

**ITUC Briefing note on ILO Reporting obligations  
Deadline: 31 August 2009**

**INDEX**

1. Comments to the Experts on the Application of Conventions and Recommendations .....	2
1.1. The process and the deadlines .....	2
1.2. The role of workers' organisations .....	2
1.3. How can workers' organisations intervene? .....	2
1.4. What comments are expected under ILO rules? .....	3
1.1.1. Reporting cycle .....	3
1.1.2. Cases that could NOT BE DISCUSSED in June 2009 .....	3
1.1.3. Cases that were the subject of a SPECIAL PARAGRAPH in the Report of the CAS since 2003 : .....	4
1.1.4. ALL CASES that were discussed in the CAS at its June 2009 Session and in which the CAS requested the Government to submit a detailed report or other follow-up information, which are as follows, grouped by country .....	4
1.1.5. General Survey Social Security (C 102, C168, R 67 and 69) .....	5
1.1.6. Countries that have failed to provide reports to the ILO about ratified Conventions .....	5
1.5. Where do workers' organisations have to send their observations? .....	5
2. Annual Review (Declaration on Fundamental Principles and Rights at Work)...	6

\*\*\*

Appendix 1 : Discussions at the 98 <sup>th</sup> ILO Conference Committee on the Application of Standards, June 2009 .....	7
Appendix 2 : Excerpts from the Report of the ILO Conference Committee on the Application of Standards, 98 <sup>th</sup> Session of the Conference, June 2009 .....	8
Appendix 3 : Sample list of Conventions for which reports are required (example)	10

## 1. Comments to the Experts on the Application of Conventions and Recommendations

### 1.1. The process and the deadlines

**1<sup>st</sup> September** is the annual **deadline** for **Governments**, to submit to the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) their reports on the implementation of ILO Conventions that their country HAS ratified.

Normally, governments should work in coordination with Workers' and Employers' organisations and their final comments should reflect a tripartite approach. Nevertheless, this is not always the case, nor do the governments always provide your organisations with a copy of their submissions to the ILO. Therefore, the same deadline also applies for **Workers' (and Employers') organisations** to submit **their own comments**, whether directly or through their regional or international bodies (ITUC in this case).

On the basis of elements so provided, the Committee of Experts drafts its annual Report, which it examines in **November** and then publishes in **March**. This report serves in particular as a basis for discussion in the Committee on the Application of Standards (CAS) at the International Labour Conference in **June**.

### 1.2. The role of workers' organisations

So far, we have **NOT received comments for observations** of the experts (copies or requests to support your comments) from most of your organisations. We therefore remind all national trade union centres, including in industrialised countries, that we are reaching the final deadline.

Last year, workers' and employers organisations submitted **630 observations** to the Committee of Experts on the Application of Conventions and Recommendations (CEACR) 98 more than the previous year. The bulk of these reports were sent by trade union organisations (**573 observations**).

We are very satisfied that the downward trend of last year has been reversed and we count on your best efforts to maintain this level and achieve even better results. We believe that the good functioning of the Commission of Experts on the Application of Conventions and Recommendations (CEACR) and of the ILO monitoring system depends on our responsible attitude and this cannot be achieved without your organisation's best efforts.

### 1.3. How can workers' organisations intervene?

Please recall that your organisation's observations to the CEACR should come either:

- in the form of **comments TO your Government's own report** to the CEACR, or,

- If you have not had access to your Government's report, as your **organisation's OWN comments** on the application in your country of ILO Conventions which it has ratified (see next paragraph).

#### 1.4. What comments are expected under ILO rules?

##### 1.1.1. Reporting cycle

Governments do not have to make reports every year. A cycle has been defined by the ILO.

To find out which Convention(s) your Government is supposed to report on this year to the ILO, **those affiliates with access to the Internet are invited to go to the following link:**

- <http://webfusion.ilo.org/public/db/standards/normes/schedule/index.cfm?lang=EN>

Then proceed as follows:

- 1) In the section entitled "Art. 22 report and CEACR comments", (central section at the top of the page) click on "**by country**"
- 2) then, in the left-hand column, entitled "Member States", click on **your region** (for example: "Africa")
- 3) Thereafter, click on the **name of your country**.
- You will then see a list of each Convention about which your country is expected to report this year.

Alternatively, you may contact the Workers' Activities (ACTRAV) Specialist in the Multidisciplinary Team (MDT) at the ILO Regional Office competent for your country. Again, for those with Internet access, the following link provides the full list of MDT ACTRAV Specialists world-wide:

- <http://www.ilo.org/public/english/dialogue/actrav/staff/ycontac2.htm>

If you do not have Internet access or if for any other reason you are unable to contact the MDT ACTRAV Specialist competent for your region, please contact:

- The ITUC Department of Human and Trade Union Rights ([turights@ituc-csi.org](mailto:turights@ituc-csi.org)).

##### 1.1.2. Cases that could **NOT BE DISCUSSED** in June 2009

- **Paraguay:** Freedom of Association and Protection of the Right to Organise, 1948 (No. 87)
- **Japan:** Forced Labour Convention, 1930 (No. 29)
- **Uzbekistan:** Abolition of Forced Labour Convention (No. 105)

**1.1.3. Cases that were the subject of a SPECIAL PARAGRAPH in the Report of the CAS since 2003 :**

- **2003-2006:** Cameroon (C87 - 2003), Mauritania (C29 - 2003), and Zimbabwe (C98 - 2003), Burma (C 87-2005, C 29-2006), Belarus (C87-2005, C87/98-2006) Bangladesh (C 87/C98)
- **2007:** Belarus (C87), DRC Congo (because of its absence from the Commission) and (Zimbabwe (C87 and deliberate absence from the Commission)
- **2008:** Bangladesh (C87) and Zimbabwe (C87 and obstructionist attitude)
- **2009:** Islamic Republic of Iran (C 111), Swaziland (C 87)

**1.1.4. ALL CASES that were discussed in the CAS at its June 2009 Session and in which the CAS requested the Government to submit a detailed report or other follow-up information, which are as follows, grouped by country**

- Belarus (Convention 87 Freedom of Association) Time bound plan for implementation of implementation of Commission of Inquiry recommendations
- Burma/Myanmar (Convention 29 Forced Labour - special sitting)
- Burma/Myanmar (Convention 87 Freedom of Association)
- Chile (Convention 35 Old Age) Follow-up report
- China (Convention C 122 Employment Policy) Regular report
- Colombia (Convention 87 Freedom of Association) Technical assistance
- Costa Rica (Convention 98 Collective Bargaining) Technical assistance and follow-up report
- Democratic Republic of Congo (Convention 182 Worst forms of Child labour) Technical assistance
- Ethiopia (Convention 87 Freedom of Association) Direct contacts mission and follow-up report
- Guatemala (Convention 87 Freedom of Association) Technical assistance and follow-up report
- Iran (Convention 111 Discrimination) Follow-up report
- Israel (Convention 97 Migration for Employment) Follow-up report in 2010
- Italy (Convention 143 Migrant workers) Regular report
- Korea (Convention 111 Discrimination) Regular report
- Kuwait (Convention 111 Discrimination) Technical assistance
- Malaysia (Convention 138 Child Labour) Technical assistance
- Mauritania (Convention 100 Equal Pay) Reforms and regular report
- Nigeria (Convention 81 labour Inspection) Follow-up report
- Pakistan (Convention 87 Freedom of Association) Technical assistance and follow-up report
- Panama (Convention 87 Freedom of Association) Technical assistance and follow-up report

- Peru (Convention 169 Indigenous People) Reforms and follow-up report
- Philippines (Convention 87 Freedom of Association) High level mission and follow-up report
- Russian Federation (Convention 182 Worst Forms of Child Labour) Reforms and regular report
- Swaziland (Convention 87 Freedom of Association) Special paragraph and technical assistance
- Turkey (Convention 87 Freedom of Association) High level mission and follow-up report
- Venezuela (Convention 87 Freedom of Association) Follow-up report

#### 1.1.5. General Survey - Social Security instruments (C102, C 168, R 67 and R 69)

In light of the 2008 Declaration on Social Justice for a Fair Globalization, the General Survey of 2010 will focus on all conventions and recommendations concerning Social Security: (Minimum Standards) Convention, 1952 (No. 102); Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168); Income Security Recommendation, 1944 (No. 67); Medical Care Recommendation, 1944 (No. 69). You are invited to submit comments on these conventions.

#### 1.1.6. Countries that have failed to provide reports to the ILO about ratified Conventions

Please also review carefully Appendix 2, which provides details of countries that have failed to provide reports to the ILO about ratified Conventions. For the organisations in the countries concerned, it is important to press governments to respect their obligations in this regards and your comments can anyway be sent to the ILO.

#### 1.5. Where do workers' organisations have to send their observations?

Observations must be sent before 1<sup>st</sup> September, 2009 to the ILO's International Labour Standards Department :

- fax no: +41.22.799.67.71,
- e-mail: [normes@ilo.org](mailto:normes@ilo.org)
- *with a copy to the ITUC (and your regional organisation and the regional ACTRAV specialists as the case may be).*

You can also **send your comments to the ITUC**. Our Human and Trade Union Rights Department will be pleased to forward your observations to the ILO. In this case, and in order to guarantee the respect of the final deadline, we would be most grateful if you send them to us by **15 August**:

- ITUC: [turights@ituc-csi.org](mailto:turights@ituc-csi.org) or fax: +32.2.224.02.97 or preferably, the regional norms commissions indicated above (see point 1.1.1.)

## **2. Annual Review (Declaration on Fundamental Principles and Rights at Work)**

Workers' organisations are also actively encouraged to send their contributions to the Experts-Advisers in charge of the Annual Review of the Declaration on Fundamental Principles and Rights at Work.

Your comments should be sent before end July to the ILO.

We remind you that this procedure only deals with core Conventions that were NOT ratified by your country and that your observations are requested to cover situations of non respect of these Conventions in law and practice.

### Discussions at the 98<sup>th</sup> ILO Conference Committee on the Application of Standards, June 2009

Please find below, for information, the link on the ILO website to Parts I, II and III of the report of this year's session of the ILO Committee on the Application of Labour Standards. There, you can have access to the information you need by clicking simultaneously CTRL and F functions - then type the name of country or issue.

#### Part 1: General Report

- [http://www.ilo.org/global/What\\_we\\_do/Officialmeetings/ilc/ILCSessions/98thSession/pr/lang--en/docName--WCMS\\_108370/index.htm](http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/98thSession/pr/lang--en/docName--WCMS_108370/index.htm)

#### Part 2: Observations and information concerning particular countries

- [http://www.ilo.org/global/What\\_we\\_do/Officialmeetings/ilc/ILCSessions/98thSession/pr/lang--en/docName--WCMS\\_108378/index.htm](http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/98thSession/pr/lang--en/docName--WCMS_108378/index.htm)

#### Part 3: Special Sitting concerning implementation by Burma

- [http://www.ilo.org/global/What\\_we\\_do/Officialmeetings/ilc/ILCSessions/98thSession/pr/lang--en/docName--WCMS\\_108330/index.htm](http://www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/98thSession/pr/lang--en/docName--WCMS_108330/index.htm)

### Excerpts from the Report of the ILO Conference Committee on the Application of Standards, 98<sup>th</sup> Session of the Conference, June 2009

#### *Failure to supply reports and information on the application of ratified Conventions*

**221.** The Committee noted with regret that no reports on ratified Conventions had been supplied for the past two years or more by the following States: **Cape Verde, Guinea, Guinea-Bissau, Sierra Leone, Somalia, United Republic of Tanzania (Zanzibar), Togo, Turkmenistan and United Kingdom** (British Virgin Islands and Falkland Islands (Malvinas)).

**222.** The Committee also noted with regret that no first reports due on ratified Conventions had been supplied by the following countries: **Antigua and Barbuda** – since 2004: Conventions Nos 161, 182; **Armenia** – since 2007: Conventions Nos 14, 150, 160, 173; **Dominica** – since 2004: Convention No. 169; – since 2006: Convention No. 147; **Equatorial Guinea** – since 1998: Conventions Nos 68, 92; **Kyrgyzstan** – since 1994: Convention No. 111; – since 2006: Conventions Nos 17, 184; **Liberia** – since 1992: Convention No. 133; **16 Part I/56 ILC98-PR16-Part I-2009-06-0342-1-En.doc Saint Kitts and Nevis** – since 2002: Conventions Nos 87, 98; – since 2007: Convention No. 138; **Saint Lucia** – since 2002: Convention No. 182; **Sao Tome and Principe** – since 2007: Conventions Nos 135, 138, 151, 154, 155, 182, 184; **Seychelles** – since 2007: Conventions Nos 73, 144, 147, 152, 161, 180; **Tajikistan** – since 2007: Convention No. 182; **The former Yugoslav Republic of Macedonia** – since 2004: Convention No. 182; – since 2007: Convention No. 144; **Turkmenistan** – since 1999: Conventions Nos 29, 87, 98, 100, 105, 111. It stressed the special importance of first reports on which the Committee of Experts based its first evaluation of compliance with ratified Conventions.

**223.** In this year's report, the Committee of Experts noted that 46 Governments had not communicated replies to most or any of the observations and direct requests relating to Conventions on which reports were due for examination this year, involving a total of 519 cases (compared with 555 cases in December 2007). The Committee was informed that, since the meeting of the Committee of Experts, 18 of the Governments concerned had sent replies, which would be examined by the Committee of Experts at its next session.

**224.** The Committee noted with regret that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 2008 from the following countries: **Bolivia, Burundi, Cape Verde, Congo, Czech Republic, Dominica, Equatorial Guinea, Gambia, Guinea, Guinea-Bissau, Guyana, Islamic Republic of Iran, Ireland, Kyrgyzstan, Lao People's Democratic Republic, Liberia, Nigeria, Paraguay, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Sao Tome and Principe, Sierra Leone, Solomon Islands, United Republic of Tanzania, Thailand, Togo, Uganda and United Kingdom** (Bermuda, British Virgin Islands, Falkland Islands (Malvinas), Gibraltar, St Helena).

**225.** The Committee noted the explanations provided by the Governments of the following countries concerning difficulties encountered in discharging their obligations: **Bangladesh, Cape Verde, Central African Republic, Czech Republic, Haiti, Liberia, Mozambique, ILC98-PR16-Part I-2009-06-0342-1-En.doc 16 Part I/57 Papua New Guinea, Sudan, Togo, Uganda and United Kingdom** (Bermuda, British Virgin Islands, Falkland Islands (Malvinas), Gibraltar, St Helena).

**226.** The Committee stressed that the obligation to transmit reports was the basis of the supervisory system. It requested the Director-General to adopt all possible measures to

improve the situation and solve the problems referred to above as quickly as possible. It expressed the hope that the subregional offices would give all due attention in their work in the field to standards-related issues and, in particular, to the fulfilment of standards-related obligations. The Committee also bore in mind the reporting arrangements approved by the Governing Body in November 1993, which came into operation from 1996, and the modification of these procedures adopted in March 2002 which came into force in 2003.

## Sample list of Conventions for which reports are required (example)

For more information on other countries, click the following address:

- <http://webfusion.ilo.org/public/db/standards/normes/schedule/index.cfm?lang=EN>

## Uzbekistan

Schedule subject to change if additional reports requested, or reports not received, or following new ratifications

## Regular Reporting Schedule

			4 regular requests	3 regular requests	4 regular requests	7 regular requests	6 regular requests	
Forced Labour Convention, 1930 (No. 29) (Ratification: 1992)								
<b>C. 29</b>	2008	Comments	This year	2010	2011	2012	2013	2014
	Not received last year	R2008	Regular report (Requested)		Regular report		Regular report	
Forty-Hour Week Convention, 1935 (No. 47) (Ratification: 1992)								
<b>C. 47</b>	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report						Regular report	
Holidays with Pay Convention, 1936 (No. 52) (Ratification: 1992)								
<b>C. 52</b>	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report	R2008					Regular report	
Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (Ratification: 1992)								
<b>C. 98</b>	2008	Comments	This year	2010	2011	2012	2013	2014
	Not received last year	R2008		Regular report		Regular report		Regular report
Equal Remuneration Convention, 1951 (No. 100) (Ratification: 1992)								
<b>C. 100</b>	2008	Comments	This year	2010	2011	2012	2013	2014
	Not received last year	R2008		Regular report		Regular report		Regular report
Maternity Protection Convention (Revised), 1952 (No. 103) (Ratification: 1992)								
<b>C. 103</b>	2008	Comments	This year	2010	2011	2012	2013	2014
	Regular report	R2008					Regular report	

**Abolition of Forced Labour Convention, 1957 (No. 105)** (Ratification: 1997)

	2008	Comments	This year	2010	2011	2012	2013	2014
<b>C. 105</b>	Not received last year	OR2008	Regular report (Requested)		Regular report		Regular report	

**Discrimination (Employment and Occupation) Convention, 1958 (No. 111)** (Ratification: 1992)

	2008	Comments	This year	2010	2011	2012	2013	2014
<b>C. 111</b>	Not received last year	R2008		Regular report		Regular report		Regular report

**Employment Policy Convention, 1964 (No. 122)** (Ratification: 1992)

	2008	Comments	This year	2010	2011	2012	2013	2014
<b>C. 122</b>	Not received last year	R2008		Regular report		Regular report		Regular report

**Workers' Representatives Convention, 1971 (No. 135)** (Ratification: 1997)

	2008	Comments	This year	2010	2011	2012	2013	2014
<b>C. 135</b>		R2004	Regular report (Requested)					Regular report

**Minimum Age Convention, 1973 (No. 138)** (Ratification: 2009)

	2008	Comments	This year	2010	2011	2012	2013	2014
<b>C. 138</b>			Ratification		First report		Regular report	

**Collective Bargaining Convention, 1981 (No. 154)** (Ratification: 1997)

	2008	Comments	This year	2010	2011	2012	2013	2014
<b>C. 154</b>		R2004	Regular report (Requested)					Regular report

**Worst Forms of Child Labour Convention, 1999 (No. 182)** (Ratification: 2008)

	2008	Comments	This year	2010	2011	2012	2013	2014
<b>C. 182</b>			Ratification	First report	Regular report		Regular report	