paragraph 50 above). Two cases would be discussed during a sitting of three hours.

Sitting	Time allocated	Items discussed
Opening sitting	1h30	Adoption methods of work and list
Thursday 3 June	3h00	General discussion (90 min) ILS and COVID (90 min)
Friday 4 June	3h00	General survey
Saturday 5 June	3h00	Serious Failures (60 min) General discussion: conclusion (30 min) Case 1 : 90 min
Monday 7 June	3h00	Case 2 : 90 min Case 3 : 90 min

Tuesday 8 June	3h00	Case 4 : 90 min Case 5 : 90 min
Wednesday 9 June	3h00	Case 6 : 90 min Case 7 : 90 min
Thursday 10 June	3h00	Case 8 : 90 min Case 9 : 90 min
Friday 11 June	3h00	Case 10 : 90 min Case 11 : 90 min
Saturday 12 June	3h00	Case 12 : 90 min Case 13 : 90 min
Monday 14 June	3h00	Case 14 : 90 min Case 15 : 90 min
Tuesday 15 June	3h00	Case 16 : 90 min Case 17 : 90 min
Wednesday 16 June	3h00	Case 18 : 90 min Case 19 : 90 min
Thursday 17 June	3h00	Case 20 : 90 min Adoption conclusions 1-10 Adoption outcome General Survey
Friday 18 June	3h00	Adoption conclusions 11-20 Adoption General Report

This scenario is based on 14 sittings of three hours (total duration of 42 hours) and one early opening sitting. It would enable the Committee to examine 20 individual cases. Each individual case would be discussed during the sitting in which it was scheduled. To the extent possible, time zone differences would be considered when determining the order of examination of cases.

- (2) **Scenario 2** is based on a limited duration of the discussion of an individual case set at 100 minutes with the same limitations of speaking times as in scenario 1, except for the Government concerned, for which the current speaking times would be maintained (i.e. 15 minutes for introductory remarks and 10 for concluding remarks). Predictability would be preserved by ensuring that two cases would be discussed during a sitting, with the consequence of 9 sittings of a maximum duration of 3 hours and 20 minutes.

Sitting	Time allocated	Items discussed
Opening sitting	1h30	Adoption methods of work and list
Thursday 3 June	3h00	General discussion (90 min) ILS and COVID (90 min)
Friday 4 June	3h00	General Survey
Saturday 5 June	3h00	Serious failure (50 min) General discussion, conclusion (30 min) Case 1 (100 min)
Monday 7 June	3h20	Case 2 (100 min) Case 3 (100 min)
Tuesday 8 June	3h20	Case 4 (100 min) Case 5 (100 min)
Wednesday 9 June	3h20	Case 6 (100 min)

		Case 7 (100 min)
Thursday 10 June	3h20	Case 8 (100 min) Case 9 (100 min)
Friday 11 June	3h20	Case 10 (100 min) Case 11 (100 min)
Saturday 12 June	3h20	Case 12 (100 min) Case 13 (100 min)
Monday 14 June	3h20	Case 14 (100 min) Case 15 (100 min)
Tuesday 15 June	3h20	Case 16 (100 min) Case 17 (100 min)
Wednesday 16 June	3h20	Case 18 (100 min) Case 19 (100 min)
Thursday 17 June	3h00	Case 20 (100 min) Adoption conclusions 1-10 Adoption outcome General Survey
Friday 18 June	3h00	Adoption conclusions 11-20 Adoption General report

This scenario is based on five sittings of three hours and 9 sittings of 3 hours and 20 minutes (total duration of 45 hours) and one early opening sitting. It would enable the Committee to examine 20 individual cases. Each individual case would be discussed during the sitting in which it was scheduled. To the extent possible, time zone differences would be considered when determining the order of examination of cases.

Guiding principle : Maintaining established practice for participation in the discussion of a country case within a limited sitting of three hours

(3) **Scenario 3** is based on discussions of individual cases that are not limited in duration and with the maximum speaking times established in normal conference conditions (see paragraph 48 above). The table below shows the duration of the discussions of the individual cases during the 2019 session of the Committee, with sittings limited at three hours.

Sitting	Time allocated	Items discussed
Opening sitting	1h30	Adoption methods of work and list
Thursday 3 June	3h00	General discussion (90 min) ILS and COVID (90 min)
Friday 4 June	3h00	General survey
Saturday 5 June	3h00	Serious Failures (60 min) General discussion: conclusion (30 min) Case 1 C87 : 90 min
Monday 7 June	3h00	Case 1 C87 : 55 min Case 2 C138 : 125 min
Tuesday 8 June	3h00	Case 2 C138 : 5 min Case 3 C182: 100 min Case 4 C29 : 75 min
Wednesday 9 June	3h00	Case 4 C29 : 55 min Case 5 C117 : 125min

Thursday 10 June	3h00	Case 5 C117 : 20 min Case 6 C111 : 65 min Case 7 C98 : 95 min
Friday 11 June	3h00	Case 7 C98 : 75 min Case 8 C182 : 50 min Case 9 C87 : 55 min
Saturday 12 June	3h00	Case 9 C87 : 105 min Case 10 C97 : 75 min
Monday 14 June	3h00	Case 10 C97 : 50 min Case 11 C29 : 105 min Case 12 C131 : 25 min
Tuesday 15 June	3h00	Case 12 C131 : 95 min Case 13 C98 : 85 min
Wednesday 16 June	3h00	Case 13 C98 : 115 min Case 14 C87 : 65 min
Thursday 17 June	3h00	Case 14 C87 : 50 min Case 15 C144 : 100 min Adoption outcome General Survey
Friday 18 June	3h00	Adoption of conclusions 1-15 Adoption of General report

This scenario is based on 14 sittings of three hours (total duration of 42 hours) and one opening sitting. It could enable the Committee to examine around 15 individual cases. However, the total number of cases that could be discussed could not be assured in advance nor would it be assured that a given case could be finalized in a single sitting, if there were no possibility to extend sittings. The date and timing for the discussion of a given case could also not be guaranteed and would need to be adjusted in real time as the session proceeds. This could also have an impact on the ability to take into account time zones in the consideration of a case.

Guiding principle: Maintaining established practice with respect to the number of individual cases to be discussed

(4) **Scenario 4** is based on a limited duration of the discussion of an individual case set at 90 minutes (with the maximum speaking times described in paragraph 50 above). For most of the sittings, two cases would be discussed. However, in four occasions three cases would be examined.

Sitting	Time allocated	Items discussed
Opening sitting	1h30	Adoption methods of work and list
Thursday 3 June	3h00	General discussion (90 min) ILS and COVID (90 min)
Friday 4 June	3h00	General survey
Saturday 5 June	3h00	Serious Failures (60 min) General discussion: conclusion (30 min) Case 1 : 90 min
Monday 7 June	3h00	Case 2 : 90 min Case 3 : 90 min
Tuesday 8 June	3h00	Case 4 : 90 min Case 5 : 90 min

Wednesday 9 June	4h30	Case 6 : 90 min Case 7 : 90 min Case 8 : 90 min
Thursday 10 June	3h00	Case 9 : 90 min Case 10 : 90 min
Friday 11 June	4h30	Case 11 : 90 min Case 12 : 90 min Case 13 : 90 min
Saturday 12 June	3h00	Case 14 : 90 min Case 15 : 90 min
Monday 14 June	4h30	Case 16 : 90 min Case 17 : 90 min Case 18 : 90 min
Tuesday 15 June	4h30	Case 19 : 90 min Case 20 : 90 min Case 21 : 90 min
Wednesday 16 June	3h00	Case 22 : 90 min Case 23 : 90 min
Thursday 17 June	3h00	Case 24 : 90 min Adoption conclusions 1-10 Adoption outcome General Survey
Friday 18 June	3h00	Adoption conclusions 11-24 Adoption General Report

This scenario is based on 10 sittings of three hours and 4 sittings of 4 hours and 30 minutes (total duration of 48 hours) and one opening sitting. It would enable the Committee to examine 24 individual cases as per agreed practice. Each individual case would be discussed during the sitting in which it was scheduled. To the extent possible, time zone differences would be considered when determining the order of examination of cases. However, extended sittings of 4h30 minutes might hinder time zone friendliness.

63. *The participants at the meeting may wish to provide further feedback on these scenarios.*

► Appendix 1

Improvements introduced on the basis of the recommendations of the Working Group on the Working Methods of the Committee on the Application of Standards (CAS) (2006–19)

Date	Improvements proposed and adopted
November 2006	<ul style="list-style-type: none"> • Release of the preliminary list 15 days before the opening of the Conference. • Advance elective registration of Governments on the final list to Friday noon.
March 2007	<ul style="list-style-type: none"> • Non interactive information session by the Worker and Employer spokespersons after the adoption of the list. • Conclusions adopted in a reasonable timeframe after the discussion of the case.
March 2008	<ul style="list-style-type: none"> • Discussion of a case maintained although the country is not present. • Additional language on respect of rules of decorum and on the role of the Chairperson included in Document D.1. • Documents D.0 and D.1 sent with the preliminary list.
March 2010	<ul style="list-style-type: none"> • Limits on speaking time during the discussion of individual cases strictly enforced and included in Document D.1. • Installation of a time management equipment in the room. • Automatic registration of countries for the discussion of individual cases (using the French alphabetic order and beginning with the group of double footnoted cases).
March 2011	<ul style="list-style-type: none"> • Modalities for selecting the starting letter of the alphabet for the automatic registration of countries for the discussion of individual cases.
March 2015	<ul style="list-style-type: none"> • Long list of cases available no less than 30 days before the opening of the Conference. • Final list agreed upon by Worker and Employer spokespersons on the Friday before the opening of the session, submitted to groups on the first day, and adopted at the second sitting of the CAS. • Conclusions of individual cases adopted at dedicated sittings. • Adoption of time management improvements.
March 2016	<ul style="list-style-type: none"> • List of speakers visible on the screen. • Early registration of speakers encouraged. • Reduced speaking times when there is a very long list of speakers. • Draft minutes of the discussion of individual cases reproduced in patchwork and available on line. • Electronic transmission of amendments. • Three dedicated sittings for the adoption of conclusions.
March 2017	<ul style="list-style-type: none"> • Adoption of Part II of the CAS Report in patchwork and publication in the three languages ten days following its adoption. • Publication of a document on the follow-up to the CAS conclusions on the dedicated webpage of the CAS.
November 2017	<ul style="list-style-type: none"> • Conclusions on individual cases visible on a screen while being read by the Chairperson.

Date	Improvements proposed and adopted
March 2018	<ul style="list-style-type: none">• Hard copy of the conclusions given to the Government concerned.• Government concerned has the right to take the floor immediately after the adoption of the conclusions.
March 2019	<ul style="list-style-type: none">• Agreement to reduce the time allocated to opening items to permit additional time for the discussion of the General Survey• Production of parts of the CAS report as a verbatim record.• Restructuration of the content of Parts I and II of the CAS report.• Adoption of Part II of the report by the CAS and the ILC plenary in patchwork form and publication in three languages 30 days following its adoption.• Enhanced use of D Documents for Governments in the long list.
November 2019	<ul style="list-style-type: none">• Structuring the discussion on all general surveys around three generic questions.• Written information provided by Governments on the long list limited to 2,000 words.

► Appendix 2

Informal tripartite consultations on the working methods of the Committee on the Application of Standards (30 March 2021)

Meeting summary

1. Informal tripartite consultations on the working methods of the Conference Committee on the Application of Standard (“the Committee”) took place on 30 March 2021, from 2–5 p.m.
2. The meeting was facilitated by Mr Greg Vines (Deputy Director-General for Management and Reform).¹¹ The Employer Vice-Chairperson of the Committee at the 108th Session (2019) of the International Labour Conference, Ms Regenbogen, and the Worker Vice-Chairperson of the Committee, Mr Leemans, were the Employer and Worker spokespersons, respectively. The Government representatives indicated that the Government representatives of Algeria and Egypt would speak on behalf of the Africa region; the Government representatives of Brazil and Canada would speak on behalf of the Americas region; the Government representative of Japan would speak on behalf of the Asia and Pacific region; and the Government representatives of Greece and Croatia would speak on behalf of the Europe region; a large number of observers from those regions also participated in the meeting.
3. The meeting participants had before them an information note prepared by the Office. Mr Vines presented the agenda and opened the discussion by recalling that the objective of the informal tripartite consultations was to discuss adjustments that could be made to the Committee’s working methods to enable it to fulfil its mandate in the light of the exceptional circumstances in which the forthcoming session of the Conference would be held. The Chairperson invited the participants to make observations on the seven items on the agenda of the meeting, as indicated in the information note. He noted that the proposals were based on the arrangements made for the last two virtual sessions of the Governing Body. Thanks to the flexibility and strong cooperation shown by the constituents, the adjustments had contributed to the smooth running of those two sessions of the Governing Body.
4. **The Employer spokesperson** opened by saying that, as the time available to the Committee would be reduced by one third, the discussions should be guided by the following three factors: (i) ensuring acceptable working conditions for all, taking into account the different time zones, by limiting the sessions to three hours, from 1.30 to 4.30 p.m. Geneva time; (ii) allocating appropriate time for the consideration of the

¹¹ Mr Ndebele (representative of the Government of South Africa), who had chaired the latest sessions of informal tripartite consultations, was not available.

General Report, the general survey and individual cases to enable all participants to contribute to a constructive and effective discussion; and (iii) ensuring that information submitted in writing would be a complement to, and in no way as a replacement of, the discussions within the Committee.

5. **The Worker spokesperson** supported the Employer spokesperson's statement. He expressed concern at the time limits imposed and emphasized the importance of allocating sufficient time for the Committee's discussions. Those limits must be considered to be exceptional measures that were never to be repeated. In addition, he wished to know how the Committee would take into account the information submitted in writing.
6. **A Government representative of Brazil, speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)**, indicated that the group was convinced that the necessary adjustments to enable the Committee to fulfil its mandate within a discussion time reduced by one third must not affect the quality of the discussions or the ability of Governments to present their position appropriately. That required priorities to be set for the Committee's work.
7. **A representative of the Government of Algeria, speaking on behalf of the Africa group**, underscored the importance of coming up with methods of working that took into account the digital divide between constituents of different regions. It was regrettable that the proposals in the document focused on reducing the speaking time but not the number of individual cases. In addition, the question of the criteria used to establish the lists ought to have been considered. He recalled the importance of ensuring that the Committee's work was transparent, objective and impartial.

1. Publication of the preliminary list and transmission of written information from governments

8. **The Director of the International Labour Standards Department** presented the proposals in paragraphs 11-13 of the Background note: (i) the publication of the preliminary list on 20 April 2021 (30 days prior to the formal opening of the Conference on 20 May); and (ii) the invitation to governments on the preliminary long list to submit, if they so wish, written information focusing only on new developments, by 20 May 2021, through a draft template prepared by the Office for that purpose.
9. **The Employer spokesperson** indicated that her group was flexible on the publication of the preliminary list on 20 April and that it accepted the deadline for the submission of written information by 20 May, through a template to be used on a trial basis. The 2000-word limit for the template should be deemed as a guiding framework but it might be extended in exceptional circumstances. The Office should publish the relevant information on the dedicated webpage as soon as it became available.
10. **The Worker spokesperson** aligned himself with the statement of the Employer spokesperson. While the publication of the preliminary list on 20 April would put the social partners under increased pressure, the Worker members could try to cope with that deadline. He underscored that the submission of written information should not be an obligation for governments and that the additional written information provided should contain only new information, not yet considered by the Committee

of Experts, and be available online. The template of 2000 words could be used, given the previous positive experience.

- 11. Speaking on behalf of the Africa group, a Government representative of Egypt** stressed the importance of publishing the preliminary list in advance. The Africa group agreed with the use of the template of 2000 words for the submission of written information, emphasizing that the information should be made available online in the three official languages. The speaker sought clarification on the submission of written information exclusively in electronic format or by paper. In the case of the submission in electronic format, security measures should be envisaged.
- 12. Speaking on behalf of the Asia and Pacific Group (ASPAG), a Government representative of the Japan** indicated that he had no comments on this item.
- 13. Speaking on behalf of GRULAC, a Government representative of Brazil** expressed support for the proposal of the publication of the preliminary list on 20 April. GRULAC recognized the need to submit the written information within the reasonable words limit, however, some flexibility could be granted in this respect, such as the possibility to attach additional information to the template.
- 14. A Government representative of Canada** agreed with the proposals of the Office. Governments should be reminded that the submission of written information could be done on a voluntary basis and that only new additional information should be provided. She supported the use of the template limited to 2000 words as a general guideline but recognized that some flexibility should be given with respect to the length of written information.
- 15. Speaking on behalf of the Western European group, a Government representative of Greece** agreed with the deadlines for the publication of the preliminary list and for the submission of written information, which should be done on a voluntary basis and contain only new information. The template prepared by the Office could be used by governments on a trial basis.
- 16. Speaking on behalf of the Eastern European group, a Government representative of Croatia** welcomed the publication of the preliminary list and the submission of written information within the proposed deadlines. Her group pointed out that the submission of written information should be voluntary, limited to new information and that some tolerance could be accepted with respect to the 2000-word limit for the template.
- 17. The Chairperson** summarized the discussion indicating that governments should be encouraged to follow the proposed 2000-word limit for written information, however, reasonable tolerance could be accepted. The template could specify that only new information should be submitted and that it was not a mandatory exercise. The written information should be submitted only in one of the three official languages, preferably in electronic format but hard copy could also be transmitted.
- 18. In response to the questions raised, the Director of the International Labour Standards Department** indicated that the webpage of the Committee would be available as of 20 April with all relevant documents and updated on a regular basis.

The written submissions provided by Governments could not be translated but if information was received in more than one official language, all the versions would be published.

2. The Committee's opening sitting and adoption of the final list

- 19. The Director of the International Labour Standards Department** referred to paragraph 18 of the Background note and recalled that in light of the time constraints resulting from the virtual nature of the Committee's work, the Office proposed to hold an opening sitting of the Committee in the course of the week of 25-28 May. The second proposal related to the limitation of the total duration of the opening sitting to 90 minutes and the possibility for some participants to submit full statements in writing in advance to compensate the limitation of the speaking time.
- 20. The Worker spokesperson** sought clarification on whether the Office could facilitate the organization of groups' meetings before the opening sitting in the course of the week of 25-28 May. The Workers group needed clarity on this point to be able to express a clear position on the proposals. His group expressed concern in relation to the limit of daily sittings to 3 hours. This would reduce the possibility of having effective discussions. While noting the time constraints, the worker spokesperson stressed that this could only be accepted in light of the exceptional circumstances and could not constitute a precedent.
- 21. The Chairperson** confirmed that all the proposals in the background note are exceptional and limited to the 2021 session of the Conference. The arrangements were proposed purely for the purpose of enabling the virtual conduct of the Committee next session. He noted that the Office could facilitate full constituents groups meetings as well as groups meetings during the week of 25-28 May.
- 22. The Employer spokesperson** did not support the proposal to hold a first sitting of the Committee in the course of the week of 25-28 May. It would be necessary to operate within the time frame of the Conference, which was from 3-19 June, to allow active and broad participation of the constituents. In the view of the Employers' group, the first sitting should be scheduled on 3 June, and followed by groups meetings with the adequate participation to facilitate the discussion on the final list, which should be adopted during the second sitting on 4 June.
- 23. Speaking on behalf of the Africa group**, a Government representative of Egypt noted that in light of the exceptional nature of the situation, it would be necessary to hold the opening sitting in the week of 25-28 May and adopt the final list. That would allow governments on the list to have sufficient time to prepare for the discussion of the individual cases. The Africa group was in favour of a reduced number of individual cases on the final list.
- 24. Speaking on behalf of the ASPAG**, a Government representative of Japan indicated that he had no comments at this stage.
- 25. Speaking on behalf of GRULAC**, a Government representative of Brazil expressed support for the early adoption of the final list, noting that GRULAC had been making this proposal for many years. The adoption of the final list in advance of the beginning

of the Committee's sittings would allow adequate preparation of governments and social partners for the discussion of the individual cases.

26. **A Government representative of Canada** was in favour of holding a short limited opening sitting of the Committee in the week of 25-28 May and the time limit of 90 minutes. Knowing the date of that sitting in advance would allow constituents to make the appropriate arrangements to participate. She appreciated that the Office could facilitate the organization of the groups' meetings prior to the opening sitting and supported the proposal for the early adoption of the final list.
27. **Speaking on behalf of the Western European group**, a Government representative of Greece supported the proposals for the adoption of the final list in the course of the week of 25-28 May as well as the use of the written submissions and the proposed time allotment for the opening sitting.
28. **Speaking on behalf of the Eastern European group**, a Government representative of Croatia expressed support for the proposal to hold an early short opening sitting of the Committee and to adopt the final list in the course of the week of 25-28 May. This would be beneficial for both the social partners and the Governments.
29. **The Chairperson** recalled that the Governing Body's decision envisaged that the two weeks interim period between 20 May and 3 June could be used by the Committees for preliminary procedural issues. The Office's proposal was to hold one single short sitting to address procedural aspects.
30. **The Worker spokesperson** sought clarification on the possibility to hold at least two groups' meetings before the opening sitting, in case the opening sitting of Committee would take place during the week of 25-28 May.
31. **The Chairperson** assured that the Office would be able to facilitate two groups' meetings before the opening sitting during the week of 25-28 May.
32. **The Employer spokesperson** referred to paragraph 20 of the background note and recalled that, since 2013, the final list had been adopted by the Committee at its second sitting. Noting the common consensus, her group might agree with an opening sitting of the Committee for examination of procedural arrangements in the course of the week of 25-28 May, including the appointment of the Officers. However, the adoption of the final list, which was part of the substantial work of the Committee, should not take place during that short opening sitting but at the second sitting of the Committee, either on 3 or 4 June.
33. **Speaking on behalf of the Western European group**, a Government representative of Greece thanked the Employer spokesperson for the explanation. She sought clarification on the possibility to hold the second sitting of the Committee during the week of 25-28 May with a view to adopting the final list, if the adoption of the list on the second sitting was an absolute prerequisite.
34. **Speaking on behalf of GRULAC**, a Government representative of Brazil stressed that in view of the exceptional circumstances, there was a need for exceptional procedures. GRULAC reiterated its support for the adoption of the final list before 3 June. The group

agreed with the proposal of holding a sitting during the week of 25-28 May, that would be exclusively devoted to issues of procedural nature, that is the appointment of the officers and the adoption of the final list, whereas the substantive work of the Committee would start on 3 June.

35. The Director of the International Labour Standards Department recalled that given the extraordinary circumstances, the Office would facilitate the groups' meetings prior to the discussion and the adoption of the final list. She clarified that the final list had been previously adopted at the second sitting of the Committee due to the lack of the possibility to organize the groups' meetings in advance of the second meeting. In the current situation, given that the groups' meeting could take place virtually, the adoption of the final list could take place at the first sitting during the week of 25-28 May. Furthermore, the 90 minutes allotted to this sitting could enable the Committee to undertake other tasks.

36. The Worker spokesperson indicated that based on the clarification from the Office that at least two groups' meetings could be organized at the beginning of the week of 25-28 May, it could be envisaged that the Committee holds the opening sitting at the end of that week. A second issue was the time needed to negotiate the short list. While this would entail a lot of pressure on the social partners, the worker spokesperson indicated that, with the cooperation of the office, they might manage to accommodate in that direction.

37. The Employer spokesperson expressed concern about the organization of the groups' meetings before the Conference would officially start on 3 June. The group meetings are an integral part of the work of the Committee and it was important to ensure the broadest participation of the constituents in these meetings. Without consultation with her group on this point, it would be difficult to make any further commitment in relation to these proposals.

3. Use of written statements and times allotted for the opening sitting and the general discussion

38. The Director of the International Labour Standards Department described the proposals in paragraphs 23-26 to introduce maximum time allotments for the general discussion and maximum speaking times. Submission of statements in writing in advance of the sittings by some participants was also proposed.

39. The Worker spokesperson sought clarification on the time allotments of the different segments of the general discussion within the total time limit of 90 minutes.

40. The Director of the International Labour Standards Department indicated that it would be necessary to have first the participants' comments on the best way to organize the general discussion. Based on the outcome of the discussion, proposals would be made to ensure that there would be sufficient time to discuss the main elements.

41. The Employer spokesperson opposed the maximum speaking time of 10 minutes for the Employer and Worker spokespersons, which were not realistic given the technical

nature of the general discussion. It would be also difficult to finish the general discussion within 90 minutes.

42. **Speaking on behalf of the Africa group**, a Government representative of Egypt expressed support for the proposals to invite speakers to submit their written statements in advance as well as the time allotment of 90 minutes for the opening sitting and the general discussion.
43. **Speaking on behalf of ASPAG**, a Government representative of Japan indicated that he had no comments at this stage.
44. **Speaking on behalf of GRULAC**, a Government representative of Brazil noted that the establishment of a time allotment for the general discussion would restrict the debates. Very important subjects were addressed during the general discussion, which deserved more time. GRULAC also expressed concerned about the use of written submissions and the manner in which they would be incorporated in the discussion.
45. **A Government representative of Canada** was flexible with the proposal of the time limit of 90 minutes for the general discussion and the opening sitting, considering the important issues addressed. Exceptional circumstances required exceptional limits. While welcoming the use of written statements, she sought clarification on the manner in which they would form part of the final record.
46. **Speaking on behalf of the Western European group**, a Government representative of Greece agreed with the use of the written submissions and the proposed time allotments and maximum speaking times.
47. **Speaking on behalf of the Eastern European group, a Government representative of Croatia** agreed with the proposals of the Office.
48. **The Director of the International Labour Standards Department** indicated that the intention was to offer the possibility of using written submissions to compensate the reduced speaking time so as to enable sufficient space for the expression of views.
49. **The Worker spokesperson**, considering the exceptional circumstances, agreed with the use of the combination of the full written statements and the reduced time for the oral intervention.
50. **The Employer spokesperson** underscored that it would be helpful to provide for the possibility to submit written statements. However, they could not replace oral statements which have a particular importance in the work of the Committee. The Employers' group would continue to reflect on this point.
51. **The Director of the International Labour Standards Department** clarified that all written statements would be published and incorporated in the final report of the Committee.

4. Examination of cases of serious failures to report

- 52. The Director of the International Labour Standards Department** presented two options proposed concerning the examination of the cases of serious failures to report. In both options, governments would be invited to send written information at least three days in advance of the dedicated sitting. According to the first option, the concluding remarks of the Employer and Worker spokespersons and the proposed conclusions on the cases of serious failure would be read out during the dedicated sitting (30 minutes maximum). As per the second option, the Office would prepare a document compiling the information submitted by governments and the proposed conclusions for the Committee's adoption. The document would be published in the three languages in advance of the dedicated sitting. The Committee would adopt the document without reading out the conclusions.
- 53. The Employer spokesperson** noted that none of the options reflected the importance of the discussion of the cases of serious failure. In particular, the use of the second option would send the wrong message to governments and would not bring the proper amount of attention to the cases of serious failure. The Employers' group sought clarification on the treatment of the cases when the Government would not provide the relevant information three days before the sitting. The Employers' group proposed a third option for consideration, according to which governments should be invited to send information on how and when they would comply with their reporting obligations. The Office could compile the relevant information and make it available online by 20 May. 60 minutes should be allotted to the discussion of the proposed conclusions.
- 54. The Worker spokesperson** expressed interest in the proposal made by the Employer spokesperson. In 2019, the Committee discussed the cases of serious failure during 1 hour and 50 minutes. Therefore, the 30 minutes proposed in the first option would not be sufficient to allow the spokespersons to present their remarks on this important issue. The Workers' group proposed to use a combination of the two options advanced by the Office.
- 55. Speaking on behalf of the Africa group**, a Government representative of Egypt expressed a preference for the second option and indicates that his group would need to discuss the third option.
- 56. Speaking on behalf of ASPAG**, a Government representative of the Japan took note of the third option and the rationale behind it.
- 57. Speaking on behalf of GRULAC**, a Government representative of Brazil indicated that he had no specific comment on this point.
- 58. A Government representative of Canada** agreed with the comments made by the Employers and Workers spokespersons concerning the importance of the discussion of the cases of serious failure. Option 1 could be considered and the reduction of time allocated for this item could be accepted on an exceptional basis.
- 59. Speaking on behalf of the Western European group**, a Government representative of Greece agreed with the second option but sought clarification on whether the document prepared by the Office would include the full written statements received from governments or a summary. With respect to the first option, her group noted

that it provided for the concluding remarks of the Employer and Worker spokesperson and not of the governments. The third option would be discussed by her group.

- 60. Speaking on behalf of the Eastern European group**, a Government representative of Croatia indicated that more time would be needed to get feedback on the third option.
- 61. The Director of the International Labour Standards Department** indicated concerning option three that it would be feasible for the Office to include a request to the Governments concerned to provide information on the reporting failure in the invitation letter that was sent to governments in relation of the preliminary list, with the indication that the information should be sent by 20 May. However, more clarification would be needed concerning the third option in respect of how the Committee would organize its discussions.
- 62. The Worker spokesperson** noted that given that most of the governments expressed preference for the second option, the Workers' group could go along with it on an exceptional basis. However, it would be necessary to ensure that the Employer and Worker spokespersons could consult the proposed conclusions before their adoption.
- 63. The Employer spokesperson** proposed to use a hybrid of the first and the second options. Governments concerned should be invited to submit the written information on the reporting failure by 20 May for its publication on the web page of the Committee. The time allotted for the discussion of the proposed conclusions (30 or 45 minutes) should be further considered.
- 64. Speaking on behalf of the Western European group**, a Government representative of Greece noted with respect to the use of a hybrid version of the first and the second option that if the social partners' would present their positions orally, Governments should be allowed to do so also.

5. Discussion of the general survey

- 65. The Director of the International Labour Standards Department** referred to the proposal in paragraphs 31 to 34 aiming at fixing a time limit of three hours for the discussion of the general survey. She highlighted that the Addendum to the general survey reviewed the impact of the COVID pandemic on the implementation of the employment-related Conventions and that these discussions would be important. She further recalled that during the last informal tripartite consultations it was agreed to structure the discussion of the general survey around three generic questions:
- i. progress and challenges in the implementation of the instruments under examination;
 - ii. measures to be taken to promote Conventions and their ratification in light of the good practices and obstacles identified; and
 - iii. pathways for future ILO standards action and technical assistance.
- 66. The Worker spokesperson** supported the proposal considering that a time allotment of three hours was needed to ensure an effective discussion. The three generic questions could be very helpful to structure the discussion on the understanding that they would not be used to limit the scope of the discussion.

- 67. The Employer spokesperson** aligned herself with the proposal to dedicate three hours to the discussion of the general survey. However, she expressed disagreement with the three generic questions considering that participants should not be limited in the content of their intervention.
- 68. Speaking on behalf of the Africa group**, a Government representative of Algeria supported the proposals, emphasizing that if time limits were applied to enable the discussion to take place within the allotted three hours, those limits should apply to everyone equally. He also considered that retaining generic questions would allow the discussion to be focused.
- 69. Speaking on behalf of ASPAG**, a Government representative of Japan indicated that he had no comments.
- 70. Speaking on behalf of GRULAC**, a Government representative of Brazil agreed with the proposal of allocating three hours for the discussion of the general survey, considering its relevance in the actual circumstances.
- 71. A Government representative of Canada** supported the Office proposals. She indicated that structuring the discussion around guiding questions could be very helpful and that this approach could be adopted on a trial basis. Furthermore, the use of written submission could have been envisaged also for the examination of the general survey with a view to reducing the duration of the discussion.
- 72. Both the Government representatives of Greece and Croatia**, speaking respectively on behalf of the Western European group and the Eastern European group, agreed with the three hours' time allotment for the discussion of the general survey. The **Government representative of Greece** also expressed support for the use of generic questions.
- 73. The Director of the International Labour Standards Department** recalled that during the last meeting of the tripartite informal consultations it was agreed that the structuring of the Committee discussion around generic questions should not be limiting the richness of the debate.
- 74. The Chairperson** noted that there was convergence on this proposal.

6. Discussion of the individual cases

- 75. The Director of the International Labour Standards Department** emphasized that the proposals in paragraph 37 to limit the time allotted to the discussion of an individual case to 90 minutes and to reduce the speaking times were aimed at ensuring a degree of predictability and at taking into account the legitimate concerns resulting from the constraints related to the different time zones.
- 76. The Employer spokesperson** indicated that she could not agree with the reduced speaking times proposed. It was problematic to reduce the introductory statement to 10 minutes taking into account the complexity of some individual cases examined. It

was also unrealistic to consider reducing the time allotment for the concluding remarks to six minutes. This would not allow taking into consideration the elements provided by other speakers during the discussion and proposing concrete and detailed elements for the conclusions of the cases. Furthermore, it was not clear how it would be possible to enforce effectively the time limits for the discussion of a case since this was a big departure from previous practice.

- 77.** In response, **the Chairperson** explained the manner in which the Governing Body had managed time in situations where maximum time allotments were set. For the number of interventions known in advanced, the fixed period of time was maintained, for example for the worker and employer spokespersons introductory statements, and the remaining time available for individual interventions was adjusted according to the number of persons wishing to take the floor. In some occasions, the speaking time was set at 3 minutes in others at 2 minutes. Closing the list of speakers early, allowed the Chairperson to implement this mechanism.
- 78. The Worker spokesperson** stressed that while the proposals in paragraph 37 were very difficult to accept there was no other possibility to allow the Committee to complete its work. He agreed with the proposed reduced time limits stressing that in the past the workers members had not always used the total time allocated for their opening and closing remarks. Knowing the new time limits in advance would help and they would make every efforts to be concise. That would nevertheless remain a difficult task. He also stressed that it might be difficult to control the number of speakers wishing to take the floor.
- 79. Speaking on behalf of the Africa group**, a Government representative of Algeria said that the proposed reduced speaking times ran counter to the spirit of social dialogue and would not enable a quality, frank, balanced and constructive discussion to take place. He expressed concern at the time limits, which would prevent Governments from having sufficient time to present their viewpoints in detail. The reductions in speaking times were not acceptable; it would be preferable to reduce the number of individual cases examined and thereby preserve the inclusiveness of the discussions. As to the adoption of the conclusions, he reiterated his group's position that: they should be communicated in advance to the Governments concerned; they should be balanced; the Chairperson should be consulted; and a discussion should be held with the Government prior to their adoption.
- 80. Speaking on behalf of ASPAG**, the Government representative of Japan indicated that he did not have any comments.
- 81. Speaking on behalf of GRULAC**, a Government representative of Brazil indicated that his group opposed the proposals to fix a time limit for the discussions and to reduce the speaking times. The discussions of individual cases were complex and addressed legal issues. The proposed limitations of time would affect the quality of the debate and undermine the ability of Governments to present their views. The proposed schedule was unrealistic and even more difficult to implement in the context of virtual sittings. In order to safeguard the quality of the discussions, speaking times should not be changed.
- 82. A Government representative of Canada** stated that she was not in favour of reducing speaking times considering the complexity of the discussions on individual

cases, which concerned policy questions and technical issues. Discussions should be meaningful and not be rushed.

- 83. Speaking on behalf of the Western European Group**, a Government representative of Greece agreed with the limitation of speaking times proposed and stressed that the very specific circumstances required exceptional arrangements.
- 84. A Government representative of Croatia** indicated that for the moment she could not express the position of the **Eastern European Group** on the proposals in paragraph 37, which might raise concerns among its members.
- 85. The Employer spokesperson** reiterated the importance of ensuring full and adequate discussions. Reducing speaking times would not allow the Committee to move forward in an efficient way and could undermine the effectiveness of the discussions. For participants to be heard in an appropriate way, the actual speaking times should be maintained. The employers further considered that it would not be possible to examine 24 individual cases.
- 86. The Worker spokesperson** reiterated his support for the proposal to reduce the speaking times stressing that it was a difficult but necessary decision. In the past, the introduction of time limits in the methods of work of the Committee had not prevented good and sound discussions. The limitations of 10 and 6 minutes proposed for the introductory and concluding remarks should not be problematic for governments and worker and employer members. In their interventions, the worker members could and would concentrate on the essential elements of the case.
- 87. The Chairperson** concluded on this point by stressing that this was an issue on which the informal tripartite consultations would need to come back.
- 88. The Director of the International Labour Standards Department** provided few additional information in relation to the proposal to limit the discussion of individual cases to 90 minutes. She indicated that there was no intention to suggest that discussions would be rushed. The statistics concerning cases that required more time in the past showed that there was no robust correlation between the length of the discussion of a case and its level of complexity, but rather a correlation in terms of the number of speakers intervening in the discussion. The number of speakers did not correlate necessarily either with the complexity of the case. Moreover, the proposal was inspired by the decisions agreed upon by the tripartite constituents during the last two sessions of the Governing Body whereby discussions concerning article 26 complaints were conducted within a time allotment of 90 minutes.

7. Time allotted for the examination of each agenda item

- 89. The Director of the International Labour Standards Department** indicated that the proposal in paragraph 40 aimed at taking into account the time zones for scheduling the order of examination of individual cases. In this regard, the Office would need to have the ability to schedule with some level of certainty when and for how long the cases would be discussed. In paragraphs 41-42, as part as the efforts to ensure predictability, it was proposed that draft conclusions be adopted during dedicated

sittings, the duration of which would be extended by 30 minute. The draft conclusions could be sent to the Government concerned a few hours in advance.

- 90. The Worker spokesperson** stated that the workers had no objections with the proposal in paragraph 40. There was some advantages in arranging the order of examination of cases in a geographical way. The proposal to send the draft conclusions to the governments concerned few hours before their adoption seemed too ambitious. From the experience, there were very rush hours during the last sittings of the Committee and the proposal would be difficult to implement in practice.
- 91. The Employer spokesperson** agreed that flexibility would be needed this year in order to try to accommodate the time zones when scheduling the order of examination of individual cases. For the same reason, double footnoted cases could not be necessarily discussed first but rather fitted in the agenda alphabetically if that made the time zone issue more acceptable. In respect to the adoption of the conclusions, the Employer spokesperson opposed to the proposal to extend by 30 minutes the duration of sittings in which conclusions were planned to be adopted. In light of the compressed schedule and the different time zone of the Employer and Worker spokespersons, the employers proposed that all the conclusions be adopted at one sitting that would take place at the end of the session, on Thursday 17 June. Finally, they requested the Office to include in the background note that would be prepared for the next meeting a scenario 3 that would take into account the issues discussed and the following elements: 14 sittings; daily sittings of three hours from 13h30 to 16h30; a total duration of 42 hours to examine the general discussion, the general survey, serious failure cases and a prioritized list of individual cases; a shorter list of cases than in previous years with flexibility on the number of such cases.
- 92. Speaking on behalf of the Africa group**, a Government representative of Algeria said that he agreed with the flexibility introduced so that the order in which cases were discussed would take into account the different time zones of the countries concerned. He requested the social partners to show flexibility to enable the draft conclusions and the final list of cases to be shared with the Governments as soon as possible to allow them to prepare in the best way possible.
- 93. Speaking on behalf of ASPAG**, a Government representative of Japan indicated that he had no comments at that stage.
- 94. Speaking on behalf of GRULAC**, a Government representative of Brazil welcomed the Office's proposal to transmit the draft conclusions to the Governments concerned several hours prior to their adoption. It would be useful to have more detailed information in that regard and to know how the time zones would be taken into account. Concerning the time allotted to the various agenda items, GRULAC considered that quality must not be sacrificed for quantity. Consequently, GRULAC was in favour of examining a reduced number of individual cases so that they could be discussed appropriately. GRULAC proposed that the Committee should discuss 16 cases – one third fewer – which was proportionate to the reduced discussion time available to the Committee that year.
- 95. A Government representative of Canada** expressed support for the proposal to introduce slight adjustments in the order of examination of individual cases to take into account time zone as well as for the proposal relating to the dedicated session for

the adoption of conclusions. While acknowledging the constraints faced by the social partners, she emphasized that the draft conclusions should be made available as soon as possible.

- 96. Speaking on behalf of the Western European group**, a Government representative of Greece agreed with the proposals in paragraphs 40, 41 and 42. Her group also supported the time allotments proposed but abstained from commenting on the two scenarios proposed. This would entail choosing on a number of cases to be examined, while it is the responsibility of the social partners to come to an agreement on the number of individual cases in the list.
- 97. Speaking on behalf of the Western European Group**, a Government representative of Croatia indicated that her group did not have a position on this item.
- 98. The Worker spokesperson** indicated that he understood that there was no agreement in the screening group on a proposal to reduce the number of individual cases that the Committee would discuss and that the matter had been referred to the informal tripartite consultations. He hoped that discussions would result in a good outcome in the coming days.
- 99. The Chairperson** confirmed that there was considerable discussion within the screening group and during the consultations. While there was no agreement on any specific number of individual cases to be discussed, there was agreement to refer the matter to the tripartite informal consultations. The Governing Body's decision referred the consideration of the prioritization of the Committee's work and the adjustment to its working methods to the informal tripartite consultations. Considering that further discussions were needed on these items, the Office would prepare a revised paper that would try to take into account the various options that were identified and would propose a date for a follow-up meeting.

► Appendix 3

Template for the submission of information



109th Session of the International Labour Conference

► Committee on the Application of Standards

Information on the application of ratified conventions supplied by governments on the preliminary list of individual cases

This information provided, on a purely voluntary basis, should concern only new developments not yet examined by the Committee of Experts. The information must be transmitted in at least one of the three working languages of the Office and, to the extent possible, should not exceed 2000 words.

Country Click or tap here to enter text.

Convention Click or tap here to enter text.

Click or tap here to enter.