

Committee on the Application of Standards

Date: 4 June 2021

- ▶ **A. Cases of serious failure by Member States to respect their reporting or other standards-related obligations**

 - ▶ **B. Written information received from Governments concerned by serious failure**

 - ▶ **C. General comments of the Employer and Worker spokespersons**
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A. Cases of serious failure by Member States to respect their reporting or other standards-related obligations, as identified in the Report of the Committee of Experts, and updated based on the information received since its last session

1. Failure to supply reports for the past two years or more on the application of ratified Conventions

Countries mentioned in paragraph 102 of the General Report – page 24

Belize, Congo, Djibouti, Dominica, Equatorial Guinea, Grenada, Guyana, Lebanon, Madagascar, Netherlands (Aruba and Sint Maarten), Nigeria, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, United Republic of Tanzania – Tanganyika and Vanuatu.

Since the last session of the Committee of Experts, reports have been received from the following countries:

Belize. The Government has sent some reports due.

Netherlands (Aruba and Sint Maarten). The Government has sent all reports due.

Nigeria. The Government has sent most of reports due.

Sao Tome and Principe. The Government has sent some reports due.

United Republic of Tanzania – Tanganyika. The Government has sent some reports due.

In addition, written information was received from the government of **Madagascar**

See below under Part B.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Congo, Djibouti, Dominica, Equatorial Guinea, Grenada, Guyana, Lebanon, Saint Kitts and Nevis, Saint Lucia and Vanuatu.

2. Failure to supply first reports on the application of ratified Conventions for two or more years

Countries mentioned in paragraph 104 of the General Report – page 24

State	Conventions Nos
Albania	– Since 2018: MLC, 2006
Congo	– Since 2015: Convention No. 185, – Since 2016: MLC, 2006, and – Since 2018: Convention No. 188
Equatorial Guinea	– Since 1998: Conventions Nos 68 et 92
Gabon	– Since 2016: MLC, 2006
Guinea	– Since 2019: Conventions Nos 167, 176, 187 and 189
Jamaica	– Since 2018: Convention No. 189
Maldives	– Since 2016: MLC, 2006
Rumania	– Since 2017: MLC, 2006
Sao Tome and Principe	– Since 2019: Convention No. 183
Sri Lanka	– Since 2019: MLC, 2006
Tunisia	– Since 2019: MLC, 2006
United Republic of Tanzania	– Since 2019: Convention No. 185

Since the last session of the Committee of Experts, first reports have been received from the following countries:

Jamaica. The Government has sent the first report on the application of the Convention No. 189.

Sri Lanka. The Government has sent the first report on the application of the MLC, 2006.

United Republic of Tanzania. The Government has sent the first report on the application of the Convention No. 185.

In addition, written information was received from the government of **Guinea**

See below under Part B.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Albania, Congo, Equatorial Guinea, Gabon, Maldives, Romania, Sao Tome and Principe and Tunisia.

3. “Urgent appeals” – Failure to supply reports on the application of ratified Conventions for at least three years – Failure to supply first reports on the application of ratified Conventions for at least three years

Countries mentioned in paragraph 103 of the General Report – page 24

Dominica, Equatorial Guinea, Grenada and Saint Lucia.

Countries mentioned in paragraph 106 of the General Report – page 25

Congo, Equatorial Guinea, Gabon, Maldives and Romania.

Since the last session of the Committee of Experts, no reports have been received from the countries mentioned above

These countries are therefore invited to supply information to the Committee on the Application of Standards concerning this failure:

Congo, Dominica, Equatorial Guinea, Gabon, Grenada, Maldives, Romania and Saint Lucia.

4. Failure to supply information in reply to comments made by the Committee of Experts

Countries mentioned in paragraph 110 of the General Report – page 26

Afghanistan, Antigua and Barbuda, Bangladesh, Barbados, Belize, Plurinational State of Bolivia, Chad, Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Grenada, Guinea-Bissau, Guyana, Haiti, Iraq, Kiribati, Kyrgyzstan, Lebanon, Liberia, Madagascar, Malawi, Maldives, Mauritius, Montenegro, Mozambique, Netherlands (Aruba and Sint Maarten), Nigeria, Papua New Guinea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Seychelles, Sierra Leone, South Sudan, Syrian Arab Republic, United Republic of Tanzania (Tanganyika), Tuvalu, Ukraine, Uganda, Vanuatu and Zambia.

Since the last session of the Committee of Experts, replies to all or most of the comments of the Committee of Experts have been received from the following countries:

Iraq. The Government has sent all replies to the Committee’s comments.

Malawi. The Government has sent all replies to the Committee’s comments.

Netherlands (Aruba and Sint Maarten). The Government has sent all replies to the Committee’s comments.

Nigeria. The Government has sent all replies to the Committee’s comments.

Saint Vincent and the Grenadines. The Government has sent replies to the majority of the Committee’s comments.

Sao Tome and Principe. The Government has sent replies to the majority of the Committee’s comments.

Seychelles. The Government has sent replies to the majority of the Committee’s comments.

United Republic of Tanzania (Tanganyika). The Government has sent replies to the majority of the Committee's comments.

In addition, written information was received from the Governments of **Afghanistan, Liberia, Madagascar and South Sudan**

See below under Part B.

Therefore, the list of countries invited to supply information to the Committee on the Application of Standards concerning this failure is as follows:

Antigua and Barbuda, Bangladesh, Barbados, Belize, Plurinational State of Bolivia, Chad, Congo, Djibouti, Dominica, Equatorial Guinea, Gabon, Grenada, Guinea-Bissau, Guyana, Haiti, Kiribati, Kyrgyzstan, Lebanon, Maldives, Mauritius, Montenegro, Mozambique, Papua New Guinea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Sierra Leone, Syrian Arab Republic, Tuvalu, Ukraine, Uganda, Vanuatu and Zambia.

5. Failure to supply reports for the past five years on unratified Conventions and Recommendations

Countries mentioned in [paragraph 155](#) of the General Report – page 40

Belize, Chad, Congo, Dominica, Grenada, Guyana, Haiti, Liberia, Maldives, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, South Sudan, Timor-Leste, Tonga, Tuvalu and Yemen.

Since the last session of the Committee of Experts, **Solomon Islands** and **Tonga** have sent reports on unratified Conventions and Recommendations

In addition, written information was received from the Governments of **Liberia** and **South Sudan**

See below under Part B.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Belize, Chad, Congo, Dominica, Grenada, Guyana, Haiti, Maldives, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Somalia, Timor-Leste, Tuvalu and Yemen.

6. Failure to submit instruments to the competent authorities

Countries mentioned in [paragraph 172](#) of the General Report – page 43

Albania, Bahamas, Bahrain, Belize, the Plurinational State of Bolivia, Brunei Darussalam, Chile, Comoros, Congo, Croatia, Democratic Republic of the Congo, Dominica, El Salvador, Equatorial Guinea, Eswatini, Fiji, Gabon, Gambia, Grenada, Guinea, Guinea-Bissau, Haiti, Hungary, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Liberia, Libya, Malaysia, Malta, Marshall Islands, Pakistan, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Seychelles, Sierra Leone, Solomon Islands, Somalia, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia.

Since the last session of the Committee of Experts, information has been received on this failure by the following countries:

Chile. On 19 January 2021, Chile ratified the Protocol of 2014 to the Forced Labour Convention, 1930. The Protocol will enter into force for Chile on 19 January 2022. According to the criteria established by the Committee of Experts, with this ratification, Chile is no longer in serious failure to submit.

Fiji. On 22 March 2021, Fiji submitted all of the outstanding instruments adopted by the International Labour Conference from 1996 to 2019 to the Fijian Parliament, thereby making it fully compliant with its submission obligations under article 19 of the ILO Constitution.

In addition, written information was received from the Governments of **Guinea, Liberia, Pakistan and Seychelles**

See below under Part B.

Therefore, the countries invited to supply information to the Committee on the Application of Standards concerning this failure are:

Albania, Bahamas, Bahrain, Belize, the Plurinational State of Bolivia, Brunei Darussalam, Comoros, Congo, Croatia, Democratic Republic of the Congo, Dominica, El Salvador, Equatorial Guinea, Eswatini, Gabon, Gambia, Grenada, Guinea-Bissau, Haiti, Hungary, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libya, Malaysia, Malta, Marshall Islands, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Solomon Islands, Somalia, Syrian Arab Republic, Timor-Leste, Tuvalu, Vanuatu, Yemen and Zambia.

B. Written information received from Governments concerned by serious failure

Afghanistan

The Government of Afghanistan is pleased to inform the Committee on the Application of standards of the 109th Session of the International Labour Conference that it is in the process of working on the submission of nine (9) reports on the application of Conventions for submission before the 1 September 2021 deadline. This includes seven (7) out of cycle reports, and two (2) regular reports for 2021.

Guinea

Acknowledging receipt of your email of 20 April 2021 respecting cases of failures relating to standards, I first wish to thank you for the registration of six (6) officials from my department in the course on Best Practices in Reporting organized by the International Training Centre (ILO-ITC) which is currently being held.

In my view, this action, which we welcome at its rightful value, is the result of the favourable response that you gave to request for assistance No. 193 of 28 March 2019, made by Guinea to the ILO concerning the preparation of first reports on recently ratified Conventions.

In addition to this assistance, which was much needed, our country is facing difficulties related to the COVID-19 pandemic. The restrictive measures related to this disease have had a negative effect on research programmes on the ground for the collection of information.

Moreover, the absence of regular counterparts in the various departments has given rise to certain difficulties for our competent services in collecting information.

Despite the difficulties enumerated, which are the basis for the failures noted, the Government of the Republic of Guinea intends to make every effort to comply with its standards-related obligations.

For this reason, while noting the observations of the Conference Committee on the Application of Standards, it envisages:

- renewing the focal points of the Ministry of the Public Service and Labour in relation to other departments and requesting technical support from the ILO for their training on international labour standards;
- preparing the submission of certain Conventions at the next session of the National Assembly

In the hope that these various measures, once adopted, will enable us to keep up to date, I confirm my sincere collaboration to the Director.

Liberia

Since I (Cllr. Charles H. Gibson) took over as Minister of Labour, Republic of Liberia, it has come to my notice that we as a Government have not reported on ratified Conventions for a number of years now. I have therefore decided to give this a serious consideration and premise upon this, I approached the ILO Abuja Country Office which covers Liberia to see what support is available. Against this backdrop, the Abuja Country Office agreed to support us through the recruitment of a national and an international

consultant to ensure that the backlog of pending reports as well as the ones for 2021 are reported on.

Thus, I wish to commit the Ministry of Labour through my leadership to ensure that all pending reports and the ones for 2021 are reported on before the end of July, 2021.

Furthermore, the ILO has also agreed to build capacities of the relevant authorities holding the required information to be reported on to ensure that going forward, reports are submitted in a timely manner.

All of these activities will be financed by the ILO Abuja Country Office.

Madagascar

Madagascar, as a full member of the ILO, is respectful of its governing principles and the derived obligations. Nevertheless, certain events affecting the life of the nation have delayed the supply of its reports.

Indeed, in 2018, the State of Madagascar commenced the process of the ratification of five Conventions and one Recommendation, namely the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Labour Relations (Public Service) Convention, 1978 (No. 151), the Collective Bargaining Convention, 1981 (No. 154), the Private Employment Agencies Convention, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189), and the Protocol of 2014 to the Forced Labour Convention, 1930. This process required a high level of commitment in terms of time and of the mobilization of resources and the efforts of the Ministerial Department of Labour were focused on this ratification process. Accordingly, Madagascar was able to deposit the instruments of ratification of these Conventions at the International Labour Conference in 2019.

Moreover, in 2020, the consequences of the COVID-19 pandemic did not spare Madagascar, in the same way as several other countries. The state of health emergency declared by the Malagasy Government for several months, with the health measures adopted for this purpose, had a strong impact on the operation of the public administration and the private sector. During and after this state of emergency, the priority of the Department of Labour was to ensure the application of health measures in the various workplaces, and particularly enterprises. These priorities therefore delayed the preparation and supply of the reports due from Madagascar.

In view of these requirements, which are still continuing to affect the normal functioning of the Malagasy administration, the Government of Madagascar accordingly requests the International Labour Organization (ILO) to grant additional time for the preparation and finalization of its reports.

The Permanent Mission of the Republic of Madagascar to the Office of the United Nations and the Specialized Institutions in Geneva and Vienna thanks the International Labour Organization in Geneva for its valued collaboration and takes this opportunity to convey its distinguished greetings.

Pakistan

Pakistan joined the ILO in 1947 and has since ratified 36 ILO Conventions including 8 pertaining to fundamental rights. Pakistan values the ILO's role and contribution in advancing labour rights and decent work for all.

The Government of Pakistan accords high priority to effective implementation of ILO Conventions to which it is a party including obligations under article 19 of the ILO

Constitution and submitting all instruments (Conventions, Recommendations and Protocols) to the concerned authorities.

The Government is pleased to report that, in 2020, the 39 instruments adopted during different sessions of ILCs were placed before the Federal Cabinet for a decision to fulfil the requirement of article 19 of ILO Constitution. The Federal Cabinet directed the Ministry of Overseas Pakistanis and Human Resource Development (MOPHRD) to initiate requisite consultation process for ratification/acceptance of 15 instruments including 4 Conventions whereas, ratification/acceptance of 24 instruments were postponed.

The MOPHRD through technical assistance of the ILO Country Office in Pakistan held necessary consultations, conducted GAP Analysis and assessed national laws vis-à-vis 4 Conventions to be ratified and shared final reports with relevant stakeholders including Provincial Governments to enact/align the relevant legislation/rules with the provisions of these Conventions.

The actions taken so far by national authorities to complete necessary internal processes for placing the 4 Conventions before Federal Cabinet for ratification are reflective of the Government's will as well actions taken. It is a work in progress. Thus, reflection of Pakistan among countries that are yet to fulfil the requirement under article 19 of ILO Constitution (page 43/paragraphs 171-174), in the *"Application of International Labour Standards 2021 Report III I Addendum (Part-A) Addendum to the 2020 Report of the Committee of Experts on the Application of Conventions and Recommendation"* does not fully take into account the efforts made and progress being achieved.

The MOPHRD has also initiated the process for submitting the Violence and Harassment Convention, 2019 (No. 190) and the Violence and Harassment Recommendation, 2019 (No. 206) to the Federal Cabinet for which the ILO Country Office has been requested for a short brief on these instruments. The MOPHRD will proceed in the matter once the requisite brief is received.

The Government of Pakistan reiterates its appreciation to the supervisory role of ILO bodies and is committed to implementing international labour standards. It is hoped that the Committee on the Application of Standards will take into due account the affirmative steps taken by the Government and the political will for continued improvement in the labour standards at national level.

Seychelles

The Government of Seychelles would like to inform the Committee on the Application of Standards that it is part of its plan through the Ministry of Employment and Social Affairs to submit the outstanding ILO adopted instruments to the competent authority.

It acknowledges that the six Recommendations which were submitted to the Cabinet of Ministers in 2018 must also be submitted to the National Assembly being the competent authority, albeit advise by the Department of Foreign Affairs on national procedures that submission to the Cabinet of Ministers shall suffice given the Recommendations are not legally binding. This information was communicated to the ILO in June 2019 during the International Labour Conference. The necessary steps will therefore be undertaken for submission of these Recommendations to the National Assembly.

Furthermore, the Government would like to advise that submission of other adopted instruments remain pending due to disruption of COVID-19 pandemic on the work plan of the Ministry of Employment and Social Affairs. A Cabinet paper for the ratification of the ILO Domestic Workers Convention, 2011 (No. 189) was drafted in late 2019 in

consultation with the social partners. However, the submission of the paper to Cabinet of Ministers was delayed due to the effects of the pandemic on the labour market that required urgent interventions by the Government. The ILO Violence and Harassment Convention (No.190) and Recommendation (No. 206), 2019 were also added to the list of instruments for possible ratification and submission to the competent authority. Its submission has also been delayed due to the impact of COVID-19 on the Ministry's plan. The Ministry intends to relaunch the process in order to comply with our international obligations.

It must be noted that upon submission of the adopted instruments to the competent authority, the Government provides a brief gap analysis between the instruments and national policies and laws, to support and guide the action to be taken towards the instruments. Delays in receiving information from stakeholders and lack of institutional expertise often contribute in hindering the submission process to the competent authority given the technical nature of the instruments.

The Government of Seychelles nevertheless wishes to reiterate its commitment towards the implementation of international labour standards and the importance to fulfil international obligations with the ILO. We wish the Committee fruitful deliberations at this year's Conference during this challenging time

South Sudan

The Government of South Sudan noted the agenda of your Committee in document CAN/D.0/Rev.2 as well as the document listing "Cases of serious failure by Member States to respect their reporting and other standards-related obligations" (document ILO serial number wcms_794585).

Our Government also notes in particular that you received no information from our article 22 reports in reply to all or most of CEACR comments, and that we failed to supply reports for the past five years on unratified Conventions and Recommendations article 19 reports for inputs on General Surveys.

We deplore this situation.

We also wish to explain that South Sudan, the world's youngest nation, is gradually working towards better application of its ILO constitutional obligations regarding the reporting on the application of international labour standards.

A first effort was made in August 2019 when we jointly organized a workshop in Juba on ILO reporting with the assistance of the Office. It resulted in submission of article 22 reports after a long period of non-compliance in this respect. We realize that the substantial quality of these reports must be improved, including reactions to issues raised by the ILO Committee of Experts.

In a further effort by our Government, I am pleased to share that South Sudan established a Labour Advisory Council on 26 May 2021, as mandated by the South Sudan Labour Act 2017. One of the tasks of the Council is to adhere to the obligations arising from the ILO Constitution as stipulated by Article 5(1)(a to e) of the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144).

The draft Regulations of the Council was discussed in a tripartite manner with support from the Office earlier this week on 30 May and 1 June. In addition, my government is seriously looking into the ratification of ILO Convention No. 144.

Now that the Labour Advisory Council will be operational soon, and with the continuous assistance from the Office, we are hopeful that in the future, my Ministry will faithfully adhere to all reporting obligations arising from the ILO Constitution.

While South Sudan regrets it is not accredited to the 109th Session of this International Labour Conference, we however wish informally to submit this information to your Committee and are thanking you for the opportunity.

C. General comments of the Employer and Worker spokespersons

General comments of the Worker spokesperson

Given the inescapable constraints of the particular context that we are experiencing, the Committee has modified the procedures for the special sitting that it usually holds on the subject of cases of serious failure to respect reporting and other standards-related obligations.

Nevertheless, these modifications enable us to address this fundamental question, in the first place through written observations, while reserving the possibility subsequently for the listed governments to provide new information during the sitting and enabling the spokespersons of the Workers' and Employers' groups to make final observations during the sitting too.

The Committee of Experts' report shows clearly that the current crisis has had a serious impact on the fulfilment of constitutional obligations by Member States.

Even though we can recognize the difficulties encountered by Member States in this regard, the Committee of Experts rightly recalls that the ILO Constitution does not provide for any exception to these obligations, even in times of crisis. The fact remains that in today's context of crisis resulting from the COVID-19 pandemic, we can see a worrying trend towards an increasing number of violations of fundamental rights, whether in relation to occupational safety and health or with respect to the exercise of the fundamental freedoms of association and collective bargaining. All of this makes dialogue between the ILO and the Member States even more essential than in normal times.

Member States should also be reminded that these reporting obligations are precisely what enable the ILO to gain a better understanding of the difficulties faced by Member States in the application of ILO instruments and to provide suitable responses to these difficulties.

Without compliance with these fundamental obligations on the part of Member States, the ILO cannot fully discharge its role either through its supervisory system or in its other areas of action. So it is the Member States themselves that are the victims of non-fulfilment of their constitutional obligations since the ILO is diminished in its capacity to provide adequate responses, particularly at a time of crisis.

It is therefore essential to raise this issue and to insist that countries which fail to meet their obligations make the necessary arrangements without delay and take all possible steps to fully respect their constitutional obligations.

Even though this year is undeniably a peculiar year in which we cannot fail to note a drastic reduction in the fulfilment of reporting obligations, we must not lose sight of the fact that the decrease in the number of reports received is a worrying trend that we have been bound to deplore for a number of years.

Although the ILO certainly has a role to play in providing assistance, it is for Member States in the first place to allocate sufficient resources to enable them to respect the obligations imposed on them by the ILO Constitution.

As regards the reporting obligations relating to ratified Conventions, we cannot fail to note a very sharp reduction in the number of reports received by comparison with last year. The proportion of the number of reports received during the last session of the Committee of Experts (859) compared with the number of reports requested by the

Committee of Experts (2004) was only 42.9 per cent compared to 70.7 per cent for the preceding session, in other words 27.8 per cent less. This is a significant decline that gives cause for concern and it cannot be justified by the crisis alone, bearing in mind the observations that we have made above.

It also appears from the Committee of Experts' report that of all the reports requested from governments, only 26.5 per cent of them were received in time, namely by 1 October. Governments have been less punctual than last year, since 39.6 per cent of reports were received in time last year. This is also a significant decline. Already in the previous year we noted a decrease regarding the submission of reports in time. This is a worrying trend and it needs to be reversed strongly in the years to come. It is vitally important that governments submit their reports in time so as not to disrupt the smooth functioning of the ILO supervisory system and to enable the ILO to be fully informed of the challenges arising for Member States with respect to launching a post-COVID recovery.

Furthermore, 16 countries have not provided any reports for two or more years and 12 countries have not provided any first reports for two or more years. First reports are the reports which are due further to the ratification of a Convention by a Member State. These first reports are of vital importance since they enable an initial evaluation of the application of the Conventions concerned in the Member States.

The ILO Constitution also imposes the obligation on Member States to indicate the representative organizations of employers and workers to which copies of reports on ratified Conventions are communicated. The Committee of Experts' report contains a positive element in this regard: it indicates that all Member States have met this obligation.

Tripartism is indeed the foundation of the ILO. It is therefore essential that the social partners are involved in monitoring the application of international labour standards in their countries. Communicating the reports sent to the ILO to these organizations enables them to contribute to the work of evaluating the conformity of national law and practice with international labour Conventions. It is also essential that there is genuine tripartite momentum to ensure that this formality is implemented.

Each year the Committee of Experts formulates observations and direct requests to which countries are invited to reply. This year 47 countries have not replied (compared with 44 last year). As the Committee of Experts has emphasized, the number of comments to which there has been no reply remains very high. This negligence has a negative impact on the work of the supervisory bodies. We join the Committee of Experts in inviting non-compliant governments to send all the requested information.

In view of the figures causing even greater concern than those of recent years – which may partly be explained by the crisis context – the deep concern of the Committee of Experts is shared by the Workers' group. While recalling that the prime responsibility for meeting reporting obligations rests on the Member States, we ask the Office to be particularly attentive to the difficulties encountered by Member States, especially because of the health crisis, and to adapt and strengthen initiatives already taken in the past to reverse the negative trend observed for many years and which the health crisis is only making worse. This means ensuring more effective follow-up with respect to countries which seriously fail to meet their constitutional obligations and ensuring that these Member States resume without delay the task of respecting their reporting obligations with an eye to emerging from the crisis.

The Committee of Experts, in collaboration with the Office, recently launched a new positive initiative in this regard and the first results of this can already be seen. This is the urgent appeals procedure, whereby the Committee of Experts is able to examine the application of the relevant Convention, in terms of the substance, on the basis of information accessible to the public, if the government has not sent a report despite having been urged to do so. This procedure is applicable in cases where the Member State has not sent reports on ratified Conventions for three or more years (four countries are concerned this year) and in cases where the country has not sent any first reports for three or more years (five countries are concerned this year). This year nine Member States are likely to have the substance of their respective cases examined next year by the Committee of Experts on the basis of publicly accessible information if they do not provide the expected report in time.

As indicated above, this procedure already seems to be yielding positive initial results since 7 of the 14 reports for which urgent appeals were launched have been received in the meantime. This is a very positive outcome and we are hopeful that this Committee of Experts' initiative in collaboration with the Office will produce further good results in the future.

Every year our Committee devotes its attention to a General Survey. This cannot be achieved without the transmission of the reports provided by the Member States of our Organization.

It is therefore vitally important that Member States send their reports as part of the preparation of the General Surveys so that we can gain an overview of the application in law and in practice of ILO instruments, even in countries which have not ratified the Conventions under examination.

The General Surveys are invaluable instruments which enable us to hold extremely interesting debates and have a glimpse of prospects for the future. Many General Surveys published in the past are still used today to shed light on possible interpretations of ILO Conventions and Recommendations.

However, we are bound to note that 21 countries have not supplied any information for the last five years to contribute to the last five General Surveys drafted by the Committee of Experts. This is regrettable since these States would have made a valuable input to the overview that the General Survey provides.

Cases of serious failure to submit are cases in which governments have not submitted the instruments adopted by the Conference to the competent authorities for at least seven sessions. This obligation is essential for ensuring, at the national level, official communication of the ILO's standard-setting initiatives to the competent authorities, further to which the Member State can contemplate possible ratification. This year 48 countries are in a situation of serious failure to submit, compared with 36 last year. This amounts to as many missed opportunities for promoting international labour standards adopted by the ILO.

It is essential that Member States constituting cases of serious failure to respect constitutional reporting obligations make every possible effort to comply without delay with the obligations imposed on them.

These Member States are not alone in facing these obligations. They can count on the ILO, which has always shown great willingness to assist Member States with fulfilling their obligations. We therefore invite the Office to continue to provide Member States with the necessary assistance.

However, we must also firmly remind Member States that they have a responsibility to meet their obligations vis-à-vis the ILO. Their credibility and the effectiveness of the various ILO bodies are at stake.

The ILO, for its part, must be firm in requiring the replies and reports that States have to provide on the basis of their obligations and must give the necessary impetus for dialogue between the ILO supervisory bodies and the Member States.

This dialogue is fundamental to the effective application of standards and their dissemination.

General comments of the Employer spokesperson

The discussion this year takes place against the all-overshadowing backdrop of the ongoing pandemic which has had severe effects on both the application and the supervision of ILO standards.

We note that the Committee of Experts once again expressed concerns in the 2021 Addendum to its Report at the low number of government reports received by the 1 October deadline, which was exceptionally modified to allow governments more time under the special circumstances of COVID-19. We fully understand that last year was an exceptional year as governments were primarily concerned with managing the pandemic, but we nonetheless count on them to continue complying with their reporting obligations under article 19, 22 and 35 in a timely manner and to do so in consultation with the most representative employer and worker organizations. This is important – and it cannot be repeated often enough – because it is government reports that provide the core basis for our supervisory work.

With regards to the reports on ratified Conventions

A. Governments' compliance with reporting obligations

We regret to see that even with the extended 1 October deadline there is a decrease in the number of reports received – only 26.5 per cent compared to 39.6 per cent last year.

This just adds to our disappointment with the continued low levels of reporting over the past years. While we understand that the Office has limited finance and human resources, we trust it will nevertheless continue its efforts to provide assistance and encourage governments to meet their reporting obligations in consultation with the most representative employer and worker organizations.

We note with real concern that according to paragraph 102, none of the reports due have been sent for the **past two or more years** from the following **16 countries**: *Belize, Congo, Djibouti, Dominica, Equatorial Guinea, Grenada, Guyana, Lebanon, Madagascar, Netherlands: Aruba, Netherlands: Sint Maarten, Nigeria, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, United Republic of Tanzania – Tanganyika and Vanuatu*. The Committee rightly urges the Governments concerned to make every effort to supply the reports requested on ratified Conventions. We invite these Member States to request ILO technical assistance.

In terms of **first reports**, we note that like last year, only 5 of the 20 first reports due were received by the time the Committee's session ended. According to paragraph 104, **12 Members States have failed to supply a first report** for two or more years, namely *Albania, Congo, Equatorial Guinea, Gabon, Guinea, Jamaica, Maldives, Romania, Sao Tome and Principe, Sri Lanka, Tunisia, United Republic of Tanzania*.

Out of these 12 Member States, we are particularly concerned about the serious failure of the following countries:

1. Congo – no reporting of Convention No. 185 since 2015, MLC since 2016 and Convention No. 188 since 2018
2. Equatorial Guinea – no reporting of Conventions Nos 68 and 92 since 1998
3. Gabon – no reporting of MLC since 2016
4. Republic of Maldives – no reporting of MLC since 2016
5. Romania – no reporting of Conventions of MLC since 2017

First reports are vital to provide the basis for a timely dialogue between the Committee of Experts and the ILO Member States on the application of a ratified Convention. We strongly encourage the governments of these five countries to request technical assistance from the Office and to provide the Committee of Experts the overdue first reports without further delay.

In **paragraph 110**, we note with concern that the number of comments by the Committee of Experts to which replies have not been received remains significantly high. We would like to understand from the Governments concerned for what reasons they are not responding to the Committee of Experts comments:

- Is it a lack of understanding of or disagreement with the content of observation or direct request?
- Or is it for other reasons?

We understand that COVID might be one significant factor for this, but if there are any other reasons, the Governments should let the Office know, should they require more assistance and/or have ideas to improve the reporting process.

We note with regret that, under **paragraph 155**, records the following 21 countries as not having provided reports on unratified Conventions and Recommendations requested under article 19 of the Constitution for the past five years: *Belize, Chad, Congo, Dominica, Grenada, Guyana, Haiti, Liberia, Maldives, Marshall Islands, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, South Sudan, Timor-Leste, Tonga, Tuvalu and Yemen.*

We note that the great majority of cases of failure to report are either developing or small island states or both. We suggest that the Office give appropriate attention to this demographic to better assist it to prioritize and focus the assistance it can and does provide to states to meet their reporting requirements.

We welcome the decision taken by the Committee of Experts to take up the Employers' proposal to institute a new practice of "urgent appeals" for cases meeting certain criteria of serious reporting failure that require the CAS attention on these cases. This makes it possible to call governments concerned before the Conference Committee and enables the Committee of Experts to examine the substance of the matter at its next session even in absence of a report. We welcome that 7 out of 14 first reports on which urgent appeals were issued have been received, with technical assistance provided by the Office.

B. Social partners' participation

Turning now to the social partners' role and participation in the regular supervisory system.

As part of their obligations under the ILO Constitution, governments of Member States have an obligation to communicate copies of their reports to representatives of employers' and workers' organizations. Compliance with this obligation is necessary to ensure proper implementation of tripartism at the national level.

In paragraph 149, we observe that social partners submitted **757 comments to the Committee of Experts this year** – 230 of which were communicated by the employers' organizations and 527 were by workers' organizations. We trust the Office will continue to provide technical assistance, as well as capacity-building to social partners, to enable them, where appropriate, to send comments to the CEACR.

From our side, employers' organizations' members of the International Organization of Employers (IOE) are working with the invaluable support of the IOE secretariat to contribute to the supervisory system in a more effective manner. We are doing this through submitting up-to-date and relevant information to the Committee of Experts on how Member States are applying ratified Conventions in law and in practice, communicating not only shortcomings in application, but most importantly any progress made and alternative ways to implement ILO instruments.

Comments from employers' organizations are of particular importance to inform the Committee of Experts about the needs and realities of sustainable enterprises in a given country with regard to particular ratified Conventions.

We trust that the Committee of Experts will reflect these comments, as well as any additional comments by the Employers in the discussion of the CAS, fully in their observations.

In order to be effective, the regular ILO supervisory system relies on government reports that contain relevant information and are sent regularly and on time, as well as additional comments by the social partners where needed to clarify the situation. Without these inputs, the Committee of Experts and the CAS cannot properly supervise the implementation of ILO standards.

We understand that last year was a particularly challenging year for all of us and we appreciate all the efforts made to enable the supervisory system to continue to do its work.

We hope our continued efforts to streamline reporting and extending the possibilities for e-reporting will help facilitate government reporting and increase the number of reports and social partners' comments received in the future. In our view, these efforts need to be complemented by a significant consolidation, concentration and simplification of ILO standards. In that regard, we hope that the work of Standards Review Mechanism will help us move forward. Last but not least, we would stress that it is important for governments before ratifying ILO Conventions to make sure that they not only have in place the capacity to implement the respective Conventions but also the capacity to meet their regular reporting obligations.