



Governing Body

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Institutional Section

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SEVENTEENTH ITEM ON THE AGENDA

381st Report of the Committee on Freedom of Association

Addendum

Reporting back to the Governing Body

Appreciation of progress on working methods and ongoing reflections

1. Since the appointment of its current members in June 2014, the Committee has had dedicated sittings to review regularly its working methods and to address identified areas for reflection. In March 2016, the Committee reported back to the Governing Body on the progress made in respect of its working methods, procedures, visibility and impact. The Committee pointed to a number of developments in the presentation of its report that aimed at further strengthening the effectiveness of its work. These new developments included: (i) the naming of the Committee members in the second paragraph of the report; (ii) the explicit identification, in its introduction, of cases it had to examine in the absence of governments' replies; and (iii) the important use it has made of paragraph 69 of its procedures so as to be able to hear from governments first-hand the efforts that they are making to respond to its requests and the obstacles encountered for fully cooperating with the Committee. Further decisions taken and their impact are outlined in more detail below.
2. With respect to some matters necessitating further reflection, the Committee indicated that it was committed to pursuing discussions. These questions related to the effective communication of its procedures and mandate to constituents, the improvement of follow up given to its recommendations and the interface between the Committee and the other ILO supervisory bodies with a view to more medium or longer term action. In this regard, the Committee has decided to prepare an annual report for submission to the Governing Body in March 2018.
3. As the Committee committed itself to providing feedback on the impact of the adaptations made during the period from November 2014 to June 2017, the Committee has set out below its appreciation of these changes.

Tripartite governance and effective communication

4. Firstly, the most essential change made by the Committee to its functioning concerned the creation of a subcommittee on a trial basis to engage more actively in the handling of cases. As a result of the work that it has now fully carried out in the lead-up to three Committee meetings, the CFA subcommittee has significantly changed the manner in which the Committee functions. The CFA subcommittee, whose proposals are placed before the Committee for final decision, has thus appreciably strengthened the Committee's governance role with respect to four aspects of its work:
 - (a) the identification of priority cases for examination;
 - (b) the setting of the agenda of the next Committee meeting, ensuring relative regional balance;
 - (c) a dynamic follow-up review of the effect given to its recommendations; and
 - (d) an improved presentation of the introduction to the Committee's report to communicate more clearly and effectively its expectations to constituents.
5. Concretely, as from its 378th Report (June 2016), the Committee's report provides explanations on the status of the cases, distinguishes among urgent appeals for grave cases, persistent non-cooperation and simple delays, and, most recently, since its October–November 2016 meeting, identifies a deadline after which no information will be considered for its subsequent meeting. Furthermore, the Committee's report now clarifies the status of the cases in which it examines the follow-up given to its recommendations. To that effect, it specifically indicates in an introductory paragraph the cases for which it has concluded its examination and which will not be further pursued. Further discussion is on-going on the manner in which this information can be most effectively transmitted to all parties in order to clarify for governments and complainants the various stages of the procedure.
6. The CFA subcommittee is also assisting in the identification of further areas for adaptation and further strengthening of its tripartite governance, thus dynamically providing input for the agenda of the Committee's regular working methods meetings. One of the areas that is currently being given further consideration concerns the trends in the use of the Committee that had been raised by the Employers and a regional group at the last November 2016 Governing Body meeting. On the basis of its experience over these last three sessions, the Committee encourages the continuity of the subcommittee on a trial basis.
7. Moreover, recalling that the objectives of the Committee are to assist governments through its recommendations to ensure the application of the principles of freedom of association in law and in practice, the Committee has also decided to limit the naming of enterprises to only once in the first section of the case in which it sets out the allegations. The Committee draws the attention of governments to their responsibility to implement the recommendations in the circumstances identified.

Modernization of case management and internal methods of work of the Office

8. Additionally, the Committee had indicated that the case management and the internal working methods of the Office needed to be further modernized with a view to streamlining procedures and making them more transparent. The Committee asked the Office to engage in reflections with other comparable institutions in this regard and alerted the Governing Body in March 2016 (GB.326/INS/12(Add.)) that it would come back with a proposal to ensure the efficient and effective functioning of the subcommittee and the Committee as a

whole through a modernized case management system for the complaints mechanism. The introduction of a simple online document management system, specific proposals to establish a secure online system from which to allow Committee members to access documents and a means for direct data entry by complainants are under ongoing reflection. This proposed modernization forms part of the proposals set out in the Governing Body document (GB.329/INS/5) on the Standards Initiative: Follow-up to the joint report of the Chairpersons of the Committee of Experts and the Application of Conventions and Recommendations and the Committee on Freedom of Association.

Digest

9. Following the decision by the Governing Body in March 2016 (GB.326/INS/12(Add.)), the Office has proceeded with updating the 2006 Digest. The Committee agreed to report any additions or errors to the Office by 1 April 2017, as well as possible language for the introduction and preliminary remarks, so that a compilation of these proposals could be provided to the members well in advance (1 May 2017) for their consideration at their next meeting in June. The Office will also ensure that countries and years of cases referred to are more directly included. The Office preparation of an electronic version of the Digest is also progressing with the creation of the necessary interface to provide easy access and regular updating in real time of the decisions taken by the Committee in specific cases. This would enable rapid access to the relevant complaint, identifying directly the country concerned and providing the full particulars of the specific circumstances as reviewed by the Committee.

Assuring effective follow-up

10. The Committee has been considering how it can ensure the most effective follow-up to its recommendations and underlines the importance of governments reporting back on the measures taken. In this regard, the Committee is looking at the manner in which it can devote fuller attention to these matters, including by dedicating a part of a Saturday meeting to them. These dedicated sessions can also assist the Committee to determine how best to address follow-up cases which have been inactive for a long period of time and where it is impossible for it to observe the impact of its recommendations.

Draft decision

11. *The Governing Body is invited to:*

- (a) take note of the report;*
- (b) take note of the positive outcome of the establishment of the subcommittee;*
- (c) take note of the results of the discussion on CFA working methods; and*
- (d) request to be kept informed regularly of further developments, including any points for decision.*