
The Standards Review Mechanism and its Tripartite Working Group

Background information note

1. When it agreed in March 2015 to establish the Standards Review Mechanism (SRM) Tripartite Working Group, in the context of the standards initiative, the Governing Body:

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- (e) decided to establish under the Standards Review Mechanism (SRM) a tripartite working group composed of 32 members: 16 representing Governments, eight representing Employers and eight representing Workers to meet once per year for one week;
- (f) requested the Director-General to prepare draft terms of reference for the tripartite SRM working group for its consideration and submission to the 325th Session of the Governing Body (November 2015) for decision;
- (g) decided that this tripartite SRM working group would report to the Governing Body at its 325th Session in November 2015 on progress made in the implementation of the SRM.

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- (j) decided to place on the agenda of its 328th Session (November 2016) an overall review of this decision, without prejudice to any other issue arising out of the standards initiative requiring prior consideration.¹

2. However, as questions arose concerning the scheduling of the first meeting of the SRM Tripartite Working Group, and in order to enable it to commence its substantive work as soon as possible, the Officers of the Governing Body agreed to adopt the following approach to the implementation of this decision. A first round of informal consultations with each of the groups was held separately in September 2015 following which the Office prepared preliminary draft terms of reference, as a starting point for tripartite discussions, and finalized the present background reference document. The draft terms of reference of the SRM Tripartite Working Group are to be considered in tripartite consultations involving the Officers of the Governing Body, the Chairperson and Vice-Chairperson of the Government Group, the Regional Coordinators, the Secretariats of the Workers' and Employers' groups and the independent person who will be proposed by the Government Group to be appointed Chairperson of the SRM Tripartite Working Group. The resulting draft terms of reference of the SRM Tripartite Working Group will then be submitted to the Governing Body at its 325th Session (November 2015) for consideration and decision. Subject to the decision of the Governing Body, the first two meetings of the SRM Tripartite Working Group will be held in 2016. This would allow the SRM Tripartite Working Group to begin its substantive work and to report progress to the Governing Body in March and November 2016.

3. The Governing Body has held several discussions on the establishment of the SRM (in March and November 2011, followed by a shorter discussion in March 2012).² During these discussions, there was agreement on many aspects of the SRM and its Tripartite Working Group, although some elements need further refinement and other elements need to be formalized.

¹ GB.323/PV, para. 84.

² GB.313/PV, paras 483–491; GB.313/LILS/5; GB.312/PV, paras 543–577; GB.312/LILS/5; GB.310/PV, para. 154; GB.310/11/2 (Rev.), paras 1–39; GB.310/LILS/3/1(Rev.); see also appendix to the present paper, containing an annotated chronology.

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4. The present paper is intended as a background reference document recording the process and considerations leading up to the establishment of the SRM and its Tripartite Working Group, and outlining the elements relevant to the development of the Working Group's terms of reference that have been agreed to, and those requiring further consideration before their formal adoption.

1. The Standards Review Mechanism

5. Throughout the discussions held so far, it has been emphasized that the SRM is conceived within the framework of the Declaration on Social Justice for a Fair Globalization, 2008 (the Social Justice Declaration), as a built-in mechanism of the ILO standards policy, placed under the authority of the Governing Body, which will monitor its effectiveness and make adjustments, as appropriate.
6. The SRM is one of the two pillars of the standards initiative proposed by the Director-General.³ During the discussion of the Report of the Director-General on the future of work centenary initiative at the 104th Session (June 2015) of the Conference, many speakers emphasized the linkages between the seven centenary initiatives, including between the future of work initiative and the standards initiative.⁴ There will therefore be a need for coordination between the SRM and the three-stage process for the implementation of the future of work centenary initiative. The evaluation of the impact of the Social Justice Declaration by the Conference in 2016, which is part of the governance initiative, is also likely to have implications for the SRM, particularly with regard to its interaction with recurrent discussions.

1.1. Background: The ILO standards policy and the Social Justice Declaration

7. The Governing Body has been actively considering the ILO standards policy since 2005.⁵ Discussion on the SRM began when an interim plan of action for the implementation of the

³ *Towards the ILO centenary: Realities, renewal and tripartite commitment*, Report of the Director-General, International Labour Conference, 102nd Session, Geneva, 2013 (Report I(A)), para. 155. The standards initiative is intended "to consolidate tripartite consensus on an authoritative supervisory system and to enhance the relevance of international labour standards through a standards review mechanism".

⁴ The Chairperson of the Workers' group indicated in his statement to plenary at the 104th Session (June 2015) of the Conference that: "The challenges of the future of work initiative should also help to identify gaps in protection and the identification of new gaps in protection and the identification of new standards to respond to those gaps", International Labour Conference, 104th Session, Geneva, 2015, *Provisional Record* No. 7, p. 7/5.

⁵ While the ILO has strived continuously to improve the relevance and impact of its standards, it has mostly done so on a case-by-case basis through the adoption of new standards or the revision of existing instruments. From the 1980s, consideration began to be given to the consolidation of ILO standards-related activities in a comprehensive and coherent approach to its standards system, which gradually came to be designated the ILO standards policy.

Three reviews have so far been undertaken of the ILO's body of standards by three separate working parties:

- (a) the Working Party on International Labour Standards, established in 1977, which concluded its work in 1979;
- (b) the Working Party on International Labour Standards, established in 1984, which concluded its work in 1987;

standards strategy was presented to the Governing Body in November 2007, leading to tripartite consultations on the standards policy, including the development of standards and consideration of review mechanisms to keep the body of standards up to date.⁶

8. Further impetus was provided by the adoption in 2008 of the Social Justice Declaration with its tripartite recognition of the importance of the standards policy and its call to “promote the ILO’s standard-setting policy as a cornerstone of ILO activities by enhancing its relevance to the world of work, and ensure the role of standards as a useful means of achieving the constitutional objectives of the Organization”. In November 2008, when the Governing Body discussed the implications of the Social Justice Declaration for the standards system, and particularly the ILO standards policy,⁷ it emphasized the link between the standards policy and recurrent discussions.⁸
9. It was agreed (during the tripartite consultations on standards policy in 2009 and 2010, and the Governing Body discussion in November 2010) that the ILO standards policy encompasses the following constitutive elements:
 - the determination of the best means of keeping the body of standards up-to-date;
 - the identification of standards in need of revision or other action;

(c) the Working Party on Policy concerning the Revision of International Labour Standards, known as the Cartier Working Party after its Chairperson, established in 1995 which, over a seven-year period, carried out a case-by-case examination of the instruments adopted prior to 1985 (with the exception of the fundamental and governance Conventions), and which concluded its work in March 2002. The recommendations of the Working Party resulted in the decision by the Governing Body that 22 Conventions and 15 Recommendations should be revised, 71 Conventions and 71 Recommendations should be promoted and that 60 Conventions and 68 Recommendations were outdated.

⁶ GB.300/LILS/6 and GB.300/PV, para. 306. The standards strategy was adopted by the Governing Body in November 2005: GB.294/LILS/4 and GB.294/9(Rev.), paras 40–90.

⁷ GB.303/LILS/4/1, paras 3–19, and GB.303/12, paras 71–99.

⁸ See the Social Justice Declaration, Part II(A)(i), and Follow-up, Parts I(B) and II(B). It will be recalled that, under the Follow-up to the Declaration, the ILO has introduced a scheme of recurrent discussions by the Conference based on modalities agreed by the Governing Body, so as to: understand better the diverse realities and needs of its Members with respect to each of the strategic objectives, respond more effectively to them, using all the means of action at its disposal, including standards-related action, technical cooperation and the technical and research capacity of the Office, and adjust its priorities and programmes of action accordingly; and assess the results of the ILO’s activities with a view to informing programme, budget and other governance decisions. In addition, the Follow-up to the Declaration specifies that some of the measures to assist the Members may entail some adaptation of existing modalities of application of article 19, paras 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States. This provision is also the constitutional basis for requesting reports from member States for General Surveys. The link between the preparation of recurrent discussions and the General Surveys under article 19 was acknowledged at an early stage in the preparatory discussions leading up to the Social Justice Declaration. General Surveys and the related discussion at the CAS were acknowledged to be an important source of information for the preparation of the reports prepared by the Office for recurrent discussions. This is the reason why, at its 303rd Session (November 2008), the Governing Body decided to align the subject matters of General Surveys with the strategic objectives examined under the recurrent discussions and synchronize their preparation and discussion by the CAS with the cycle of recurrent discussions. A new approach was adopted for the report forms to be submitted by member States for the purpose of the General Surveys. See GB.303/12, paras 19–70, and GB.303/LILS/6.

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- the identification of up-to-date standards and their promotion;
 - the determination of new subjects and approaches for standard setting; and
 - the preparation and adoption of standards.⁹

- 10.** During its discussion in November 2010, the Governing Body also emphasized the need for a mechanism to supplement the analyses and conclusions of recurrent discussions on standards-related issues as a means of reviewing the status of ILO standards and identifying new standard-setting items.¹⁰ It was noted in this regard that, while the conclusions of recurrent discussions and discussions of General Surveys can potentially offer a new framework for reviewing the status of ILO standards and identifying new standard-setting items, experience of the first three recurrent discussions showed that General Surveys and the reports prepared for recurrent discussions do not cover all the standards related to a specific strategic objective. It was concluded that there is a need, for each strategic objective, to have a complete picture of the standards to be promoted, revised or consolidated, and of the possible need for standards on new subjects.
- 11.** It was thus proposed that the then LILS Committee could play a useful supplementary role by holding discussions on the standards related to each strategic objective before or after the respective recurrent discussions. The Governing Body would be able to choose the most appropriate mechanism to obtain a complete view of ILO instruments by strategic objective and the best means of promoting, revising or complementing them. This could include the holding of meetings of experts or other types of meetings to help clarify specific issues.
- 12.** The Governing Body accordingly invited the Office to prepare a paper on the implementation of the standards policy, “including draft terms of reference of a possible standards review mechanism”,¹¹ which paved the way for the three subsequent discussions on the SRM (in March and November 2011 and March 2012).
- 13.** During these discussions, it was agreed that the Social Justice Declaration would act as the overarching framework for standards policy and the SRM, and that there was a need to identify a set of general principles to guide discussions on standards policy, including the SRM. It was also agreed that the LILS Section should establish and oversee the SRM process and take responsibility for following up the resulting recommendations. In this connection, the need for flexibility was emphasized, so that the LILS Section could review and amend the process as necessary. It was also considered necessary to determine the specific modalities of the implementation of the SRM to ensure the clarity, transparency and effectiveness of the process. In March 2015, the Governing Body completed these discussions, with the establishment under the SRM of a “Tripartite Working Group composed of 32 members: 16 representing Governments, eight representing Employers and eight representing Workers to meet once per year for one week”.¹²
- 14.** In light of the above, the main elements of the SRM which may still require refinement include:
- (a) the formulation of the objectives of the SRM;

⁹ GB.312/LILS/5, para. 3. As to whether the ILO standards policy should encompass the effective implementation of ILO standards, see GB.310/11/2(Rev.), para. 6, and GB.310/LILS/3/1(Rev.), para. 11.

¹⁰ GB.309/12/2(Rev.), paras 5 (Employers), 13 (Workers), 20 (IMEC), 22 (GRULAC), 25 (Australia); GB.309/LILS/4, paras 9–23.

¹¹ GB.309/PV, para. 307(a).

¹² GB.323/INS/PV/, para. 84 (e).

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- (b) its guiding principles; the specific modalities of the articulation between the SRM and other relevant institutional processes;
 - (c) the coordinating role of the Governing Body;
 - (d) the role of the Tripartite Working Group under the SRM, including its terms of reference, working methods and information sharing with other bodies;
 - (e) the selection of the standards to be reviewed; and
 - (f) possible time frames for the review.

1.2. Objectives of the SRM

15. In November 2011, the Governing Body discussed the objectives of the SRM as proposed by the Office.¹³ In this connection, the Employers' group added that the SRM should be established on a permanent basis with the objective of ensuring that the ILO has in place at all times a robust body of standards that responds to the changing needs of the world of work, the protection of workers and the promotion of sustainable enterprises.¹⁴ The Workers' group recalled that the objective of the SRM is to achieve stronger support for ILO standards and the ILO supervisory mechanisms, with proactive support from the Office for the further ratification of standards.¹⁵ Some Government members underlined that the focus of the SRM should be on an up-to-date body of standards,¹⁶ and that the objectives and proposed outcomes of the SRM should include ascertaining reasons for non-ratification and investigating the manner in which existing standards could be made more flexible for wider ratification.¹⁷
16. In the Joint Statement of the Employers' and Workers' groups attached to the outcome of the Tripartite Meeting on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in relation of the right to strike and the modalities and practices of strike action at the national level, the overall objective of the SRM is described as ensuring that the ILO "has a robust body of ILS that respond to the constantly changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises".¹⁸

¹³ GB.312/LILS/5, para. 8. The objectives proposed were as follows: determination of the status of the standards; determination of the best means for keeping the body of standards up to date; identification of the up-to-date standards, and their promotion; identification of the standards in need of revision or other action; determination of new subjects and approaches for standard setting; means for preparation and adoption of standards; and identification of the means for effective implementation of standards. See further GB. 312/PV, paras 546 (Employers), 547 (Workers), 552 (IMEC), 554 (ASPAG), 556 (GRULAC) and 558 (Switzerland).

¹⁴ GB. 312/PV, para. 545.

¹⁵ GB. 312/PV, para. 547.

¹⁶ GB. 312/PV, para.552 (IMEC).

¹⁷ GB.312/PV, para. 554 (ASPAG).

¹⁸ GB.323/INS/5, Appendix I, Annex I.

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17. During the Governing Body discussion in March 2015, it was emphasized by some governments that care should be taken not to overburden the process and that the main focus should be on arriving at a body of up-to-date standards.¹⁹

1.3. Operational framework

18. It has been agreed during the tripartite discussions held so far that the operational framework of the SRM would be provided by the Social Justice Declaration and a set of guiding principles for the SRM.

1.3.1. The Social Justice Declaration

19. There is consensus, as indicated during the Governing Body discussions in 2011 and 2012, that the Social Justice Declaration provides a well-defined framework for the SRM.²⁰ In their Joint Statement of February 2015, the Employers and Workers groups indicated that “the framework for the SRM would be the principles contained within the Social Justice Declaration”.
20. One issue that may still need some clarification in this respect is the articulation between recurrent discussions and the SRM,²¹ including whether reviews under the SRM should precede or follow the related recurrent discussions.²² The outcome of the 2016 evaluation of the impact of the Social Justice Declaration and its implications for the sequencing and frequency of recurrent discussions will offer guidance in this regard.

1.3.2. Guiding principles of the SRM

21. Although there is recognition (as indicated during the November 2010, March and November 2011 Governing Body discussions) of the need for guiding principles for the review of standards,²³ such principles have not yet been formally adopted on a tripartite basis.²⁴ In this regard, it may be useful to recall that:

- (a) In March 2012, the Employers’ and Workers’ groups jointly proposed to governments common principles emphasizing the need for:
- policy coherence in the context of the Social Justice Declaration;
 - a clear, robust and up-to-date body of standards for the purpose of protecting workers, taking into account the needs of sustainable enterprises;

¹⁹ GB.323/PV, para. 60 (IMEC).

²⁰ GB.312/LILS/5, para. 12; GB.310/LILS/3/1(Rev.), para. 19.

²¹ GB.312/PV, para. 567 (Office).

²² GB.312/PV, paras 546 (Employers), 549 (Workers), 553 (IMEC), 557 (GRULAC), 558 (Switzerland); GB.310/11/2(Rev.), paras 11 (Workers), 21 (ASPAG), 23 (IMEC), 27 (Australia), 33 (GRULAC).; both options were mentioned in the proposals made by the Office (see GB.312/LILS/5, para. 32).

²³ GB.309/LILS/4, para. 11.

²⁴ GB.310/LILS/3/1(Rev.), para. 14; GB.312/LILS/5, paras 10–11. The Office recalled that a similar set of principles had successfully guided the discussions on the development of the MLC, 2006.

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- the adoption of decisions by consensus and, in the absence of consensus, existing decisions should remain in place;
 - negotiations in good faith leading to a clear, robust and up-to-date body of standards; and
 - agreement among the social partners to implement those commitments.²⁵
- (b) Also in March 2012, IMEC emphasized that the following fundamental considerations should govern the modalities of the SRM:
- all parties must have full confidence in the SRM;
 - the importance of consensus, clarity, transparency and consistency must be taken into account;
 - the mechanism must be flexible, regularly evaluated and adjusted as necessary;
 - and emphasis must be given to the importance of having a clear understanding of the distinct roles and strengths that all the relevant mechanisms and processes (SRM, recurrent discussions and the Conference) bring to the overall goal of improving ILO standards-related activities.²⁶
- (c) In February 2015, the Joint Statement of the Workers' and Employers' groups attached to the outcome of the Tripartite Meeting on Convention No. 87 included the following common principles for the modalities of the SRM:
- create a coherent policy framework within ILO standards machinery;
 - a clear, robust and up-to-date body of standards;
 - for the purpose of the protection of workers and taking into account the needs of sustainable enterprises;
 - adopt decisions by consensus;
 - negotiate in good faith to have a clear, robust and up-to-date body of standards;
 - the social partners agree to implement these commitments.

1.4. Institutional framework

1.4.1. The coordinating role of the Governing Body through the Legal Issues and International Labour Standards (LILS) Section

- 22.** There is consensus that the LILS Section of the Governing Body will oversee the SRM and act as the responsible forum to follow-up the recommendations of the Tripartite Working Group.²⁷ The

²⁵ GB.313/PV, para. 485.

²⁶ *ibid.*, para. 487.

²⁷ GB.312/LILS/5, para. 13; See also GB.309/12/2(Rev.) para. 25 (Australia).

February 2015 joint statement of the Employers' and Workers' groups called for the Governing Body, meeting in its LILS Section, to oversee the SRM and to follow-up on the relevant decisions. It may be useful in this regard to further clarify the relationship between the recommendations made by the Tripartite Working Group and the decisions of the Governing Body, and the possible role of the Governing Body in any cases where consensus is not reached in the Tripartite Working Group.²⁸

23. Consideration might also be given to other areas of coordination with the aim of ensuring that the ILO standards policy is firmly woven into the existing fabric of institutional procedures and practices. For example, the Governing Body, through its LILS Section, could ensure appropriate synergy with the mechanisms and processes that contribute to the ILO standards policy, within the framework of the Social Justice Declaration, such as: Conference discussions, including recurrent discussions and the related CEACR General Surveys and discussions by the CAS; the Conference agenda-setting process; and the submission to the competent national authorities of the instruments adopted by the Conference.
24. In this connection, emphasis has been placed in Governing Body discussions on the importance of the articulation between the decisions taken under the SRM and the setting of the Conference agenda.²⁹ It is recognized that an effective standards policy, implemented with full tripartite engagement, is key to ensuring a responsive Conference agenda-setting process. The Governing Body, through its LILS Section, could also play an important role in the articulation of the SRM and the standards-related elements of recurrent discussions, not only in the planning of the General Surveys prepared by the CEACR, but also in following up standards-related action arising from Conference discussions, including recurrent discussions. This would help to ensure coherent follow-up within the overall programme of work arising from the SRM.

1.4.2. Role of the SRM Tripartite Working Group

25. Throughout the discussions concerning the establishment of the SRM, it was envisaged that the Governing Body would review the body of international labour standards through a working group that would report to it.³⁰ In this regard, the Workers' group has emphasized that some flexibility should remain in the use of the means available to the ILO to review standards. Depending on the standards under review, or the tasks to be undertaken, consideration could also be given to meetings of experts and studies prepared by the Office.³¹ Further, since the Governing Body is responsible for the SRM, it could make use of mechanisms other than working groups, including meetings of experts.³²
26. The Tripartite Working Group would function under the terms of reference, and any subsequent instructions issued by the Governing Body. Its operation calls for adequate flexibility, as its terms of reference and functioning are likely to undergo adaptation in the light of experience. In addition, the operation of the SRM will be reviewed by the Governing Body in November 2016 in the context of its overall review of the standards initiative. In November 2016, the Governing Body will also consider the follow-up to the evaluation by the Conference of the impact of the Social Justice Declaration, which may have implications for the SRM.

²⁸ GB.312/PV, para. 557 (GRULAC); GB.310/11/2(Rev.), paras 9 (Workers) and 32 (Office).

²⁹ GB.312/PV, para. 552 (IMEC); GB.310/11/2(Rev.), para. 24 (IMEC).

³⁰ GB.309/LILS/4, paras 15 and 16; GB.312/LILS/5, para. 16.

³¹ GB.312/PV, para. 548 (Workers); GB.310/11/2(Rev.), para. 9 (Workers); GB.309/12/2(Rev.), para. 13 (Workers).

³² GB.310/11/2(Rev.), para. 32.

27. The experience of the Special Tripartite Committee (STC) established under Article XIII of the Maritime Labour Convention (MLC, 2006) has demonstrated the added value of having a forum for tripartite exchange on the follow-up by Members of standards-related decisions.³³ The role played by the STC in relation to the MLC, 2006, may well offer pointers for how the Tripartite Working Group could facilitate the exchange of views/ information on ILO standards-related activities.

1.4.3. Information sharing with other bodies

28. With a view to ensuring a unified approach between all the mechanisms and organs that contribute to the ILO standards policy, it may be appropriate to consider arrangements for the exchange of information between the Tripartite Working Group and other bodies, where necessary, bearing in mind the workload of the Tripartite Working Group and costs. For example, as was done with the Chairperson of the Cartier Working Party, the Chairperson of the Tripartite Working Group could be invited to inform the Conference Committee on the Application of Standards (CAS) of the progress made, as and when considered appropriate. This would seem all the more important in view of the significance for the ILO standards policy of the recurrent discussions and their coordination with the General Surveys prepared by the Committee of Experts on the Application of Conventions and Recommendations and discussed by the CAS.

29. Consideration might also be given by the Governing Body to inviting, where appropriate, other relevant international organizations to engage in an exchange of information and good practices on international regulation. Such exchanges could also provide a forum in which the representatives of those organizations would hear tripartite views on standard-setting in the contemporary world.

2. The SRM Tripartite Working Group

30. In March 2015, the Governing Body opted for the establishment of a single Tripartite Working Group.³⁴

2.1. Composition of the Tripartite Working Group

31. The decision taken by the Governing Body in March 2015 determined the number of members of the Tripartite Working Group: 32 members, including 16 representing Governments, eight representing Employers and eight representing Workers. It was also agreed informally that the Government group would nominate an independent person as Chairperson of the SRM Tripartite Working Group.³⁵

³³ See GB.322/LILS/3, para. 12.

³⁴ In March 2011, the Governing Body considered two options for the number of tripartite working groups that should be established: one tripartite working group to work sequentially through all of the standards, grouped by strategic objective; or four or more separate tripartite working groups to work in parallel, but with differing starting dates and work programmes, to each review the standards falling under one of the four strategic objectives. Many constituents expressed the view that a single tripartite working group would be the preferred option in the first instance with a view to containing costs and ensuring consistency of representation and recommendations; see GB.310/LILS/3/1(Rev.), para. 24, and GB.312/LILS/5, paras 17–18.

³⁵ GB.323/PV, para. 55 (Government group); see also para. 60 (IMEC).

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- 32.** With regard to composition, the following elements may require further clarification and formal adoption: (i) criteria for membership, (ii) the possibility of variation in composition based on the expertise needed for the standards under review; and (iii) the duration of membership.
- 33.** Regarding criteria for membership, and based on the agreement expressed in the Governing Body discussions in March and November 2011,³⁶ it may be useful to confirm:
- the possibility of appointing Governing Body and non-Governing Body members, while bearing in mind the need to limit costs;
 - the need to ensure expertise in the subjects under consideration, and at least a general understanding of the ILO and its standards to ensure that the reviews are as comprehensive and informed as possible; and
 - the necessity of ensuring regional representation.
- 34.** As a means of varying its composition in light of the expertise needed for the standards under review,³⁷ the following formula, with two categories of members, might be envisaged for the meetings of the Tripartite Working Group:
- A core group of members could be designated for the whole period of appointment, who would regularly follow the work of the Working Group, thereby promoting coherence and uniformity of approach based on familiarity with ILO institutional practices and governance.
 - A technical/expert group of members could be designated on an ad hoc basis, depending on the subject of the instruments to be reviewed.
- 35.** This formula would offer the advantage of ensuring the required expertise for the programme of work, while respecting the need to contain costs through a mix of Governing Body and non-Governing Body members.
- 36.** Further, it could be envisaged that Government members could be accompanied by advisors, while Employer and Worker members might have substitute members alongside titular members.³⁸ The question has also been raised of whether member States that are not members of the Working Group could participate and/or make statements as observers.³⁹
- 37.** The duration of nominations will depend to some extent on the terms of reference of the Tripartite Working Group and the programme of work approved by the Governing Body. Three options might be envisaged:
- (i) a period of nomination until the November 2016 Session of the Governing Body, when it will review its March 2015 decision on the standards initiative; or

³⁶ GB.312/LILS/5, para. 19; GB.312/PV, paras 552 (IMEC), 554 (ASPAG), 557 (GRULAC), 558 (Switzerland), 560 (France), 563 (China); GB.310/11/2(Rev.), paras 21 (ASPAG), 22 (AFRICA), 25 (IMEC).

³⁷ GB.323/PV, para. 60 (IMEC).

³⁸ This was the case for the three working parties established in the past to review standards.

³⁹ GB.310/11/2(Rev.), para. 30; GB.312/PV, para. 562 (Japan). The Office indicated that “past experience of the ILO working groups indicated that other members of the Governing Body, or even non-members, could attend meetings, but certainly not participate in taking decisions”; GB.312/PV, para. 567.

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- (ii) a period that coincides with the remainder of the period of office of current Governing Body members, namely up to June 2017, on the understanding that adjustments in composition could be made as and when necessary to ensure the required expertise; or
 - (iii) a fixed period of three, four or five years.

2.2. Initial elements for the terms of reference of the Tripartite Working Group

38. The elements presented below stem from the discussions in the Governing Body in March and November 2011.⁴⁰

2.2.1. Initial procedural elements

39. The proposed terms of reference could state that the Tripartite Working Group enjoys autonomy in the determination of its procedure and methods of work, on the understanding that it would report to the Governing Body on the working methods applied and any adjustments made to ensure transparency and accountability.⁴¹

Support by the Office

40. The Office would provide administrative and substantive support, and any expertise necessary for the work of the Tripartite Working Group. This support would be based on Office-wide collaboration, including the engagement of field offices. In this context, the Office would give priority to supporting the effective engagement and ownership by the tripartite constituents of the preparation, adoption, application and review of international labour standards. This support could include policy tools, guides and other resource materials to help the tripartite constituents identify standards which may require updating, revision or consolidation.⁴²

⁴⁰ These discussions were based on proposals made by the Office; GB.310/LILS/3/1(Rev.), paras 26–29; and GB.312/LILS/5, paras 21–23. In particular, constituents acknowledged that the working group should have clear terms of reference and a mandate to make strong recommendations to the LILS Committee; GB.310/11/2(Rev.), paras 21 (ASPAG) and 27 (Australia). See also GB.312/PV, para. 558 (Switzerland). The SRM should clearly define the different types of status for the classification of standards; GB.312/PV, para. 546 (Employers). The review should follow the classification by strategic objective or subgroups of strategic objectives, on the understanding that this would not preclude detailed examination of individual standards and provisions when considered urgent for specific reasons, even if they do not fall within the category currently under review; GB.310/11/2, para. 16 (Employers).

⁴¹ The examination of the methods of work might cover the following: approaches and methods to be used in the review of standards, including the methods of assessing current revision needs; approaches to standard-setting, including the preparation of standards, and the lessons that might be learned from recent standard-setting exercises which could include the new concepts and approaches embodied in the Maritime Labour Conventions, 2006 (MLC, 2006); approaches to ensuring effective follow-up at the level of the Organization, including the Office, and member States; establishment of the agenda of meetings of the tripartite working group; working documents for the consideration of the tripartite working group; arrangements for the communication of the proposed agenda and working documents; possible approach for the elaboration of recommendations, and their adoption; arrangements for the establishment of the report, its submission to the LILS Section of the Governing Body, including a possible time schedule.

⁴² *ibid.*, para. 63.

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41. As requested by the Tripartite Working Group, the Office's analytical support may include data collection, research and analysis drawing on the wide range of documents, materials, reports of ILO supervisory bodies and conclusions of sectoral meetings. The Office could conduct additional research and analysis to address identified gaps or specific requests from the Tripartite Working Group, the Governing Body through its LILS Section or the Conference as a follow-up to recurrent discussions, subject to the availability of funding. The Office could also undertake the follow-up to the decisions adopted by the Governing Body based on the recommendations of the Tripartite Working Group.
42. Information sharing and knowledge management on ILO standards policy will be key in supporting the work of the Tripartite Working Group and the operation of the SRM, and more generally in promoting the ILO standards policy as a cornerstone of ILO activities. The ILO web portal on standards policy may be recast to ensure that it provides the necessary updated information and tools for the use of constituents at the national level to follow-up the work of the Tripartite Working Group.

2.2.2. Substantive mandate (initial elements)

Overview

43. The following general elements might be considered for inclusion in the draft terms of reference:
- (i) The Tripartite Working Group could focus on reviewing the existing body of standards, with a view in particular to making recommendations on:
 - (a) the status of the standards examined, including up to date standards, standards in need of revision, outdated standards, and possible other classifications;
 - (b) follow-up action (together with appropriate timeframes); and the identification of topics requiring new standards to address current gaps in coverage;
 - (c) consideration could be given, for the purpose of effective follow-up, to the possibility for the Tripartite Working Group to make recommendations for the effective promotion and implementation of up-to-date standards, including plans of action and ILO assistance.⁴³
 - (ii) The Tripartite Working Group could take into account the recommendations of the Cartier Working Party regarding the status of standards, and the related Governing Body decisions.
 - (iii) The Tripartite Working Group would make recommendations to the Governing Body through its LILS section and would operate on the basis of tripartite consensus; if consensus cannot be reached, the matter may be referred to the Governing Body through its LILS section, potentially accompanied by a report detailing the majority and minority views.

⁴³ This would be in line with the implementation of the standards policy as a whole, the review of standards and the promotion of relevant standards, based on the principles set out in the Social Justice Declaration and the emphasis placed on inter-linkages between the four strategic objectives. It should be recalled that the Worker members are not in favour of including the promotion of standards, including the preparation of plans of action, in the suggested terms of reference of the working group, based on the consideration that the action taken for the promotion of up-to-date standards, including technical cooperation, is a key part of the Office's mandate; GB.312/PV, para. 548.

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- (iv) The guiding principles of the SRM should govern the discussions in the Tripartite Working Group and its recommendations.
 - (v) In undertaking its review, the Tripartite Working Group may particularly bear in mind the following elements of the Social Justice Declaration: the particular significance of fundamental principles and rights at work (FPRW) as both rights and enabling conditions that are necessary for the full realization of all the strategic objectives;⁴⁴ the fact that the four strategic objectives are inseparable, inter-related and mutually supportive and are to be promoted under a global and integrated strategy for decent work, with gender equality and non-discrimination as cross-cutting issues;⁴⁵ the invitation made by the Social Justice Declaration to Members to consider, among other steps, “the review of their situation as regards the ratification or implementation of ILO instruments with a view to achieving a progressively increasing coverage of each of the strategic objectives, with special emphasis on the instruments classified as core labour standards as well as those regarded as most significant from the viewpoint of governance covering tripartism, employment policy and labour inspection”.

Specific issues

Identification of governance instruments referred to under the Social Justice Declaration

- 44. The Follow-up to the Social Justice Declaration calls on the ILO to take into account the need to ensure “the identification, updating and promotion of the list of standards that are the most significant from the viewpoint of governance”. These standards include the Labour Inspection Convention, 1947 (No. 81), the Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), “and those standards identified on subsequently updated lists”.⁴⁶
- 45. In this regard, the Tripartite Working Group could make recommendations regarding the identification of governance instruments and, as a preliminary step, might propose elements for the consideration of the Governing Body to clarify the concept of governance instruments. The work of the ILO supervisory bodies could constitute an important source of information in this regard, supplemented by information arising from ILO technical cooperation and advice to member States.

Abrogation of Conventions and withdrawal of instruments

- 46. It may be appropriate to anticipate the entry into force of the 1997 Instrument for the Amendment of the Constitution, for which only one further ratification is required.⁴⁷ The terms of reference of

⁴⁴ Social Justice Declaration, Part I(A)(iv).

⁴⁵ Social Justice Declaration, Part I(B).

⁴⁶ Follow-up to the Declaration, Part II(A)(vi), and footnote 1.

⁴⁷ GB.323/LILS/2, paras 4 and 12; see GB.323/PV, para. 325 (Employers), and GB.320/PV, para. 571 (Employers). Once the 1997 Amendment has entered into force, the Governing Body will be able to place an item on the agenda of the Conference concerning the abrogation of a Convention, under the procedural guarantees provided for under article 5.4 of the Standing Orders of the Governing Body. Under this procedure, when there is a proposed item for the agenda of the Conference concerning the abrogation of a Convention, the Office shall place before the Governing Body a report containing all relevant information which the Office possesses on this subject. The decision of the Governing Body shall as far as possible be reached by consensus or, if such a

the Tripartite Working Group could include the identification of Conventions that could be proposed for abrogation with a view to making recommendations to the Governing Body. Such prior examination might help in ensuring that proposed abrogations contribute to achieving the aim of a clear, robust and up-to-date body of standards for the purpose of the protection of workers, taking into account the needs of sustainable enterprises. It might also serve to build consensus and facilitate decision-making in the Governing Body. The mandate of the Tripartite Working Group could also cover proposed withdrawals of Conventions that have not entered into force and of Recommendations.⁴⁸

47. Should the Governing Body decide to include in the mandate of the Tripartite Working Group the consideration of proposals relating to the abrogation of Conventions and withdrawal of instruments, and subject to any procedure that the Governing Body may approve in that regard, it should be borne in mind that 25 Conventions have been “shelved”⁴⁹ and 31 Conventions have been classified as “outdated”.⁵⁰

Final provisions of Conventions

48. The issue of the final provisions of Conventions was discussed by the Governing Body in March 2012. At that time, constituents emphasized that it forms part of standards policy, as it is closely linked to the question of new approaches to standard setting. It should therefore be included in wider discussions on standards policy, and more specifically in the work of the SRM.⁵¹
49. It will be recalled that the ILO Constitution does not contain any provisions regarding the entry into force and denunciation of international labour Conventions.⁵² To ensure that Conventions are subject to a system that is as uniform as possible, the Conference adopted a set of standard final provisions that are inserted by the Conference Drafting Committee into all draft Conventions just before they are put to a vote for adoption. The content of these final provisions, particularly regarding the entry into force and denunciation of Conventions, has given rise on a number of occasions to discussions in the Conference and the Governing Body. The Tripartite Working Group could provide a forum, as appropriate, to pursue reflection on this matter.

consensus cannot be reached in two successive sessions of the Governing Body, by a four-fifths majority of members of the Governing Body with a right to vote during the second of these sessions.

⁴⁸ Article 45bis of the Standing Orders of the Conference. The withdrawal of Conventions which are not in force as well as of Recommendations was provided for by an amendment to the Standing Orders of the Conference that was adopted at the same time as the Instrument of Amendment of 1997.

⁴⁹ The Governing Body has already retained seven shelved Conventions as candidates for possible abrogation:

- Hours of work: Convention No. 67.
- Night work of women: Conventions Nos 4 and 41.
- Protection against accidents (dockers): Convention No. 28.
- Minimum age: Conventions Nos 15 and 60.
- Seafarers: Convention No. 91.

⁵⁰ GB.283/LILS/5(Rev.).

⁵¹ GB.313/LILS/2, GB. 313/PV, paras 452–464.

⁵² GB.313/LILS/2, paras 3 and 4.

Elements relating to the review of standards

- 50.** The elements below are among those raised during Governing Body discussions, as well as in the Joint Statement of the Employers' and Workers' groups of February 2015. In view of the probable impact on the SRM of the evaluation of the impact of the Social Justice Declaration in 2016, they will need to be further reviewed in light of the outcome of the evaluation.

A review of the body of standards structured around the four strategic objectives set out in the Social Justice Declaration

- 51.** In light of the Social Justice Declaration, the standards to be reviewed would be grouped by strategic objective. Although a possible classification of standards by strategic objective was presented to the Governing Body in March 2011,⁵³ it was never formally adopted. This could now be updated and serve as an indicative basis for the review. The Tripartite Working Group could review groups of standards under the same strategic objective, identified by the Governing Body, which would not necessarily include the entire set of standards corresponding to that strategic objective. It might also be requested by the Governing Body to carry out reviews of more specific sets of standards falling under different strategic objectives in response to topical issues highlighted by recurrent discussions or in the preparation of the centenary session of the Conference in 2019.

The principle of a staged approach to the review of the body of standards

- 52.** During the Governing Body discussions, the view was expressed that, for the SRM to have its full effect, it should be as wide-ranging as possible. However, it was also acknowledged that both the complexity and cost would increase in proportion to the number of standards under review, which might argue in favour of a more restricted review, limited to standards not examined by the Cartier Working Party and adopted between 1985 and 2000.⁵⁴ The Joint Statement of the Employers' and Workers' groups of February 2015 proposed that the scope of the work of the Tripartite Working Group would be as follows: "All ILS, except outdated, withdrawn, replaced or recently consolidated ILS, should be subject to discussion and if agreed, review. In a first instance, standards not reviewed by the Cartier Working Party and adopted between 1985 and 2000, the instruments for which the Cartier Working Party had requested further information, those classified by the Cartier Working Party as having interim status, and those that remained to be revised could be the subject of review". In March 2015, in light of the joint statement by the Employers' and Workers' groups, the question was raised as to whether or not the fundamental and governance Conventions should be included in the review.⁵⁵
- 53.** In this context, the members of the Governing Body have recognized the value of a holistic and broad approach to the review of standards. There also appears to be general agreement that this should be achieved in stages. A first group of standards might be limited to the instruments not

⁵³ GB.310/LILS/3/1(Rev.), Appendix. Instruments cutting across strategic objectives and specific categories of workers were grouped together with a mention for the related strategic objectives. No specific classification was proposed for the time being for these instruments.

⁵⁴ GB. 310/11/2(Rev.), para. 11 (the Workers were much more reserved on the broad option: in their view, there is no need to duplicate the work of the Cartier Working Party. There is a need to prioritize, as time and resources are limited and the review of fundamental, governance and up-to-date standards would not serve any purpose); paras 16 (Employers), 21 (ASPAG), 22 (AFRICA), 23 (IMEC), 26 (India), 27 (Australia), 28 (China); see GB.310/LILS/3/1(rev.), paras 30–33. GB.312/PV, paras 546 (Employers), 549 (Workers), 553 (IMEC), 558 (Switzerland), 559 (Australia), 560 (France); see GB.312/LILS/5, paras 28–30, Appendices I and II.

⁵⁵ GB.323/PV, paras 57 (ASPAG) and 61 (IMEC).

reviewed by the Cartier Working Party, and adopted between 1985 and 2000, with the exception of the Worst Forms of Child Labour Convention, 1999 (No. 182), and its accompanying Recommendation (No. 190), and the recently consolidated standards, and including the instruments identified by the Governing Body on the basis of the recommendations of the Cartier Working Party as having interim status, as being in need of revision and for which further information was to be requested. In so doing, the Tripartite Working Group could undertake the review by strategic objective. It could also take into account the conclusions of the six recurrent discussions of the current cycle, which have addressed the relevance of certain standards for the achievement of the strategic objectives, and could pay specific attention to the corresponding General Surveys prepared by the CEACR, and their discussion by the CAS.

54. In this connection, any proposed time frame for the review of standards would have to take several factors into account: the overall review of the standards initiative and the follow-up to the outcome of the evaluation of the Social Justice Declaration, which will both be examined by the Governing Body in November 2016; the preparation and adoption of the Strategic Plan 2018–21; the renewal of the membership of the Governing Body in June 2017; and the process for the implementation of the future of work initiative for the preparation of the 2019 centenary session of the Conference, as proposed by the Director-General in his report to the Conference in 2015.⁵⁶

3. Points for consideration

55. In light of the above, the constituents may wish to consider the following points.

Objectives of the SRM

(see, for example, paragraphs 1, 2 and 8 of the draft terms of reference (TORs); and paragraphs 15–17 above)

- (1) What are the views of the constituents with respect to the formulation of the objectives of the SRM, having regard to the ILO Social Justice Declaration, earlier tripartite discussions and the Joint Statement of the Employers' and Workers' groups of February 2015?

Guiding principles for the SRM

(see, for example, paragraph 12 of the TORs; and paragraph 21 above)

- (2) What are the views of constituents with respect to the guiding principles for the SRM, having regard to the ILO Social Justice Declaration, earlier tripartite discussions and the Joint Statement of the Employers' and Workers' groups of February 2015?

The coordinating role of the Governing Body through its LILS section

(see, for example, paragraphs 3, 4, 14, 16 and 24 of the TORs; and paragraphs 22–24 above)

- (3) What are the views of the constituents with respect to the main elements of the coordinating role of the Governing Body, through its LILS section, in the SRM,

⁵⁶ Report of the Director-General, 2015, op. cit., paras 12–19.

having regard to the Social Justice Declaration, earlier tripartite discussions and the Joint Statement of the Employers' and Workers' groups of February 2015?

Role of the Tripartite Working Group

(see, for example, paragraphs 8–12 of the TORs; and paragraphs 25–27 above)

- (4) What are the views of constituents regarding the main elements of the role of the Tripartite Working Group?

Information sharing with other bodies

(see, for example, paragraphs 15 and 18 of the TORs; and paragraphs 28 and 29 above)

- (5) What are the views of constituents regarding the exchange of information by the Tripartite Working Group with other bodies?

Composition of the tripartite working group

(see, for example, paragraphs 5–7 and 19 of the TORs; and paragraphs 31–37 above)

- (6) Should the terms of reference of the Tripartite Working Group contain specific provisions on its composition, including: (i) the criteria for the nomination/appointment of members; (ii) fixed or variable membership; and (iii) duration/period of appointment? If so, what are the views of constituents on these issues?

Other elements

- (7) Should the terms of reference of the Tripartite Working Group refer to its autonomy in the determination of its procedure and methods of work?
(see, for example, paragraphs 16, 21 and 22 of the TORs; and paragraphs 26 and 39 above)
- (8) Should the terms of reference of the Tripartite Working Group indicate that it will review the existing body of international labour standards with a view in particular: to determining their status, including up to date standards, standards in need of revision, outdated standards and identifying new categories of standards; proposing follow-up action (together with appropriate time frames); and identifying topics that require new standards to address current gaps in coverage?
(see, for example, paragraphs 9 and 11 of the TORs; and paragraphs 43 and 51 above)
- (9) Should the terms of reference refer to the recommendations of the Cartier Working Party regarding the status of standards, and the related Governing Body decisions?
(see, for example, paragraph 10 of the TORs; and paragraphs 43, 52 and 53 above)
- (10) Should the terms of reference of the Tripartite Working Group indicate that it will work on the basis of tripartite consensus and the approach to be taken should consensus not be found?
(see, for example, paragraph 20 of the TORs; and paragraph 43 above)

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- (11) Should the terms of reference of the Tripartite Working Group refer to the guiding principles for the SRM as governing its work? Should they include the text of guiding principles?
(see, for example, paragraph 12 of the TORs; and paragraphs 21 and 43 above)
- (12) Should the terms of reference of the Tripartite Working Group refer to specific elements of the Social Justice Declaration or to the Declaration as an overarching framework?
(see, for example, paragraph 1 of the TORs; and paragraphs 19, 20 and 43 above)
- (13) Should the terms of reference of the Tripartite Working Group make reference to the following issues:
- the identification of governance standards referred to in the Social Justice Declaration;
 - the abrogation of Conventions and withdrawal of instruments;
 - the final provisions of Conventions.
(see, for example, paragraph 11 of the TORs; and paragraphs 44–49 above)
- (14) Should the classification of instruments per strategic objective, the sequencing of the review and possible timeframes be taken up by the Tripartite Working Group at its first meeting?
(see, for example, paragraph 14 of the TORs; and paragraphs 52–54 above)

Appendix

Annotated chronology and reference documents

Key dates and references	Outcome/decision
<p>294th GB Session November 2005 <i>Improvements in the standards-related activities of the ILO: Outlines Of a future strategic orientation for standards and for implementing standards-related policies and procedures</i> GB.294/LILS/4, para. 8 http://www.ilo.org/public/english/standards/relm/gb/docs/gb294/pdf/liis-4.pdf GB. 294/9 (Rev.), paras 40–90 http://www.ilo.org/public/english/standards/relm/gb/docs/gb294/pdf/gb-9.pdf GB.294/PV, para. 222 http://www.ilo.org/public/english/standards/relm/gb/refs/pdf/pv294.pdf</p>	<p>Adoption of the standards strategy encompassing four inter-related components: (i) Standards policy (developing, keeping up to date and promoting ILO standards); (ii) strengthening of the supervisory system; (iii) improving the impact of the standards system through technical assistance and cooperation; (iv) enhancing the visibility of ILO.</p>
<p>300th GB Session November 2007 <i>Improvements in the standards-related activities of the ILO: Possible approaches and an interim plan of action to enhance the impact of the standards system</i> GB.300/LILS/6, paras 80–81 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_084924.pdf GB.300/13(Rev.), paras 42–95 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_087611.pdf GB.300/PV, para. 306 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_091717.pdf</p>	<p>Adoption of an interim plan of action for the implementation of the standards strategy by the Governing Body. The interim plan of action included the organization of consultations on standards policy in November 2008, in the light of the conclusions of the 2008 session of the Conference on strengthening the ILO's capacity to assist its Members' efforts to reach its objectives in the context of globalization.</p>

Key dates and references	Outcome/decision
<p>97th ILC Session June 2008 <i>ILO Declaration on Social Justice for a Fair Globalization</i>, Preamble http://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/genericdocument/wcms_371208.pdf <i>Strengthening the ILO's capacity to assist its Members' efforts to reach its objectives in the context of globalization</i> http://www.ilo.org/public/english/standards/relm/ilc/ilc96/pdf/rep-v.pdf</p>	<p>Adoption of the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration) which calls on the ILO to “promote the ILO’s standard-setting policy as a cornerstone of ILO activities by enhancing its relevance to the world of work, and to ensure the role of standards as a useful means of achieving the constitutional objectives of the Organization”.</p> <p>Adoption of the Resolution on strengthening the ILO's capacity to assist its Members' efforts to reach its objectives in the context of globalization.</p>
<p>303rd GB Session November 2008 <i>Improvements in the standards-related activities of the ILO – Possible implications of the Declaration on Social Justice for a Fair Globalization on the standards strategy and update on the implementation of the interim plan of action</i> GB.303/LILS/4/1 paras 3–19 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_100036.pdf <i>Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution – Proposal for a General Survey concerning employment instruments in light of the ILO Declaration on Social Justice for a Fair Globalization</i> GB. 303/LILS/6, para. 16 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_099664.pdf GB.303/12, paras 71–99 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_100640.pdf GB.303/PV, paras 252–253 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_104657.pdf</p>	<p>(1) The Governing Body discussed the possible specific implications of the Social Justice Declaration on the standards strategy and took decisions in this light, notably to launch a promotional campaign for the ratification and effective implementation of standards that are the most significant from the viewpoint of governance.</p> <p>(2) The Governing Body, having decided to place on the agenda of the 2010 Conference a recurrent item on the strategic objective of employment, decided to request governments to submit reports under article 19 of the Constitution concerning employment instruments for 2009.</p>

Key dates and references	Outcome/decision
<p>Tripartite informal consultations March 2009, February and March 2010 See GB.309/LILS/4, Appendix I http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_146119.pdf</p>	<p>In light of the outcome of the consultations, consensus appeared to emerge on three important elements: first, the definition of the ILO standards policy; second, the guiding principles that could govern the discussions on the review of standards; and, third, the potential role of the LILS Committee to follow up on the standards-related aspects of the conclusions of recurrent discussions as appropriate.</p>
<p>309th GB Session November 2010 <i>Improvements in the standards-related activities of the ILO</i> GB.309/LILS/4, paras 9–24 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_146119.pdf GB.309/12/2(Rev.), para. 33 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_146689.pdf GB.309/PV, para. 307(a) http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_154939.pdf</p>	<p>Based on the outcome of the consultations held in March 2009 and 2010, the Office formulated proposals regarding the standards policy.</p> <p>“307. The Governing Body: (a) invited the Office to prepare a paper for submission to the 310th Session (March 2011) of the Governing Body containing further details on the implementation of the standards policy component of the standards strategy, including draft terms of reference of a possible standards review mechanism”.</p>
<p>310th GB Session March 2011 <i>Improvements in the standards-related activities of the ILO – ILO standards-policy: An approach for a robust and effective international labour code</i> GB.310/LILS/3/1 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_152299.pdf GB.310/11/2 (Rev.), para. 39 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_153500.pdf GB.310/PV, para. 154 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_158788.pdf</p>	<p>The document presented by the Office built on the consultations and discussions on ILO standards policy that took place in 2010 and contained concrete proposals for its implementation using the Social Justice Declaration as the overarching framework. The objective was to ensure that the Organization has available to it a clear and up-to-date body of international labour standards – an international labour code. It proposed the establishment of a standards review mechanism in respect of which LILS would play a central role. It made concrete proposals concerning the establishment of working group(s), including their composition, working methods and the principles to guide the review, options for the standards to be reviewed and possible time frames for the reviews.</p> <p>“154. The Governing Body invited the Office to prepare a paper for submission to the 312th Session (November 2011) of the Governing Body, taking into account comments made during the discussion and containing concrete proposals for the establishment and the implementation of a standards review mechanism.”</p>

Key dates and references	Outcome/decision
<p>312th GB Session November 2011 <i>Improvements in the standards-related activities of the ILO – ILO standards policy: The establishment and the implementation of a standards review mechanism</i> GB.312/LILS/5 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_166502.pdf GB.312/PV, para. 577 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_169254.pdf</p>	<p>The document GB.312/LILS/5 built on the discussion that began in March 2011 on the possible establishment and implementation of a SRM and outlined and analysed in detail the nine elements that would comprise the SRM within the overarching framework of the Social Justice Declaration and the ILO's standards policy:</p> <p>Element 1: Objectives and proposed outcomes Element 2: Guiding principles Element 3: Framework Element 4: Role of the Legal Issues and International Labour Standards (LILS) Section of the Governing Body Element 5: Establishment of the tripartite working group Element 6: Composition of the tripartite working group Element 7: Working methods and terms of reference of the tripartite working group Element 8: The selection of standards to be reviewed Element 9: Time frames accompanying the reviews</p> <p>“577. The Governing Body, taking full account of the statements made, agreed to the establishment of a standards review mechanism (SRM), and invited further consultations on the modalities of the SRM with a view to identifying and resolving the concerns in relation to such a mechanism and to make a proposal to the Governing Body in March 2012 on the options set out in GB.312/LILS/5, bearing in mind the views expressed by the Governing Body members under this agenda item.”</p>
<p>313th GB Session March 2012 <i>Improvements in the standards-related activities of the ILO – ILO standards policy: The establishment and the implementation of a standards review mechanism</i> GB.313/LILS/5 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_176322.pdf GB.313/PV para. 491 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_180030.pdf</p>	<p>“491. The Governing Body invited the Office to continue the consultations already begun, including on the modalities of the standards review mechanism, and to make a proposal to the Governing Body at its 316th Session (November 2012) on the option set out in GB.312/LILS/5, bearing in mind the views expressed by the Governing Body members under this agenda.”</p>

Key dates and references	Outcome/decision
<p>102nd ILC Session June 2013 Report of the Director-General, <i>Towards the ILO centenary: Realities, renewal and tripartite commitment</i>, para. 155(2) http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_213836.pdf</p>	<p>“155. Seven ideas for ILO centenary initiatives are proposed: ... (2) the standards initiative to consolidate tripartite consensus on an authoritative supervisory system and to enhance the relevance of international labour standards through a standards review mechanism”.</p>
<p>320th GB Session March 2014 <i>The standards initiative: Follow-up to the 2012 ILC Committee on the Application of Standards</i> GB.320/LILS/4 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_237553.pdf GB.320/PV, paras 596–597 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_246041.pdf</p>	<p>“597. The Governing Body therefore requested the Director-General to: ... (b) present to the 322nd Session of the Governing Body, a time frame for the consideration of remaining outstanding issues in respect of the supervisory system and for launching the standards review mechanism”.</p>
<p>322nd GB Session November 2014 <i>The standards initiative: Follow-up to the 2012 ILC Committee on the Application of Standards</i> GB.322/INS/5 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_315494.pdf GB.322/INS/5(Add.2) http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_319583.pdf GB.322/PV para. 209(5) http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_341702.pdf</p>	<p>“209. Further to the wide-ranging discussion held under the fifth item on the agenda of the Institutional Section, the Governing Body decided to: ... (5) as part of this package, refer to the 323rd Session of the Governing Body the following: (a) the launch of the Standards Review Mechanism (SRM), and to this effect establish a tripartite working party composed of 16 Governments, eight Employers and eight Workers to make proposals to the 323rd Session of the Governing Body in March 2015 on the modalities, scope and timetable of the implementation of the SRM”.</p>

Key dates and references	Outcome/decision
<p>February 2015</p> <p><i>Annex I: The ILO Standards Initiative – Joint Statement of Workers’ and Employers’ Groups attached to the Outcome of the Tripartite Meeting on the Freedom of Association and Protection of the Right to Organise Convention 1948 (No.87) in relation to the right to strike and the modalities and practices of strike action at a national level</i></p> <p>GB.323/INS/5/Appendix.I, Annex I</p> <p>http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_351479.pdf</p>	<p>The Joint Statement of the Employers’ and Workers’ groups addressed the SRM.</p> <p>“IV. The Establishment of the SRM</p> <p><i>Modalities of the SRM Objectives</i></p> <p>Overall Objective: The ILO has a robust body of ILS that respond to the constantly changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises.</p> <p><i>Common Principles for the Modalities of the SRM (November 2011 LILS discussion agreed on the establishment of the SRM)</i></p> <ul style="list-style-type: none"> ■ Create a coherent policy framework within ILO standards machinery; ■ A clear, robust and up-to-date body of standards; ■ For the purpose of the protection of workers and taking into account the needs of sustainable enterprises; ■ Adopt decisions by consensus; ■ Negotiate in good faith to have a clear, robust and up-to-date body of standards; ■ The social partners agree to implement these commitments. <p>Framework: The framework for the SRM would be the principles contained in the ILO Declaration on Social Justice for a Fair Globalization.</p> <p>Overview and follow up to SRM decisions: By the Governing Body in its LILS section.</p> <p>Tripartite WG: The Governing Body should establish a tripartite working group.</p> <p>Scope: All ILS, except outdated, withdrawn, replaced or recently consolidated ILS, should be subject to discussion and if agreed, review. In a first instance, Standards not reviewed by the Cartier Working Party and adopted between 1985 and 2000, the instruments for which the Cartier Working Party had requested further information, those classified by the Cartier Working Party as having interim status, and those that remained to be revised could be the subject of review.</p> <p>Composition: 24 members, 8 G, 8 E, 8 W.</p> <p>Working methods: The working group will meet for three days in March and November every year.</p> <p>This statement shall remain in force from the March 2015 Governing Body session until the November Governing Body session in 2016. It shall continue thereafter unless in the opinion of either the Workers’ or Employers’ Group, it is, as of November 2016, not working according to its intent when it shall then be reviewed in line with the ILO Constitution.”</p>

Key dates and references	Outcome/Decision
<p>323rd GB Session March 2015 <i>The Standards Initiative</i> GB.323/INS/5 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_351475.pdf GB.323/PV, para. 84 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_370572.pdf</p>	<p>“84. The Governing Body: ...</p> <ul style="list-style-type: none"> (e) decided to establish under the Standards Review Mechanism (SRM) a Tripartite Working Group composed of 32 members: 16 representing Governments, eight representing Employers and eight representing Workers to meet once per year for one week; (f) requested the Director-General to prepare draft terms of reference for the Tripartite SRM Working Group for its consideration and submission to the 325th Session of the Governing Body (November 2015) for decision; (g) decided that this Tripartite SRM Working Group would report to the Governing Body at its 325th Session in November 2015 on progress made in the implementation of the SRM; ... (j) decided to place on the agenda of its 328th Session (November 2016) an overall review of this decision, without prejudice to any other issue arising out of the standards initiative requiring prior consideration.”
<p>104th ILC Session June 2015 Report of the Director-General, <i>The future of work centenary initiative</i>, para. 79 http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_369026.pdf</p>	<p>“A number of fundamental questions about the appropriate level of detail, the nature of and the content of international labour market regulation and how it may be made more effective constitute the context for the detailed work that lies ahead, for example through the Standards Review mechanism. On the one hand, the trend in recent decades has been towards deregulation in many countries – and the large number of workers in the informal economy who fall outside the realm of governance altogether cannot be overlooked – but on the other, labour standards are increasingly recognized as key components of regional and subregional integration processes and of a rapidly increasing number of trade agreements at various levels. Moreover, the very processes of change that are transforming the world of work are themselves reason for renewed focus on standards, and in particular for the adoption or revision of standards in response to newly arising needs and circumstances.”</p>

Other reference documents

Main texts

Constitution of the International Labour Organisation and selected texts, 2010:

<http://www.ilo.org/public/english/bureau/leg/download/constitution.pdf>

Declaration on Social Justice for a Fair Globalization, 2008:

http://www.ilo.org/global/meetings-and-events/campaigns/voices-on-social-justice/WCMS_099766/lang--en/index.htm

Standing Orders of the International Labour Conference, 2006:

<http://www.ilo.org/public/english/standards/relm/ilc/ilc-so.htm>

Compendium of rules applicable to the Governing Body of the International Labour Office, 2011:

<http://www.ilo.org/public/english/bureau/leg/download/compendium-nov2011-en.pdf>

