

Plenary sitting

Report of the Committee on the Application of Standards

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Friday 21 June 2019, 3.00 p.m.

President: Mr Elmiger

Submission, discussion and approval of the report of the Committee on the Application of Standards

The President
(Original French)

The next item that we have before us is the submission, discussion and approval of the report of the Committee on the Application of Standards, contained in *Provisional Record No. 5A* (Part One).

Part two of the report will be published after the end of the Conference in *Provisional Record No. 5B* (Part Two) and will contain the compilation of the verbatim records already posted on the Internet for the discussion of individual cases by the Committee.

I invite the Officers of the Committee – Mr Rochford, Chairperson; Ms Regenbogen, Employer Vice-Chairperson; and Mr Leemans, Worker Vice-Chairperson – as well as Ms Angonemane Mvondo, Reporter, to take their seats on the podium.

I give the floor to the Reporter, Ms Angonemane Mvondo, to present the report. The other Officers will then take the floor.

Ms Angonemane Mvondo
Reporter of the Committee on the
Application of Standards
(Original French)

It is a great honour and a privilege for Cameroon to present the report of the Committee on the Application of Standards to this historic session of the International Labour Conference. During its 100 years of existence, the ILO has never ceased to promote fundamental rights at work and the standards introduced by the Conference have had an undeniable impact on the world of work.

Allow me to recall that the Committee on the Application of Standards is a permanent body of the International Labour Conference and that, in accordance with article 7 of the Rules for the Conference, its mandate is to consider the measures taken by Members to give effect to the provisions of Conventions to which they are parties and to consider the information furnished by Members concerning the way in which they have given effect to their reporting and other standards-related obligations in accordance with the Constitution of the ILO.

Before I present the report of the Committee, I would like to highlight that informal tripartite consultations on the working methods of the Committee, which have been held on a regular basis since 2016, have contributed greatly to the smooth running of the Committee in the context of a Conference session which has been shortened to two weeks. The latest measures agreed in the course of these consultations have, once again, helped the Committee to carry out its work in an effective manner, and I am happy to be able to tell you that the Committee has successfully completed its work.

The report that is before the plenary session of the Conference is in two parts: the first part consists of the General Report of the Committee, which records the general debate and the discussions on the General Survey of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART). As for the second part of the report, it contains a detailed report of the discussions held on the individual cases examined by the Committee concerning compliance with ratified Conventions and the conclusions adopted for each of these cases.

This year, the General Report of the Committee is presented in a new format, in accordance with the measures decided during the last informal tripartite consultations on the working methods of the Committee which were held in November 2018 and March 2019. This General Report contains a verbatim record of the general debate and of the discussion of the report of the CEART, the outcome of the discussions on the General Survey, the conclusions adopted following consideration of the “automatic” cases and consideration of the 24 individual cases, as well as the verbatim report of the discussions concerning the adoption of the report and of the final observations.

The verbatim report of the discussion on the General Survey, which was previously set out in the General Report, is reproduced henceforward in the second part of the report of the Committee. This second part of the report of the Committee also comprises verbatim reports of the discussions on the so-called “automatic” cases, of serious failures to fulfil reporting obligations and of the discussions on individual cases.

I should also highlight that the complete report of the Committee, available in the ILO’s three official languages, will be online within 30 days.

I would now like to mention what struck me as being some of the main points of the Committee’s discussions. This year, the general discussion once again highlighted the fruitful dialogue between the Committee on the Application of Standards and the CEACR. It is an established practice in both committees to have direct exchanges on matters of common interest. In addition, the Vice-Chairperson of the Committee on the Application of Standards and the members of the Committee of Experts discussed questions on standards and on the functioning of the supervisory system of the ILO during the meeting of the CEACR, which took place in December 2018. In addition, this year, the Committee was pleased to welcome the outgoing Chairperson of the Committee of Experts, Justice Koroma, and the new Chairperson of the Committee of Experts, Justice Dixon Caton, both of whom attended the discussions and addressed the Committee on this occasion.

I note from their statements the importance they attach to the interaction between the two committees and the fact that the CEACR is ready to take into consideration all of the proposals concerning strengthening the effectiveness of the supervisory system which have emerged from the informal tripartite consultations and that may be brought to its attention. The Committee also had the pleasure to welcome, for the first time, the Chairperson of the Committee on Freedom of Association, Mr Kalula, who presented the report of this Committee for the year 2018. In his statement, Mr Kalula highlighted the complementarity of the three supervisory bodies of the ILO.

The General Survey of the Committee, which this year focused on the Social Protection Floors Recommendation, 2012 (No. 202), gave rise to very productive discussions in which divergent views were expressed. These discussions and the resulting outcomes will make a major contribution to the work of the ILO, particularly in the context of the preparatory work for the next recurring discussion of the Conference on trends and developments with respect to social protection and should enable the ILO to determine the best way for it to respond even more effectively to the needs of Members.

In examining cases of serious failure to fulfil reporting or other standards-related obligations, the Committee expressed its deep concern at the growing number of failures on the part of member States. The Committee has underlined the importance of the obligation to submit reports in ensuring the effective functioning of the supervisory system, which essentially relies on the submission of precise information in a timely manner. Finally, the Committee reminded Members that the Office could provide technical assistance to help overcome difficulties in that respect.

The Committee concluded its work with the consideration of 24 individual cases. This consideration is one of the most important tasks of the Committee and it sought, as always, to find a balance between the fundamental Conventions, the governance Conventions and the technical Conventions, as well as to ensure equitable geographic representation. Although they were not happy, all of the Governments on the list were present for the consideration of their cases. This clearly demonstrates the importance they accord to the supervisory system of the ILO. Despite the time constraints, the Committee managed to complete a detailed examination of all of the cases and to adopt the conclusions for each of them by consensus. The Governments concerned were given the opportunity to express their views after the conclusions, and their statements have been duly recorded in the record of proceedings of the work of the Committee, contained in *Provisional Record* No.5B (Part Two).

On a personal level, I was very impressed by the total commitment of all stakeholders to the process. After consideration of the cases, the Committee decided to draw the attention of the Conference to the discussions it had held concerning the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by Kazakhstan and thus to include a specific paragraph on this case in the General Report.

I will conclude my statement by thanking the Chairperson of the Committee, Mr Rochford who, through his skilful leadership of the discussions and effective time management, greatly assisted the Committee in the completion of its work. I also wish to thank the Vice-Chairpersons – Ms Regenbogen, representing the Employers and Mr Leemans, representing the Workers – who devoted their skills and their spirit of cooperation to the work of the Committee. I would also like to pay tribute to the professionalism of the secretariat of the Committee, for the quality of its work and the valuable support that it has given to our Committee during these two weeks. I must also emphasize that this support helped to dissipate any misapprehensions we may have felt as we began our work. I would particularly like to thank Ms Vargha, representative of the Secretary-General, and her team for their contribution to the work of the Committee. I would be remiss if I did not acknowledge the contribution of the interpreters and translators, without whom the Committee would not have been able to complete its objectives within the set timeframes.

In conclusion, I recommend that the International Labour Conference approve the report of the Committee on the Application of Standards.

Mr Leemans

Worker Vice-Chairperson of the Committee
on the Application of Standards
(*Original French*)

Our Committee was able this year to carry out its work successfully throughout this session of the Conference under the excellent chairmanship of Mr Rochford and thanks to the involvement of all of the Committee's tripartite constituents. I would like to thank in particular the members of the Workers' group of the Committee who placed their faith in me and whose commitment allowed us to secure good outcomes. The conclusions adopted in the individual cases will enable work towards implementing and ensuring the compliance

of the laws and practice in the States whose cases were examined to be done. The conclusions of the General Survey will also guide initiatives that the Office and member States can undertake in order to establish or develop strong social protection mechanisms. I therefore invite you to approve the report of our Committee.

But first of all, I would like to share with you a few thoughts. As early as the adoption of the very first international labour standards by our Organization, the question arose as to how to ensure the effective application of these standards. Very quickly the idea came into being of setting up a specific Committee tasked with supervising the application in law and practice of international labour standards in member States. That is how the Committee on the Application of Standards came into being in 1926. The Centenary of the ILO has brought the work of our Committee into the spotlight. It has been an opportunity for the Workers' group of the Committee to remind ourselves of the fundamental objective for which it was established: that is, to ensure that we achieve social justice as a basis for universal and lasting peace.

Social justice is an objective that has always been and will always remain relevant. The longevity of our Organization is the best proof of that, and we can confidently assert that it will retain its relevance for a long time to come. Social justice is, of course, something that develops and evolves. Even now, for it to remain relevant, it must still be based on universal fundamental principles that transcend time.

We started our work in the Committee traditionally by holding a general discussion which looked at the links that exist between our Committee and the other supervisory bodies of the ILO. These are independent bodies, and have complementary missions: each one acts within the scope of its own mandate, without any other being able to supervise it, still less to instruct it. Independence does not prevent the various supervisory bodies from engaging in dialogue with a view to improving the functioning of the supervisory mechanisms. Hence, the outgoing Chairperson and the new Chairperson of the Committee of Experts attended the general discussion of our Committee. The Chairperson of the Committee on Freedom of Association was also present for the first time, which is a very positive development.

This dialogue between the supervisory bodies must be conducted in a spirit of mutual respect. However, we noted that some delegates went as far as to call into question the legitimacy of some of the Experts. It went beyond a legitimate, respectful expression of disagreement or of differing views or opinions. The mandate of the Committee of Experts clearly provides that it is responsible for reviewing the legal scope and meaning of the provisions of Conventions. This mandate safeguards the legitimacy and the full independence of the Experts. The quality of the interactions between the supervisory bodies is subject to the resources available to the Office for the considerable workload that is involved in the analysis of the reports submitted to the ILO. It is therefore crucial that the Office receives the necessary resources for the essential support it provides to the various supervisory bodies. This is crucial in order to reflect all of the observations and the inputs of the Experts' reports, who have to provide the most comprehensive view of the application of ILO standards.

The quality of the work of the supervisory bodies is also dependent on member States' compliance with their reporting obligations. However, we noted many shortcomings in this respect at our special session examining cases of serious failure to comply with reporting obligations. It is a recurrent problem that we have consistently condemned over several years. We should welcome the initiatives that have been undertaken by the Office, such as identifying the causes of the problem and implementing solutions with a view to facilitating the drafting of the reports by member States. The initiative taken by the Experts to proceed to urgent calls in the case of persistent non-compliance is also to be welcomed. These are essential steps to the extent that these reports represent the very basis of the work of the

supervisory bodies. However, improving compliance with reporting obligations should not fall on the Office or the Experts; it falls first and foremost on the member States.

Furthermore, the Office is the linchpin of the entire Organization and plays a critical role in all activities that are undertaken. Regrettably, we noted that some delegates argued that the Office should refrain from promoting the ratification of instruments. That makes no sense whatsoever. Quite to the contrary, the Office has a front-line role in the implementation of ILO standards, and that of course includes promoting the ratification of instruments.

As you know, there is a subject that profoundly divides the Employers' and Workers' groups within our Organization. Despite that, we have managed to re-establish normal functioning of the work of our Committee following the crisis in 2012. However, our differences of opinion persist, and we believe that it is crucial that we recall our position on that subject. The right to strike is a fundamental right guaranteed by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and it constitutes the very essence of trade unions' freedom of action. Formulating a programme necessarily implies taking action to achieve it, and that includes, among other things, a coordinated work stoppage. The fact that the right to strike is not explicitly mentioned in the Convention is irrelevant in this regard. The interpretation that this right is included in the Convention was not challenged by the Employers until 1993. Indeed, the Government group also recognized the right to strike in its statement of 2015, thereby concurring with the reading of the Workers' group of the Committee of Experts and the Committee on Freedom of Association. To recall the Government statement of 2015, it said: "The Government group recognizes that the right to strike is linked to freedom of association, which is a fundamental principle and right at work of the ILO. The Government Group specifically recognizes that without protecting a right to strike, Freedom of Association, in particular the right to organize activities for the purpose of promoting and protecting workers' interests, cannot be fully realized". The legislation of most member States and the decisions taken by a large number of courts or other international bodies also recognize the right to strike at the international level. And so it is clear to us that the position of the Employers is an isolated one, not just here in the ILO, but outside it as well.

However, the requirements of consensus do not allow us to reflect this fact in the conclusions we adopt in our Committee. It is nevertheless important to be able to express our differences of opinion on this matter. These differences should not, however, paralyze the functioning of our Committee – its work is too important. We are pleased that, since 2015, we have been able to find a *modus operandi* or *modus vivendi* to enable us to continue with the work of our Committee, despite these profound differences of opinion.

Our Committee also reviewed individual cases. Before starting this discussion, we had to draw up the notorious shortlist. This always draws many criticisms from certain member States. But I would like to recall that this list is drawn up in a consensus-based approach between the Employer and Worker Vice-Chairpersons of our Committee. The criteria applied in drawing up the list are clear. They are also the subject of a special explanatory sitting, where the member States concerned can receive all the explanations related to their presence on the list. On that basis, we cannot say that the drawing up of the list lacks transparency. Some member States have advocated to be involved in the drawing up of the list. No State wants to appear on the list and giving them a role in drawing up the list would only encourage them to try to find ways to avoid being placed on it. That would leave the Committee devoid of its *raison d'être*, which is to deal with States accused of non-compliance in the application of ILO standards. Only the Workers' and the Employers' groups can decide on which member States should be called upon to answer to their obligations concerning international labour standards.

However, Governments participate in the work of our Committee at other levels. The Government whose case is being examined has an opportunity to say to what extent it

considers that it has applied the ILO standards. Moreover, Governments first of all ratify Conventions, then prepare their reports and subsequently communicate the information to our Committee, and can even speak during the discussion.

The list of 24 cases which we discussed showed serious non-compliance with the obligations arising from the Conventions. Although we noted a certain amount of progress in the analysis of certain cases, it must be borne in mind that the overall situation of the 24 member States on the list remains in contravention of the Conventions that were examined. If we are dealing with a case in which there has been progress, it will be identified as such on the list established by the social partners, but that was not the case this year. We are open to examining cases of progress, but not to the detriment of cases of non-compliance; therefore, they would have to be in addition to the list of 24 cases.

This year, we saw that States' participation varied. In fact, some member States relentlessly attacked the ILO standards supervisory system. We cannot stand for this. These relentless attacks resulted from an alliance of recalcitrant States who endeavoured to establish a negative alliance and a diplomacy of non-compliance. I was just talking about criticisms with regard to the drawing up of the list. In fact, it extends beyond mere criticism of the establishment of the list to calling into question the very existence of the supervisory mechanisms themselves. Nevertheless, all of the tripartite constituents reiterated their commitment to working on strengthening the supervisory system at the March 2019 session of the Governing Body. We are confident that this offensive against the supervisory mechanisms will result in much more virtuous alliances whose mission will be to defend the fundamental principles of our institution. We already saw the beginnings of that this year, thanks to the interventions of certain States and Government groups, in particular from the European Union and IMEC, who systematically defended the supervisory mechanisms of the ILO. We hope to see that movement gain strength in the years to come.

This year we again looked at cases that return to our Committee frequently. The display of persistent cases of failure and the scope of the challenges and issues facing us can sometimes stir up in some people a form of hopelessness. But as Jean Jaurès said, "History teaches humanity the difficulty of great tasks and the slow nature of achievements, but it also justifies our invincible hope". The history of our Organization and its achievements are a perfect illustration of the truth of this statement. There is no place for hopelessness in an Organization whose mission is as great and noble as that of the realization of social justice.

I would like to conclude by thanking the Chairperson of our Committee, our Reporter and the representative of the Secretary-General. I would also like to thank all of the members of the secretariat, the interpreters and the Conference management, as well as the Governments for their inputs and the Employers, in particular Sonia Regenbogen, the Employer Vice-Chairperson. I would like to extend particular thanks to my own group, the Workers, for their active participation and solidarity, all with whom I have worked directly, all those from the Confederation of Christian Trade Unions, the International Trade Union Confederation and from ACTRAV.

On behalf of the Workers' group, I would like to hope that we will continue to see this quality work continuing in 2020, with a view to overcoming new challenges while at the same time further strengthening the front-line role of our Committee.

Ms Regenbogen
Employer Vice-Chairperson of the Committee
on the Application of Standards

At this Centenary Session, on behalf of the Employers' group, I would fully endorse the Committee and recommend the approval of its report.

The Committee on the Application of Standards undertakes the important work of supervising member States in the application of ratified international labour standards in both law and practice. The Committee is a key element of the ILO supervisory system and an essential component of the ILO's mandate. Its work is critical to the credibility and authority of the ILO's work within the United Nations system. This year, which is particularly special as it marks the ILO's Centenary, the tripartite work of the Committee once again took place in a constructive and open atmosphere. The Committee provides a unique process that gives the tripartite constituents the opportunity to discuss the implementation of ratified ILO Conventions and other standards-related obligations in a constructive tripartite manner. The focus of the Committee is on respectful and constructive tripartite dialogue in which Governments, Employers and Workers are able to discuss the implementation of international labour standards in member States. This tripartite membership, as well as the Committee members' deep understanding and practical experience of the economic and social situations in member States, is a key factor in the authority, success and relevance of the Committee on the Application of Standards.

Once again this year, the Committee on the Application of Standards demonstrated its ability to lead a meaningful and results-oriented tripartite dialogue. In its work, the Committee discussed and adopted conclusions on the General Survey entitled *Universal social protection for human dignity, social justice and sustainable development* concerning the Social Protection Floors Recommendation, 2012 (No. 202), as well as on 24 individual cases. The Employers' group notes positively that the majority of Governments have engaged constructively in the Committee's process and that they continue to take the opportunity to express a clear and firm commitment towards compliance with ratified Conventions.

Concerning the individual cases, the Employers were pleased to note that, in discussions of many cases and in respect of the conclusions adopted for the majority of cases, the Governments concerned reported that they had already begun taking measures to progress towards compliance and intended to continue to do so in the near future.

The Employers' group must also take this opportunity to note that certain concerns were expressed by a few Governments on the general functioning of the ILO standards supervisory system. The concerns related both to the working methods of the Committee on the Application of Standards and to the observations of the Committee of Experts on the Application of Conventions and Recommendations. The Employers were somewhat surprised by these interventions in the discussion of individual cases as, in our view, the discussion of recommendations regarding process are better suited for other forums in which these issues have already been raised and continue to be discussed, most notably in the Tripartite Working Group on the Working Methods of the Committee on the Application of Standards. Therefore, while the Employers agree that there is room and opportunity for improvement within the supervisory system, they note that it is necessary to voice these recommendations in a constructive and collaborative approach. The Employers are open to reflection on the working methods of the Committee in a positive and collaborative manner in order to ensure that it remains authoritative and that it retains the confidence of the tripartite constituents; for example, it is possible to address issues related to working methods in the working group.

As to the determination of the list of cases that come before our Committee each year and the drafting of the conclusions, let me simply say that the Employers consider that a viable and fair procedure has been applied in our work in past years which is based on objective criteria. The conclusions we note positively are clear, concise and based on consensus, taking into account the technical and legal aspects of the case. While the Employers remain ready to consider possible improvements to the objective criteria on which the selection of cases is based, we believe that this must be done on a constructive and good faith basis.

In areas where improvement is possible, in particular within the supervisory system, the Employers consider it of utmost importance that the facts that form the basis for assessments by the Committee of Experts on the Application of Conventions and Recommendations must be accurate to the greatest extent possible. After all, the credibility of the Committee of Experts' observations depends on a reasonable and solid factual foundation. We acknowledge that establishing the facts is difficult work and that it can, and does, require time and resources and we would encourage member States to keep this in mind. Also, we encourage member States to keep in mind that it is important that governments provide the most updated information to the experts by the 1 September deadline, so that this information can be properly and objectively considered by the Committee of Experts. In addition, the work of the experts must be neutral and objective. The experts' observations must have a proper basis in fact and in the terms and provisions of the Conventions that are being considered. The Employers have, on various occasions, called for more rigid legal assessments of compliance with ratified Conventions. Observations made by the experts must be firmly based on the text of the Conventions and should adhere to the applicable methods of interpretation in the Vienna Convention on the Law of Treaties, 1969.

Furthermore, taking into account the importance of having an accurate factual foundation in member States for the work of the Committee, the Employers have embraced new amendments to its working methods, such as reproducing discussions in the Committee's report in verbatim format and the better use of "D" documents to allow member States to submit the most up-to-date information on the cases that appear on the long list. We believe that these amendments are beneficial as we continue to work together to improve the transparency, the relevance, the efficiency and the authority of the Committee, and to assist the social partners in the preparation of the cases.

In our discussions of the General Survey, the Employers' group also highlighted several important issues where we think further improvements could be made. First, the persistent failure of governments to comply with reporting obligations by the 1 September deadline is problematic and constitutes a clear obstacle to the efficient and effective work of the Committee of Experts and, in turn the Committee on the Application of Standards. Second, we raised concerns on the experts' heavy reliance on the use of direct requests, as opposed to observations and we have noted our concerns regarding the lack of transparency that the process creates. Third, the Employers' group has expressed concerns about the experts' interpretation of the right to strike in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). I wish to react to a couple of points that the Worker spokesperson made in this regard.

For more than 25 years, the Employers have repeatedly drawn to the attention of experts that, according to the applicable methods of interpretation, the right to strike has no basis in Convention No. 87. We have highlighted our view that the text of Convention No. 87 does not refer to a right to strike and, as is known from the documents preceding the adoption of that Convention there was no demonstrable intent at the time the Convention was negotiated to include this subject in the Convention. Against this backdrop, it is not surprising that this has emerged as an area in which there is a divergence of views, but the Employers' group does not agree that our view is isolated on this point. In the statement of 25 March 2015 of the Government group of the ILO Governing Body, there was a reference to this issue and a view articulated that the scope and conditions of strike action are regulated at the national level. The Government statement also went on to say that it was ready to consider discussing the exercise of the right to strike in the forms and framework that would be considered suitable.

The Employers' group believes that this complex body of recommendations and observations, which has been developed over the past 65 years by the various components of the supervisory system, constitutes a right and valuable resource for such discussion, and

we stand ready to consider possible rules on the right, including in the form of an ILO standard. In our view, the Centenary perhaps provides the opportunity to consider how to move forward in respect of this issue with a focus on constructive dialogue and taking into account the views of the tripartite partners and the realities of the world of work on this issue. We continue to raise this issue because, while the experts are independent from the work of the Committee on the Application of Standards, a failure to take into account one entire group and their views on this issue could serve to undermine the authority of the supervisory system; an outcome the Employers sincerely wish to avoid. We look forward to additional opportunities to continue to engage in deeper dialogue with the experts on this topic.

Turning now to the discussion of the General Survey, which this year dealt with Social Protection Floors Recommendation, 2012 (No. 202), the Employers stressed the importance of the topic in view of its supportive function for the development of productive economies and stable and cohesive societies. The Employers noted that, while considerable progress has been made in achieving social protection over past decades, gaps and disparities continued to exist in many countries, especially in low and middle-income countries. The Employers emphasized that the objective and guiding principle for social protection floors should be the achievement of universal coverage. While the state has overall responsibilities for this, room should be left for private initiative and commitment, for private provision should not be compromised.

As clearly set out in Recommendation No. 202, in designing and implementing effective social protection floors, it is necessary to combine preventative, promotional and active measures to promote productive economic activity and formal employment through adequate policies, as well as working to ensure coordination with other policies, including policies that enhance and promote formal employment and promote entrepreneurship and sustainable enterprises.

The Employers also pointed out the need for social protection floors to be targeted at persons in need and in situations requiring social protection. In the Employers' view, benefits under social protection floors have an important steering function in helping to overcome poverty, vulnerability and social exclusion. A case in point was making benefits conditional on regular school attendance. The level of unemployment benefits should be adequate so as to avoid situations where people are maintained in dependency. As pointed out by a Government representative, work is the best and quickest route out of poverty. Therefore, high unemployment benefits could create a disincentive to finding active and formal employment.

The Employers also welcomed that, in focusing on Recommendation No. 202, the General Survey shed light on the characteristics of a stand-alone recommendation as a particular form of ILO standard. Although stand-alone recommendations cannot be ratified, they are nevertheless very useful in providing relevant and comprehensive guidance on social and labour topics and thus they have the ability to have a significant impact in ILO member States. Consideration should be given to practical ways of making available and sharing information on the application of recommendations and with respect to good practices. We call on the Office to consider the constructive discussions that were had on this topic, and the detailed views expressed by the participants, on carrying out its work in the future. Turning now to the discussion of individual cases. We wish to make a few remarks with respect to the operation of our work this year. In the Employers' view, a balanced list of 24 cases was agreed, which included a case of progress. This list was adopted by the Committee in a good faith manner. In determining the list of cases, a viable and fair procedure based on objective criteria has been applied, taking due consideration of regional balance, differing levels of development, and a balance between fundamental governance and technical Conventions.

The following cases discussed were particularly important for the Employer group: the first is the case of the Plurinational State of Bolivia with respect to the Minimum Wage Fixing Convention, 1970 (No. 131). This case was a follow-up to the Committee's conclusions adopted last year, requesting the Government to carry out full consultations with the most representative employers' and workers' organizations on minimum wage setting.

An additional case of importance to the Employers' group was the case of Uruguay, in which we examined the member States' application of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). This case concerned the need to revise legislation on collective bargaining in line with long-standing recommendations and conclusions of the ILO supervisory system. We trust that the factual, technical, constructive conclusions agreed in that case will guide government action.

Another important case was the case of El Salvador concerning the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). This is a case that has been discussed for the last two years and which deals with the lack of reactivation of a higher labour council and significant deficiencies that continue to exist in the member State regarding a lack of social dialogue. We welcome the commitment by the new Government and trust that progress will be reported soon.

The case of Brazil, which dealt with Convention No. 98, concerned the impact of legislation adopted to reform the consolidation of labour laws and whether this constituted non-compliance with the Convention. In the Employers' view, it was clear from the discussion that this labour market reform encourages and promotes collective bargaining and that it was the result of a comprehensive, consultative process with the national social partners. We believe that the conclusions adopted in the case are constructive and forward-looking. Furthermore, we note that there were a number of cases that we considered this year in respect of the application of the Worst Forms of Child Labour Convention, 1999 (No. 182) in countries such as Iraq, Yemen, the Lao People's Democratic Republic and Cabo Verde. Cabo Verde was used to highlight the progress that that country has made with respect to the amendments to its legislative framework to take real and meaningful action to eradicate the worst forms of child labour. These cases are particularly important to the Employers' group, as we recognize that child labour deprives children of their dignity, it is harmful clearly to their physical and mental development, and it serves as a detriment to a country's overall economic and social development. In the cases where there is armed conflict or unstable governments, we have encouraged the member States to engage with the ILO to work to progress towards full eradication of the worst forms of child labour.

We highlight that the conclusions this year were drafted in a constructive manner, taking into account areas of consensus that emerged following the tripartite discussion. The conclusions reflected those recommendations where there was consensus on the technical and legal aspects of the case. The Committee on the Application of Standards and its members are committed to adopting short, clear, straightforward conclusions which identify what is expected from governments in order to apply ratified Conventions in a clear and unambiguous way. Conclusions reflect concrete steps to address compliance issues. They do not repeat elements of the discussion or reiterate governments' declarations; these are found in a separate part of our report. Conclusions must fall within the scope of the Convention being examined and, if there are divergent views, they are reflected in the record of proceedings of the Committee and not in the conclusions. As recognized by a number of governments, in recent years the conclusions of the Committee are action-oriented and provide guidance to identify key recommendations and necessary action to support progress towards compliance for a member State.

Finally, the Employers' group wishes to emphasize the importance of follow-up to the conclusions of the Committee. These conclusions represent consensus on compliance issues and set out, in our view, the four corners of the case and the follow-up that is appropriate. In

this light, we encourage the participation and contribution of both the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) specialists to be included in the work of the International Labour Standards Department related to follow-up action, and to assist, specifically in respect of the employers' and workers' organizations in the respective countries, on ways to achieve compliance with the Convention that take national needs into account.

We also emphasize the vital role of the Office in assisting countries to better understand how to comply with their standards-related obligations. In many cases, conclusions encourage a government to avail itself of ILO technical assistance on its measures to work towards achieving compliance with the Convention under discussion.

In conclusion, the Employers' group is satisfied with the constructive operation of this year's session on the Committee on the Application of Standards. Valuable tripartite discussions were held, consensus was reached wherever possible and disagreements were highlighted when necessary, but in a spirit of mutual respect and within the overall ongoing commitment that the Employers' group continues to demonstrate to the supervisory system. The Employers see opportunity for further improvement and will continue to elaborate on measures to improve the transparency, relevance, effectiveness and tripartite governance of our Committee in order to ensure that the ILO supervisory system continues to have authority and relevance within the multilateral system. Therefore, it is in this spirit of collaboration that we invite Committee members and the Office to consider our proposals in a constructive and collaborative spirit.

The ILO Centenary this year is an excellent opportunity for the members of the Committee to reflect on our rich history and on the contribution that the Committee on the Application of Standards has made to the work of the ILO in a real "boots-on-the-ground" way. It is also an opportunity to further improve and work towards the relevance, authority and transparency of our work and to strengthen the overall effectiveness of the ILO standards supervisory system as a whole, as we move into the next 100 years.

I would like to conclude with words of thanks and appreciation for the work done by Ms Vargha and her team in the International Labour Standards Department; they worked tirelessly to support our work, for which we are extremely grateful. Also, special thanks go to our Chairperson, Mr Rochford from the Government of Ireland, for the engaged, fair parliamentary running of the Committee meetings this year, for assisting us and managing some difficult waters and, very importantly, extremely effective time management – a very important quality in a Chairperson. Furthermore, we thank our Reporter, Ms Angonemane Mvondo, who ensured that the Committee's work was properly kept on the record this year. Also, please allow me the indulgence to thank my fellow members of the Employers' group, Mr Moyane, Mr Mackay, Ms Hellebuyck, Mr Mailhos, Mr Echavarría Saldarriaga, Mr Ricci Muadi, Ms Bârsan, Mr Schweinfurth Enciso, Mr O'Reilly, Mr Weerasinghe and Mr Bobic Concha for their unwavering support and assistance in preparing and presenting cases, as well as their work on the presentation with respect to the General Survey. I would also like to extend my gratitude for the invaluable support of Ms Anzorreguy and Ms Yip, from the International Organisation of Employers, as well as Mr Hess and Ms Palmi Reig from ACT/EMP. I would like to conclude with words of thanks for the Worker Vice-Chairperson, Mr Leemans. While we do not always agree, we express differences in our views in a constructive and respectful manner. I would also like to thank the Government delegates who participated in the work of the Committee for their constructive collaboration and meaningful discussion, as well as for their national and regional perspectives on the cases. This has been invaluable.

I would like to thank the interpreters for making our discussions possible in many languages and making sure we were not lost in translation.

Mr Rochford

Chairperson of the Committee on
the Application of Standards

Let me start by expressing my sincere gratitude to you for the confidence you have placed in me in electing me to preside over the work of this particular Committee. It has been an enormous honour for my country, Ireland, to represent the Western European group, and the Government group as a whole, and to be given the responsibility of chairing the Committee on the Application of Standards in the Centenary year of this esteemed Organization. It has also been a genuine privilege for me, personally, to conduct this session of the Committee on this historic occasion and the trust endowed in me was very much accepted with a deep appreciation and respect for the importance of this role.

There are many people I need to thank so, in no particular order, I would like to start first with the Government groups. Ireland is a member of the Western European group, the European Union and the group of industrialized market economy countries (IMEC): I would like to thank those groups and all of my colleagues in those groups for their trust and support. I would like to thank Ms Regenbogen, Employer Vice-Chairperson, and Mr Leemans, Worker Vice-Chairperson, very much for their cordiality, professionalism and good courtesy. And I thank also the respective spokespersons from both sides, from Workers and Employers, during our engagement in the Committee on the Application of Standards. I would like to thank the Director of the International Labour Standards Department, Ms Vargha, and all her team: their support to me during the last two weeks has been, without qualification, absolutely superb; I could not have asked for anything more. My thanks also to the delegation of Ireland: Ms Ward, Ms O'Carroll, Ms Halpin from the Government, Mr Joyce from the Irish Congress of Trade Unions, and Mr Whelan from the Irish Business and Employers Confederation: they have been hugely helpful in my discharging of this role.

I now run the risk of repeating myself here, but I have a new audience this afternoon, so my comrades from the Committee on the Application of Standards will have to indulge me; to my mind some of these thoughts are worth repeating.

The Committee on the Application of Standards has long been the cornerstone of the regular ILO supervisory system and at the heart of the ILO's tripartite system. It is the forum for tripartite dialogue in which the Organization debates the application of international labour standards and the functioning of the standards system since 1926. As I mentioned in my opening remarks to the Committee on the Application of Standards, my own country has a very special link to this Committee, for it was at the ILO Conference in 1925 that the suggestion was first made that a more effective forum for the supervision of the application of standards adopted had to be found. It was here that the Government delegate from Ireland, Professor O'Rahilly, proposed that the ILO establish a special supervisory committee at future sessions of the Conference. Quoting and paraphrasing slightly, Professor O'Rahilly said over 90 years ago: "If we can supervise the application of every Convention, we have a complete system of reciprocal control. And I venture to hope we shall in future Conferences establish a committee to examine such reports ... so as to give a universal guarantee that the obligations undertaken by constituents are carried out." And so the unique tripartite supervisory system of the ILO emerged. Therefore it is quite fitting that, in the Centenary of the ILO, Ireland has finally taken some level of responsibility for the part it has played in the creation of this institution.

I would like to note and thank all constituents of the ILO for their active, engaged and respectful participation in the work of the Committee on the Application of Standards this year. I would like to acknowledge in particular the clear dedication and seriousness with which members of the Committee addressed the Report of the Committee of Experts on the Application of Conventions and Recommendations and the General Survey concerning the Social Protection Floors Recommendation, 2012 (No. 202). It was a great pleasure for me

to invite Professor Kalula, Chairperson of the Committee on Freedom of Association, to address the Committee and to gain a better understanding of the complementarity of the different ILO supervisory bodies. It was also an honour for me to mark the contribution made by Justice Koroma as the outgoing Chairperson of the Committee of Experts, and to welcome the incumbent Chairperson, Justice Dixon Caton.

I would also like to note in particular, the predominantly constructive atmosphere in which the specific country cases were discussed. This was underpinned by the significant efforts undertaken by governments to provide written and oral information on the application of Conventions, as well as the willingness of the Committee to accommodate its work plan to meet some government special requests. It is crucial that we continue to recall that the work of this Committee is intended to accompany and support governments in the process of implementation of ratified Conventions, and not to judge or apply any kind of sanction. Indeed, as an Australian criminologist has famously acknowledged, the ILO never criticizes without extending the hand of assistance. I trust and hope that the conclusions adopted by this Committee will be useful at the national level and contribute to the full implementation of the relevant Conventions, thereby helping to consolidate social justice.

It is in this respect that it is really important to emphasize that the structure and working methods of this Committee are always subject to critique and improvement. The Tripartite Working Group on the Working Methods of the Committee on the Application of Standards has contributed to the improvement of the working methods of this Committee, and it is important that this work continues into the future. There is certainly scope for further adjustment, and in this regard it is essential that we, the constituents of the ILO, continue to engage with each other and to think creatively to find solutions that work for the tripartite system as a whole. I would like to encourage Workers, Employers and Governments to continue reflection on these issues through constructive social dialogue in the context of the Tripartite Working Group on the Working Methods of the Committee on the Application of Standards.

As I mentioned yesterday in my closing remarks to the Committee, there is a crack in everything, and that is how the light gets in. And who are any of us to disagree with Leonard Cohen? It is clear that this supervisory system has not yet been perfected. This is the challenge in front of all of us, and it can only be improved through genuine tripartite engagement. The ILO can and should be proud of its supervisory system and, in particular, the work of the Committee on the Application of Standards, which is a cornerstone of this system.

Throughout the 100 years of existence of the ILO, the Committee on the Application of Standards has been able to adapt and modernize itself and it has contributed in a decisive way to the objective of universal social justice.

The mandate of the Organization will certainly remain relevant for the next 100 years and it will ensure that the standards that are adopted by the Conference and ratified by member States are meaningful tools at the national level to protect workers' rights and ensure a level playing field for employers.

As we say in Ireland, "A good start is half the work".

The ILO is a centenarian, while its younger sibling, the Committee on the Application of Standards, is a mere 95 years old. Both still have much to learn and will need to continue to evolve to stay relevant and effective. But, more importantly, they need to be nurtured, and we should not take them for granted, since we have a responsibility to continue to strive for improvement in the pursuit of social justice.

If one was to seek to capture the mandate of the Committee on the Application of Standards in one word, that word would have to be “dialogue”. The strength of this Committee lies in its constant will to engage in dialogue between Governments, Employers and Workers of member States.

I would like to finish now with what I believe is a quote that captures perfectly what we are all seeking and endeavouring to achieve in the ILO. As the Irish poet and Nobel Laureate Seamus Heaney noted, and this was a man from a part of Ireland who understood perfectly well what can happen when dialogue is stymied, avoided or repelled:

“History says, don’t hope
On this side of the grave.
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up,
And hope and history rhyme.”

He also said, “If you have the words, there is always a chance that you’ll find the way.”

Before I finish, I would like to note once again the collaboration we had in the Committee between the Vice-Chairpersons, Mr Leemans and Ms Regenbogen, and a special word of thanks to my Government colleague from Cameroon, Reporter Ms Angonemane Mvondo – I think your positive disposition and your good charm have helped us enormously throughout the whole Committee.

The President
(*Original French*)

I declare open the discussion of the report of the Committee on the Application of Standards.

Ms Farani Azevêdo
Government (Brazil),
speaking on behalf of GRULAC
(*Original Spanish*)

The group of Latin American and Caribbean countries (GRULAC), takes note of the draft report of the Committee on the Application of Standards. We wish to reiterate our position with regard to the need to review the working methods of the Committee on the Application of Standards and the Committee of Experts. We regret that, in the same way as on previous occasions, even at this historic Centenary Session, the same numerous problems have persisted to which we have been drawing attention for many years.

In our statement at the opening session of the Committee on the Application of Standards, GRULAC underlined the non-consensual elements that distanced participants from a transparent, predictable, efficient and fully tripartite mechanism. Among the elements which are of great concern to us, GRULAC wishes to emphasize the following: we are not in favour of breaking up the regular cycles; we call for a better balance of the situations examined in the Committee on the Application of Standards; we think that the specific features of the legal systems in our region should be taken into consideration; the final list of cases to be examined should be released as early as possible in order to allow governments to have adequate time to prepare; and we request that the most serious cases, based on technical and objective criteria, should have priority for examination by the Committee. In the drafting of Committee conclusions we would ask that the Chairperson of the Committee should play a role in finding a tripartite consensus.

The governments concerned should also be informed of the conclusions in their respective cases sufficiently well in advance to enable them to provide an adequate response. When the conclusions are adopted, the Government concerned should be allowed to take the floor prior to and not after adoption of the conclusions in plenary. Thus, the Government concerned would have the opportunity, which does not exist today, to clarify its opinion on the conclusions. At present, the supervisory system does not contribute to building trust. We are very unhappy to see that the position of GRULAC is still not reflected in today's document.

In addition, we would like to emphasize the importance of governments having adequate time to prepare their reports so that they can make an even greater contribution to the analysis of the Committee of Experts and to ensure that the discussions in the Committee on the Application of Standards are based on incontrovertibly high quality information. It is our intention to make a proposal on the establishment of a deadline for the submission of annual reports.

As we have reiterated during the course of the work done by the Committee on the Application of Standards, this supervisory system is very far from being aligned to best practices in the multilateral system. The system is not transparent, it is not impartial, it is not objective, it is not tripartite in the home of tripartism, and it does not promote social dialogue, in the home of social dialogue.

Mr Tudorie

Government (Romania),
speaking on behalf of the EU
and its Member States

I have the honour to speak on behalf of the European Union and its Member States. The candidate countries Montenegro, Serbia and Albania, the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina, the European Free Trade Association (EFTA) country Norway, member of the European Economic area, and Georgia align themselves with this statement.

At the outset, we would like to thank the President of the Conference, the Chairperson of the Committee, the Director-General and the Office for their dedication and perseverance in making this Conference a success.

On the occasion of the ILO Centenary, we deem it important to reaffirm our belief in the fundamental importance of international labour standards and the ILO supervisory system. All of the EU Member States have ratified the ILO core Conventions, and we truly consider that implementation of and compliance with a Convention contribute not only to the protection and promotion of human rights, but also to the larger objective of building social and economic stability, as well as inclusive societies, all over the world.

ILO Recommendations complement the Conventions and provide valuable policy guidance in order to promote the decent work agenda. For this reason, the EU promotes their ratification and implementation in law and practice through a variety of means, including by reaffirming this obligation in our trade agreements and unilateral trade preferences and supporting ILO technical assistance in the field. However, an independent, efficient and robust supervisory system is needed in order to oversee the implementation of ILO Conventions. Putting the supervisory system under pressure would be not only inefficient, but very wrong.

The EU is convinced that the supervisory system is critical in ensuring the credibility of the Organization's work as a whole. At this point, we would like to express our gratitude that this essential and core mandate is recognized as being of fundamental importance to the

ILO in the Centenary Declaration. In particular, the Committee on the Application of Standards (CAS) is a unique mechanism that enables all constituents to discuss the implementation of ILO Conventions in a consultative and tripartite manner. In most cases, it has enabled the force of progress.

In this respect, we welcome the fact that the CAS conclusions are more action-oriented, providing guidance and identifying the key recommendation and necessary action for each case and situation in order to actively support progress. We encourage ILO member States to comply with the conclusions to the highest extent possible, with the support of ILO technical assistance where appropriate.

The CAS this year held many interesting and important discussions on a wide range of issues and diverse country situations, reflecting the extent of global challenges to implementation of the ILO's fundamental Conventions. We regret that lack of freedom of association and collective bargaining remains a measured concern in many parts of the world.

We would like to thank the Workers' and Employers' spokespersons for their constructive engagement. The CAS is the true essence of tripartism. We also welcome the constructive attitude of most of the member States that were invited to appear before the Committee.

We strongly believe that commitment to improving implementation of the Conventions should remain a priority for all member States. However, we also took note of the expressed criticism of the ILO supervisory system. In our view, the need for improvement and further evolution of the system does not justify questioning the system as a whole. We will not accept attempts to weaken or undermine it and we stand ready to decide, during the Governing Body, how to modernize the supervisory system as a whole. We remain open to reflection and constructive suggestions on possible ways of improvement. We have already discussed this issue, including the CAS working methods.

We fully trust the independence and impartiality of the experts. We always respect the selection made with regard to the long and short lists. We believe that the key criteria for selection should be the seriousness of the case and the persistence of shortcomings in the application of ILO Conventions. Increased transparency as to which additional criteria are being used in the selection of shortlisted countries would weaken the CAS system.

The ILO supervisory system is one of the most valuable examples of multilateral rule-based order. We believe that multilateralism, especially through the tripartite context in which the ILO operates, is needed now more than ever. This cooperative approach remains a most efficient way to serve our collective interests. The decisions taken within a multilateral framework by the tripartite constituents have proven to be more democratic, inclusive, strong and sustainable. The EU and its Member States will continue to stand firm in supporting the ILO's supervisory system.

Ms Thornton

Government (Canada),
speaking on behalf of IMEC

I am speaking on behalf of the group of industrialized market economy countries (IMEC). IMEC members are pleased with the work of the Committee on the Application of Standards (CAS) this year, which has again fully discharged its duties. This Committee undertakes the critically important work of supervising countries on the application of core international labour standards, as well as the international labour standards that they have ratified and agreed to meet, both in law and in practice.

The ILO supervisory system, including this Committee, is unique. It is an essential cornerstone of the Organization's mandate and mission and is critical to the credibility of the Organization's work as a whole. IMEC has full confidence in, and remains strongly committed to, the ILO supervisory system, stands firm against any efforts to weaken the CAS in its supervisory function, and supports the independence and impartiality of the Committee of Experts.

We invite all constituents to maintain a constructive approach and respect towards the ILO's supervisory mechanisms. IMEC is open to reflecting on the working methods of the CAS in a positive, collaborative manner to ensure the Committee's work retains the confidence of the tripartite constituents and, at the same time, contributes to creating and maintaining decent work and social justice.

Mr Samariya
Government (India)

We understand that the representatives of workers' and employers' organizations from India have already clearly expressed that the conclusions contained in the General Report of the Committee on the Application of Standards (CAS) completely disregard the views of the tripartite delegation of India, in addition to those of various Government and Employers' delegates. We therefore do not accept these paragraphs of the CAS Report concerning India.

My delegation first expressed serious concern at the non-transparent, non-inclusive and non-objective procedures adopted by the Committee on 11 June, during the shortlisting of individual cases. On 18 June, during the specific discussion on India, we asked the Chairperson to share the draft conclusions in advance, or at least to provide sufficient time for substantive discussion on it. On 19 June, we had sought detailed information from the Chairperson, the Vice-Chairpersons and the Office regarding the procedure adopted for drafting the conclusions, *inter alia*, which are still awaited.

On 20 June, during the adoption of the conclusions, my delegation requested the floor prior to the adoption, which was not granted. The Chairperson rushed through the adoption of the conclusions, which were neither reflective of the discussions held or views expressed in the Committee nor based on consensus, as required under the agreed working methods. The conclusions were presented as a *fait accompli*. Our strong reservations over the flawed process, as well as the prejudiced and non-consensual outcome, were clearly expressed during this meeting. Therefore, the Indian Government considered the conclusions to be invalid and therefore had rejected them. We reiterate our position.

There is a serious and urgent need to reform the ILO's supervisory system, both its structure and process to make it fair, objective and credible and to remain relevant. India remains strongly committed to social dialogue and international labour standards.

Lastly, I would like to convey our support for the statement made on behalf of GRULAC.

Ms Farani Azevêdo
Government (Brazil)

Brazil aligns itself with the statement delivered on behalf of the group of Latin American and Caribbean countries (GRULAC).

As we celebrate this Organization's 100th anniversary, it is regrettable that the ILO supervisory system chooses to keep looking backwards. The future is already here, but many in this Organization prefer to stick to the past; a past of questionable bipartite practices, a

past lacking in transparency, objectivity, balance and impartiality. Now is the moment for us to make the ILO's supervisory system responsive and adaptive to this future.

This morning, the United Nations Secretary-General spoke about the ILO's capacity to deliver results by listening to its tripartite constituents. The ILO has been listening to calls for serious and comprehensive reform of its supervisory system. It is now time for us to deliver on that. The United Nations Secretary-General also underlined the ILO's ability to raise flags about the pressing issues of our time. It is time for the ILO to find the proper solutions. Likewise, Mr Guterres praised the critical role of the ILO in the current United Nations reform process. When it comes to the supervisory system, coherence between rhetoric and actions is necessary.

We cannot hail tripartism as a unique contribution of the ILO to the multilateral system while the supervisory system conspicuously fails to be truly tripartite. We cannot hail tripartism and act in a bipartite way. It is time to stop paying lip service to tripartism.

Let us build together a system we can all be proud of by living up to the highest standards of transparency, objective and impartial assessment, and tripartite dialogue.

Mr Bharadwaj
Employer (India)

I thank you for giving me this opportunity to raise my concerns regarding the procedural lapses which occurred in the Committee on the Application of Standards in the case against India for violation of the Labour Inspection Convention, 1947 (No. 81).

The International Labour Organization (ILO), which stands for consensus among social partners, could not even honour the consensus reached among the Employers' group. I am disheartened to say that, despite our very strong objections, which were given in writing to the Chairperson of the Committee on the Application of Standards, the Vice-Chairperson of that Committee, who was representing the Employers' group, ignored the consensus in the Employers' group and finalized the draft conclusions.

I would like to inform the Conference that the conclusions which have been brought before it do not enjoy the consensus of the tripartite groups and so are invalid. Therefore, we do not support the conclusions on India on the implementation of Convention No. 81.

In the 100th year of the ILO, I hope that the ILO will reform its undemocratic and non-transparent procedures so that the voice of each constituent, irrespective of reason or country to which it belongs, is heard impartially and properly.

Mr Kumar
Worker (India)

Thank you very much for giving me the opportunity to speak on the conclusions of the Committee on the Application of Standards which are before the Conference on the implementation of the Labour Inspection Convention, 1947 (No. 81), by India. As the delegate of the most representative trade union in India, I would like to inform the Conference that the conclusions which have been put before us do not truly reflect the discussion and deliberations which took place in the Committee on the Application of Standards. I had pointed this out in my statement during the discussion in the Workers' group on this issue. I would like to reiterate that we do not accept the conclusions on India which were not the subject of consensus and do not reflect the discussion which took place. India has made good progress on the issues of inspection and the conclusions of the Committee on the case are not acceptable to us.

Mr Abdala
Worker (Uruguay)
(Original Spanish)

I wish to salute all the Officers who headed the work of the Committee on the Application of Standards. I am a Workers' delegate and I speak on behalf of the Inter-Union Assembly of Workers – Workers' National Convention (PIT–CNT). It is an honour for me to be participating in the ILO Centenary.

Given that the Employers' delegate graciously referred to the case of Uruguay, we wish to observe that, unlike other situations that stir human feeling in everyone here – and I exclude no one, irrespective of the role they are called on to play – every time we talk about child labour, about exploitation, about killings in the world of labour, all of us are moved. However, I wish to observe that in the case of Uruguay, it is a system of labour relations in place since 1943 that is being challenged. That system has gone through various stages over time, whenever there were moves towards greater democracy. Since what matters to us is the link between democratic forms that must be respected and the substantive content that the ILO should promote – which is improving lives – we ask you to note that this system has effectively enabled the involvement of 100 per cent of the country's workers, that it has raised the real wage index by a substantial 56 per cent without preventing an increase in gross domestic product, and that it has also contributed to a notable increase in the national minimum wage. In other words, this is an instance in which inclusion and democracy have been promoted. Nevertheless, we have already shown that we are willing to take part in constructive discussions aimed at making things even better.

Mr Aziz
Employer (Pakistan)

I am the president of the Employers' Federations of Pakistan and I am also speaking as the president of the South Asian Forum of Employers. I would like to fully endorse the comments made by my brothers from the Government, Employers and Workers of India.

The President
(Original French)

We shall now proceed with the approval of the report of the Committee on the Application of Standards.

If there are no objections, may I take it that the Conference approves the report of the Committee on the Application of Standards, as contained in *Provisional Record* No. 5A (Part One)?

(The report is approved.)

Allow me to thank the Committee on the Application of Standards. Once again, the Committee has successfully completed its work in a constructive spirit of dialogue. It is quite clear that the work carried out by the Committee is one of the cornerstones of the ILO's mission to promote social justice. I believe that the Committee is capable of dealing with cases that can be both complex and difficult, and it is in the quest for consensual solutions that we have the possibility of making progress with the full support of the tripartite constituents and the secretariat.

Complaint concerning non-observance by Bangladesh of ratified Conventions, submitted by delegates to the 108th Session (2019) of the International Labour Conference under article 26 of the ILO Constitution

The President
(Original French)

Ms Gono, Workers' delegate of Japan, wishes to take the floor concerning a complaint relating to non-observance of ratified Conventions.

Ms Gono
Worker (Japan)

I speak on behalf of the workers of Japan, Italy, Pakistan, Brazil and South Africa. Due to serious and systematic infringements of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), we hereby announce the submission of a complaint under article 26 of the ILO Constitution against the Government of Bangladesh.

The Government has failed at securing the effective observance of these Conventions. Workers in Bangladesh face extraordinary obstacles to exercise their rights to freedom of association, to organize and to bargain collectively. In just the last few months, police have beaten and arrested workers for exercising the fundamental right to protest for better wages. Despite repeated calls, the Government has repeatedly failed to bring the labour laws, including the Bangladesh Labour Act and the Export Processing Zone Labour Act, anywhere close to compliance with these Conventions.

Anti-union discrimination, including violence, threats and dismissals, persists with almost total impunity. Even when workers overcome these obstacles, the Government routinely refuses to register unions to allow them to carry out their activities legally. And where a union exists, collective bargaining remains rare due to employers' refusal to bargain in good faith. The responses by the labour inspectorate have been extremely slow to date. Most union leaders or members illegally fired for trade union activities have not yet been reinstated. Moreover, employers have not been punished for these serious violations. Police routinely fail to carry out credible investigations in cases of anti-union violence, if at all.

In the few cases where workers have been reinstated, it is due to international pressure, not because of labour inspection and enforcement. These observations were confirmed by the conclusions of the 2016 ILO high-level tripartite mission report, which noted with concern the numerous allegations of anti-union discrimination and harassment of workers as well as blacklisting, transfers, arrests, detentions, threats and false criminal charges.

Moreover, the Committee of Experts has published increasingly critical annual reports regarding Bangladesh. For several consecutive years, Bangladesh's compliance with ILO Conventions has been the subject of scrutiny by the Committee on the Application of Standards (CAS). In 2016, the CAS was so concerned with the Government's failure to apply Convention No. 87 that it agreed to include its conclusions on Bangladesh in a special paragraph of the Committee's report to the International Labour Conference.

In two recent cases, the Committee on Freedom of Association also expressed alarm at the serious violations of the rights to freedom of association and to bargain collectively.

It is clear that the Government of Bangladesh has failed to comply with its international obligations, despite repeated and consistent recommendations of the ILO supervisory bodies to bring its laws and practice into line with the Conventions. Therefore, we feel obliged to lodge a complaint under article 26 of the ILO Constitution against Bangladesh. We will call upon the Governing Body to establish thereafter a Commission of Inquiry for non-observance of Conventions Nos 81, 87 and 98, in law and in practice.

The President
(Original French)

It is my understanding therefore that a complaint of non-observance by Bangladesh of Conventions Nos 81, 87 and 98, has been submitted by Workers' delegates to the 108th Session (2019) of the International Labour Conference under article 26 of the ILO Constitution. This complaint submitted against the Government of Bangladesh is duly noted and will be referred to the Officers of the Governing Body for appropriate action to be taken.

Ms Nahar
Worker (Bangladesh)

I am a representative of workers' organizations in Bangladesh. I wanted to hear the statement made by the Workers' representative of Japan with regard to the implementation of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in Bangladesh.

In recent years, massive improvement has taken place in Bangladesh in the areas of labour rights of workers, and in relation to their right to organize and collective bargaining, in consultation with workers, employers and other stakeholders.

The Bangladesh Labour Act, 2006, was amended in December 2018. The process of trade union registration has been simplified by reducing the membership required from 30 per cent to 20 per cent of the total workers. Standard operating procedures on trade union registration have been adopted, leading to greater success in such registration in recent years.

The Export Processing Zone Labour Act has also been adopted in 2019. The number of inspectors has increased from 131 to 575, and we are now assisting the Government with the provision of workers to support the Act, and we are satisfied with the processes.

In this context, while we are assisting the Government to improve labour rights in Bangladesh, this is not the right time to make a complaint against the Government.

Mr Kumar
Worker (India)

I fully support the statement by the Workers' delegate from Bangladesh.

Complaint concerning non-observance by Chile of ratified Conventions, submitted by delegates to the 108th Session (2019) of the International Labour Conference under article 26 of the ILO Constitution

The President
(Original French)

Mr López Sanchez, Workers' delegate of the Bolivarian Republic of Venezuela, wishes to take the floor concerning a complaint relating to non-observance of ratified Conventions.

Mr López Sanchez
Worker (Bolivarian Republic of Venezuela)
(Original Spanish)

I, Carlos López, substitute delegate for the Bolivarian Republic of Venezuela to the 108th Session of the International Labour Conference, supported by the World Trade Congress, represented here by its Vice-President and member of the Workers' delegation from Peru to this 108th Session, Valentín Pacho, and by José Ortiz Arcos, coordinator in Chile of the World Federation of Trade Unions and president of the General Confederation of Public and Private Sector Workers, hereby submit a complaint under article 26, paragraph (4) of the ILO Constitution against the State of Chile and request the urgent appointment of a Commission of Inquiry to investigate serious and repeated violations by the Government of Chile of the following Conventions: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Maternity Protection Convention (Revised), 1952 (No. 103); the Workers' Representatives Convention, 1971 (No. 135); and the Labour Relations (Public Service) Convention, 1978 (No. 151). The Government of Chile has ratified every one of those Conventions, after having submitted them for approval to the National Congress of the Republic of Chile.

The President
(Original French)

It is my understanding therefore that a complaint of non-observance by Chile of Conventions Nos 87, 98, 103, 135 and 151 has been submitted by Workers' delegates to the 108th Session (2019) of the International Labour Conference under article 26 of the ILO Constitution. This complaint submitted against the Government of Chile is duly noted and will be referred to the Officers of the Governing Body for appropriate action to be taken.

(The Conference continued its work in plenary.)