



Governing Body

325th Session, Geneva, 29 October–12 November 2015

GB.325/LILS/3

Legal Issues and International Labour Standards Section
International Labour Standards and Human Rights Segment

LILS

Date: 29 October 2015

Original: English

THIRD ITEM ON THE AGENDA

The standards initiative: Terms of reference of the Standards Review Mechanism Tripartite Working Group

Purpose of the document

The Governing Body is invited to consider draft terms of reference for the Standards Review Mechanism Tripartite Working Group, prepared pursuant to the decision taken at the 323rd Session (March 2015), and to take decisions concerning its work (see the draft decision in paragraph 5).

Relevant strategic objective: All four.

Policy implications: None.

Legal implications: Adoption of terms of reference of a new subsidiary body of the Governing Body.

Financial implications: At its 323rd Session (March 2015), the Governing Body approved a budgetary provision for the Standards Review Mechanism measures in 2016–17 which covers the proposals contained in the current document.

Follow-up action required: Implementation of Governing Body decisions.

Author unit: NORMES in collaboration with JUR.

Related documents: GB.323/PV, paras 51–84, GB.323/INS/5.

1. At its 323rd Session (March 2015), in the context of the standards initiative, the Governing Body:

...

- (e) decided to establish under the Standards Review Mechanism (SRM) a tripartite working group composed of 32 members: 16 representing Governments, eight representing Employers and eight representing Workers to meet once per year for one week;
- (f) requested the Director-General to prepare draft terms of reference for the tripartite SRM working group for its consideration and submission to the 325th Session of the Governing Body (November 2015) for decision;
- (g) decided that this tripartite SRM working group would report to the Governing Body at its 325th Session in November 2015 on progress made in the implementation of the SRM;

...

- (j) decided to place on the agenda of its 328th Session (November 2016) an overall review of this decision, without prejudice to any other issue arising out of the standards initiative requiring prior consideration.¹

2. As questions arose concerning the scheduling of the first meeting of the SRM Tripartite Working Group, and in order to enable it to commence its substantive work as soon as possible, the Officers of the Governing Body agreed to adopt the following approach to the implementation of this decision. A first round of informal consultations with each of the groups separately was held in September 2015, following which the Office prepared draft terms of reference for the SRM Tripartite Working Group as a starting point for tripartite discussions. The draft terms of reference were then considered in tripartite consultations chaired by the Chairperson of the Governing Body and held on 22 and 23 October 2015, involving the Officers of the Governing Body, the Chairperson and Vice-Chairperson of the Government group, the Regional Coordinators, the secretariats of the Workers' and Employers' groups and the person proposed by the Government group to be appointed Chairperson of the SRM Tripartite Working Group (Mr Jan Farzan, Germany).
3. The proposed terms of reference resulting from the tripartite consultations are attached in the appendix and hereby submitted to the Governing Body for its decision.
4. Pursuant to the approach followed and the proposed terms of reference, the Governing Body is invited to: (i) appoint Mr Jan Farzan as Chairperson of the SRM Tripartite Working Group; (ii) consider convening two meetings of the SRM Tripartite Working Group in 2016; (iii) carry out an evaluation of the functioning of the SRM Tripartite Working Group no later than March 2017.

Draft decision

5. The Governing Body decides to:

- (a) approve the terms of reference of the SRM Tripartite Working Group;**
- (b) appoint Mr Jan Farzan (Germany) as Chairperson of the SRM Tripartite Working Group;**

¹ GB.323/PV, para. 84.

- (c) *convene two meetings of the SRM Tripartite Working Group in 2016, one prior to its 326th Session and the other prior to its 328th Session; and*
- (d) *undertake an initial evaluation of the functioning of the SRM Tripartite Working Group no later than March 2017.*

Appendix

Proposed draft terms of reference for the Standards Review Mechanism Tripartite Working Group

(to be considered by the Governing Body at its 325th Session (November 2015))

Background

1. The Governing Body agreed to the establishment of the Standards Review Mechanism (SRM) in November 2011¹ to contribute to the implementation of ILO standards policy as set forth in the ILO Declaration on Social Justice for a Fair Globalization (2008) and to consolidate tripartite consensus on the role of international labour standards in achieving the ILO's objectives. At its 323rd Session in March 2015, the Governing Body decided to establish a tripartite working group as one component of the SRM to ensure that the body of standards is up to date and relevant to the world of work and requested the Director-General to prepare draft terms of reference.²

Legal nature

2. The SRM Tripartite Working Group is established by the Governing Body, to serve in an expert capacity, and shall report to the Governing Body through its Legal Issues and International Labour Standards (LILS) Section.
3. The SRM Tripartite Working Group shall operate under these terms of reference and any directions given by the Governing Body.

Composition

4. The SRM Tripartite Working Group shall be composed of a Chairperson and 32 members: 16 representing Governments, eight representing Employers and eight representing Workers. Members are not required to be members of the Governing Body. The Chairperson shall be appointed by the Governing Body on the nomination of the Government Group. A Vice-Chairperson shall be appointed each by the Employers' and Workers' groups from among their Working Group members.
5. Members of the SRM Tripartite Working Group shall be appointed by their respective groups. Due regard should be taken of the desirability of geographical distribution and gender balance, and the need to ensure continuity and the appropriate expertise. The groups shall communicate to the Office the names of their representatives for each meeting of the SRM Tripartite Working Group.
6. The Chairperson and the members of the SRM Tripartite Working Group shall be appointed for a period coinciding with the term of the Governing Body.
7. Members of the Working Group may be replaced by substitutes for any meeting of the SRM Tripartite Working Group and the respective groups shall inform the Office accordingly.

¹ GB.312/LILS/5; GB.312/PV, para. 577.

² GB.323/PV, para. 84.

Mandate

8. The SRM Tripartite Working Group shall contribute to the overall objective of the Standards Review Mechanism to ensure that the ILO has a clear, robust and up-to-date body of international labour standards that respond to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises.
9. The SRM Tripartite Working Group shall review the international labour standards with a view to making recommendations to the Governing Body on:
 - (a) the status of the standards examined, including up-to-date standards, standards in need of revision, outdated standards, and possible other classifications;
 - (b) the identification of gaps in coverage, including those requiring new standards;
 - (c) practical and time-bound follow-up action, as appropriate.
10. Recommendations of the SRM Tripartite Working Group regarding topics requiring new standards shall be without prejudice to the continuing role in this regard of other existing means, such as the International Labour Conference, General Surveys or meetings of experts.
11. The review of individual or categories of standards shall be organized according to the ILO four strategic objectives and may build on the recommendations of the Working Party on Policy regarding the Revision of Standards (“Cartier Working Party”). Such reviews shall not have any effect on the legal status of a standard until a final decision has been taken on that standard by the International Labour Conference or the Governing Body, as appropriate.
12. The SRM Tripartite Working Group may address any other matter related to standards setting and standards policy as may be requested by the Governing Body.
13. In fulfilling its mandate, the SRM Tripartite Working Group shall be guided by the following principles and considerations:
 - (a) a coherent policy framework within the ILO standards machinery;
 - (b) a clear, robust and up-to-date body of standards for the purpose of the protection of workers and taking into account the needs of sustainable enterprises;
 - (c) the importance of clarity, transparency and consistency;
 - (d) the adoption of decisions by consensus;
 - (e) adequate flexibility of the mechanism, regular evaluation and adjustment as may be necessary;
 - (f) negotiations in good faith, full confidence and commitment to the SRM objectives.

Meetings

14. The SRM Tripartite Working Group shall meet once per year for one week, unless the Governing Body decides otherwise.
15. The programme of work shall be determined by the Governing Body, taking into account any recommendations submitted by the SRM Tripartite Working Group.
16. The Chairperson shall direct the debates, maintain order and ensure the efficient conduct of deliberations. The Chairperson and the two Vice-Chairpersons shall represent the SRM Tripartite Working Group before other ILO organs, as appropriate.
17. The SRM Tripartite Working Group, through its Chairperson and two Vice-Chairpersons, shall report to the Governing Body.

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18. Attendance at the meetings of the SRM Tripartite Working Group shall be limited to its Chairperson, its members, the secretariats of the Employers' and Workers' groups, ILO officials as referred to in paragraph 20, and such limited number of advisers as the SRM Tripartite Working Group authorizes.
 19. The SRM Tripartite Working Group's working documents and the reports of its meetings to the Governing Body shall be made public.
 20. The Director-General or his/her representative and other ILO officials shall attend the meetings of the SRM Tripartite Working Group to provide the necessary administrative and substantive support and any expertise necessary for the work of the SRM Tripartite Working Group.
 21. The SRM Tripartite Working Group may decide to invite representatives of relevant international organizations and other ILO bodies to attend its meetings.

Decisions

22. Decisions of the SRM Tripartite Working Group shall be taken by consensus and its consensual recommendations shall be submitted to the Governing Body for decision and follow-up action, as required. Where it is not possible to reach consensus on a specific issue, the divergent views shall be set out in its report to the Governing Body.

Organization/methods of work

23. Consistent with these terms of reference, the SRM Tripartite Working Group shall establish its own rules of procedure.
24. The SRM Tripartite Working Group may request such support from the International Labour Office as it thinks necessary to facilitate its deliberations.
25. The International Labour Office shall make arrangements for interpretation during the meetings and for translation of documents in the three official languages of the ILO.

Review of the terms of reference

26. The Governing Body shall evaluate the functioning of the SRM Tripartite Working Group at regular intervals and may amend its terms of reference, if necessary, in the light of experience.