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TENTH ITEM ON THE AGENDA

Report of the Working Party on the Functioning of the Governing Body and the International Labour Conference

Oral report of the Chairperson of the Working Party

1. The Working Party on the Functioning of the Governing Body and the International Labour Conference (WP/GBC) met on Monday, 19 March 2012. Mr Greg Vines, Chairperson of the Governing Body of the ILO, was in the Chair, while the Employer Vice-Chairperson of the Governing Body, Mr Daniel Funes de Rioja, and the Worker Vice-Chairperson of the Governing Body, Mr Luc Cortebeek, were Employer and Worker spokespersons, respectively. The Working Party had before it document GB.313/WP/GBC/1 which summarized the key issues and views expressed during informal consultations with the members of the Geneva-based tripartite consultative group in February¹ on the basis of an issues paper appended to the present document. Part I of the document, divided into seven sections, follows the structure of the issues paper, which presented the proposals made by the Working Party at its previous meeting in November 2011, in tabular form. Part II of the document addressed the way forward and the future plan of work of the Working Party. Statistics concerning trends in the level of participation in the Conference, staffing, costs and expenditures, as well as meetings held during the ILC were also provided in the appendices to the document.
2. The Chairperson, following previous WP/GBC practice, invited the three groups to make general statements, starting with the spokespersons of the regional groups and other representatives of Governments, both members and non-members of the Working Party, followed by the Employer and Worker spokespersons. He suggested that the Working Party would discuss, chapter by chapter, Part I of document GB.313/WP/GBC/1 before turning to the way forward and the work to be done before the next meeting of the Working Party in November 2012. The report was acknowledged as an accurate reflection of the discussions held so far, in particular during the meeting of the consultative group. It was emphasized that the consultative group was not a decision-making body, but that its role was to facilitate and advance the work of the Working Party.

¹ The Geneva-based tripartite consultative group, consisting of the regional coordinators and the secretaries of the Employers' and Workers' groups, met on 9 February 2012.

Part I

A. General issues

3. There was tripartite agreement on the need to conduct the reform process within the existing constitutional framework and to strengthen the Conference as the supreme body of the Organization. A broad consensus also emerged that the constitutional, political, technical, forum and assembly functions of the Conference should be maintained. It was suggested that the issues being considered for improvement be categorized according to these five basic functions. Attention was also drawn to the standard-setting function within the constitutional framework of the Conference. The forum function of the Conference was highlighted by some Governments as providing opportunity for discussion and consultation on the most prevalent and critical issues of the world of work. Governments underlined the importance of the reform process as a tool to strengthen the capacity of the Conference to serve its tripartite constituents and to improve its efficiency. Emphasis was placed on the need for transparency, predictability and objectivity as guiding principles in the process of improvement. The overall objective of the review process should be a more focused, effective and conclusive ILC. Many Governments reaffirmed that the reform process should not only be consensus driven, but also constituent led.
4. Governments insisted on the need to ensure participation of all constituents in the work and decision-making processes of the ILC. It was proposed that a mechanism of periodic follow-up of the deliberations of the Conference be established. Some Governments considered that the priorities of the Conference should be carefully identified, taking into account the essential functions of the Organization, and that technical cooperation should be reinforced to facilitate the implementation of actions recommended by the Conference at national level. Concerning the need to establish a timetable for the reform process, several Governments reiterated their wish to see a timetable established of clear and specific reforms and voiced their concern that such a schedule for reform had not been presented to the current session. Although considered as important, the need to take into account the views of the new Director-General should not unduly delay the work of the Working Party.
5. The Employer spokesperson said reform should be conducted by consensus without changing the Constitution and with the aim of strengthening the ILC and maintaining its five core functions. The reform process should be led by the ILO constituents with the objective of increasing the visibility and relevance of the Conference.
6. The Worker spokesperson said that the document before the Working Party could have incorporated more nuanced viewpoints. He could only concur with the idea that the reform process should be consensus driven, within the framework of the Constitution and respect the ILC's five main functions, whereby the constitutional function also included developing and adopting new standards and supervising their application. However, reaching a consensus might require time and this should be taken into account when the timetable is established. To focus on the functions of the Conference also implies improving the participation of social partners. Current circumstances had increased the need for rationalization and efficiency, but not at the expense of substance and enhanced tripartite governance. He emphasized that the ILC represented the only opportunity for many workers to express their legitimate concerns.

B. ILC structure

7. Concerning the linkages between the Conference and the Regional Meetings there was agreement that the two issues were interrelated. However, it was agreed that Regional Meetings should, in this context, be considered at a later point in the light of progress in respect of the ILC. Many Governments expressed the wish that the Office continue to explore ways to optimize the efficiency of Regional Meetings and to assess their cost effectiveness. Comprehensive information on the actual costs of these meetings was also requested. Some Governments suggested that their periodicity should be increased. The Worker spokesperson stated that the question was how to use Regional Meetings to create linkages with the issues discussed at the ILC and the Governing Body and their treatment at the regional level.
8. Referring to the duration of the Conference, the general view among Governments was that its current length was an obstacle to participation at the desired level and hence to constituents' sense of ownership, both of the Conference and its inputs. However, the implications of any reduction of the duration on the core functions of the Conference should be properly addressed. For the Employer spokesperson, the length of the Conference was directly related to its relevance in the modern world. While it was necessary to shorten the duration of the Conference, this should not result in reducing the number of issues it covered. Instead, the issues should be dealt with differently, both before and during the ILC. The Worker spokesperson said that the duration of the ILC was not an obstacle to the desired level of participation; it was the relevance of the topics discussed that would attract the desired level of representation. Moreover, different levels of participation were required for technical committees and for plenary sittings.
9. Most Governments referred to the need to look not only at the structure of the ILC, but also at its functioning and working methods. The alternation of longer and shorter sessions was mentioned by some Governments as an option to be further explored, with some reservations concerning the capacity of the Conference to react to urgent and topical issues within the framework of a shorter session. It was felt necessary to pursue the examination of preparatory processes as a possible means to improve the functioning of the ILC. Holding preparatory technical meetings was proposed by a number of Governments as a way to reduce the duration of standard-setting committees or even replace first discussions of agenda items. Some concerns were however expressed as regards the financial implications for the participation of some countries. The funding of those processes should also be discussed.

C. ILC agenda setting

10. It was agreed that it was essential to review rapidly the process of establishing the agenda to make it simpler, more transparent, and more participatory with a view to producing agendas which met constituents' needs, and addressed topical and relevant issues. Items that did not encounter significant support should not be retained as proposals year after year. It was stated that the selection of agenda items should be subject to regular review and consultations with constituents. Sources for agenda items should be the constituents, the Office and emerging issues in the world of work. Several Governments reiterated the conclusions of the consultations held in February in saying that a slot should be kept open until the Governing Body session in June, to allow for the possible selection of an item to follow-up to work of one of the technical committees, including the committee for the recurrent discussion, or for the selection of a topical issue requiring urgent examination. Most Governments emphasized that tripartite constituents should be afforded more opportunities to submit proposals for the ILC agenda. Tripartite consensus should be the result of an inclusive and transparent decision-making process. It was also emphasized that the ILC should adopt in that respect a more forward-looking approach.

11. The Employer spokesperson said that agenda setting was not only a problem for the future, but a serious one for the present. The 2008 crisis had played a role in keeping the ILC agenda relevant to the international agenda. It is crucial that the agenda should mirror the real challenges of the contemporary world of work. The Office had a key role to play in accompanying the selection process. The agenda-setting process required the full participation of the three groups and the support of the Office to identify the most relevant agenda items.
12. The Worker spokesperson said that he was disappointed at the way in which the ILO Declaration on Social Justice for a Fair Globalization had been addressed in this section of the document. There was a need to enhance the potential of the 2008 Declaration as an agenda-setting instrument. He emphasized that placing an item arising from a recurrent item discussion on the agenda of a future conference helped give a sense of constituent ownership. An overall strategy was needed for using recurrent discussions as a generator of items for the ILC agenda. The Office should also become more proactive in generating proposals.

D. ILC plenary

13. It was widely recognized that the right of delegates to address the plenary was of great importance and should not be curtailed. However, the plenary sittings did not enjoy the general interest that was desired. The debate in plenary was in practice not always focused on the reports of the Director-General and the President of the Governing Body but often served to present national experiences, express political positions or share views on specific aspects which one delegate considers crucial for the Organization. In reviewing the ILC plenary, not only the topic and format, but also the length of the plenary should be addressed. In that respect, the Office was requested to explore ways to avoid or curtail the opening formalities of the first plenary. Ways of making the plenary sittings more interactive and attractive should be explored and efforts should be made to restore the balance between high-level speakers, panel discussions and the work of the Conference. Some concern was also expressed regarding the proposal to hold thematic sessions instead of a continuous plenary.
14. While recognizing that the format of the plenary was also linked to the views of the incoming Director-General concerning his or her Report, the Worker spokesperson emphasized that for the Workers' group the plenary was considered principally to be a forum for delegates to voice their views and concerns. Moreover, appropriate follow-up should be given to issues raised during the plenary sitting. Thematic discussions should be explored, provided they remained tripartite and topical. High-profile participants, including social partners, should also be integrated more efficiently into the workplan of the ILC.
15. The Employer spokesperson said that participants should consider what they wanted from the plenary sitting in terms of forum and assembly functions. Although the new Director-General could certainly assist in developing a more strategic vision of how to improve the content of the plenary sitting, the Working Party would not be in a position to address many of the issues at hand until it had defined the purpose of the plenary. He also emphasized that the participation of more Heads of States in recent years had increased the visibility and impact of the Conference but their presence should be mainstreamed into the work of the ILC and not slow down its pace.

E. Working methods of ILC committees

16. Governments emphasized the need to reinforce the principles of objectivity, predictability and transparency in the working methods of all ILC committees, including the Committee on the Application of Standards. Some Governments were of the view that the working methods of the technical committees could be improved through better time management, greater use of technology to facilitate the negotiation process in the three languages, improved processes for the sequencing and discussion of amendments, careful selection of committee chairpersons and stronger support by the Office in the conduct of discussions. Regarding the recurrent discussions, to fulfil the objectives of the 2008 Social Justice Declaration, an assessment of the impact of ILO work and the identification of the needs of the constituent would be required. Some Governments also suggested that shorter reports, distributed at an earlier stage, could contribute to improvements in the general discussion committees.
17. The important role and specific nature of the Committee on the Application of Standards was underlined and significant improvements introduced in its working methods were welcomed, in particular regarding the scheduling of cases and time management. While noting progress in the informal tripartite working group on the working methods of the Committee on the Application of Standards, some Governments expressed strong concerns about the late issuance of the list of cases. Most of them supported the proposal outlined in the document, that the results of the discussions of that Working Group feed into the discussions of the Working Party (WP/GBC).
18. The Worker spokesperson said that his group was opposed to shortening the time allocated to technical committees, which could negatively affect the results of the negotiating process. He also reminded the Working Party that the decisions taken in the Working Group had already produced many results, in particular as regards the list of cases which is now transmitted to member States 15 days before the opening of the Conference. He was not convinced of the need to discuss these issues in the Working Party as a separate working group was dealing with them.
19. The Employer spokesperson insisted on the importance of the preparatory processes to facilitate the work of committees. The expertise of the chairpersons, the spokespersons and the secretariat was also critical for their smooth running. In his view, improvements were still required regarding time management and an in-depth understanding of working processes.

F. ILC delegates and participants

20. Some Governments reiterated the view that balance in the composition of tripartite delegations was more important than the total number of persons in a national delegation. In their view, it would not be appropriate to fix a limit for this number. The statistics provided by the Office clearly reflected an increase in the number of participants over the years but the impact of this increase on the real cost of the Conference remained unclear. The Worker Vice-Chairperson referred to the concern expressed by his group about imbalances in the tripartite delegations which prevented Workers and Employers from taking part fully in all Conference deliberations. The Employer Vice-Chairperson concurred that balance was important, not only in the tripartite composition of a national delegation, but also to ensure adequate coverage of all items on the agenda.

G. Efficiency gains and others

21. Many Governments acknowledged the efforts made by the Office to adopt a cost-effective approach to the management of the Conference, in particular those related to a better planning of interpretation, the reduction of overtime hours and fewer extended sittings for general or recurrent discussions. They reiterated the need to maintain the publication of the *Provisional Record* was reiterated even if other possible sources of savings could be explored, such as the distribution of Conference documents electronically. It was generally felt that use of technology should be reinforced to facilitate the negotiating process in drafting groups. For some Governments, recent experiences had also demonstrated the need to review the composition of drafting groups. In their view, the time allocated to committees could be better used and the Office could probably review some legal procedures which do not lend themselves to the most efficient use of time. The Employer Vice-Chairperson supported the measures identified by the Office while sharing the concerns expressed by some Governments as regards the need to maintain the publication of the *Provisional Record*. He noted that the reform process should not be considered as a cost-cutting exercise, even if it was aimed at clear efficiency gains. Some practical arrangements should be tested, taking advantage of the possibility to suspend some provisions of the Standing Orders. The experience of other international organizations could also be used by the Office as a source of inspiration. The Worker Vice-Chairperson said that his group certainly supported better planning, as long as it did not affect the conditions necessary for the satisfactory functioning of the supreme decision-making organ of the ILO. He requested that the discussion about the *Provisional Record* be deferred to the summer and suggested that the Committee on the Application of Standards should still have the option of extended sittings, if required.

Part II. The way forward

22. The Chairperson summarized the priorities that had emerged for review as follows: (i) the structure of the ILC; (ii) the working methods of ILC committees and plenary; (iii) ILC agenda setting; (iv) cost-saving efficiency gains, without loss of capacity; and (v) the duration, relevance and format of the ILC. While the objectives of the Conference had been discussed at length and the need for a reform process driven by constituents had been affirmed, firm proposals for significant reform were needed in order to move the discussion forward. He said that the consultative group should now develop some responses to the problems and issues that had been identified and formulate some specific, innovative proposals for change for consideration at the November 2012 meeting. The Chairperson also affirmed that there was an open invitation to all constituents to propose inputs to the reform process.
23. A Government representative observed that, whereas the document before the Working Party focused on procedural aspects of the reform process, Working Party members were in fact required to take a much wider approach, including consideration of the objectives and impact of the Conference. The Employer spokesperson underlined the importance of establishing a clear timetable for the future workplan of the Working Party. He asked whether the Working Party would authorize the Office to implement individual changes to the ILC on which there was consensus, before agreement was reached on the entire reform package. That approach would enable specific changes to be tested gradually.
24. Other Governments stated that they had been working on the assumption that nothing would be approved until everything was approved.

25. The Worker spokesperson supported the proposal for the Office to prepare a paper, as indicated in paragraph 20 of the document before the Working Party, but proposed that the ensuing consultation should include the spokespersons of the Workers' and Employers' groups. With reference to the proposals in the issues paper, the Workers supported the revision of some provisions of the Standing Orders, but not the idea of holding Regional Meetings in Geneva immediately before or after the ILC, since the aim of Regional Meetings was to raise awareness of the Organization in the regions. The Workers were not in favour of lighter sessions of the Conference. The discussion of the LILS Section in November 2012 should clarify the way forward in terms of standard policy, including standard setting, which should be taken into account in further discussion.
26. The Chairperson, while agreeing that the Office should be given the scope to work with the consultative group to initiate and develop proposals, recalled that the consultative group was not a decision-making body. All proposals would be brought to the Working Party for full debate before adoption. He encouraged the Working Party members to consider and submit proposals through the regional groups and secretariats, in order to ensure that there were robust reform proposals before the Governing Body at its November session.
27. On the basis of a first proposal made by the IMEC group representative and further amended by the Chairperson and the GRULAC spokesperson, the Working Party unanimously agreed on the following point for decision.
28. *The Working Party recommends that the Governing Body request the Office to convene meetings of the Geneva-based tripartite consultative group, in order to develop a plan of work, including time frames, and to present an updated document that takes into account the interventions made during the March 2012 session of the Governing Body, for the consideration of the next meeting of the Working Party in November 2012.*

Geneva, 23 March 2012

Point for decision: Paragraph 28