



## ▶ Record of proceedings

6C

International Labour Conference – 109th Session, 2021

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### Plenary sitting: Report of the Committee on the Application of Standards

Saturday, 19 June 2021, 2.30 p.m.

President: Mr Zniber

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

##### The President

We now turn to the next item on our agenda, which is the submission, discussion and approval of the report of the Committee on the Application of Standards. Part One of the report is contained in *Record of Proceedings No. 6A*. Part Two will be published in due course in *Provisional Record No. 6B*.

It is my pleasure to introduce the Officers of the Committee: Ms Corine Elsa Angonemane Mvondo (Cameroon), Chairperson; Ms Sonia Regenbogen (Canada), Employer Vice-Chairperson; and Mr Marc Leemans (Belgium), Worker Vice-Chairperson; as well as Mr Pedro Pablo Silva (Chile), Reporter.

I now give the floor to the Reporter, Mr Silva, so that he may present the Committee's report and the conclusions contained therein.

##### Mr Silva

##### Reporter of the Committee on the Application of Standards

(Original Spanish)

It is an honour to present to the plenary the report of the Committee on the Application of Standards. The Committee is a standing body of the International Labour Conference and is empowered under article 7 of the Standing Orders of the Conference to consider the measures taken by Member States to give effect to the provisions of Conventions that they have voluntarily ratified. It also considers matters related to the reporting obligations and other duties under the ILO Constitution. It is a unique tripartite social dialogue forum that discusses the application of international labour standards all over the world.

Before presenting this report, I would like to note that this 109th Session will go down in history as the first session of the International Labour Conference to be held virtually. Naturally, this posed some challenges. Therefore, tripartite consultations were held between March and April 2021 to agree on extraordinary working methods, which allowed the Committee to successfully complete its work.

The report of the Committee that is now before the plenary comprises two parts. The first contains the General Report, which includes the records of the Committee's general discussion and its discussion of the General Survey of the Committee of Experts on the Application of Conventions and Recommendations on employment-related instruments. The second part contains the records of the discussion of the individual cases concerning compliance with ratified Conventions and the conclusions adopted for each case. It also contains the records of the discussion of the cases of serious failure by Member States to comply with reporting obligations or other relevant constitutional obligations.

I would now like to turn to some of the main aspects addressed during the Committee's discussions.

The general discussion highlighted the fruitful dialogue between the Committee on the Application of Standards and the Committee of Experts on the Application of Conventions and Recommendations. In fact, this cross-fertilization of ideas is already an established practice that is used by both Committees to handle various matters of joint interest. For example, between November and December 2020, the Vice-Chairpersons of the two Committees exchanged insights on the impact of COVID-19 on the world of work and the functioning of the ILO supervisory system.

In the same vein, during the general discussion and the consideration of the General Survey, our Committee had the pleasure of welcoming the Chairperson of the Committee of Experts, Judge Graciela Dixon Caton, as an observer. In her statement, she underscored the commitment to maintain this interaction between the two Committees in order to enhance the efficiency and effectiveness of the standards supervisory system. The Committee also had the pleasure of welcoming the Chairperson of the Committee on Freedom of Association, Professor Evance Kalula, who presented his Committee's annual report, thus guaranteeing complementarity between the supervisory procedures.

Of course, the general discussion also addressed the impact of the pandemic on the application of international labour standards. All members agreed that respect for and effective application of the ILO standards system and the focus on a human-centred future of work promoted by the ILO Centenary Declaration for the Future of Work, 2019, are now more crucial than ever. Furthermore, all members were in agreement that ensuring respect for international labour standards through effective social dialogue is essential in order to achieve a sustainable and resilient recovery from the COVID-19 crisis with productive jobs, sustainable enterprises and opportunities for decent work for all.

In its consideration of the General Survey and the addendum, the Committee welcomed the opportunity to discuss the fundamental question of promoting employment and decent work in a rapidly evolving world of work. The Committee underscored the urgent nature of the matter and noted with concern the devastating social and economic impact of the pandemic globally. It also noted that employment is at the very core of the ILO's mandate to achieve social justice, as expressed in its Constitution of 1919 and reaffirmed in the Declaration of Philadelphia of 1944 and the Centenary Declaration of 2019.

The Committee emphasized once again the importance of focusing on a human-centred future of work that places workers' rights at the heart of social and economic policies. It also reiterated that, in order to ensure a sustainable, employment-intensive recovery, States must adopt policies and programmes founded on international labour standards and effective social dialogue, based on empirical data and with a broad and inclusive scope that is gender-responsive and takes into account specific groups, such as women, young people, persons with disabilities and workers in the informal economy.

Moreover, the Committee noted that those measures must recognize the key role of the private sector in employment creation and the importance of promoting sustainable business initiatives. Such policies should also promote innovation and continuous, quality education and training that are responsive to labour market needs.

Lastly, our Committee adopted a list of 19 individual cases to examine this year. In drawing up the list, a balance was sought between the fundamental Conventions, governance Conventions and technical Conventions. Geographical balance was also ensured, as well as a balance between developing and developed countries.

Despite the limited time available, I am pleased to report that the Committee was able to consider all cases and adopt conclusions in respect of them. The Governments in question had an opportunity to voice their opinions, which were reflected in the records contained in the Committee's report. I would like to take this opportunity to express my appreciation for the great commitment of all parties, despite the challenge of holding the discussions virtually.

I would like to close by thanking the Chairperson of the Committee, Ms Corine Elsa Angonemane Mvondo, for her skilful leadership of the meetings and efficient time management, which undoubtedly helped the Committee to complete its work. I would also like to take this opportunity to thank the Employer Vice-Chairperson, Ms Sonia Regenbogen, and the Worker Vice-Chairperson, Mr Marc Leemans, for the collaborative spirit with which they engaged with the Committee's work. And, of course, I would also like to thank all members of the Secretariat and the representative of the Secretary-General, Ms Corinne Vargha. To conclude, I recommend the report of the Committee on the Application of Standards to the Conference for adoption.

## **Mr Leemans**

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

The Committee on the Application of Standards was able to conduct and conclude its work. It carried out its work in very particular circumstances, which forced us to adopt a number of exceptional measures. One example is the reduction in the number of cases, which caused much frustration within our group, as many workers around the world continue to have their rights infringed.

We can nevertheless be satisfied that we adopted significant conclusions for the cases examined and we hope that they will have an impact in the real world. In this regard, we are deeply concerned to learn of the deteriorating situation in certain cases examined by our Committee this year. We call on the Governments concerned to act wisely and ensure the full implementation of the conclusions adopted.

Furthermore, our Organization will not stand for reprisals being taken as punishment for discussions within the Committee. As you know, our Committee bases its work on the Report of the Committee of Experts on the Application of Conventions and Recommendations.

We cannot overemphasize the independence of the Committee of Experts. Contrary to what has sometimes been implied, it is not simply a technical committee that prepares the work of our Committee. It is a fully-fledged supervisory body that freely and independently examines compliance with the Conventions and Recommendations. This independence would be severely damaged if the Committee of Experts were to act on suggestions that it should promote vague concepts. Even if such concepts could be taken into account, they would only be relevant in the formulation of standards, but in no way in the supervision of their application.

The Workers' group is not at all opposed to discussing any given concept, such as sustainable enterprises, but it is unrelated to the supervision of the application of standards. That discussion can be held in another ILO forum, as we did, in fact, in 2007. In addition, the suggestions made by the Employers' group, with which the Workers' group disagrees, concerning the right to collective bargaining must be put to one side.

It is therefore essential to respect the independent expression of the experts concerning all the issues examined, including the right to strike. In this regard, the Workers' group wishes to recall its position that this is a fundamental right that is integral to freedom of association and is covered by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

We would also like to emphasize that the Committee on the Application of Standards is not mandated to provide guidance or instructions to the Committee of Experts, and certainly not to oversee its work. In this respect, the dialogue between the two Committees, which is based on mutual respect and an equal footing, is intended solely to highlight their complementarity and enable them to discuss their future cooperation.

Our Committee also examined the impact of the pandemic on the application of international labour standards by devoting a special discussion to the subject. That provided an occasion to underscore the need to respect standards, especially in circumstances such as those of the pandemic. There cannot be one body of standards for prosperous times and another for troubled times.

Standards must also be at the heart of the post-COVID recovery, paying particular attention to instruments that offer a suitable framework to that end, such as the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205). Further, it is important that the supervisory bodies ensure specific follow-up to the measures taken during the pandemic and continue to examine their conformity with the standards of our institution.

The General Survey that our Committee discussed this year was devoted to instruments related to employment policy, a subject of particular importance in the post-COVID recovery. The conclusions adopted provide an overview of the measures and actions that must be taken, which must place the highest value on workers and respect for their rights. States must play a key role in these circumstances through public investment, regulation of economic activities and expansion of public services. Their capacity for action must remain intact and policies of austerity must no longer come into play. Economic activities are only meaningful if they improve the lot of the majority of the population, not just a few. Hence it is critical to ensure that workers benefit from the fruits of these activities, which would simply not be possible without them.

I would now like to turn to certain events that arose during our Committee's discussions. On several occasions, some participants unfortunately considered it useful to describe certain cases as cases of progress. For all intents and purposes, I must recall

that a case can only be characterized as a case of progress if both the Workers' and the Employers' groups explicitly agree to define it thus. No cases were designated as such this year. We also noted that some delegates took it upon themselves to determine what does and does not fall within the scope of the discussion. We must repeat, once and for all, that our Committee's mandate is to ensure respect by Member States of the Conventions that they have ratified. Anything that relates, closely or loosely, to the compliance of the State in question with the Conventions falls within the scope of our Committee's discussions.

In addition, it is important for us to come back to the way in which some people used points of order, taking it upon themselves to interrupt speakers and to request that statements be removed from the record. Such an attitude is clearly unacceptable and it must not be allowed to happen again.

The Committee on the Application of Standards bears an important responsibility within the ILO supervisory system. Like the other supervisory mechanisms, it enables us to breathe life into the instruments adopted by our Organization. Beyond the differences in opinion that may arise, let us not lose sight of our institution's reason for being and its mandate, which determines and guides our activities.

On behalf of the Workers' group, I would like to thank the Chairperson of our Committee, Ms Corine Elsa Angonemane Mvondo, and the International Labour Standards Department, in particular Ms Corinne Vargha, as well as the team from the Bureau for Workers' Activities and the Employer Vice-Chairperson, Sonia Regenbogen, whose work illustrates that differences do not preclude respect. I, of course, thank all members of the Workers' group for their active participation and solidarity in the various discussions. Thank you all for your attention and I wish you all the best going forward.

## **Ms Regenbogen**

### **Employer Vice-Chairperson of the Committee on the Application of Standards**

I would like to endorse the report of the Committee on the Application of Standards and recommend its adoption. This year, owing to the ongoing pandemic, the Committee's session took place for the very first time in a virtual format. Overall, the Employers are pleased that the Committee was able to successfully conclude its work on time, thanks to the discipline and cooperation of all delegates. In particular, we thank our Chairperson for the effective time management of our substantial work.

We must also highlight the challenges of a virtual format. Regrettably, we noticed that members from some regions were not able to participate effectively in certain cases due to potential time zone differences and connectivity issues. Furthermore, the fixed and limited time for sittings meant that we had to compromise on certain cases on the depth of the discussion. In our view, we should have discussed fewer cases but in greater depth. Nevertheless, despite these constraints, the Committee once again demonstrated its ability to conduct a results-oriented tripartite dialogue and adopt clear, consensual and straightforward conclusions.

Regarding the discussion of individual cases, the Employers were pleased that many governments had already started taking remedial actions or intended to do so in the near future. We note positively that the majority of governments constructively engaged in the Committee process and expressed a clear and firm commitment to engagement in the supervisory system.

The Employers have also on earlier occasions called upon the Committee of Experts to orient its preparatory observations of compliance with ratified Conventions more

strictly to the text of the Conventions, and in this regard the Committee of Experts should fully adhere to the applicable methods of the Vienna Convention on the Law of Treaties. Where ILO Conventions deliberately grant flexibility in implementation, for instance through the use of general terms, this must not be altered by restrictive, non-binding observations by the Committee of Experts.

In the discussion of the experts' General Report, the Employers highlighted several important issues of concern that need to be addressed. First, we believe that the need for sustainable enterprises should become more visible in ILO standards supervision, which could contribute to more balance and more acceptance in the application of international labour standards at the level of Member States. This seems to be of particular relevance in the current context, where Member States are designing or implementing COVID-19 recovery strategies in which sustainable enterprises are expected and must play a key role. To reiterate, the Employers' view is different from the Workers' view in this regard, and considers that sustainable enterprises absolutely have a place in the supervisory system.

Second, the Employers have made comments that are related to the experts' non-binding observations on the promotion of collective bargaining under Article 4 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In particular, we highlighted our concerns on the questions of: who has the right of collective bargaining, the level of collective bargaining, whether there is a hierarchy of norms in which collective agreements cannot depart from applicable legislation and individual labour contracts cannot depart from an applicable collective agreement, as well as questions as to the legal obligation to negotiate for employers. The Employers request the experts, and the office that supports the work of the experts, to fully respect the wording of Article 4 of Convention No. 98, and the flexibility afforded by this provision, in order to allow governments and social partners in Member States to find ways of implementation in line with their national circumstances and needs.

Third, the Employers must, once again in reference to the General Report, raise the question of the experts' assessment on the general application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in respect of the experts' assessment on the right to strike. It is important to note that, not only the Employers, who have been very clear about their views on this question, but also the entire Government group of the Governing Body in a March 2015 statement expressed the view that conditions and practices of the right to strike are to be defined at national level. It is also important to recall that the legislative history of Convention No. 87 is indisputably clear: that the proposed Convention relates only to the concept of freedom of association and not the right to strike. Therefore, in the Employers' view, neither the Convention itself nor the tripartite constituents intend for a right to strike to be included in Convention No. 87. Therefore, we find the insistence by the experts on a detailed regulation of the modalities and practices of the right to strike in Convention No. 87 increasingly concerning, as it divides and weakens the ILO's standards supervisory system. To be clear, the Employers have never excluded the possibility to discuss in a tripartite manner at the International Labour Conference an ILO instrument on the right to strike. However, we cannot accept the Committee of Experts making extensive assessments that seek to create new and additional obligations for Member States, and thereby bypassing the legislator of the ILO, which is the tripartite International Labour Conference.

Turning to the discussion and outcome of the General Survey, the private sector as the principal source of economic growth and job creation, the need to promote an

enabling environment for entrepreneurship and sustainable enterprises, and the role of sustainable enterprises as generators of employment and promoters of innovation and decent work were clearly recognized. We note that the ratification prospects for the three Conventions examined – that is, the Employment Policy Convention, 1964 (No. 122), the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), and the Home Work Convention, 1996 (No. 177) – are limited. In particular, there seem to be significant ratification obstacles to Convention No. 177. The lesson learned from this is that it is not advisable to set internationally binding rules on particular forms of work, especially when these forms are extremely diverse, both nationally and internationally. We also raised concerns about the usefulness and appropriateness of the Employment Relationship Recommendation, 2006 (No. 198), in view of its unduly narrow focus on the employment relationship. Having said that, the Employers consider that the other employment instruments examined overall retained relevance as guideposts for designing balanced policies that help achieve the objective of full, productive and freely chosen employment.

Turning now to the discussion of individual cases, I would like to highlight the following cases. The case of the Plurinational State of Bolivia concerns the absence of consultations with employers' organizations, as well as the inadequacy of the criteria used when fixing the minimum wage. We trust that the Government will accept the direct contacts mission, avail itself of ILO technical assistance and provide information before the Committee of Experts' next meeting in 2021.

The case of El Salvador regarding the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), has been discussed for the past two years and deals with the lack of reactivation of the Higher Labour Council and significant deficiencies in social dialogue, despite an ILO direct contacts mission in 2017. We trust that the Government will accept the high-level mission very soon.

Also, it is no surprise that the Employers would like to have discussed the very serious and continued case of the Bolivarian Republic of Venezuela in respect of Convention No. 87. The experts' observation contains the strongest possible terms to highlight continuous non-compliance, including a reference to the fact that the Government has not yet accepted the recommendations of the ILO Commission of Inquiry. The Employers look forward to the Director-General's report and the discussion at the next session of the Governing Body in November on this case.

Let me highlight that this year again we worked to draft the conclusions of individual cases in a fair, just and balanced manner, reflecting shortcomings in the application of ratified Conventions, but also recognizing progress made. Conclusions reflected only those recommendations that were agreed to by consensus. We continue to express our firm commitment to the idea that the Committee must adopt short, clear and straightforward conclusions. Any controversial issues or fundamental disagreements, such as those related to the right to strike in the context of Convention No. 87 cases, are not reflected and accordingly not covered in the conclusions.

Finally, we would like to emphasize the importance of the follow-up to the Committee's conclusions. The Committee's conclusions represent tripartite consensus on compliance issues and thus set out the limits of the mandate of Office-related technical assistance and follow-up missions. In this light and taking into account the tripartite structure of the ILO, the Employers encourage specialists from the Bureau for Employers' Activities and the Bureau for Workers' Activities to be systematically involved in such follow-up actions and to assist the employers' and workers' organizations in the respective countries on ways to achieve compliance with the Conventions that take into

account their needs. We also stress that the Office plays a vital role in assisting countries to better understand how to comply with their standards-related obligations, and appreciate these efforts. We encourage the International Labour Standards Department to continue to consult with the employers' and workers' secretariats to ensure that the most representative employers' and workers' organizations are well-placed to contribute to the success of the respective missions.

In conclusion, the Employers are generally satisfied with the operation of the first ever virtual session of the Committee. Overall, consensus was reached where possible, and disagreements were highlighted when necessary. We see room to continue to improve on the work of the Committee in respect of the balance, transparency, relevance and effectiveness of the tripartite governance of the Committee.

I would like to conclude with words of thanks and appreciation to the International Labour Standards Department for facilitating this virtual format, and in particular, I would like to thank its Director, Ms Corinne Vargha. Also, a special thanks goes to our Chairperson, Ms Corine Elsa Angonemane Mvondo, for the fair parliamentary running of the Committee's meetings this year and very effective time management. She managed this difficult role with poise, confidence and always good spirit. Please allow me also a moment to thank the Employers' group for their support and guidance, many of whom are long-standing participants with deep experience and knowledge of the work of the Committee. I would also like to thank Kaizer Moyane, Paul MacKay, Annick Hellebuyck, Juan Mailhos, Miriam Pinto, Laura Giménez and Fernando Yllanes for their support and assistance in preparing and presenting the Employers' perspective on individual cases and the General Survey. I would like to also express gratitude for the invaluable support of María Paz Anzorreguy and Rita Yip from the International Organisation of Employers and Christian Hess and María Ángeles Palmi Reig from the Bureau for Employers' Activities. I would also like to thank the Canadian Employers Council and the current chair, Kirk Newhook, for their support in my role. Finally, I would like to thank my friend Marc Leemans and his team. Our cooperation demonstrates that even though we do not often agree, we are able to find consensus and express our divergence of views in a spirit of respect. I would also like to thank the Government representatives who participated actively in the Committee to ensure that our discussions were constructive and productive. In many cases, Government representatives connected from time zones where it was either very early or very late, and we appreciate their participation. Last, but not least, of course, thank you to the interpreters for making our discussions possible in the various languages.

### **Ms Angonemane Mvondo**

#### **Chairperson of the Committee on the Application of Standards (Original French)**

I am very honoured to take the floor this afternoon in my capacity as Chairperson of the Committee on the Application of Standards at the 109th Session of the International Labour Conference, as we adopt our Committee's report.

The Committee on the Application of Standards is one of the key committees of the International Labour Conference and, with the Committee of Experts on the Application of Conventions and Recommendations, is at the heart of the supervisory system for which the ILO is known. This session has taken place against an exceptional backdrop and it should be noted that we have nevertheless been able to demonstrate a significant ability to adapt to these unusual circumstances.



The arrangements adopted at the informal tripartite consultations on the working methods of the Committee laid the groundwork for a smooth and productive session. It was productive because, despite the unique circumstances in which we conducted our work, the Committee rose to the challenge of examining all of the items that were on its agenda.

This year, the Committee discussed matters that were particularly topical, such as the impact of the pandemic on the application of international labour standards and the question of promoting employment and decent work in a changing landscape, which is the subject of the General Survey.

These discussions served to highlight the shared commitment among the constituents of this Organization to design policies for recovery that are respectful of international labour standards. Different points of view were put forward, but these only enriched the debate.

As for the examination of individual cases, the discussions were able to proceed as scheduled and all of the cases on the list were examined within the time available. Again, the discussion was rich and passionate. We heard different – even opposing – views, but these were always expressed with respect for the views of others, in parliamentary language and in a way that reflected a firm commitment to standards and the supervisory system.

I would like to take this opportunity to thank all the delegates for their commitment and the constructive spirit in which they participated in the work of the Committee. I would like to commend all those delegates who took the floor in the discussions for the discipline that they showed and for their efforts to be concise. I would now like to ask them for their understanding and indulgence, especially if I offended them in any way during their interventions, when I had to apply the speaking time limits, which we all know can be frustrating, as it is so important for all the delegates to be able to present their point of view and contribute to the discussion. This was all the more difficult for me given the virtual nature of our discussions.

The work of the Committee was followed very closely by a considerable number of delegates. The public platform was also very successful. All of this is testimony to the interest generated by the discussions of the Committee and, more generally, highlights the relevance and importance of the supervisory system.

Let us not forget that the issues discussed by the Committee on the Application of Standards are and will remain central to the lives of workers and employers. I would like to thank in particular the Employer Vice-Chairperson, Ms Sonia Regenbogen, and the Worker Vice-Chairperson, Mr Marc Leemans, for their cooperation. Thanks to their experience and their spirit of conviviality, we were able to complete the examination of the items on our agenda. I would also like to thank my Government colleague from Chile, Mr Pedro Pablo Silva, for his efficient work and for his accurate account of the work of our Committee.

Finally, I would like to express my sincere and very special gratitude to the representative of the Secretary-General, Ms Corinne Vargha, from whom I have learned a great deal. I would also like to convey my thanks to all the members of the Secretariat for their professionalism and support. They were essential to the organization and success of the virtual work of this Committee.

Of course, I would like to pay tribute to the excellent work of the interpreters who enabled us to understand each other perfectly. I cannot forget the technicians this year,

who made us feel a little closer to each other, despite the distance and the differences in time zones. To conclude, and to echo those who have spoken before me, if I had to use only two words to sum up the work of our Committee, they would be: dialogue and respect. It only remains for me now to recommend that you approve the report of the Committee on the Application of Standards.

### **Ms Krüger**

#### **Government (Canada), speaking on behalf of the group of industrialized market economy countries**

The group of industrialized market economy countries (IMEC) is pleased with the work of the Committee on the Application of Standards this year, which successfully and fully discharged its duty, despite the challenging virtual context. We thank the Chairperson, the Worker and Employer Vice-Chairpersons, all participants and all staff, who worked tirelessly behind the scenes to ensure the smooth functioning of this Committee over these past several weeks.

We underscore the critical importance of the work of the Committee in supervising countries in the application of the international labour standards that they have ratified and agreed to meet in both law and practice. IMEC has full confidence in the ILO supervisory system and the Committee, and supports the independence and impartiality of the Committee of Experts. The ILO's supervisory system, including the Committee, is unique, an essential cornerstone of the ILO's mandate and mission, and is critical to the credibility of the ILO's work as a whole. IMEC remains strongly committed to ensuring the proper functioning of the ILO supervisory mechanism going forward, with a view to creating and maintaining decent work and social justice for all.

### **Mr Nunes**

#### **Government (Portugal), speaking on behalf of the European Union and its Member States**

I have the honour to speak on behalf of the European Union (EU) and its Member States. The candidate countries, North Macedonia and Albania, and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, align themselves with this statement. We align ourselves with the IMEC statement.

To begin with, we would like to thank the President of the Conference, the Chairperson of the Committee, the Reporter, as well as the Secretary-General and the Secretariat for their dedication and perseverance in making this session of the Conference a success, and ensuring that after its one-year deferral, this important Committee's work could go on during the crisis resulting from the COVID-19 pandemic. In the same vein, we would like to thank the spokespersons of the Workers and Employers for their constructive spirit and contributions. We welcome the Governments' positive approach and engagement in the process. The Committee embodies the true essence of tripartism, and we strongly believe that commitment to the work of our Committee to improve the implementation of Conventions should remain a priority for all constituents.

We are firm advocates of the need for an independent, expert-based, efficient and robust supervisory system to oversee the implementation of ILO Conventions. We are convinced that a well-functioning supervisory system is crucial to ensuring the credibility of the Organization's work as a whole. We underline the importance of the guidance given by the ILO in support of the application of international labour standards in law

and in practice. Putting this system under pressure of any kind would be not only inefficient and ineffective, but also very worrying, in particular in the current context of the pandemic.

The EU and its Member States strongly underline that the Committee's independent, expert opinions are key to maintaining an environment of technical tripartite cooperation on international labour standards. In this regard, we reiterate our full support for the premise that democracy and the full exercise of trade union rights, freedom of association and the right to organize go hand in hand.

We also express our support to the Committee of Experts' reaffirmation of the right to strike being an intrinsic component and logical consequence of the freedom of association and the right to organize, as defined in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). We fully respect and support the independence and impartiality of the experts, which is a crucial aspect of the strength of the ILO's supervisory system.

Under the current circumstances, human rights, including labour rights, and democracy are being challenged and called into question. As always, human rights, democracy and the rule of law, as well as gender-responsive and inclusive approaches, should continue to remain at the heart of all our responses, also in the recovery from the COVID-19 pandemic. We believe that international labour standards have a central role in addressing socio-economic regression, and in putting recovery efforts on a more resilient footing.

We strongly reaffirm our support for the Committee of Experts' observation that recovery measures should never weaken the protection afforded by labour and social protection laws, as that would only further undermine social cohesion and stability, and erode citizens' trust in public policies.

The Committee on the Application of Standards is a unique mechanism that enables all constituents to discuss the implementation of ILO Conventions in a constructive, tripartite manner, based on unbiased and independent observations by experts. It enables the exchange of views and fosters progress. We encourage ILO Members to comply with the recommendations and follow up on the observations and conclusions, where appropriate and necessary with the support of ILO technical assistance and/or direct contact missions.

The EU and its Member States will continue to fully support the ILO's supervisory system and the promotion of the ratification and implementation of international labour standards. We remain convinced that they provide for the most elaborate and one of the most valuable examples of a multilateral rules-based order, which has gained even more importance during this crisis.

## **Mr Mavima**

### **Minister of Public Service, Labour and Social Welfare (Zimbabwe)**

Thank you for giving me the floor, to make a few remarks following the presentation of the report of the Committee on the Application of Standards. I wish to speak in respect of the conclusions in the case of Zimbabwe.

My Government has taken note of the conclusions and would like to point out that technical assistance from the Office is never rejected. However, the context of technical assistance arising from an examination of the country has to be in line with the terms of reference and the related issues discussed. Therefore, issues that are not related to the

Convention, including previous conclusions on other Conventions, should not be the subject of the conclusions and the recommended technical assistance. To this end, the conclusions on the discussion under the Abolition of Forced Labour Convention, 1957 (No. 105), cannot be grounded in the 2009 Commission of Inquiry that related to the observance by Zimbabwe of 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).

With the concurrence of this Committee, the Government of Zimbabwe would like to proceed to engage with the Office in order to streamline the technical assistance that is being recommended. My Government wants it on record that it is accepting the technical assistance to address, through labour law reform, aspects in the Labour Act, Chapter 28:01, that are not in sync with Convention No. 105, and more importantly to align the Act with the national criminal justice system.

Regrettably, my Government does not accept the special paragraph. This position is based on the following: Firstly, there is no forced labour in the prisons of Zimbabwe. Secondly, the Committee of Experts has never proved that the practice exists in the prison system in Zimbabwe. Thirdly, most issues contained in the reports of the Committee of Experts and those presented by the Workers' delegates, in particular the Worker Vice-Chairperson during the discussion, relate to Convention No. 87, which Zimbabwe is not listed under.

For the record once again, the Committee of Experts did not analyse the new Maintenance of Public Order Act that was promulgated in November 2019 and it does not dispute the commitment of the Government of Zimbabwe to address the issues in the Labour Act that relate to Convention No. 105. The conclusion does not take into account the submissions made by several delegates which noted the absence of forced labour in the prison system of Zimbabwe and commended Zimbabwe for the progress regarding labour law reform. Equally relevant was the call by some delegates for engagement, not confrontation.

## The President

As there are no other requests for the floor, we shall 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, as contained in *Record of Proceedings* No. 6A?

**(The report is approved.)**

On behalf of the Conference, I wish to express our sincere gratitude to the members of the Committee and to the Secretariat. I am aware of the fact that the Committee held an extended sitting yesterday in order to complete its work, for which we are very grateful. Furthermore, the work carried out by the Committee is one of the cornerstones of the ILO's mission to promote social justice, and the Committee takes on subjects that can be both complex and difficult. Congratulations to all for such a positive outcome. The Conference as a whole thanks you for your hard work and dedication.

**(The Conference continues its work in plenary.)**