

Committee on the Application of Standards
Commission de l'application des normes
Comisión de Aplicación de Normas

C.App/PV General discussion
and adoption of the list

11.06.19

108th Session, Geneva, June 2019

108^e session, Genève, juin 2019

108.^a reunión, Ginebra, junio de 2019

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Second sitting, 11 June 2019, 11.30 a.m.
Deuxième séance, 11 juin 2019, 11 h 30
Segunda sesión, 11 de junio de 2019, 11.30 horas

Chairperson: Mr Rochford
Président: M. Rochford
Presidente: Sr. Rochford

Chairperson – Welcome to the second sitting of the CAS. Before moving on to the formal agenda, I would like to make some comments in relation to the operation of the Committee.

Our Committee completed yesterday its first task, that of adopting document D.1 which contains its working methods. One of the important challenges that our Committee will have to face this year again, will be to complete its crucial work in a very tight time frame. To ensure success, we have to abide by our working schedule and implement strictly the measures contained in document D.1, in particular concerning time management. Allow me to emphasize certain key measures in this respect.

Maximum speaking time will apply during the discussion of the General Survey and during the examination of individual cases. I intend to enforce these limits very strictly. They are contained in part IX of document D.1 which is available on the Committee's web page.

During interventions the screen will indicate the remaining time for speakers. Once the maximum speaking time has been reached, I will interrupt the speaker. Where necessary, I will also have recourse to the possibility to decide, in consultation with the other Officers of this Committee, to reduce speaking time limits. For instance, where there is a very long list of speakers, where such a decision is warranted the Committee will be informed as early as possible.

To allow the Officers to make such a decision in good time, delegates are invited to register on the list of speakers as early as possible. I therefore encourage all those who know they will be taking the floor on certain items, to come up to the dedicated desk and register in advance. This year, the list of speakers will be visible on screen in the room for each sitting of the Committee. The number of speakers registered to take the floor will be clearly indicated. Moreover, as much as possible, group interventions are encouraged instead of individual statements. Delegates are requested to send their written statements to the secretariat. This is crucial to facilitate the work of the secretariat and interpreters.

From the beginning of the discussion of individual cases on Wednesday, 12 June, the secretariat will reserve space on the front row for Government representatives concerned during the discussion of their case. The same modalities will apply during the adoption of conclusions on individual cases.

Let me remind speakers that they must turn on their microphone before speaking and put the headset and any mobile device away from the microphone to avoid unpleasant interference. Moreover, delegates are requested to speak slowly and clearly to deliver their statements in order to facilitate the interpreters' task.

All delegates have an obligation to the Conference to abide by parliamentary language. In a former life, I was an English literature teacher, and I have always thought Wordsworth captured this well when he evoked us to harness overflow of powerful feelings through emotion recollected and tranquillity.

Interventions should be relevant to the subject under discussion and should avoid reference to extraneous matters. It is my role and task to maintain order and ensure that this Committee does not deviate from its fundamental purpose to provide an international tripartite forum for full and frank debate within the boundaries of respect and decorum essential to making effective progress towards the aims and objectives of the International Labour Organization. I think that particular point bears repeating. The fundamental purpose of the Committee is to provide an international tripartite forum for full and frank debate within the boundaries of respect and decorum.

During the work of this Committee, it is not allowed to distribute any document without the authorization of the Officers. As you will know, Governments that are on the list of individual cases to be adopted by the Committee may supply written information prior to the examination of their case. These written replies are to be provided to the secretariat at least two days before the discussion of the case, and may not duplicate the oral reply nor any other information already provided by the Government. The total number of pages for this reply should not exceed five pages.

The secretariat will prepare a summary of the written information which is to be shared with the Committee in a D document which will be made available online. I will inform the Committee when a new D document is available on the Committee's web page.

In the context of the Informal Tripartite Consultations on the Working Methods of the Committee held last November 2018 and in March 2019, it was decided that the discussions of this Committee will be produced in the form of verbatim transcripts. Each intervention will be produced in extenso in the working language in which it has been delivered, or failing

that, chosen by the Government – English, French or Spanish. Delegates who will be intervening in a language other than English, French and Spanish will be invited to indicate to the secretariat in which of these three working languages their intervention should be reflected in the verbatim draft minutes.

The verbatim draft minutes will be made available online on the Committee's dedicated web page. It is the Committee's practice to accept amendments to the verbatim draft minutes of previous sittings prior to their adoption by the Committee. In order to avoid delays in the preparation of the Committee's report, no amendments may be accepted once the verbatim draft minutes have been adopted. To the extent that the discussions are reproduced in extenso or in the form of verbatim draft minutes, their amendments will be limited exclusively to the elimination of transcription errors.

I am also aware that journalists are present in the room. I would therefore like to inform you, or bring to your attention, that it is forbidden to take photos, film or record the Committee during its work except for the ILO Communication Department. I will strictly enforce this measure and I invite you to comply with this procedure. So again I will remind you that it is forbidden to take photos, film or record this Committee during its work.

In conclusion, let me stress that while the challenges ahead of us are great, I trust that we can count on our collective strength and experience, as well as that of our dedicated secretariat, to ensure the success of this Committee.

General discussion

Discussion générale

Discusión general

Chairperson – I will now call the meeting to order and introduce the first item of discussion on our agenda today. Our meeting this morning will begin with the Committee's general discussion on the General Report of the Committee of Experts. I would now like to invite the Worker Vice-Chairperson to make his introductory statement.

Membres travailleurs – Avant d’entamer mon propos, permettez-moi de remercier M. le juge Abdul Koroma qui achèvera, à l’issue de cette Conférence, son second mandat à la présidence de la commission d’experts. Monsieur Koroma a exercé son mandat de manière exemplaire tout au long de ces six années et a apporté une contribution décisive à l’excellente coopération qui existe à ce jour entre nos commissions. Je suis persuadé que M^{me} la juge Graciela Dixon Caton poursuivra la dynamique positive mise en place par le juge Koroma, et je tiens d’ores et déjà à la féliciter pour son élection.

Plus que jamais auparavant, nous devons faire face à des mouvements qui tendent à remettre en cause la légitimité de notre Organisation. Plus largement encore, c’est la légitimité des normes mises en place par le système multilatéral international qui est remise en cause. Cette remise en cause s’exprime principalement sous la bannière de la compétitivité économique. Les normes démocratiques, sociales et environnementales devraient être écartées si elles venaient à contrarier cette compétitivité économique. Et, de fait, nous devons constater un recul de ces normes.

L’érosion des normes démocratiques se manifeste par l’émergence de mouvements citoyens qui recherchent de nouvelles formes de représentativité pour tenter de pouvoir peser sur les politiques menées. Il est essentiel d’être attentif à l’implication de la société civile dans nos processus de décision. L’Organisation internationale du Travail fait encore aujourd’hui figure de précurseur en la matière, et ce modèle devrait être exporté et élargi.

L’essoufflement des normes sociales se manifeste quant à lui par l’augmentation des injustices sociales et des privations chez un nombre croissant de citoyens. Les fruits de la croissance sont par ailleurs de moins en moins équitablement redistribués. C’est en tout cas un constat qu’a pu faire la Commission mondiale sur l’avenir du travail en rappelant que la croissance des salaires n’a pas suivi celle de la productivité et que la part du revenu national qui revient aux travailleurs a diminué.

Le désengagement des grandes nations vis-à-vis des normes environnementales contraignantes porte, ou portera, principalement et en premier lieu préjudice aux populations les plus vulnérables. Mais n'oublions pas que nous serons à terme tous touchés, vulnérables et moins vulnérables, par les conséquences des changements climatiques induits par l'activité humaine.

Les mouvements démocrates ne doivent pas sous-estimer et balayer de la main ces différents aspects fondamentaux. Ils doivent s'en saisir sérieusement et rapidement. S'ils ne s'en saisissent pas, ils laisseront un boulevard aux populistes – ces mouvements populistes, bien souvent au détriment de ceux qui auront le plus besoin de normes démocratiques, sociales et environnementales fortes.

On le voit, faire de la compétitivité économique la valeur cardinale d'une politique, qu'elle soit nationale ou internationale, fait ressurgir le spectre de dangers tels que le repli sur soi, l'exacerbation du sentiment nationaliste, la désignation d'une compétition à écarter qui risque bien vite de devenir un ennemi à abattre – et j'en passe. C'est précisément pour lutter contre cette tentation de repli sur soi qu'il a été nécessaire de fonder une organisation telle que la nôtre.

Ce n'est pas uniquement sur le terrain socio-économique que les effets néfastes de ces mouvements se font ressentir. Sur le terrain des libertés fondamentales aussi, nous devons malheureusement observer de graves reculs. Je pense notamment au recul de la liberté de la presse, de la liberté d'enseigner et, bien évidemment, de la liberté d'association, au rang desquelles figure la liberté syndicale.

Ces mouvements s'accompagnent également d'une libération de la parole discriminatoire et d'une recrudescence de la violence à l'encontre de toute forme d'opposition. Vous vous en doutez, les mouvements associatifs – au rang desquels figurent les organisations syndicales – sont particulièrement exposés aux effets néfastes de ces

mouvements. Nous aurons l'occasion d'en avoir de malheureux exemples au cours de l'examen des cas individuels.

Et parmi ces cas figurent aussi les problèmes avec le droit des grèves. Il semble à ce propos important pour le groupe des travailleurs de rappeler que le droit de grève doit être reconnu dans le cadre de la convention (n° 87) sur la liberté syndicale et la protection du droit syndical, 1948, et qu'il est un principe et un droit fondamental de l'OIT. La liberté syndicale serait vidée de toute sa substance sans ce corollaire indispensable à toute démocratie.

Il est fondamental pour les syndicats de pouvoir compter sur une organisation comme l'OIT. Elle nous offre un forum au sein duquel le dialogue social entre gouvernements et partenaires sociaux peut se nouer. Ce dialogue social nous permet d'œuvrer tous ensemble à l'amélioration des conditions de travail et de vie de millions d'individus. En accordant une place institutionnelle aux partenaires sociaux, l'OIT fait du dialogue social une valeur fondamentale et universelle qui doit servir de fondement au contrat social qui nous lie.

J'évoquais, il y a quelques instants, l'essoufflement des normes démocratiques, sociales et environnementales. Le mandat de notre commission est de promouvoir la bonne application en droit et en pratique des normes existantes. Notre commission est donc un acteur essentiel de la lutte contre l'essoufflement de ces normes.

N'oublions pas non plus que l'OIT œuvre également à l'établissement de nouvelles normes internationales du travail à vocation universelle. C'est précisément par le développement de normes internationales du travail contraignantes que nous pourrions apporter une réponse aux injustices sociales vécues par de plus en plus de citoyens à travers le monde. Pour cela, nous devons aussi compter sur un engagement ferme des Etats Membres.

Nous en appelons, dès lors, aux gouvernements ici présents à réitérer l'engagement qu'ils ont pris il y a cent ans avec les travailleurs et avec les employeurs, et d'œuvrer

ensemble à la justice sociale afin de garantir une paix universelle et durable. Nous devons, aujourd'hui, plus que jamais, démontrer que nous pouvons apporter une réponse aux injustices sociales.

Pour le groupe des travailleurs, il est essentiel et nécessaire de promouvoir et de mettre en œuvre un système de normes internationales contraignantes à vocation universelle qui viendra consolider les droits humains et réguler les aspects sociaux, environnementaux et démocratiques de nos sociétés.

C'est fondamental pour recentrer les politiques sur l'humain et non plus sur la compétitivité économique. Autrement dit, une économie au service de l'humain et non l'inverse. C'est ce principe qui doit guider toutes nos initiatives, tant au niveau national qu'international.

Notre commission, en veillant à ce que les normes internationales du travail soient respectées par les Etats Membres, contribue à remettre l'humain au centre de nos préoccupations et à œuvrer à la mise en place d'un régime de travail réellement humain. Cette mission est au cœur du mandat de l'OIT et de la Déclaration de Philadelphie. Elle sera certainement aussi au cœur de la Déclaration du centenaire.

Comme le souligne le projet de déclaration du centenaire, le contrôle de l'application des normes internationales du travail revêt une importance fondamentale pour l'ensemble des activités de l'OIT. Pour que ces normes soient appliquées, en droit et dans la pratique, il faut qu'elles soient soumises à un contrôle efficace et faisant autorité.

Le rapport de la commission d'experts est l'outil de base sur lequel reposent les travaux de notre commission.

Ce travail de la commission d'experts peut être réalisé notamment grâce aux contributions des organisations de travailleurs et d'employeurs.

Comme le soulève la commission d'experts, nous enregistrons cette année une diminution du nombre d'observations transmises par les organisations de travailleurs et d'employeurs.

Nous espérons que cette diminution ne s'explique pas par la frustration, parfois présente dans le chef de certains mandants, que les observations qu'ils ont transmises ne sont pas toujours reflétées dans le rapport. La commission d'experts doit bien entendu pouvoir juger en toute autonomie de la pertinence des observations qu'elle reçoit, mais il y a peut-être à cet égard un travail d'accompagnement des mandants à réaliser par les différents services de l'OIT.

Il est néanmoins important de s'assurer qu'un maximum d'observations transmises soit reflété dans le rapport afin de nourrir au mieux les discussions. Pour ce faire, il convient de fournir au secrétariat les moyens nécessaires pour faire face à cette charge de travail qui reste considérable. Cela garantira l'examen des observations formulées au cours de l'année prévue.

Ceci est d'autant plus important au vu de l'allongement du cycle de rapport pour les conventions techniques qui implique un délai d'attente plus long pour l'examen des observations. Il convient toutefois de saluer l'élargissement des critères permettant d'interrompre le cycle et de traiter une observation en dehors du cycle normal de rapport. C'était une compensation nécessaire.

Une autre manière de compenser cet allongement du cycle de rapport pourrait être de réfléchir au changement de statut de certaines conventions: le cycle de rapportage des conventions fondamentales est en effet plus court. Certaines conventions techniques pourraient donc devenir des conventions fondamentales. Comme l'a suggéré la Commission mondiale sur l'avenir du travail, il serait certainement temps de reconnaître que le droit à un salaire assurant des conditions d'existence convenables, le droit à la limitation du temps de

travail et la protection de la sécurité et de la santé au travail soient reconnus comme des droits fondamentaux.

Il est également important que les observations formulées par les partenaires sociaux fassent l'objet d'observations dans le rapport de la commission d'experts plutôt que d'être reprises dans des demandes directes. Les éléments repris dans les demandes directes ne peuvent malheureusement pas être discutés au sein de notre commission. Or de nombreux éléments pertinents sont repris dans des demandes directes. Il serait à cet égard utile d'établir des critères de distinction clairs qui permettent de déterminer les éléments qui peuvent faire l'objet d'une observation ou d'une demande directe.

Outre les observations des partenaires sociaux, les observations des Etats Membres sont également nécessaires au fonctionnement des organes de contrôle. Or, et nous le verrons lors de la session spéciale dédiée aux cas de manquements graves, on observe d'année en année une diminution du nombre de rapports qui parviennent à temps à la commission d'experts. Pire, de plus en plus de rapports ne parviennent tout simplement pas à la commission d'experts. C'est un problème fondamental qui met en péril l'efficacité du fonctionnement des organes de contrôle.

L'expertise de la commission d'experts, la qualité de son analyse et, surtout, son indépendance sont des éléments essentiels à la promotion du respect des normes internationales et de leur application correcte dans les pays concernés. Les observations concrètes de la commission d'experts nous permettent de mener un travail de fond.

Cette indépendance ne signifie pas que nos commissions respectives ne peuvent coopérer en vue de renforcer mutuellement leur action. Le président de notre commission soulignait très justement hier la complémentarité des différents organes de contrôle des normes.

Renforcer cette complémentarité, c'est précisément l'objet des rencontres informelles organisées chaque année avec la commission d'experts et les vice-présidents des groupes

travailleurs et employeurs. J'en profite d'ailleurs pour remercier le président de la commission d'experts pour l'invitation. Lors de ces rencontres informelles, nous avons l'occasion de discuter des points qui nous semblent importants en vue d'améliorer encore l'efficacité de nos actions respectives.

Nous avons déjà pu exprimer notre préoccupation par rapport à la réduction du rapport ces dernières années. Cette réduction ne permet plus de discuter des cas de manière aussi approfondie qu'auparavant. C'est pourtant indispensable en vue d'adresser les recommandations les plus efficaces et pertinentes possibles.

De nombreuses interactions s'opèrent entre notre commission et la commission d'experts. Le dialogue entre nos commissions doit se faire d'égal à égal. Notre commission n'a aucun pouvoir d'autorité sur la commission d'experts. Cela doit rester ainsi. Le mandat de la commission d'experts doit impérativement être respecté.

Les interactions entre les différents organes de contrôle sont essentielles afin de développer l'interprétation, et donc l'évolution des conventions internationales du travail. A côté de nos commissions, le Comité de la liberté syndicale joue également un rôle à cet égard. Il est dès lors très positif d'avoir pu écouter hier les observations de M. Evance Kalula, président du Comité de la liberté syndicale.

Il est essentiel de pouvoir assurer une cohérence globale du système de contrôle afin d'en asseoir la légitimité. D'où l'importance de nouer le dialogue entre les différentes composantes de ce système de contrôle pour qu'elles se renforcent mutuellement.

C'est en assumant pleinement son mandat que notre commission contribuera à renforcer les normes sociales, environnementales et démocratiques nécessaires à la réalisation des objectifs constitutionnels de notre Organisation.

Employer members – I would like to begin by thanking the presence of Justice Koroma for his dedicated service to the Committee of Experts. Justice Koroma was always

committed to open and constructive dialogue and worked to facilitate that open and constructive dialogue between our two groups and for that, I thank you sincerely Sir. I also would start by warmly welcoming Ms Graciela Dixon Caton as the new Chair of the Committee of Experts. We are particularly pleased to see that a highly qualified, experienced woman such as yourself is chairing the Committee as it demonstrates the ILO's true commitment towards gender equality. We very much look forward to future ongoing and meaningful dialogue, apparently in many languages, with you Justice Dixon Caton.

We also want to begin by highlighting a number of positive developments in the regular standards supervision since last year and to make some constructive proposal for further improvement. We would begin by welcoming the Committee's two general observations on discrimination, employment and occupation Convention No. 111 and on the indigenous and tribal peoples Convention No. 169. We hope that these general observations will provide clarity to governments in the full implementation of the provisions in both law and practice. In fact, we would like to propose the general observations issued by the Committee of Experts over the years be compiled into one publication to ensure that ILO constituents could consult them on a more readily accessible basis if they wished to do so.

We also reinforce a proposal that we have made previously for the Committee of Experts to consider presenting the report in a more user-friendly manner. We are of the view that presenting the observations by country, rather than by Convention, could help constituents have a more holistic and full view of application issues in a particular country. We therefore invite the Committee of Experts to give serious consideration to this proposal so that it could be discussed and, if necessary, implemented at its next session. In the alternative, we would suggest that an online version of the report, divided by country, could also be made available.

With respect to the CAS, the Employers embrace the changes accepted in the working methods of the CAS, such as reproducing in verbatim format discussions in the CAS report. We believe that this will continue to help improve the accuracy of the reports by avoiding

potential problems with misinterpretations or errors in the process of making summaries of statements, as well as saving time and cost. We think that this is an important measure to improve the efficiency of the working methods of our group.

We also support the amendments in the CAS working methods to allow member States to submit their latest information on cases in the long list in the format of a D document. We trust this will improve the transparency, relevance and efficiency of the CAS and will assist the social partners in making fully informed decisions on the final shortlist of cases. The Employers' group remains fully committed to working on efforts within the working group to continue to improve the transparency and efficiency of the work of the Committee on the Application of Standards.

Turning for a moment to the question of the lack of timely submissions of government reports, we note that the Committee of Experts once again expressed concerns this year of the low number of government reports received by the 1 September deadline. Even by the end of the expert session, not more than two thirds, more precisely, only 62.7 per cent of the reports were received. According to the annex to the Committee of Experts' report, it is our understanding that this is the lowest percentage since 1999. It also seems that many government reports did not contain the necessary information required for a full and complete examination. This is evident in the high number of direct requests made which, according to the Committee of Experts, are used for the clarification of certain points when the information available does not enable a full appreciation of the extent to which the obligations are fulfilled. In this context, the Committee of Experts have once again expressed concerns for the high number of observations and direct requests that have not received any reply.

Regarding article 22 reporting, the Employers' group notes that despite all genuine efforts and measures taken in the past, we have not been able to satisfactorily and sustainably improve the reporting situation. Instead, we have seen a backlash this year. We highlight that while the ILO bears the responsibility to facilitate the reporting procedure by introducing

e-reporting and simplifying the reporting forms to make it as easy and straightforward as possible for governments to report, the ultimate responsibility to deliver reports under article 22 rests on the governments themselves. This responsibility and this commitment, in fact a legal obligation, derives from the government's autonomous decision to ratify ILO Conventions. The persistent failure of non-reporting and late reporting suggests that the problem is of a structural nature. To better understand and address this problem at its roots, we propose to make an in-depth study to clarify and make fully transparent the issues involved. In this context, the Employers' group would like to know what other alternative information exists for the Office and the Committee of Experts to make up for the absence of a government report. In particular, to what extent do the Committee of Experts use other information channels apart from the information sent by the employers' and workers' organizations?

In addition, the Employers also note that there seems to be a persisting problem relating to the capacity of the Office and the experts to examine the very high number of reports received. The Committee of Experts noted in paragraph 69 of the report that in view of the secretariat's heavy workload, which is largely due to the high number of reports submitted after the due date of 1 September, a number of reports could not be brought to the Committee's attention and will be examined at its next session.

In paragraph 11, the Committee of Experts stated that reports received by this deadline might be deferred for other reasons, for example, the need for translation into the ILO working languages. Accordingly, the Employers' group is interested in having some indication of the number of reports for which the examination has been postponed, along with the specific reasons why this is the case. It would also be helpful to have information on the Office's capacity and its limits to examine governments' reports. If the Office requires more resources, it would be helpful to understand what additional resources would be required, how we can maintain the Office's workload while ensuring a meaningful standards

supervision process. We believe that this discussion would be helpful to continue to work towards ensuring the proper functioning of the supervisory system in the long term.

The second issue that I will turn to is the lack of the clear differentiation in practice between direct requests and observations. Last year the Employers' group raised the issue concerning the Committee of Experts' differentiation between observations and direct requests. We observed the additional explanation provided by the Committee of Experts in paragraph 27 of its 2019 report that even though criteria might appear clear at first, their applications sometimes called for a delicate balancing and that the Committee of Experts needed room for reasoned discretion in this area. While the Employers' group appreciates the Committee of Experts' need for discretion, we reiterate the need for a transparent and clear differentiation in practice between the two categories of comments given the important consequences it has for the supervisory process. While observations are included in the Committee of Experts' report and can be discussed in the CAS, this is not the case for direct requests. We are concerned that, as a result of making numerous substantial comments in the form of direct requests, the Committee of Experts exclude from our discussion a major part of standards application. This year, the Committee of Experts made 1,075 direct requests compared to only 535 observations, therefore, we think this is an important issue that merits further discussion. We would then, as a result, again request the Committee of Experts to make any comments that contain assessments of compliance, and that are not mere requests for information or clarification, in the form of an observation.

Furthermore, the Employers' group would like to reiterate our previous request for the Committee of Experts to provide clear reasons and explanations as to why a case has been double-footnoted in the report. We believe that such additional information would be helpful to increase the transparency in the identification of cases each year and also to provide all groups with additional context regarding the case concerned.

Third, I would like to make a comment on the Committee of Experts response to the International Chamber of Shipping observations concerning the meaning of Regulation 2.5

on the entitlement to repatriation and the right of the seafarer to forgo this right in certain cases. The Committee of Experts agree to the interpretation of this provision, however, also consider in this context Regulation 2.4 on the minimum annual leave, which is one month per year. While agreements forgo the leave requirement, Standard A2.4, paragraph 3, permits the competent authority to provide for some exceptions. Nevertheless, the Committee of Experts consider that in order not to defeat the purpose of Regulation 2.4, paragraph 3, Standard A2.4 should be read restrictively. The Employers' group disagrees with this view as the provision authorizes competent authorities to define the exceptions as it sees fit. In our understanding, there is no specified qualification in these provisions requiring that exceptions must be defined restrictively, other than that they must be genuine and must not become the general rule. So we would request that the Committee of Experts provide further clarification in this regard.

In addition, the Employers would like to comment on paragraph 43 of the Committee of Experts report regarding the ILO's role in measuring progress towards achievement of the Sustainable Development Goals. In October of 2018, the International Conference of Labour Statisticians adopted the methodology for measuring progress towards indicator 8.8.2 on freedom of association and collective bargaining for which the ILO is the main custodian. During the previous negotiations, the Employers' group has expressed concerns on the evaluation criteria used for indicator 8.8.2, as it contained many contentious interpretations made by the Committee of Experts in this field. The Employers' group also noted that diverging views of the CAS would only be considered in the measurement process if they were explicitly stated in the CAS conclusions. The Employers' group has made a position clear that our agreement to the methodology does not in any way mean an agreement with the Committee of Experts' interpretations on this point. We also recalled that the International Conference of Labour Statisticians called upon the Governing Body to set up a tripartite committee to further address improvements in the methodology. This is very

important and we would like our position on this point to be include in the Record of Proceedings.

Finally, as the Worker members have addressed the issue of the right to strike, I must recall that the Employers' group, to be fair, has never excluded the possibility of a discussion in a tripartite manner and ILO instrument on the right to strike. However, in the absence of such an instrument, our position has been consistent that the CAS conclusions will not make requests to governments to change their law or practice on this issue, as our position is that the conditions and practices of industrial action, including strikes, are, in fact, regulated at national level. In considering the reputation and credibility of the supervisory system, the Employers' group continues to express the view that it is not acceptable for the Committee of Experts to unilaterally create extensive interpretation of an ILO Convention not taking into account the view of the full tripartite International Labour Conference, including the views of the constituents of the CAS.

In closing, I would like to conclude by reaffirming the Employers' group and its firm and ongoing commitment to support the ILO standards supervision, clearly an important governance institution in international labour and social policy. In our view, in order for ILO standards and standards supervision to have the desired impact and outcome in the real world of work, both of these components of the ILO standards system need to be balanced, taking into account workers' protection, rights, as well as the needs of sustainable enterprises, and to be mindful of the changing world of work and the changing situations and needs of that changing world of work. We look forward to continuing cooperation with Government and Worker representatives in a constructive spirit at this, the Centenary Session of the CAS, and look forward also to continuing our respectful and ongoing dialogue with the distinguished Committee of Experts.

Government member, Brazil (Mr GHETTI) – Brazil thanks the information presented by Justice Koroma regarding the Committee of Experts, and by Professor Evance Kalula regarding the Committee on Freedom of Association yesterday. We also welcome

Justice Graciela Dixon Caton to this Committee and her appointment this year of ILO's key standards expert body.

Brazil recognizes that the new working methods of the Committee of Experts regarding the eventual break of reporting cycles for the analysis of comments of social partners and for the request of additional information from governments, can be a step in the right direction. However, in our understanding, such a break should only be used in exceptional and urgent cases. The relevant justification – and I refer to a justification, not only a reference to a general rule – the relevant justification should be clearly stated in the analysis of the individual cases. Moreover, these closing arguments and grounds for decisions regarding procedural matters is also a key aspect of the rule of law and should be taken fully into consideration.

Brazil also takes note that the guide on established practice of the supervisory system which is currently in the final stages of preparation, does refer to the procedures adopted by the Governing Body, and its Officers in particular, in the selection of members of the Committee of Experts.

This had been a request of our regional group of GRULAC. In Brazil's view, such a procedure should be inspired by the best practices of the UN system, safeguarding a selection process that is fully transparent and guided by clear and technical criteria. The General Report of the Committee of Experts should also reflect, and when possible further clarify, those criteria with a view to strengthening the Committee and strengthening the important role of the Governing Body in this regard.

Chairperson – That completes our list of speakers this morning on the general discussion on the General Report.

Adoption of the list of individual cases
Adoption de la liste des cas individuels
Adopción de la lista de casos individuales

Chairperson – We will now turn to the second item on our agenda which is the adoption of the list of individual cases. We shall now proceed with the adoption of document D.4 – List of individual cases. I believe before we again look to the adoption of document D.4, the distinguished delegate from India wants to take the floor.

Government member, India (Mr ALAM) – As we are taking the floor for the first time, we wish to take this opportunity to congratulate you on assumption of the office of the Chairmanship of this Committee. We wish to inform this Committee that India, a founding Member of this Organization, has deep respect for and a very high level of commitment to the international labour standards, which is reflected in its national policy and practice. As regards the specific case related to the Labour Inspection Convention, 1947 (No. 81), it may be noted that all relevant and available information availing the opportunity provided to a member State this time was well and truly provided in writing by my country, to substantively address the issues raised by the Committee of Experts, inter alia. It is inexplicable and regrettable that, despite this, the case related to Convention No. 81, which was adequately discussed in the International Labour Conference in 2017 and subsequently followed up by my Government, has been shortlisted. On such an important matter of shortlisting, it is also unfortunate that there is no prior consultation with the Governments concerned, or within the respective groups, which would be useful and highly advisable. We, therefore, have serious concern over the adoption of this shortlist of countries, which includes India, and wish to know from the Officers of this Committee, the specific, clear and objective rationale and basis for inclusion and exclusion.

Chairperson – May I now revert back to the proposal to adopt document D.4. May I take it that the Committee wishes to adopt document D.4? So adopted.

Document D.4 is adopted.

Chairperson – I would like to inform Government members that this sitting will now be closed to give time for informal information sessions with Governments. The Vice-Chairpersons will be meeting with Governments in Room II.

The sitting closed at 12.30 p.m.
La séance est levée à 12 h 30.
Se levantó la sesión a las 12.30 horas.