



Snapshots of IO Practices

The Committee on the Application of Standards of the International Labour Conference (CAS)

Organisation(s): International Labour Organization

The Snapshots of IO Practices present examples of specific efforts undertaken by an international organisation to work towards more effective international instruments. They aim to highlight examples of practices within the five focus areas of the Partnership of International Organisations for Effective International Rulemaking (IO Partnership), namely the variety and development of international instruments, their implementation, evaluation, ensuring stakeholder engagement, and co-ordination among IOs. The snapshots are submitted by the secretariats of the relevant international organisations implementing the relevant practice. The practices were compiled by the OECD Secretariat and focal points of the IO Partnership (UNCITRAL, OIE, WHO, ISO, WCO, BIPM, and SIECA), with a brief review to ensure consistency and comparability of the information provided within the snapshots. The inclusion of a practice in these snapshots implies no endorsement or assessment of that practice on the part of the OECD Secretariat or the focal points of the IO Partnership.

1	Overview of the Practice	Answers	Comments and open questions
1.1	Organisation	ILO	
1.2	Area of relevance among the IO partnership focus themes (variety of instruments, implementation, stakeholder engagement, evaluation, co-ordination)	Implementation of international instruments/stakeholder engagement	
1.3	Name of the Practice	The Committee on the Application of Standards of the International Labour Conference (CAS)	
1.4	Name of person(s) completing the template	Eric Gravel	

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2	Description of the Practice	Answers	Comments and intersections
2.1	Please describe the practice shortly, providing information on its core features.	The CAS is a permanent tripartite (governments, workers and employers) body of the International Labour Conference and an essential component of the ILO supervisory system. Following the technical and independent examination of government reports carried out by a legal body (the Committee of Experts on the Application of Conventions and Recommendations), the procedure of the CAS offers the representatives of governments, employers and workers the opportunity to undertake a joint examination of the manner in which ILO Members States comply with their obligations deriving from the ILO Conventions they have ratified. The CAS is thus responsible for determining the extent to which international labour standards are given effect at the national level and to report to the annual ILO International Labour Conference.	
2.2	What are the objectives of the practice?	Monitoring the effective implementation of international labour standards adopted by the ILO at the national level in its Member States.	The CAS provides an example of the integrated nature of implementation, with features of a monitoring mechanism through peer reviews, but also of a compliance mechanism as well as of advocacy.
2.3	What have been the key results of the practice?	In view of its tripartite and universal composition, the CAS represents a real regulatory sounding board with the key actors of the world of work, producing concrete impact over the years. A significant number of workers and employers around the world have benefited, often in a lasting manner, from legal and social changes in cases where conformity has been attained with international labour standards following recommendations formulated by the CAS. A good example of such concrete impact was the case of Uzbekistan discussed before the CAS.	

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		<p>The case related to the widespread use of forced labour and child labour by local Uzbek authorities for the national cotton harvest, conflicting with ILO Convention No. 182 on the worst forms of child labour. After having raised this issue with the Uzbek Government, the CAS and several other UN human rights monitoring bodies engaged in a dialogue with the Government, urging it eradicate this practice. The Government eventually accepted several national and international monitoring missions to assess the number of affected children and established a Decent Work Country Programme with the ILO, through which it undertook a number of measures to tackle the issue with international assistance. This resulted in a drastic reduction of the number of children forced to work in the cotton harvest in the country. More broadly, the episode laid the groundwork of a deeper understanding of the interrelated nature of international labour standards and the contribution of properly regulated labour market institutions to sustainable development. In turn, this understanding generated the political will to ratify more international labour standards, notably including fundamental standards on freedom of association and the right to bargain collectively.</p>	
2.4	In what year was the practice introduced?	The CAS was established in 1926 following a resolution of the International Labour Conference.	
2.5	Has the practice been updated/reformed since then? If yes, when and how has it evolved over time?	<p>Yes, the working methods of the CAS have evolved on several occasions in the past 90 years. While the CAS mandate has remained largely unchanged since its creation in 1926, its functioning has gone through several reforms, all aiming at improving its efficiency in ensuring better compliance by Member States with ILO ratified Conventions. For instance, a practice was introduced in 2006 of sending governments (at least two weeks before the beginning of the Conference) a preliminary list of cases that were likely to be discussed before the CAS for serious non compliance with ILO Conventions.</p>	

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		<p>This increased transparency has enabled governments to better prepare when appearing before the CAS and has led to more constructive dialogue between this supervisory body and Member States concerned. In June 2008, further measures were adopted concerning cases in which governments were registered and present at the Conference, but which chose not to appear before the CAS. In particular, the CAS could now henceforth discuss the substance of such cases. Specific provisions have also been adopted concerning respect for the rules of decorum.</p>	
2.6	<p>What do you consider to be the primary strengths of the practice?</p>	<p>Its tripartite and universal nature, as well as its role as a standing committee of the “World Parliament of Labour” (i.e. the Conference), confer upon its decisions great authority. In fact, the strength of all ILO bodies lie in the will to engage in dialogue between employers, workers and governments of its Member States.</p>	<p>Intersection with WG3 – Stakeholder Engagement</p>
2.7	<p>What do you consider to be the main challenges faced during the implementation of the practice?</p>	<p>The other side of tripartism is the difficulty to reach consensus on certain issues in views of conflicting interests. For instance, in 2012 and 2014, the CAS was not able to carry out its work because of divergent views between the Employers and Workers Groups regarding cases of non compliance with Convention 87 on Freedom of Association and linked to the issue of the right to strike. Informal consultations and negotiations between the Government, Employer and Worker groups represented in the CAS had to unlock the stalemate so the CAS could resume its regular supervisory functions.</p>	
2.8	<p>Does the practice have a formal/normative basis within the organisation or is it conducted informally?</p>	<p>The CAS practice does have a formal basis within the Organisation. It was established by a resolution of the International Labour Conference in 1926 and its terms of reference are set out in article 7 of the Standing Orders of the Conference.</p>	

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	Does this basis make the practice mandatory or voluntary? If there is formal basis, please provide the relevant link or documentation.	See following publication, in particular p.11: https://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_154192/lang--en/index.htm	
2.9	At what frequency is the practice applied? i.e. is it conducted once or on an iterative basis?	The CAS meets once a year for two weeks during the annual ILO International Labour Conference.	
2.10	Is this practice applied systematically, (e.g. with respect to every normative instrument, according to specific criteria or on an ad hoc basis)?	The CAS only reviews a limited number of carefully selected cases of compliance with the provisions of ratified ILO Conventions in certain Member States. Cases are selected from among an initial compliance assessment of cases showing well-established gaps by an independent legal body, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the CAS relies on the CEACR's evaluation to make its own selection of cases it will discuss publicly.	
2.11	Please provide specific details or examples to illustrate the practice (including supporting links and documents).	See annual report of the CAS, available at the following link: https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/conference-committee-on-the-application-of-standards/lang--en/index.htm	
3	Design of the Practice	Answers	Comments and intersections
3.1	Who designed the practice (e.g. Was it developed internally, in collaboration with other organisations, etc?)	It was designed by ILO delegates during the 1926 International Labour Conference.	

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3.2	Which stakeholders were engaged with in the design of the practice?	Workers' and employers' representatives as well as government representatives of all ILO Member States.	
3.3	How long did it take to design the practice?	The ILO was established in 1919. Reflections on how to better monitor compliance with international obligations was already present in those early years, which led to the creation of the CAS in 1926.	
3.4	What resources were needed to design the practice initially (i.e., staff, budget etc.)?	The CAS is composed of a Bureau (one Chairperson from the Government Group, one Vice-Chairperson from the Workers Group and one Vice-Chairperson from the Employers Group). The membership of the CAS is composed of tripartite delegations from the ILO's 187 Member States. These delegates are funded by national governments. The CAS is also supported by a Secretariat of some 40 legal officers from the International Labour Standards Department of the ILO.	
3.5	What challenges were encountered during the design of the practice and how were they overcome?	<p>For challenges in the early years of the CAS, see for instance p.30 of following publication:</p> <p>https://www.ilo.org/global/standards/WCMS_730866/lang--en/index.htm</p> <p>The primary challenge set out in this document involves differences in approach and mandate between the CAS and the Committee of Experts on the Application of Conventions and Recommendations (CEACR), in particular regarding workload and methodology between a tripartite political body and an independent legal one. This has been addressed by a culture of engagement between the two Committees, underpinned by mutual trust, regular examinations of working methods to ensure their complementarity, pooling of expertise and work-sharing, clear divisions of labour and responsibilities between the two bodies, mutual examination of reports generated by each body, and mutual invitations to key meetings and sessions.</p>	

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3.6	Has the practice been tested before implementation (i.e. pilot phase)? If yes, please describe.	Not applicable	
4	Implementation of the Practice		Comments and intersections
4.1	Which units are responsible for implementing the practice within your IO?	The International Labour Standards Department.	
4.2	Are IO members involved in implementing the practice? If so, how?	Yes, see answer 3.2	
4.3	Are external actors beyond the organisation or its membership involved in implementing the practice? If so, how?	NGOs and other bodies (EU, other UN agencies) can have observer status during the CAS sessions.	Intersection between stakeholder engagement (WG3) and implementation (WG2).
4.4	Which resources are needed to implement the practice (e.g., staff and budget)?	ILO delegates at the International Labour Conference, plus regular ILO staff from the International Labour Standards Department.	
5	Outputs and Evaluation of the Practice	Answers	Comments and intersections
5.1	Has the practice been evaluated or reviewed?	The CAS functioning and working methods are regularly discussed during the ILO International Labour Conference and before the ILO Governing Body.	
5.2	If yes, who carried out the evaluation (please specify whether it was done internally or externally)	See 5.1	
5.3	If yes, please describe the evaluation methodology? (e.g. were any quantitative or qualitative indicators/criteria used to measure/assess the outcomes of the practice?).	Tripartite discussions.	
5.4	If yes, what were the conclusions of the evaluation, and has the practice evolved subsequently? If possible, please attach related documents or provide a link.	Not applicable.	

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6	Additional comments and information	Answers	Comments and intersections
6.1	Is there any more information or documentation that would be valuable to share in relation to the practice (e.g. links, reports, meeting minutes, supporting documents)?	See: https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/conference-committee-on-the-application-of-standards/lang--en/index.htm	
Sources			