



ELEVENTH ITEM ON THE AGENDA

Reports of the Committee on Legal Issues and International Labour Standards

First report: Legal issues

1. The Committee on Legal Issues and International Labour Standards met on 23 March 2000 and elected the following Officers:

Chairperson: Mr. V. Rodríguez Cedeño (Government, Venezuela).

Employer Vice-Chairperson: Mr. D. Funes de Rioja.

Worker Vice-Chairperson: Mr. J.-C. Parrot.

I. Revision of the procedure for the examination of representations submitted under article 24 of the Constitution

2. The Committee had before it two proposals¹ to modify the procedure for the examination of representations submitted under article 24 of the Constitution. The first proposal, concerning the confidentiality of Governing Body sittings and documents relating to representations, was to delete paragraph 3 of article 7 of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution, with a view to aligning the Governing Body's procedures for dealing with representations with those used for reports of the Committee on Freedom of Association or when discussing issues relating to complaints filed under article 26 of the Constitution. While the reports of the Committee on Freedom of Association, including those concerning representations or commissions of inquiry set up in accordance with article 26 of the Constitution, are made public and discussed by the Governing Body in public

¹ Document GB.277/LILS/1.

sittings, documents and sittings relating to representations remain confidential under the terms of article 7, paragraph 3, of the Standing Orders.

3. The second proposal would have the effect of giving greater solemnity to any decision to publish under article 25 of the Constitution, by amending article 8 of the Standing Orders to ensure that any decision to publish a representation would have to be included as a separate item on the agenda of a Governing Body session after the one in which the Governing Body would have discussed the report of the tripartite committee set up to examine the representation.
4. These two changes involve two formal amendments. On the one hand, there would be an amendment to article 7, paragraph 1, of the Standing Orders concerning the right of any member concerned by a representation to take part, without any voting rights, in the Governing Body's discussions on the matter. Since that right was included in article 5bis of the Governing Body's Standing Orders after the adoption of the Standing Orders concerning the procedure for the examination of representations, it seemed appropriate to align the provision in the special Standing Orders with the provision contained in the more general Standing Orders. At the same time, it was proposed that article 7, paragraph 2, of the Standing Orders concerning the procedure for the examination of representations should be deleted, given that it would be superseded by the proposed amendment to article 7, paragraph 1.
5. The Employer members recalled that, during the previous discussions on the matter in November 1999, it had been agreed that the present session of the Governing Body would discuss only the two aspects of the procedure discussed in the document, other possible changes relating to aspects such as receivability of representations or the compatibility of the representations procedure with other supervisory mechanisms being left to a more general discussion on possible improvements in the ILO's standard-setting activities. The changes proposed by the Office reflected the various points of view expressed by the Committee during its last meeting and the Employer members accordingly agreed to them.
6. The Worker members, while noting that the Office document reflected the agreement in principle that had been reached during the last discussion, in particular with regard to the issue of confidentiality, observed that the proposal relating to the publication of representations introduced something new. The proposal would introduce additional deadlines in an already rather lengthy procedure. If, as had been proposed, the Governing Body were obliged to give a ruling on the publication of a representation under article 25 during a session after the one in which it had examined the report of the tripartite committee responsible for examining the representation, publication would inevitably be delayed by several months. Under those circumstances, the Worker members were in agreement with the proposed deletion of article 7, paragraph 3, of the Standing Orders, but had reservations regarding the appropriateness of the suggested amendment to article 8 and regarding the compatibility of that proposal with article 25 of the Constitution. With regard to the proposed amendments that followed on from the first two, they were in agreement with the deletion of the second paragraph of article 7, but considered that the desired alignment with article 5bis of the Governing Body Standing Orders would be more readily achieved by reproducing the wording of that provision in its entirety, rather than simply including a reference to it.
7. The representative of the Government of Mexico, speaking on behalf of the Latin American and Caribbean Government members, considered that the issue of the confidentiality of sittings and documents relating to representations needed to be discussed within the more general framework of discussions on the standard-setting system. Only such an approach would make it possible to maintain the coherence of the supervisory

mechanisms. The representatives of the Governments of Colombia and Peru expressed their support for maintaining the confidential character of representation documents at this stage.

8. Voicing the same concern to maintain the compatibility of the different supervisory procedures, the representative of the Government of Ethiopia considered that it would not be appropriate at this stage to modify in isolation two aspects of the representation procedure without examining the implications of such changes for the overall coherence of the supervisory system.
9. The representative of the Government of India was unable to support the proposed changes. The system set out in the current Standing Orders had hitherto worked well. If there were now problems to solve, that would have to be done as part of an overall revision of standard-setting activities and supervisory mechanisms. He emphasized that the concern to achieve a degree of harmony with the procedure for examining complaints used by the Committee on Freedom of Association, to which the Office document had referred, was misplaced since, unlike the representation procedure, which was provided for by the Constitution, the Freedom of Association complaints system did not have such a basis in the Constitution, and the two procedures were therefore not comparable. The representative of the Government of Mexico supported that point of view and noted that, unlike the Committee on Freedom of Association, the tripartite committees responsible for examining representations were set up on an ad hoc basis. The possibility of the representations being dealt with differently, depending on the particular committee responsible for examining each one, made it impossible to make general changes to the procedure.
10. The representative of the Government of Slovakia drew attention to the fact that the wording of article 25 of the Constitution was clear and precise and that it was therefore undoubtedly preferable simply to refer to that provision, rather than reproducing it verbatim, as the proposed text of article 8 of the Standing Orders contained in the Office document had done. He therefore proposed, with the support of the representative of the Government of Croatia, the following amendment to the text proposed in the Office document:

If the Governing Body finds that there is reason for publishing the representation and the statement, if any, made in reply to it, in accordance with article 25 of the Constitution, a decision to the effect shall only be taken at a subsequent session. Any such decision shall specify the form and date of publication. Such publication shall close the procedure under articles 24 and 25 of the Constitution.
11. The representative of the Government of the United States, speaking on behalf of the Governments of the industrialized market economy countries (IMEC), supported the changes proposed in the Office document. The representative of the Government of France, while also endorsing that position, considered that there was, at least in the French version, a need to improve the drafting of the proposed amendments to article 7, paragraph 1, and article 8 of the Standing Orders.
12. The representative of the Government of Guatemala noted that, during the last discussions on the issue, the Committee had agreed to ask the Office to formulate proposals on the two aspects of the representation procedure considered in the document. The examination of those questions by the Committee did not mean that the Governing Body would immediately have to amend the Standing Orders provisions relating to representations. Any decision to modify the representation procedure would need to be included at the

appropriate time in any changes which the Governing Body might wish to make to the standard-setting activities as a whole.

- 13.** The Legal Adviser recalled that, at its last session, the Committee had considered that it would be more appropriate to consider a number of issues relating to the procedure for examining representations within the wider context of discussions on the Organization's standard-setting policy. On the other hand, since there had been broad agreement concerning the proposed improvements with regard to confidentiality and publication, the Committee had asked to be informed of specific proposals for amendments in those areas. That was the spirit in which the Office document had been produced.
- 14.** Replying to the observations made by Government members on the issue of confidentiality, the Legal Adviser recalled that the proposed amendments were not intended to make the procedure public, but rather to bring it into line with other existing complaints procedures. Furthermore, as the Office document indicated, it would still be possible, under the terms of article 14, paragraph 5, of the Governing Body Standing Orders, to keep a document confidential in certain cases. With regard to the reservations expressed by Worker members regarding the constitutionality of the proposed amendment to article 8 of the Standing Orders, he noted that the Constitution did not provide for any specific procedure in that area, but left it to the responsible body to decide on an appropriate procedure. He also recalled that postponement of a decision to publish until a later session of the Governing Body was intended solely to give greater solemnity and weight to the publication procedure. This, in fact, reflected the attitude of the Governing Body on the only previous occasion when it had decided to publish a representation, in 1978: the question had been included on the agenda of the Governing Body session after the one in which the report of the tripartite committee had been submitted to it. Lastly, with regard to the request by the representative of the Government of France to improve the wording of the proposed amendments to article 7, paragraph 1, and article 8 of the Standing Orders regarding representation procedures, the Legal Advisor considered that the amendment proposed by the representative of the Government of Slovakia to article 8 satisfied that request. With regard to article 7, paragraph 1, he suggested an amended version.² However, in the light of an observation made by the Worker members, he believed that the paragraph in question could simply be deleted, since paragraphs 1 and 2 of article 7 had been superseded by article 5bis of the Governing Body Standing Orders.
- 15.** The Worker members noted that the amendment to article 8 proposed by the Government of Slovakia in fact highlighted the time restrictions which would be created if the Governing Body wished to publish a representation. Furthermore, if, as the Legal Adviser had said, it was possible under the current Standing Orders to postpone a decision to publish until a later session of the Governing Body, they did not see any need to amend the existing procedure. With the provisions already in force, the Governing Body was free to decide when a representation could be published, and they were opposed to any move to deprive the Governing Body of that power.

² The proposed amended version reads as follows: "When the Governing Body considers a question arising from a representation made under article 24 of the Constitution, or having regard to a decision to publish under article 25, the Government concerned, if not already represented on the Governing Body, shall be invited to send a representative to take part in its proceedings while the matter is under consideration, in accordance with article 5bis of the Standing Orders of the Governing Body."

16. Given the reservations that had been expressed, the Employer members considered that it would undoubtedly be desirable to postpone the examination of the issue in order to allow a more detailed analysis of the implications of the proposed changes.
17. The representative of the Government of the United States, supported by the Employer members, suggested that in future discussions on the issue the Office should present any proposed changes in a comparative table also setting out other existing procedures, so that the Governing Body would have a better idea of the differences between those procedures and of the best way of aligning them, where this was necessary.
18. Noting the absence of any consensus regarding changes to the representation procedure at this stage, the Chairperson concluded that a discussion on the question should be postponed until a later session.

II. Possible improvements in the standard-setting activities of the ILO: The role of standards in the achievement of the ILO's objectives

19. The Committee had before it a paper prepared by the Office on the question of possible improvements in the standard-setting activities of the ILO,³ together with an addendum containing statistics on ratifications of Conventions.⁴
20. The Executive Director of the Fundamental Principles and Rights at Work Sector recalled that the document had been announced to the Committee during initial discussions in November 1999.⁵ It had been agreed during those discussions that an examination of the topic should begin with a global discussion and should not be limited to particular aspects of standard-setting activities. Informal consultations followed on from that discussion in early February 2000. It was on the basis of those consultations that the present document had been produced.
21. The Executive Director also gave some brief observations on the statistics presented in graphic form. They related to initial factual information provided in response to the request expressed during the informal consultations and to which new information could be added subsequently. It was clear that, of the up-to-date Conventions, the most recent ones, and in particular those adopted since 1980, seemed on average to attract fewer ratifications than the older Conventions during the first years of their being in force. The Safety and Health in Mines Convention, 1995 (No. 176), the Private Employment Agencies Convention, 1997 (No. 181), and the Worst Forms of Child Labour Convention, 1999 (No. 182), were notable exceptions. On average, the number of ratifications of up-to-date Conventions in certain areas, such as labour administration and conditions of work, had grown more rapidly during their first ten years in force than ratifications of Conventions in other areas such as safety and health or social security. Lastly, the charts showed that there was a considerable difference between the rate of ratification of fundamental Conventions and

³ Document GB.277/LILS/2.

⁴ Document GB.277/LILS/2(Add.1).

⁵ Documents GB.276/LILS/4 and GB.276/10/1, paras. 71-79.

that of other Conventions. A relative drop in that rate between 1970 and 1974 had been the result of a considerable growth in the number of member States during that period.

22. The Employer members considered that this additional information was interesting and would be useful for evaluating the situation. The question of standards activities was in their view of major importance and required a consensus and a shared commitment. This task implied a climate of mutual trust and a choice of an appropriate working method. A common framework and effectiveness should be sought. Consequently, they proposed to postpone the discussion and to recommend that the Governing Body confirm its willingness to conduct a comprehensive re-examination of standards-related activities with a view to reinforcing their effectiveness in relation to the strategic objectives. They invited the Director-General to present a document to the Governing Body in November 2000 that would allow for the debate to continue and that would reflect the views expressed in the consultations. On the basis of information provided by the Office, the Governing Body could set a framework for a revised standards policy that would be implemented by the relevant committees.
23. The Worker members indicated that they were prepared to discuss the matter, although they would not object to a postponement of the discussion until November. In that case, the question of guarantees, some of which were set out in the document although not indicated in the point for decision contained in paragraph 21, should be included in the agenda. The Worker members had not decided whether they agreed to a review of the standard-setting system. To begin with, they wanted an assurance that the contents of the document would come back to them for discussion. The discussion, in which they wanted to participate in good faith subject to the necessary guarantees, should aim to improve the standard-setting system, not weaken it.
24. The representative of the Government of Lithuania referred to the informal consultations which had taken place in February and during which it had been said that the ILO's standard-setting activities should aim for quality rather than quantity. In accordance with what had been stated in paragraph 16 of the document, that implied clear objectives, a precise use of terms and definitions, and concise standards. The Conventions would need to be universally ratifiable, by preserving a sufficient degree of flexibility to take account of the national characteristics of member States. Conventions had to be pitched at a level that was neither too low nor too ambitious and had to provide something to aim for, which would not be inaccessible for many countries. As paragraph 2 of the document indicated, a comprehensive discussion of standards-related issues was needed.
25. The Chairperson asked the speakers to consider the proposal by the Employer members to postpone discussion until the November session of the Governing Body, and noted that the Office would find it useful to hear their points of view when preparing the next document.
26. The representative of the Government of Croatia considered that the document on possible improvements in the standard-setting activities of the ILO reflected only partially the views expressed during the informal consultations. She emphasized the importance of the ILO's role in standard setting, but also noted that the standard-setting system was in need of certain changes, in particular with regard to the low number of ratifications of certain Conventions, as shown by the available statistics. Furthermore, certain fundamental standards were not implemented in practice. The fundamental question was that of selecting appropriate subjects for new standards; any decision in that area would have to be preceded by an in-depth discussion on the desirability of adopting a new standard, its potential impact and the prospects for ratification. That discussion would need to consider the possibility of attaining the Organization's objectives by promoting and implementing existing standards. Appropriate criteria for choosing the subjects of new instruments would

have to be established and an effective selection procedure would have to be put in place. Without abandoning the principle of tripartism, due account would need to be taken of the interests of member States at that preliminary stage, given that it is they who ratify Conventions. The speaker also fully endorsed paragraph 15 of the document, according to which the aim of revisions was “to increase the efficiency of the standards in reaching the objectives, not to downgrade the level of protection”. She invited the members of the Committee to keep that principle in mind during the forthcoming second discussion by the Conference on the revision of the Maternity Protection Convention (Revised), 1952 (No. 103), in June 2000. Like the representative of the Government of Lithuania, she considered that it was the quality, not the quantity, of standards that mattered.

27. The representative of the Government of the United States, speaking on behalf of the IMEC group, thanked the Office for their statistics, which would be very helpful in the discussions. The IMEC group continued to give its full support to improving the ILO’s standard-setting activities, although it would have liked to see the review take place earlier. The speaker endorsed the proposal made by the Employer members. A comprehensive discussion was essential and consultations needed to be organized by November 2000. He suggested that the discussion within the LILS Committee should be concluded and that a brief discussion should take place during a plenary sitting of the Governing Body during the following week, in which all participants would have the opportunity to explain the major points which they believed should be included in the examination of the issue. On the basis of those discussions and future consultations, the Office could prepare an in-depth document for submission to the Governing Body at its session in November 2000.
28. Speaking on behalf of the African group, the representative of the Government of Namibia thanked the Office for the document and for its statistics. He endorsed the Employers’ suggestion to postpone discussion until November 2000, and he expressed the commitment of the African group to this initiative which was intended to improve the standard-setting activities and ultimately to strengthen the ILO’s role and reaffirm its mandate, in particular with regard to the adoption of standards and supervisory mechanisms. Standards should not be too rigid or coercive. They needed to take into account technological advances in the world of work. It would be appropriate to give careful thought to the reasons for non-ratification of Conventions which were sometimes linked to developments in the labour market. The ILO’s regional offices and multidisciplinary teams needed to be involved in a campaign of information on international labour standards and standard-setting activities. Standards that were outdated needed to be identified and revised or declared obsolete. Reports submitted by governments needed to indicate in specific terms any obstacles to ratification. Those difficulties could then be discussed directly with the member States concerned. In addition, revised standards needed to be flexible and it was important to avoid duplication. In the process of drafting standards, it was essential to achieve consensus through social dialogue during the preparatory work. Not only was it important that Conventions, once adopted, could be ratified; it was also necessary to ensure that member States could implement them without too many difficulties. In this regard, member States would have to be provided with assistance in ratifying and implementing Conventions within the Organization. The establishment of self-assessment mechanisms during the standard-setting process itself would allow assessments to be made of the impact and relevance of proposals for the adoption of new standards. The Office would need to develop means of speeding up the process of revising or shelving standards. At the same time, reporting procedures needed to be rationalized, since some States experienced difficulties in replying to the many long questionnaires sent to them. Lastly, the Office would have to plan to focus its efforts on the ratification of the fundamental Conventions, which provided the backbone of the Organization’s mandate.

29. The Worker members recalled that a proposal had already been made by the Employers to postpone the discussion until the Governing Body's November session, and that the proposal had been supported by the IMEC group. Nevertheless, discussions appeared to have already begun, in particular on paragraph 16 of the Office document and on the charts. If that was the case, the Workers also wished to make their views known. The document would have to be resubmitted in November, given that it contained at least some of the necessary guarantees, in particular with regard to paragraph 5.
30. At the request of the Chairperson, the Employer members set out once again their proposal, that is, to recommend a postponement of the discussion on substance, to confirm a willingness to proceed with a comprehensive examination of the issue and to request the Director-General to prepare for the November session a document that would be presented to the Governing Body and would enable it to guide the development of the standards policy on the basis of tripartite agreement. This implied undertaking a process of consultations, which would no longer be informal. They did not wish to enter into the substance of the matter during the present session in order to make it possible to reach such an agreement, and to allow discussion of the matter directly by the Governing Body itself.
31. The Worker members indicated that they were in agreement with the proposal to postpone the discussion. However, they were unable to accept some of the terms of the proposal, which were virtually the same as paragraph 21(a) of the Office document. If the idea was to resume discussions in November on the basis of a new document prepared in the way that had been proposed, that would be acceptable, provided that the new document contained the guarantees referred to in the existing document. They did not really need a new document, since all the points that they wished to discuss were included in the existing one.
32. The representative of the Government of Mexico, speaking on behalf of the Latin American and Caribbean group, thanked the Office for its work in preparing the document, which set out the different points of view expressed during the informal tripartite consultations. The importance and the basic objectives of the ILO's standard-setting activities were beyond any doubt. Nevertheless, it had become evident during the past decade that it was now necessary to undertake a review of those activities, with regard both to the formulation of standards and to supervisory mechanisms, in order to adapt them to the new conditions resulting from economic globalization. The Director-General's Reports of 1994, 1997 and 1999 contained many constructive suggestions in this regard, and other such suggestions had been made by the constituents themselves. The task was complex and multifaceted, and demanded the active participation of everyone involved. The objective of the exercise had to be clear and consensus-based, namely, to ensure that international labour standards provided an effective guarantee of labour rights. Efforts to improve the ILO's standard-setting activities should make it possible to attain the objectives set out in the Organization's Constitution. The adoption of new standards was an essential part of the Organization's work; however it was also necessary to revise existing standards, in the light of current conditions. If there was to be a genuine comprehensive review, there would need to be some discussion on the very notion of labour standards, the procedure for adopting standards, recourse to instruments other than Conventions and Recommendations, the classification of Conventions on the same subject, the operation of supervisory mechanisms, and the promotion and impact of labour standards. All those points had been included in the list of possible issues given in the annex to the Office document. The speaker emphasized the importance of joint discussions before choosing subjects for standard-setting action to ensure that the Conventions adopted could be applied universally. The system of monitoring the application of standards needed to be made more efficient, transparent and balanced. The evaluation of the standard-setting activities of the supervisory bodies in meeting their objectives could be incorporated in a strategic

policy-forming process for establishing objectives, indicators and global and local targets. The countries of Latin America and the Caribbean, which traditionally were committed to the aims of the Organization, had ratified and implemented many of its Conventions. They were therefore in favour of a review of the supervisory mechanisms. Such a review, based on dialogue, would make it easier to attain the ILO's objectives. The speaker endorsed paragraph 21 of the document on behalf of the group, since it would be useful to have a programme of work defining the different stages which such a review would involve.

- 33.** The representative of the Government of India said that over the past four years, his Government had frequently requested a review of the ILO's standard-setting activities, without any intention of attacking or weakening the standard-setting system. It was not fair or reasonable to demand guarantees or set preconditions even before starting discussions, since that would be tantamount to prejudging the outcome. He supported the proposal for a discussion in November. However, he also considered that the LILS Committee needed to start discussing the document now, so that the Office could become acquainted with the views of constituents and produce a document for submission to the Governing Body at its November session.
- 34.** Speaking on behalf of the Asia and Pacific group, the representative of the Government of the Philippines emphasized that these issues needed to be discussed within a wider discussion on all aspects of the ILO's standard-setting activities. A discussion of this kind could only take place within the Governing Body. She therefore supported the proposal of the Employer members but, like the IMEC group, wanted a brief discussion within the Governing Body when it considered the report of the LILS Committee during the following week.
- 35.** The representative of the Government of Slovakia emphasized the usefulness of amending the constitutional provision regarding the abrogation of obsolete Conventions referred to in paragraph 1 of the document. According to the information note on the progress of work and the decisions taken concerning the revision of standards,⁶ 50 member States, including two of the ten Members represented on the Governing Body as major industrial countries, had ratified the amendment in question on 31 December 1999, but that number was still insufficient. He therefore welcomed the recent initiative of the Director-General, who had written to member States inviting them to examine the possibility of ratifying the amendment. He proposed waiting for the results of the initiative before launching another one, possibly during the Conference.
- 36.** The representative of the Government of Germany also welcomed the Director-General's initiative and said that he would be in favour of producing a report on the results of the initiative. However, replying to the statement made by the representative of the Government of Slovakia, he said that the report should not only present relevant figures, but also indicate the obstacles to the ratification of the constitutional amendment which some governments had mentioned. In addition, it would not be appropriate to initiate new promotional activities in favour of the amendment when the last initiative had barely been completed.
- 37.** The representative of the Government of Guatemala fully endorsed the statement made by the representative of the Government of Mexico, which confirmed the willingness of the Latin American and Caribbean group to carry out the review of standard-setting activities,

⁶ Document GB.277/LILS/WP/PRS/1/1, Appendix 1.

which had been one element in the proposal of the Employer members. The speaker, in principle, supported the proposal of the Employer members.

- 38.** The Worker members recalled that they had no objection to the proposed postponement but that the Employers' proposal contained a paragraph with which they were not in agreement. They emphasized that there was a need for a shared commitment by the three groups before any review could begin. A climate of trust needed to be built up, and this would be done by agreeing to certain guarantees right from the start. It was on such a basis that the three groups would be able to work together. In this regard, the content of paragraph 5 was crucial. In addition, one Government representative had already indicated his support for paragraph 21 (point for decision), but that support was premature, since the discussion was not on substance. At this stage, the Worker members would confine themselves to indicating that the paragraph in question did not contain the desired guarantees. They would have some comments to make on the statistics relating to ratifications, given that some Conventions did not concern all countries. In their view, the existing document reflected the views expressed in the informal discussions.
- 39.** The Employer members pointed out that the best guarantee was the required consensus. In order to build this consensus they had proposed a postponement of the discussion. The purpose was not to set aside the question but, on the contrary, to lend it fresh impetus by improving the conditions for such a discussion through consultations. The new document would be drafted on the basis of such consultations. The standards policy of the ILO should, on the one hand, be based on a shared commitment and, on the other hand, take account of the different viewpoints which would be expressed in the consultations.
- 40.** The representative of the Government of Guatemala referred to the reluctance of the Workers to continue with the review exercise without some prior guarantee that the purpose of the exercise was to strengthen protection, rather than weaken it. She indicated that the proposal of the Employer members seemed especially appropriate, since the Governing Body discussions and the future Office document would provide some guidelines and form a basis for shared commitment on the issue of concern to the Worker members. It was therefore more appropriate to hold that discussion within the Governing Body itself, that is, at the political level. Once the broader policy criteria had been identified, the discussion could be taken up at a different level and the LILS Committee could thus come back into the discussion.
- 41.** The Worker members noted that the proposals of the Employer members related to a procedural question (postponement) but also to matters of substance. They supported the request for postponement and asked the Chairperson to conclude that the Committee should decide only the matter of procedure.
- 42.** The Employer members confirmed that their proposal – to postpone the discussion, hold new consultations and have the Office prepare a new document to be submitted to the Governing Body – was a matter of procedure. It was also understood that Government members could already express their thoughts on certain questions at issue. In their view it was necessary to approach the issue in an essentially political, not technical or legal, context. The discussion on this question, which was extremely important, should take place in the Governing Body. With some nuances, they shared the views expressed by the Workers' group and the Government group.
- 43.** The representative of the Government of the United States, speaking on behalf of the IMEC group, endorsed the statement made by the Employer members, and said that they would be giving some information during the coming week on the manner in which, in their view, the document submitted in November should be structured.

44. Replying to questions raised by the representative of the Government of Mexico and the representative of the Government of the Netherlands, the Chairperson noted that there was agreement on the procedure to be followed. Discussion should be postponed until November, and in the meantime consultations would take place and the Office would produce a new document. It would also be possible to hold a brief discussion on the matter during the Governing Body's discussion on the report of the LILS Committee, when the different groups would have the opportunity of making their comments, with a view to future consultations and the production of a document for submission to the Governing Body during its November session. He considered that discussion on the matter of procedure was closed.

45. *Taking into account the acknowledged importance of the issue, the Committee recommends to the Governing Body:*

- (a) *that it postpone discussion on improvements in standard-setting activities until its 279th Session in November 2000;*
- (b) *that it request the Director-General to submit a document to the Governing Body in November 2000 reflecting the discussions within the Committee and the Governing Body, and any consultations that had taken place or would take place.*

Geneva, 28 March 2000.

Point for decision: Paragraph 45.