



## Governing Body

316th Session, Geneva, 1–16 November 2012

GB.316/WP/GBC/1

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

WP/GBC

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Date: 19 October 2012

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### FIRST ITEM ON THE AGENDA

## Improving the functioning of the International Labour Conference and the Regional Meetings

### Context

1. In March 2012, “the Governing Body requested 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 313th Session (March 2012) of the Governing Body, for the consideration of the next meeting of the Working Party in November 2012”.<sup>1</sup>
2. At its meeting on 15 October 2012, the consultative group had before it a background paper prepared by the Office. The paper was divided into seven chapters which correspond to the major issues which have guided the discussions so far: A. General issues; B. ILC structure; C. ILC plenary; D. ILC agenda setting; E. Working methods of ILC committees; F. ILC delegates and participants; and G. Efficiency gains and others. Each section comprised a summary of the principles and views agreed or discussed at the November 2011, March and June 2012 sessions of the Governing Body and explored proposals which could guide future reflection.
3. The consultative group discussed the paper section by section, with the exception of the section dealing with ILC agenda setting, on which separate informal consultations had been held. The paper contained, in particular in sections B and C, a number of concrete proposals on which feedback was requested. That paper, as revised to reflect the comments of the consultative group, is reproduced in Part I of this document.
4. The three appendices contain, respectively: (i) a short presentation of the major functions of the Conference; (ii) the agenda of the 102nd Session (June 2013) of the Conference; and

<sup>1</sup> GB.313/PV, para. 188. The tripartite consultative group is composed of the regional coordinators and the Employers’ and Workers’ secretariats as set out in the Introductory note to the Governing Body Standing Orders (para. 19).

(iii) a note on the process of setting the agenda of the Conference.<sup>2</sup> Should some of the options proposed in the document be retained by the Working Party, cost estimates and a detailed plan of work could then be submitted to the Governing Body at its March 2013 session.

5. A draft timetable for the reform process is proposed in Part II of the document for review by the Working Party.

## **Part I**

### **A. General issues**

#### ***Summary of the debate held in the WP/GBC since November 2011***

6. A clear consensus emerged on the need to conduct the reform within the existing constitutional framework. All parties considered that the reform should be constituent-led, and give constituents a sense of ownership of the ILC. There was also clear agreement on the following objectives of the reform: (i) to strengthen the ILC as the supreme policy-making organ of the ILO; (ii) maintain the five functions of the ILC<sup>3</sup> (constitutional; political; technical; forum and assembly); and (iii) enable the ILC to meet the needs of constituents and the international community.
7. Consensus was reached that the current reform process would start with the ILC and go on to examine the functioning of Regional Meetings at a later stage, in the light of progress made in respect of the ILC. The option of holding Regional Meetings in Geneva prior to the ILC has been discussed by the Working Party but has not been retained. The location of Regional Meetings in their respective region was considered as an important way to draw the ILO's attention to the specific issues affecting each region. It also promotes greater attendance and participation by regional constituents.
8. Other key objectives for the reform were expressed by individual groups, such as: (i) to increase the visibility and capacity of the ILO to play a meaningful and constructive role in improving the world of work; (ii) to strengthen the Conference, particularly its standard-setting function, in order to reinforce tripartism and ensure the effective participation of social partners.
9. It was suggested that a mechanism be established to strengthen periodic follow-up of ILC recommendations in the Governing Body. It was also proposed that technical cooperation be reinforced in order to facilitate the implementation of actions recommended by the ILC at national level.

#### **Conclusions and proposed actions**

A.1. There appears to be consensus on the following principles to guide the discussions on the ILC reform:

<sup>2</sup> This note was prepared by the Office for the informal tripartite consultations held on 20 September 2012.

<sup>3</sup> For a detailed presentation of those functions, see Appendix I.

- (i) the reform process should be constituent-led and consensus-driven;
- (ii) nothing should be finalized until an entire package of reforms is collectively agreed upon;
- (iii) a timetable for the reform process should be considered in November 2012 with a view to implementing the reforms from the 104th Session of the ILC in 2015;
- (iv) recommendations should be made within the existing constitutional framework;
- (v) amendments to the Standing Orders of the International Labour Conference (Standing Orders) should be made as appropriate.

A.2. Should the Working Party require evidence of the suitability of certain proposals before they are adopted as part of the final reform package, the Office could implement them on a trial basis at the 2013<sup>4</sup> and 2014 sessions of the Conference.

## B. ILC structure

### ***Summary of the debate held in the WP/GBC since November 2011***

10. Even though the distinction between the technical (committees) and the political (plenary) functions resulting from the previous ILC reform<sup>5</sup> was not fundamentally put into question, the need to review the overall structure of the ILC was underlined and some concerns were expressed about the Conference being split into parts with little to bring the two parts together. It was argued that the plenary also contributed to the “technical” function of the ILC when dealing with the presentation and adoption of the committees’ reports and the votes.
11. The structure of the Conference consists of the plenary and the committees appointed by the Conference in plenary. The plenary appoints not only the standing committees provided for in the Conference Standing Orders, but also ad hoc committees to consider specific agenda items. The standing committees, as provided for by the Standing Orders, are the following: Selection Committee, Credentials Committee, Conference Drafting Committee, Committee on the Application of Conventions and Recommendations, Finance Committee and Resolutions Committee. The other “technical” ad hoc committees are divided into three categories: standard-setting, general discussion and recurrent discussion committees.
12. The possible reactivation of the Resolutions Committee, which has been suspended since 2006, gave rise to differences of opinion. For some, this Committee provided a space for topical and political debate and should be convened every two years, in place of a general discussion, whereas others pointed to past experience of an increasing proportion of resolutions raising political questions for which the ILO did not have primary responsibility. When the Committee is suspended, the Selection Committee (or another committee) takes over its functions. However, as the procedures and composition of the Selection Committee differ from those of the Resolutions Committee, it might be appropriate to consider whether adjustments to the Standing Orders are needed to provide

<sup>4</sup> The agenda of the June 2013 session of the ILC is reproduced in Appendix II.

<sup>5</sup> See document GB.300/WG/ILC.

adequate safeguards for the Conference review of any resolutions relating to matters not initially included in an item on the agenda.

13. The proposal to alternate between full Conference sessions and “lighter” sessions, considered by some to be a desirable option, was finally not retained by the Working Party, because of strong reservations expressed, inter alia, as to the capacity of the ILC to react to urgent and topical issues within the framework of a shorter session. There appears to be consensus that the ILC structure should remain consistent across sessions and be re-evaluated rather than endorsing a schedule of “full” and “light” sessions or spreading a single session of the ILC across two years.
14. The duration of ILC sessions was clearly identified as a key issue. To determine the time required for the sessions, it was suggested that the Working Party first agree on the outcomes and work of the ILC and then allocate the necessary time to achieve them. For some, the length was a clear obstacle to participation at the desired level of senior representatives, whereas for others, the relevance of topics was a much more important factor than duration. The need to improve time management without harming technical or political objectives was clearly stated. Based on the experience of 2012, a specific request was made to reduce the duration of the session by one day.
15. The possibility of holding preparatory tripartite technical meetings prior to the Conference to facilitate smoother and quicker discussions for standard-setting items was retained as an option to be explored further, but to be considered on a case-by-case basis.

## Conclusions and proposed actions

B.1. Experience has demonstrated that, in particular in the preparation of a single discussion, preparatory technical meetings for standard-setting items can prove effective in some cases, while in others, efficient preparatory work by the Office (i.e. surveying the views of constituents prior to the ILC) can also prove beneficial in ensuring an effective discussion. It was however argued during the informal consultations that the “single discussion” process when dealing with a standard-setting item should remain the exception, and that a standard-setting issue should be governed, as a general rule, by a double discussion procedure.<sup>6</sup> A flexible approach determined by the Governing Body, in consultation with the Director-General, at the time the item is placed on the agenda might therefore be preferable. The recommendations of the standards review mechanism (once adopted) should also help the Governing Body to determine whether a preparatory meeting would be necessary. Consideration would also need to be given not only to the financial implications but also to the level of participation anticipated in preparatory meetings.

B.2. Given the complexity of procedures in the standard-setting committees regarding the process of amendments, consideration could be given to preceding the formal standard-setting discussion by a general discussion on the policy issues that may lead to a new standard.

B.3. As agreed in the Working Party, the number of side events should be reduced to a minimum. The ILC could, however, facilitate greater opportunities for knowledge sharing and networking between constituents. This could be achieved by the Office organizing briefing sessions by key ILO staff, according to demand, which could be held during lunch breaks or by making presentations to the morning group meetings. The demand for briefing sessions could be assessed by means of a questionnaire, which could be distributed to constituents either before or during the ILC session.

<sup>6</sup> See article 39 of the Standing Orders.

## C. ILC plenary

### ***Summary of the debate held in the WP/GBC since November 2011***

16. As agreed by the Working Party, the plenary is the key decision-making body of the ILC. All substantive decisions of the Conference are taken in the plenary but its work should not be disconnected from that of the technical committees.
17. There was consensus that each delegate should retain the opportunity to address the Conference in plenary. A continuous plenary session was considered as the best way to confer this right to delegates.
18. There was also a clear agreement that ways to make the plenary more interactive should be explored and further efforts should be made to restore the balance between high-level speakers, panel discussions and the work of the Conference. During the informal consultations, the need to limit the number of high-level guests was reiterated together with the need to organize consultations with the three groups about the selection of the themes to be discussed in panel discussions and the panellists to be invited.
19. In reviewing the ILC plenary, there was general agreement that its length should be addressed, and that ways to curtail the opening formalities should be explored.
20. For some, the plenary was considered principally to be a forum for delegates to voice their views and concerns; for others, the purpose of the plenary in terms of forum and assembly functions should be redefined.

### Conclusions and proposed actions

#### *Opening sitting*

C.1. Concerning the opening sitting, one option could be to simplify the procedure of appointing members of the Selection Committee and the Officers of the groups by displaying the nominations on the big screen in the Assembly Hall and distributing a document containing the proposed nominations. Amendments to the Standing Orders would also eliminate the need to split the opening in two sittings. To make the opening sitting more substantive and attractive, one option would be to standardize the practice of the last few years and plan for a speech by a high-level guest. During the informal consultations, however, it was argued that a balance should be found between the need to give more visibility to the opening ceremony of such a major “tripartite event” and the need to keep the opening sitting as short as possible to allow the committees to start their work. The need for the Chairperson of the Governing Body to introduce his or her report was also questioned.

#### *Report of the Director-General*

C.2. As of 1931, the Director-General’s Report has focused on urgent problems faced by the ILO, the outlook for the future and the general policy of the Organization. As a result of a previous reform in 1992, the Governing Body decided that the Director-General’s Report on a social theme would be presented on a biennial basis rather than annually, alternating with a Report on programme implementation and the activities of the ILO during the preceding financial period.<sup>7</sup> It seems important, however, to keep the option for

<sup>7</sup> Article 12, para. 2, of the Standing Orders.

the Director-General to address a social policy theme that he considers of major significance in any given year. During the informal consultations, it was also argued that the programme implementation issue would be better suited as part of the report of the Chairperson of the Governing Body, since the Director-General reports on it to the Governing Body.

### *Structure of the plenary*

C.3. One option would be to divide the plenary into four broad sections, based on its major functions: (i) the formal opening: appointment of the ILC Officers, members of the standing Conference committees and the establishment of the Conference committees (on the opening day of the ILC); (ii) a continuous plenary session for discussion of the reports of the Director-General and of the Chairperson of the Governing Body running in parallel with the technical committees with the possibility of having a discussion<sup>8</sup> on an item placed on the agenda for a general discussion in plenary instead of having it in a committee framework; (iii) one day for a “World of Work Summit”, as part of the plenary,<sup>9</sup> following the conclusion of the work of the technical committees; and (iv) a formal plenary dealing with the examination and adoption of the committees’ outputs (reports, resolutions, conclusions, etc.) and the formal adoption, by a vote, of Recommendations, Conventions and the programme and budget. During the informal consultations, the idea of having a Director-General’s Report focused on a social theme received support, and was seen as a means to attract more attention from the media and to generate a more focused discussion.

C.4. In the past, debates on items other than the Director-General’s Report were held in the plenary. It seems feasible to have a plenary discussion around a general discussion item put on the agenda of the Conference by the Governing Body, instead of creating a separate committee for this purpose. This debate, which could be organized during the second week, would be summarized in a committee-style report rather than being presented in a *Provisional Record*. At the end of the debate, the Conference might adopt directly, in addition to the conclusions of the discussion, a resolution. A drafting group could be convened as an ad hoc committee to elaborate conclusions. Such an approach would enable delegates who do not participate in certain phases of committee work (such as drafting), to attend the plenary. Reservations were, however, expressed during the informal consultations regarding this option, as it was considered that this may not allow sufficient time for a sound discussion.

C.5. Another proposal is to devote one day of the plenary to a “World of Work Summit” This one-day event could be held following the conclusion of the work of the technical committees. The Director-General, after consultations with the Officers of the Governing Body, would select the theme for the event which could include one or two keynote addresses, for example by Heads of State and Government, and interactive activities, such as panel discussions, with the participation of senior ministers and leaders of social partners’ organizations, or other high profile global figures. Appropriate representation across regions and countries of differing developmental status should be ensured. Scheduling such a summit at this time would allow the ILC secretariat to finalize the work of the technical committees and to make preparations for the adoption of their reports in the plenary, as soon as possible following Committee deliberations. Furthermore, this summit would be a means for the ILC to attract further media attention.

C.6. By advancing the plenary sitting to the second week and modifying its method of discussion to ensure continuity, the Conference would be able to deal with reports of

<sup>8</sup> See para. C.4. below.

<sup>9</sup> See para. C.5. below.

certain committees (Finance, Credentials, Selection, a general discussion) during the second week, so that these matters do not have to be left for the third week. Some votes, such as those on the recovery of the right to vote, could also be dealt with earlier, although one would have to remain vigilant that such a vote would not affect the work of the committees.

### *Discussion of the Report of the Director-General*

C.7. The yearly demand to exercise the right to speak in the plenary is considerable (292 speakers in 2012, including 108 Ministers, 20 Government delegates or advisers, 44 Employers' delegates or advisers, and 74 Workers' delegates or advisers). The value of these individual speeches at a national level should not be undermined. The importance of this unique opportunity for workers and employers to express their views in an international forum should be recognized and maintained.

C.8. Within the framework of the continuous plenary session, and to improve the attraction and interaction of the discussion of the Director-General's Report, several options could be explored in parallel to individual speeches, such as: (i) thematic discussions encouraging a "real debate", focused on specific issues discussed in the Report; (ii) high-level panels of Conference participants on a topic related to the report – these panels might be moderated by the Director-General or high-level ILO officials and could be held in smaller rooms, more suitable for an interactive discussion; (iii) addresses by member States' delegations allowing the Government, Employers' and Workers' delegates of the same delegation to address the theme of that session; and (iv) an open discussion (morning or afternoon sitting) providing delegates with an opportunity to speak on other matters of their choosing, related to important international labour issues. All interventions would have strict time limits. In this respect, a suggestion was made to reduce the current time limit (five minutes for the discussion of the Report of the Director-General), noting that in some other agencies the time limit for interventions is as short as two minutes. Another option proposed during the informal consultations was to allocate, during the second week, three days to the general discussion of the Reports of the Director-General and of the Chairperson of the Governing Body, with one day being identified for the speakers who expressed the wish to address specific national issues.

## **D. ILC agenda setting**

### ***Summary of the debate held in the WP/GBC since November 2011***

21. It was recalled that, under the Constitutional provisions,<sup>10</sup> the agenda for meetings of the Conference is settled by the Governing Body, which considers any suggestion made by a government, a recognized representative employers' or workers' organization or a public international organization. The Governing Body has the authority to determine the number and nature of the items on the Conference agenda. The Conference can also decide to include a subject on the agenda of its following session. In accordance with its Standing Orders, the Governing Body considers proposed items for inclusion on the Conference agenda at two consecutive sessions.
22. The agenda of the Conference is composed of two parts dealing respectively with the standing items and with the technical (ad hoc) items. The Conference appoints two

<sup>10</sup> Article 14, para. 1, and article 16, para. 3, of the Constitution.

standing committees<sup>11</sup> to deal respectively with the second and third standing items of the agenda, namely the arrangements for the approval, allocation and collection of the budget (and any other financial item) and the information and reports on the application of Conventions and Recommendations. The Reports of the Chairperson of the Governing Body and of the Director-General are discussed in plenary. Regarding the technical items, the Conference may appoint committees to consider and report on any of those items.

23. There was consensus that agenda setting should be a process subject to effective tripartite consultation and that governments as well as recognized employers' and workers' organizations should have more opportunities to submit proposals for the ILC agenda.
24. In practice, the Office is responsible for submitting to the Governing Body proposals for ILC agenda items, coming from a number of sources, including: (i) governments as well as recognized employers' and workers' organizations; (ii) the work of the Office; (iii) outcomes of recurrent discussions (resolutions, conclusions); and (iv) outcomes of general discussions (resolutions, conclusions). The outcomes of ILO meetings (Regional Meetings, sectoral meetings, meetings of experts) were also identified as potential generators of proposals.
25. Consensus was reached on the urgency to review the agenda-setting process to make it simpler, more transparent and more participatory.
26. The ILO Declaration on Social Justice for a Fair Globalization put in place a series of recurrent discussions with a view to enabling the ILO to better understand the needs of its constituents. It was agreed that better use should be made of these discussions to improve the agenda-setting process. It was, however, recognized that a recurrent discussion should not automatically lead to a double discussion or a standard-setting discussion.
27. Agreement was expressed that the agenda should meet constituents' needs and address topical and relevant issues. Items that do not attract significant support should not be retained for future proposals.
28. An agreement was also reached on the need to keep open a slot until the June session of the Governing Body, to allow for an item to be selected for the following session of the Conference based on the follow-up to the work of a technical committee, or for a topical issue requiring urgent examination.
29. It was noted that the timing of final decisions on the agenda needed to take into account not only the advantages of addressing issues of topical importance, but also the need for adequate preparation time, in particular for standard-setting discussions.

## Conclusions and proposed actions

D.1. Discussions of the Governing Body procedure for setting the ILC agenda have focused over the past years on: advantages and disadvantages of fixing the Conference agenda two years in advance; the criteria guiding the choice of an item and the specific criteria for standard-related items, including the added value of new standards with reference to the existing body of standards; advantages and disadvantages of a double debate before finalizing the agenda; the session at which a final decision is made, and the method for the identification and selection of items by the Governing Body.

D.2. While the recent practice has been to establish committees to discuss ad hoc items, it is worth recalling that: (a) the selection of an agenda item does not necessarily imply

<sup>11</sup> Article 7 and 7bis of the Standing Orders.



creation of a new Conference committee; (b) several items can be discussed by the plenary; (c) there is no pre-determined number of items.

D.3. The Governing Body may be encouraged to treat standard-setting items separately and in advance of other items. The main reason being that the standard setting requires several stages of preparation, including several specifically identified Office reports (*starting 18 months before the opening of the relevant Conference session*).<sup>12</sup>

D.4. As has been the case in the past, general discussions could constitute preparatory work for standard-setting activity and, in certain cases, provide a sufficient basis for a single discussion procedure.<sup>13</sup> The Governing Body should consider this upon placing the item on the agenda of the ILC.

D.5. In relation to standard-setting items, the time frames imposed by articles 38–39 of the Standing Orders in relation to dissemination of the various reports are appropriate. However, these provisions, as well as certain provisions of the Standing Orders, may need to be amended to allow for a more flexible approach in line with other proposals explained in this document (i.e. preparatory meetings or using a general discussion as a preparatory meeting).

D.6. Even though the agenda-setting process is still under review,<sup>14</sup> the major steps of the process could be summarized as follows: (i) the Office develops a short list of proposals coming from the abovementioned sources that can be presented in broad lines and in general terms; (ii) the Office consults the Geneva-based tripartite consultative group on the shortlist of proposals prior to the applicable session of the Governing Body; (iii) the Office submits to the Governing Body for decision the preferential list of proposals (refined as necessary based on the consultations); (iv) the Governing Body decides the number of proposals to be placed on the agenda; and (v) the Governing Body discusses the shortlist of proposals and considers at two consecutive sessions which ones to include on the agenda.

## **E. Working methods of ILC committees**

### ***Summary of the debate held in the WP/GBC since November 2011***

30. The need to reinforce the principles of “transparency, predictability and objectivity” in the working methods of all ILC committees was emphasized.<sup>15</sup>
31. The important role and specific nature of the Committee on the Application of Standards was underlined. While recognizing the significant improvements introduced in its working methods and noting progress in the informal tripartite working group on the working methods of the Committee on the Application of Standards, some were of the view that the result of its discussions should feed into the discussions of the Working Party (WP/GBC). Others were not in favour of this option, noting that a separate working group was already considering the working methods of the Committee on the Application of Standards.

<sup>12</sup> Articles 38 and 39 of the Standing Orders.

<sup>13</sup> Article 38 of the Standing Orders.

<sup>14</sup> Informal consultations on this issue were held in Feb., May and Sep. 2012. They will continue and the Office will report to the Governing Body on their results in Mar. 2013.

<sup>15</sup> See GB.313/INS/10, para. 16.

32. Some suggested that ILC committees, in particular those in charge of a general discussion, should focus on achieving the desired outcome in a more timely manner. Consideration should also be given to allocating some committees less time to finish their work, while others (such as a standard-setting committee or the Committee on the Application of Standards) may require more time. Some also emphasized the strategic importance of the work of the Recurrent Discussion Committee.
33. Some recommended a greater use of technology to facilitate committee work. Technology must be up to date and there must be contingency measures in place should the technology fail. The need to use screens in all committee rooms whenever amendments are discussed was reiterated in that respect.
34. It was emphasized that an early selection of committee chairpersons would be beneficial, taking into account that a high level of familiarity with the ILO and the procedures used in ILC committees, as well as with the topic discussed by the committee, was of crucial importance. Once appointed, they should be appropriately briefed and assisted by the Office. Effective support from the Office in the conduct of committee discussions is also required.
35. Consideration should be given to further promoting the existing online training modules for delegates on the working procedures used in the Conference technical committees.
36. Reports for ILC committee discussions should be prepared in order to facilitate the achievement of the desired outcome as determined by the constituents at the time the item is placed on the agenda.
37. Based on past experiences, it was proposed that, in order to ensure equal regional representation, the number of Government members on drafting groups be a multiple of four. Consideration should be given to developing a standard formula which could apply to all drafting groups established by general discussion committees.
38. Further measures should be taken to reduce publication and distribution costs. It was suggested that the Office distribute a questionnaire to constituents so that they can indicate whether they require advance copies of reports.
39. It was proposed to continue the recent practice of avoiding planned evening sittings for non standard-setting committees.

### Conclusions and proposed actions

E.1. It was suggested that, to enhance their relevance and importance, the chief focus of general discussions would be on producing an output that: (i) focuses on the ILO's core mandate and areas of expertise; (ii) identifies policy priorities that result in concrete action; (iii) features best practice and knowledge sharing; (iv) is user-friendly and clearly outlines the committee's conclusions and future action by the Office and constituents; and (v) identifies follow-up mechanism(s) for implementation.

E.2 The specific nature of the recurrent discussions should be better recognized. In this context, the Office and the Governing Body should consider further reviewing the arrangements and modalities of recurrent discussions, including the content of recurrent discussion reports, the involvement of constituents and the organization of the discussion during the Conference, to reflect the true purpose of these discussions as defined in the ILO Declaration on Social Justice for a Fair Globalization.

E.3. A proposal was made that for non-standard-setting committees, the drafting group be established at an earlier stage of the Committee's work. The idea was to facilitate the work

of these drafting groups, in enabling them to meet in the evening of each day of general discussion to work progressively on the conclusions. This could reduce the amount of time required at the end of the Committee's discussions and allow the drafting group to identify areas where further guidance from the Committee is required. The objective would be to improve the quality and completeness of the conclusions. Reservations were expressed during the informal consultations regarding the feasibility of this proposal. However, it was noted that the experience of previous years had demonstrated the usefulness of a summing up by the Chairperson at the conclusion of each point for discussion.

## F. ILC delegates and participants

40. It was agreed that one of the objectives of the reform was to enhance tripartite participation at the ILC.
41. It was agreed that an appropriate balance should be found between Government, Workers' and Employers' delegates and their advisers. Each group should also be sufficient in number so as to cover all technical committees.
42. Priority should be given to ensuring the full participation of ILO constituents. It is also important to ensure that ILC sessions are financially sustainable, while providing an appropriate level of participation of United Nations agencies and international non-governmental organizations.
43. It was agreed that the proportion of women in delegations should be increased from its current level of 28 per cent to ensure gender balance. A separate document on this question will be discussed by the Governing Body at its present session.<sup>16</sup>

## G. Efficiency gains and others

44. Committee and plenary sessions should start promptly on time to maximize the use of time available.
45. While there has been a strong view that the publication of the *Provisional Record* should be maintained, the Office was requested to inform the Working Party of the cost related to the current situation and to alternative scenarios as well as to what has been done in other international organizations.
46. In relation to interpretation and overtime costs, the Office's initiative to reduce the number of evening sittings for non standard-setting committees was well received.

## Conclusions and proposed actions

G.1. To improve the interventions made in committees and the plenary, the orientation services provided to delegates could include training on the purpose, content and delivery of interventions. A training module could also be developed and posted on the Web.

G.2. The Office should adopt a percentage target for the reduction of printed documents made available to participants and greater use of the internet should be encouraged.

G.3. The proposal was made to defer the translation and production of the *Provisional Record* related to the addresses in plenary by the delegates, while putting an audio

<sup>16</sup> GB.316/LILS/1.

recording of the speeches on the Web in the original language (as well as in English, French and Spanish) as soon as they have been delivered. The production in writing of these speeches would be done just after the Conference session, the delegates having a period of one week to send amendments to their respective speeches. The final *Record of Proceedings* would be produced by September as usual. The estimated overall saving would be some US\$150,000 per Conference session. Consideration will need to be given to how the right to reply would be managed should this option be retained by the Working Party.

## Part II: The way forward

47. The timetable for the reform process could provide for some proposals to be implemented on a trial basis before agreement is reached on the entire reform package.
48. Consideration would also need to be given to the amendments required to the Conference Standing Orders arising from the reform package. Draft amendments would need to be examined by the Standing Orders Committee and adopted by the Conference at the session preceding the session scheduled for the full implementation of the reform package.
49. Taking the above elements into consideration, the Working Party could envisage to work according to the following time frames:
  - November 2012: Agreement on some changes which might be implemented at the 102nd Session of the Conference, on a trial basis, and without requiring amendments to the Standing Orders.
  - March 2013: Agreement on any further proposals for reform and on a detailed plan of implementation at the 102nd Session; analysis of the cost implications and identification of possible amendments to the Standing Orders required. Agreement on a revised agenda-setting process for the Governing Body.
  - June 2013: First implementation on a trial basis of a set of reforms that do not involve amendments to the Standing Orders.
  - November 2013: Lessons learned from the trial implementation in June 2013 of some changes and agreement on a further set of reforms.
  - March 2014: Further examination of the proposed draft amendments to the Standing Orders which might be submitted to the Conference in June 2014.
  - June 2014: Implementation of further changes that do not require amendments to the Standing Orders and adoption of amendments to the Standing Orders.

### **Draft decision**

**50. *The Working Party recommends that the Governing Body accept the timetable as proposed by the Working Party and request the Office:***

- (a) *to submit to the Governing Body at its 317th Session (March 2013) a detailed plan for the implementation at the 102nd Session (June 2013) of the Conference, on a trial basis, of those options on which a consensus has been reached in the Working Party, together with an assessment of the cost and legal implications of those proposals; and*

- (b) to prepare a background document and organize informal tripartite consultations on further measures to be submitted to the Working Party in March 2013.*



## Appendix I

### Main functions of the International Labour Conference

(excerpt from GB.294/4/1)

2. The International Labour Conference has five distinct functions: constitutional, political, technical, forum and assembly. Some of these functions are constitutional obligations, others are imposed by the Conference Standing Orders, still others have arisen from established practice.
  - **Constitutional function.** Essentially this concerns the decisions which the Conference must take regarding the election of the members of the Governing Body (one half-day every three years); voting the budget (every two years), votes allowing Members to recover voting rights and votes for the adoption of Conventions and Recommendations. This function is generally carried out in the last week of the Conference, except for the vote for Governing Body membership.
  - **Political function.** This includes those tasks which concern the operation of the Organization (discussion of the report of the Chairperson of the Governing Body, of which the aim is to allow all Members to express themselves regarding the directions taken by the Organization); the examination of questions “devoted to a social policy theme of current interest chosen by the Director-General” (Standing Orders, article 12(2)); the adoption of resolutions on questions not related to items on the agenda; or other questions on which the Conference may request regular reports. These functions may be carried out by the plenary (reports of the Chairperson of the Governing Body and of the Director-General), by ad hoc committees (Resolutions Committee) or standing committees (Application of Standards and, in certain situations, the Selection Committee), or by other means (high-level tripartite meetings).
  - **Technical function.** This includes activities necessary to the organization of the Conference’s work (Selection Committee and its Officers), those of certain standing committees (Standards, Finance) and those of the Conference technical committees (adoption of standards, integrated approach, general discussion), or certain plenary meetings (discussion of the Global Report). These functions require relatively long and intensive advance preparation (16–30 months to allow as wide as possible consultation when preparing standards; 15 months for the budget), and a sufficient amount of time during the Conference (around 30 hours a year for the elaboration of the text of a Convention).
  - **Forum function.** Any delegate or duly authorized adviser may take the floor in plenary, for a time of no more than five minutes, whether Minister, representative of a member State, Employer or Worker. The numerous criticisms of the plenary do not appear to affect the number of speakers (around 400) wishing to register for speaking; very few representatives of States choose to renounce this right. The time for the plenary debate has been reduced to one week, which must also allow for special sittings (visits from Heads of State and Government and other dignitaries), and for the time allocated to the Global Report.
  - **Assembly function.** The number of meetings requested by regional groups is constantly increasing. The Conference provides an opportunity for delegates to meet at regional, national or international level, and this facilitates the action of the Organization particularly in preparing technical cooperation projects. The reduction of the overall length of the Conference in 1994 affected this function, which although not provided for in the texts, is nonetheless important in practice, by considerably cutting the time available to it.

3. Any discussion on possible improvements to the structure and functioning of the Conference must take account of the different functions described above and the facilities which allow them to be carried out. While these functions are relatively distinct from each other, they are interdependent. Changes in the means deployed to fulfil one function will have repercussions on another function, or even on all of them. At the same time it is important to note that not all of these functions take place for the full duration of the Conference.



## Appendix II

### Agenda of the 102nd Session of the International Labour Conference (2013)

#### *Standing items*

- I. Reports of the Chairperson of the Governing Body and of the Director General
- II. Programme and Budget proposals for 2014–15 and other questions
- III. Information and reports on the application of Conventions and Recommendations

#### *Items placed on the agenda by the Conference or the Governing Body*

- IV. Employment and social protection in the new demographic context (general discussion)
- V. Sustainable development, decent work and green jobs (general discussion)
- VI. A recurrent discussion on the strategic objective of social dialogue, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008

## Appendix III

### Office note on the process of setting the agenda of the International Labour Conference

#### *Informal tripartite consultations, 20 September 2012*

1. This note has been prepared with a view to assisting the tripartite constituents in the framework of the informal tripartite consultations to explore options to improve the process of setting the agenda of the International Labour Conference (ILC).
1. Constitutional and regulatory framework
  2. The constitutional framework for the process of setting the agenda of the ILC has remained basically unchanged since the adoption of the ILO Constitution in 1919. The Governing Body is responsible for setting the Conference agenda,<sup>1</sup> giving consideration to any suggestion made by a government, a recognized representative employers' or workers' organization or a public international organization. It has the authority to determine the number and nature of the items on the Conference agenda. The Conference can also decide to include a subject on the agenda of its following session.<sup>2</sup>
  3. The Office is responsible for the collection and distribution of information on subjects proposed for inclusion on the Conference agenda with a view to the adoption of international Conventions,<sup>3</sup> and it prepares the documents on the various agenda items. To this end, the Office undertakes the required research on the issues identified by the constituents or at the initiative of the Office, and prepares the relevant documents for the Governing Body's consideration, with an indication as to whether the items are of the nature of a general discussion or relate to standard setting.
  4. In accordance with its Standing Orders, the Governing Body considers proposed items for inclusion on the Conference agenda at two successive sessions, unless there is unanimous consent for a single consideration. This includes standard-setting items with a view to the adoption of new standards. The Standing Orders also set out the procedures for placing the revision, abrogation or withdrawal of standards on the Conference agenda, as well as a voting procedure if consensus is not reached in the Governing Body. Most of the rules established concern standards-related items and the observance of the related statutory deadlines.
  5. The rationale behind this distribution of responsibilities is to allow the Governing Body to ensure that the Conference agenda items selected reflect the wishes of constituents and are feasible in terms of the Office's human and financial resources.
2. Long-standing tripartite discussions
  6. The many institutional and procedural ramifications of the process of setting the Conference agenda have given rise to long-standing discussions in the Governing Body and the Conference covering almost all the aspects of the process, including: broader involvement by the constituents; the link between the Conference agenda and standards-related action (including such important issues as the frequency with which standards-

<sup>1</sup> Article 14, para. 1, of the Constitution.

<sup>2</sup> Article 16, para. 3, of the Constitution.

<sup>3</sup> Article 10 of the Constitution.

related items are included on the agenda, the revision of standards and the preparation of Conference discussions); the balance between new standards, the revision of standards and general discussions, and the timing of decisions on the inclusion of the various types of items on the agenda; coordination between the Conference agenda and planning and programming policies and tools; the number of items on the agenda, their impact on the composition of Conference delegations and their financial implications.

7. Discussions of the Governing Body procedure have focused on: advantages and disadvantages of fixing the Conference agenda two years in advance; voting methods; criteria guiding the choice of items, such as the priority needs of constituents, the number of workers affected, the severity of the problem, the relevance and timeliness of the issues, and specific criteria for standards-related items, including the added value of new standards with reference to the existing body of standards; advantages and disadvantages of a double debate before finalizing the agenda; the session at which the final decision is made; and the method for the identification and selection of items by the Governing Body. The strengthening of the role of the Conference in fixing its own agenda has also been examined.

### 3. Useful lessons from past tripartite discussions

8. Past discussions have shown that there is no quick and easy solution to improving the process of setting the Conference agenda, but that it is fundamental for there to be a sound common understanding of the distribution of the respective responsibilities.
9. Clearly, any proposed changes would have to take into account and be in line with the discussions on the reform of the Conference. In addition, sustainable improvements can only be achieved if a comprehensive approach is adopted, backed up by consensus on the ILO standards policy and its coordination with the Conference agenda and the links with the Standards Review Mechanism (once its modalities have been determined). For example, in relation to the timing of final decisions on agenda items, a balance needs to be struck between the need to address topical issues and adequate preparation time. Consideration is currently being given in the Governing Body to keeping a slot open in the Conference agenda until its June session to allow for the consideration of an item as follow-up to the work of a technical committee or the recurrent discussion, or on topical issues requiring urgent examination. The timing of final decisions on the Conference agenda also depends on the complexity of the proposed subject, as well as the exercise by the Conference of its authority concerning its own agenda, the preparation of discussions and the selection method adopted by the Governing Body, in light of the nature of the proposed item.
10. Pending guidance on these broad questions, in light of the comments made since the beginning of the consultation process and during the 313th Session (March 2012) of the Governing Body, possible options for improving the process are outlined below.

### 4. Strengthening the role of constituents within existing mechanisms

11. The constituents have emphasized that setting the Conference agenda should be subject to a process of regular interaction between them and the Office.
12. In 2006 and 2007, the Workers' group suggested the establishment of small representative groups to undertake a preliminary examination of proposals with a view to facilitating discussions in the Governing Body. They would include members of the secretariat, the advisers to the Employers' and Workers' groups and Government regional coordinators. Although no decisions would be taken, the discussions would allow the Governing Body to discuss proposals based on in-depth consultations, including tripartite consultations at the national level. In May 2012, the representative of the Employers' secretariat suggested that

both the constituents and the Office should compile a list of proposed items, which could be filtered before being submitted to the Governing Body.

13. The experiment of a “portfolio” of proposals between 1997 and 1999 showed the need to ensure coordination within and between groups, so that the discussion and preparation of proposals are feasible for both the Governing Body and the Office.<sup>4</sup>
14. With the adoption by the Governing Body in March 2011 of the package of reforms to its functioning, consultations could be held, in a manner and at a frequency to be specified, either in the screening group of the Governing Body or, more informally, with the Geneva-based tripartite consultative group. Consideration might also be given to making better use of the constitutional right of constituents to submit proposals for Conference agenda items through existing mechanisms, including within the framework of the ILC.

*At the international level*

15. During the tripartite discussions in February 2012, the outcomes of ILO meetings were identified as “potential” generators of proposals, based on the effective involvement of constituents. Regional meetings, tripartite sectoral meetings and expert meetings have traditionally acted as sources of proposed Conference agenda items. More systematic coordination between these (and other) meetings and the Conference agenda could therefore be developed, based on two-way consultation between the Governing Body and the various meetings on the relevance of any proposals, and the formulation of clear proposals by the meetings.

*The double debate in the Governing Body*

16. The prior screening process referred to above and the double debate provided for by the Standing Orders of the Governing Body should provide constituents with an opportunity to make suggestions during the first discussion in November, when the Office could present a list of proposals supported by succinct reasoning. The Governing Body would indicate the proposals it wished to retain, and could make further suggestions. The Office would provide fuller justification for the second discussion at the March session. This arrangement would be facilitated by the new scheduling of the autumn sessions of the Governing Body, which will be held in October as of 2013, allowing more time to prepare for the second discussion. It should be ensured that the identification of proposals remains workable both for the Office and the Governing Body (for which reason prior consultations would be useful), taking into account any decision by the Governing Body regarding the timing of its final decision.

*The system of recurrent discussions under the Declaration on Social Justice for a Fair Globalization, 2008 (the “Social Justice Declaration”)*

17. One of the purposes of recurrent discussions is to improve the efficiency of the process for setting the Conference agenda, with the effective involvement of the tripartite constituents. In this regard, the following elements may be highlighted.

<sup>4</sup> The “portfolio” approach, introduced at the request of the Governing Body, was intended to provide a longer and more relevant list of possible items, benefiting from proposals by governments and employers’ and workers’ organizations, and on which consultations were held regularly. However, the limited resources and time available to evaluate all the proposals meant that they were not supported by sufficient research or policy discussion. In the absence of appropriate analysis, particularly on the expected impact of proposed standards, it was difficult to reconcile the divergent views expressed concerning some of the proposals. In 2000, the “portfolio” approach was complemented by the integrated approach, which was intended to reinforce the coherence, relevance and impact of standards. It was based on the premise that items for standard setting should be selected not only in a larger, subject-wide context, but also taking into account all the ILO’s standards-related activities.

18. First, recurrent discussions have already facilitated the setting of the Conference agenda, as one technical item is set automatically within the current seven-year cycle of recurrent items. With a view to achieving greater coherence and cost-efficiency, all the topical issues concerning a strategic objective could be exclusively examined under the recurrent item discussion, with the responsible sector concentrating its resources on preparing the recurrent item report.
19. Second, the process of setting the Conference agenda would be further enhanced in cases in which the outcome of the recurrent discussion identifies a specific Conference agenda item. However, recent tripartite discussions show that there are contrasting views on this. It should be recalled in this respect that the generation of an agenda item from recurrent discussions for subsequent sessions of the Conference requires a tripartite decision by either the Conference or the Governing Body.
20. The review by the tripartite constituents in recurrent discussions of trends concerning a strategic objective, the needs of Members and possible gaps in the Organization's action, including its standards-related action, offers a new and broad basis for decisions on future Conference agenda items. The fact that the discussion of the General Survey by the Conference Committee on the Application of Standards will take place one year before the recurrent discussion of the related strategic objective as of 2014 will give constituents more time to draw conclusions regarding the impact of standards-related action and the possible need to revise existing standards or develop new ones.
21. In this context, the Office and the Governing Body should consider further reviewing the arrangements and modalities of recurrent discussions, including the content of recurrent item reports, the involvement of constituents and the organization of the discussion during the Conference, so as to reflect more fully their specific purpose under the Social Justice Declaration and distinguish them more clearly from general discussions.

#### *Possible reactivation of the Resolutions Committee*

22. The Resolutions Committee was established in 1932 to examine draft resolutions submitted by individual delegates relating to items other than those on the agenda of the Conference. In 1993, it was decided that the Resolutions Committee would meet during sessions other than those preceding the start of a biennial financial period. Since 2006, article 17 of the Standing Orders of the ILC has been regularly suspended by the Conference.
23. In the past, resolutions adopted by the Conference upon the recommendation of the Resolutions Committee have led to items being included on the agenda of subsequent sessions of the Conference, and have influenced the number and nature of the items selected.
24. The reactivation of the Resolutions Committee gives rise to differences of opinion among constituents. As confirmed by the consultations in May, some constituents point to past experience of an increasing proportion of resolutions raising political questions for which the ILO did not have primary responsibility. Others consider that it is an important means for the Conference to influence its agenda and ILO policy, while allowing some flexibility in relation to the agenda set by the Governing Body.

#### *At the national level*

25. The national tripartite consultation procedures established under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), offer another means of strengthening initiatives by constituents concerning the Conference agenda. Article 5(1)(a) of the Convention requires consultations on government replies to questionnaires concerning items on the Conference agenda and government comments on proposed texts to be discussed by the Conference. The application of this provision in practice offers examples of how these consultations can be extended to discuss proposed Conference agenda items. National tripartite consultations could feed into any consultative process put

in place to facilitate discussions by the Governing Body. While the article 22 reports on the application of Convention No. 144 and the replies to the questionnaires submitted by the constituents on the Conference agenda provide some information on potential agenda items, this procedure could be better utilized to contribute ideas for the Conference agenda.

5. Strengthening Office support

26. The Office is currently reviewing its working methods and procedures, and concrete proposals will be submitted to the Director-General by the end of the year to improve the transparency and efficiency of Office processes. The aim is to ensure that the preparation of the Conference agenda is more responsive to the proposals and comments of constituents and emerging issues in a rapidly changing socio-economic climate, and that agenda items are mainstreamed more effectively in the Office's work and anchored solidly in Office-wide coordination.
27. Stronger ownership across the Office will be built through the more systematic involvement of the various sectors and departments, including PROGRAM, GENDER, ACTRAV, ACT/EMP, INTEGRATION, the Institute and field offices. The Office-wide Senior Management Team will also be involved, particularly to arbitrate between the different proposals, including their timing, and to ensure overall coherence between proposals, added value to the Organization and broad policy priorities.
28. The specific options under discussion include: the examination of eligibility criteria to guide the selection of Office proposals; appropriate coordination with the Strategic Policy Framework and the programme and budget; stronger coordination with the research agenda; strengthening of the preparatory work and follow-up to recurrent discussions (which have already given rise to better planning and coherence in the Office's work, as their schedule is known well in advance); examination of the financial arrangements for the preparatory work for Conference agenda items; and an Office-wide online consultation/interaction process.

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29. Based on the views expressed during the consultations, the Office will prepare a more detailed document for examination by the Governing Body, either at its 316th Session (November 2012), if time allows, or its 317th Session (March 2013).