



## **Governing Body**

319th Session, Geneva, 16–31 October 2013

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**Institutional Section**

**INS**

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### THIRTEENTH 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**

### **Improving the functioning of the International Labour Conference**

1. The Working Party on the Functioning of the Governing Body and the International Labour Conference (WP/GBC) sat twice on Wednesday, 23 October 2013, and once on Monday, 28 October 2013. As Chairperson of the Governing Body, I chaired the sittings, while Mr Funes de Rioja and Mr Cortebeeck, Employer and Worker Vice-Chairpersons of the Governing Body, spoke on behalf of their respective groups. The Working Party agreed that the document <sup>1</sup> prepared by the Office for this session corresponded to the request for documentation that it had made at its session in March 2013, and also reflected the contributions of the inter-session meeting of the Geneva-based consultative group. <sup>2</sup> This document was divided into four parts: Part A – Lessons learned from the 102nd Session of the International Labour Conference (June 2013); Part B – Issues on which consensus has been reached; Part C – Issues requiring further consultations and discussion; and Part D – Two alternative approaches to reform. At my suggestion, the Working Party agreed to comment on Parts A and D at its sittings on Wednesday, 23 October 2013, with the possibility of also making general observations in respect of the proposed amendments <sup>3</sup> to the Standing Orders of the International Labour Conference, which would be taken up by the Legal Issues and International Labour Standards (LILS) Section later in the week. The

<sup>1</sup> GB.319/WP/GBC/1.

<sup>2</sup> This group consists of the Regional Coordinators and the secretaries of the Employers' and Workers' groups.

<sup>3</sup> GB.319/LILS/1(Rev.1).

Working Party's third sitting, on Monday, 28 October 2013, allowed participants to comment on Parts B and C of the document, as well as to consider an additional document<sup>4</sup> that had been submitted regarding the implementation of the Governing Body reform.

2. *Speaking on behalf of the Asia and Pacific group (ASPAG)*, a Government representative of Australia supported the objectives of the reform, with its basic principle of streamlining to enhance processes and outcomes. The Director-General's new-style report to the 102nd Session of the Conference (2013) had been forward-looking and relevant. Governments should be more closely involved in setting the Conference agenda, through prior consultation and surveys. The group supported the review of the Conference Committee's mandates and Standing Orders. The Selection Committee should examine resolutions submitted to the Conference. Both approaches suggested in Part D were feasible and realistic: the group did not express a preference for one or the other.
3. *Speaking on behalf of the Africa group*, a Government representative of Niger noted the positive changes made to the structure of the plenary at the 2013 Conference. The Standing Orders of the International Labour Conference should be revised in order to remove the need to open another sitting to confirm suspensions of their provisions. The group supported the World of Work Summit, while calling for more interactivity, suggesting that the agenda be set in advance and invitations be sent out three to four months prior to the Conference. Progress had been made in voting and adoption procedures, but conclusions should be more efficiently managed. Committee chairpersons should be selected as early as possible, with balanced representation among the regions. Time management should be improved. The group favoured the second approach suggested in the paper. Group meetings could be held the day prior to the opening of the Conference; speaking time should be limited; some preparatory steps could be taken previously by email; the time allocated to the Committee on the Application of Standards (CAS) could be reduced by one day. The Office should consider lightening the workload.
4. *Speaking on behalf of the group of Latin American and Caribbean countries (GRULAC)*, a Government representative of Costa Rica said that the report took account of the consultations that had been held and of a number of the group's views stated at earlier sittings of the Working Party. She expressed concern regarding certain proposals on side events and information sessions, which should not occupy the lunch hour. Conference workplans must be realistic in scale. The opening sitting should be reduced still further, with greater use of technology. The importance of the report of the Chairperson of the Governing Body should not be diminished; it provided the only opportunity for the Chairperson to address the full ILO membership. The theme for the World of Work Summit should be chosen well in advance, after wide consultation. Report adoption procedures should be reduced but not eliminated. GRULAC would make all efforts to secure suitable candidates for chairpersons for the committees in a timely fashion. Speaking time should not be reduced, and time limits should be strictly respected. The Office should supply figures on savings derived from delaying the translation of *Provisional Records* (PRs) and should inform the Regional Coordinators and the secretariats of the Employers' and Workers' groups once the PRs were posted on the Web, clearly indicating the deadline for submission of amendments. The Standing Orders of the International Labour Conference should be amended to allow a shortened opening sitting. Committee time should in principle not be reduced. GRULAC strongly opposed the first approach, which only took into account the Conference's standard-setting role. She reiterated her group's insistence that the work of the Tripartite Working Group on the Working Methods of the CAS should feed into the work of the present Working Party

<sup>4</sup> GB.319/WP/GBC/INF/1.

which had full competence to address everything related to the improvement of the Conference, including the CAS, a committee like the others. Drafting groups should uphold the 2–1–1 ratio and speaking time for group statements and for individual speakers should not be reduced. While agreeing to the need for a shorter Conference, the group doubted whether the committees would have sufficient time for their work as set out in the Office's second approach. She pointed out that the reform was not simply a cost-cutting exercise. The staffing implications of necessary night sittings, preparatory Sunday meetings, Saturday meetings, and the cost of ensuring open restaurants on those days had to be considered. Group meetings could be held immediately after the opening sitting. Some preparation could be undertaken by email.

5. *In a shared statement, speaking on behalf of the group of industrialized market economy countries (IMEC)*, Government representatives of Denmark and Hungary welcomed the progress that had been made in putting forward concrete proposals, especially the alternative approach to facilitating a two-week Conference and other ideas aimed at a more efficient, dynamic and effective Conference. The group underlined the value and usefulness of trialling and the need to reach a consensus regarding which proposals to trial at the next Conference. At the second sitting of the Working Party, the Office should prepare draft decisions containing concrete proposals to be tried at the 2014 Conference, including for a two-week Conference, nevertheless bearing in mind that there were two standard-setting agenda items that year. The opening sitting had improved, but the Director-General should be the only key speaker. The opportunity to follow up discussion on the Director-General's excellent Report at the present Governing Body session was welcome. Heads of States' speeches should be scheduled on one day devoted to a high-level session, possibly in the form of the World of Work Summit. It required a strong theme in order to generate dynamic and interactive discussions and should focus on ILO contributions and successes. The adoption of reports should be shortened, with speaking time limits. The pre-Conference briefing sessions were good, but the information they imparted should also be communicated electronically to Regional Coordinators. General discussion workplans should be web-posted earlier; discussion points could help streamline committee work; and conclusions should be shorter, more focused and in plain language. IMEC supported the delayed translation of PRs. Efforts should be made to further reduce printing and distribution costs, and use of technology should be improved. The duration of the Conference was a key issue. A shorter Conference would enable delegates and experts to attend for the duration. The group recognized the merits of both approaches presented and suggested that the two-week Conference should be trialled in 2014; however it needed reassurance that time reduction would not adversely affect the work of the CAS. It questioned the proposed subamendment procedure. The question of continuing recurrent discussions post-2016 should be left open, pending Governing Body review. IMEC did not agree with having at least one standard-setting item in every cycle.
6. *A Government representative of Switzerland* endorsed the IMEC statement and welcomed the two approaches to a two-week Conference, both of which had merit. The Government overall shared the Office analysis of the changes trialled in 2013. Side events required clearer definition; committee chairpersons should be identified as early as possible; adoption of reports, voting and the closing ceremony should take place on one single day.
7. *A Government representative of the Russian Federation* felt that the Conference should be shortened, ensuring more focused results-oriented discussions. Individual governments should avoid repeating positions already expressed in group statements. Due attention should be paid to the timely translation of documents into all ILO official languages.
8. *A Government representative of India* stressed that side events should be limited, on the basis of clear criteria. Only the Director-General and the Chairperson of the Governing Body should speak at the opening sitting; the plenary discussion should be on the Director-

General's Report only; the Chairperson's report could be oral. The World of Work Summit should be held on one day only, scheduled well in advance. The topics for the high-level panel should be subject to consultations; tentative plans of work should be shared earlier; draft conclusions should be shorter, focused on key issues and actions; early choices should be made regarding chairpersons; speaking time should not be reduced; and all speeches should be web-posted.

9. *A Government representative of the Islamic Republic of Iran* endorsed the ASPAG statement. The Office should use the 103rd Session to try out more potential improvements; the role of governments in Conference and Governing Body agenda-setting should be reinforced. He drew attention to the unidentified hecklers who had forced entry to the plenary hall during the Conference, requesting that effective security measures be introduced.
10. *A Government representative of China* complimented the Director-General on his focused and well-structured 2013 Report. More effective time management had allowed the Conference to end a half-day early. Governments should be fully consulted on agenda items prior to their submission to the Governing Body; the Selection Committee should deal with resolutions; the suggested drafting group composition formula of 8–8–8 disadvantaged governments. Her Government favoured the first approach presented in the report.
11. *A Government representative of France* endorsed the IMEC statement. The Government wished to see potential improvements trialled as of 2014. Its preference was for the first approach.
12. *The Employer spokesperson* said that his group was convinced that a two-week Conference was possible, with improved preparation, methodology and time management. He preferred the second approach, though concerns regarding the first approach could be clarified. Standard setting should not be automatic. The Office should return to the Working Party's meeting on 28 October 2013 with additional proposals.
13. *The Worker spokesperson* stated that his group, at the 317th Session of the Governing Body (March 2013), had clearly opposed a two-week Conference, yet the two approaches submitted were for two-week Conferences. He disagreed that a two-week Conference would attract higher level participation. A key principle was that the reform should be consensus-driven. There were clear lines that his group could not cross. The time allowed to technical and standard-setting committees and to the CAS could not be reduced; the time allowed for Workers' group meetings could not be reduced; the time allowed to drafting committees could not be reduced: these changes would weaken the Conference. The group could not accept the first, two-yearly approach for the Conference, which would result in a more important Conference alternating with a less important Conference, and reduce participation accordingly. The five-minute speaking-time limit was too short, particularly for the CAS. Conference Committee Officers should be allowed 15 minutes. Recurrent discussions also required time and visibility if the spirit of the Social Justice Declaration was to be respected. The Tripartite Working Group on the Working Methods of the CAS should continue to discuss issues related to the procedures of that Committee. General and recurrent discussion conclusions should not be limited to five pages. Tripartite preparatory meetings were costly, and would limit representation. The Office should detail costs and savings in holding a shorter Conference. It was possible that time reductions might result in higher staff and overtime costs. Cost reduction was not the sole criterion: the Conference must fulfil its five functions. Three daily Committee sittings would be too intensive, and not allow time for the preparation, submission and consideration of amendments; the group did not grasp the meaning of "an improved amendment process". The present process was good. If part of the plenary needed to run parallel to committees,

to reduce rental costs, this was an option in the third week. He requested the Office to present a revised proposal which did not reduce time allotted to technical committees and the CAS, for example by adopting committee reports on the second Saturday of the Conference. This request should not be seen as the Workers' group's acceptance of a two-week Conference, but simply as a means of considering other options.

14. At its third sitting, the Working Party considered an addendum<sup>5</sup> containing a revised version of the second option proposed in document GB.319/WP/GBC/1 for a two-week Conference, with no reduction in time allowed to the CAS, committee sittings and drafting groups. The Conference would start on the Monday of the first week and run through to the Saturday of the second week. The technical and political parts of the Conference would overlap. The post-Conference session of the Governing Body could be held on the last Saturday afternoon, or on the following Monday morning.
15. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica noted that the addendum contained many of the group's suggestions. In so far as possible, no night or weekend sessions should be programmed, and information sessions should not take place at lunchtime. The group supported the draft decision.
16. *Speaking on behalf of IMEC*, a Government representative of Denmark recalled that consensus was a guiding principle of the reform process, together with the agreement on doing trials in 2013 and 2014. His group hoped for meaningful reform of the Conference by June 2015, based on tripartite agreement. It welcomed the reworked two-week structure proposal. Groups should have access to appropriate information on the work of the Conference well in advance to aid in their preparatory work (for example, making tentative plans of work available well before the Conference started). Not all agenda items required the same amount of discussion time and the recurrent discussions must not simply become repeats of themselves. The plenary needed to be more dynamic. He underlined what his group had previously stated regarding the World of Work Summit and the need for a strong theme. He supported the trials proposed for the 2014 Conference. In addition to these proposals, greater use of technology, including the creation of a secure website, should also be trialled. The present Governing Body should take a decision to allow a two-week Conference, rather than passing the decision to the March 2014 session, to allow time for proper planning.
17. *Speaking on behalf of ASPAG*, a Government representative of Australia appreciated the revised two-week proposal. More preparation should be undertaken by email. Technology should be employed to move towards a paperless environment. The Working Party should continue to scrutinize the working methods and practices of the Conference on an ongoing basis.
18. *A Government representative of India* supported the addendum and the draft decision.
19. *The Employer spokesperson* fully agreed with the proposed two-week structure. Good working methods, with increased use of technology, would obviate the need for night and ad hoc sessions. The Conference agenda should contain two items: a standard-setting or a general discussion item; and, at least for the rotation period of seven years, a recurrent discussion. A first Governing Body session could be held during the second week of the Conference, followed by a shorter, post-Conference session on the last Saturday. Informal consultations through a subgroup, or smaller Working Party, before the March Governing Body, could help the Office define the reform further. He approved sections 3, 4 and 5 of

<sup>5</sup> GB.319/WP/GBC/1(Add.).

the reworked proposal. As the CAS was no longer discussing the issue of forced labour in Myanmar, a day had been freed up. His group supported the draft decision.

20. *The Worker spokesperson* said that the time given to study the addendum had been inadequate, but recognized that the group's earlier comments had been taken into account, and the time allocations for group and other meetings had been restored. Pre-Conference briefing of Worker representatives might be interesting; the Office should clarify how this might be achieved. Unlike Governments, the social partners needed time to build a unified position, hence their need for sufficient group meetings. The CAS workplan, including its group meetings, should be available at the March Governing Body session – no reduction in these was acceptable. The Office should provide a clear definition of side events in March. The Employer and Worker spokespersons should address the opening Conference sitting; the discussion of the Director-General's Report should be maintained; clarification was required as to how to deal with the report of the Chairperson of the Governing Body; the two standard-setting items in 2014 made it all the more important to choose Committee chairpersons early; the group agreed with the delayed publication of PRs; it did not oppose a permanent drafting committee. He supported the draft decision, but this did not mean that the Workers' group supported a two-week Conference. More detailed proposals must be presented in March, and the group would require sufficient time to consider these then. Inter-session informal tripartite consultations could be held to make progress.
21. The consultations referred to by the Employer and Worker spokespersons would have possible cost implications. If they were conducted through the Geneva-based tripartite consultative group, as suggested by the Workers, these would be slight. The Employers foresaw potential policy implications of discussions to facilitate reform decisions to be taken in March 2014, and believed a subgroup of the Working Party would be a more appropriate forum for the consultations. The funding for this would be between US\$50,000 and US\$80,000, requiring approval by the Governing Body. The Office undertook to confer with the groups over the next two days to resolve this matter.
22. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica said that, where possible, there should be a committee for each agenda item, with the Governing Body establishing the Conference agenda and the manner in which items were discussed. The Committee for the Recurrent Discussion should be a standing committee.
23. *Speaking on behalf of IMEC*, a Government representative of Hungary supported the revised agenda-setting process, involving informal consultations, presented in the document; any such process must include discussion on the number of agenda items, the format and the type of the discussion. The agenda-setting process should be consensual, with voting as a fall-back option. She recognized the Office's efforts to allow constituents to send in proposed items. Resolutions should be dealt with by the Selection Committee. The Standing Orders of the International Labour Conference should be made clearer and more user-friendly and should accurately reflect the established practice and the outcomes of the reform process. Standard setting should be done through the double-discussion procedure. The group reiterated its strong support for the standards review mechanism as this would provide information on standard-setting items, making preparatory meetings necessary only if the Governing Body deemed them to be. Technical items should not be discussed in plenary, but in committees, in order to enable discussion, drafting and an outcome. The opening sitting should be shortened, and the reform of the plenary should result in adding real value and visibility to the Conference. There were merits in focusing the plenary debate, either through thematic sessions or in a plenary resembling the 2009 Employment Summit. Side events should be kept to a minimum and informal information sessions should not overburden the Conference. In respect of committee working methods, conclusions should be short, focused and plainly drafted; time management could be enhanced with limited speaking times; drafting groups could begin

work early in the evening following committee discussions; three screens, one per language, could be installed in each room; and a secure website should be introduced. The size of delegations should not be prescribed in too much detail. The number of printed documents should be reduced, and the Office should provide figures on savings achieved.

24. *Speaking on behalf of the Africa group*, a Government representative of Niger, while noting agreement on guiding principles and reform objectives, observed that there were some issues of substance on which there was no consensus. It was for the Governing Body to set the Conference agenda, in a timely fashion, and to determine the number and nature of items; the Conference could also place an item on its own agenda. The proposed revised agenda-setting process was positive, but the consultations should be extended to include governments. The Resolutions Committee should not be reactivated as urgent resolutions could still be submitted. His group supported the revised proposal for determining standard-setting procedures. Technical and recurrent discussion committees should continue. He supported the seven-year recurrent discussion cycle, subject to review. The report of the Chairperson of the Governing Body and the Report of the Director-General should be discussed through short thematic debates. Consultations should continue on voting in committees; the simplification of the Standing Orders of the International Labour Conference; the language of committees; and motions, resolutions and amendments. While the efforts to improve the CAS and the reform of the Conference should remain separate, they would eventually become integrated. The composition of drafting committees should be 8–4–4. Committee chairpersons must have a good knowledge of the Conference, but regional balance was important.
25. *Speaking on behalf of GRULAC*, a Government representative of Costa Rica stressed that agenda items should be topical and should be initiated by the constituents. A space should be kept free, to be filled in June by the Governing Body, for discussion at the Conference the following year. A standard-setting item should not emerge systematically from a recurrent discussion. Screens should be installed to help deal with amendments. Articles 24, 58 and 59 of the Standing Orders of the International Labour Conference should be amended to include Spanish as an official language of the Conference. Article 63 of the Standing Orders should be amended. There was a clear distinction between general and recurrent discussions, the purposes of which were different. The workplans of both should be realistic, but the aim was not to arrive at conclusions more quickly, but to respond to the needs of member States. Sufficient time should be allowed to prepare new standards. National delegations should have an appropriate balance, as set out in article 3 of the Constitution.
26. *A Government representative of India* welcomed the idea of informal consultations prior to submitting proposed agenda items to the Governing Body; standard setting should only be done through the double-discussion procedure, as this allowed for wide inter-ministerial consultations; a preparatory meeting or a recurrent discussion could not replace the first session of a double-discussion procedure. He supported the proposal for a three-day discussion in plenary of the Report of the Director-General. Care should be taken to preserve tripartism when approaching the question of participation by persons other than Conference delegates and advisers.
27. *The Worker spokesperson* said that a committee should be established to deal with each agenda item. The Office should make concrete proposals to distinguish general from recurrent discussions. Further consultations were needed for the issues set out in Part C of the document. Drafting committee composition should be based on multiples of four, but should not exceed 8–8–8. The problem of incomplete delegations, with governments failing to send the requisite numbers of employers and workers, persisted.

28. *The Employer spokesperson* said that the agenda should be set as early as possible, but topicality was critical. His group noted the views expressed regarding general and recurrent discussions. The recurrent discussion process would be reviewed at the end of the seven-year cycle. The plenary required more interactivity, and this might be obtained through short thematic debates. Reports should be adopted through a single vote in plenary. Regarding the balance within delegations, further information should be provided on reasons why this problem arose. Committees should be chaired by persons acquainted with the ILO and its working methods; drafting groups should work in parallel with committees in order to save time.

## Review of the implementation of the Governing Body reform

29. I then invited the Working Party to turn to the information document <sup>6</sup> before it concerning the review of the implementation of the Governing Body reform.
30. *Speaking on behalf of ASPAG*, a Government representative of Australia expressed satisfaction at the relatively smooth and efficient continuous Governing Body plenary. The Chairperson's readiness to engage with regional groups on matters on the agenda was much appreciated. The process of submitting amendments to draft decisions required thought and discussion, and should be made clearer in March. Early distribution of the draft, annotated agenda to the screening group was also good. Notice should be provided as early as possible of changes to the Governing Body programme of work, with prompt indication regarding items that might be brought forward, to allow governments to consult capitals. The Governing Body, like the Conference, should be paperless.
31. *Speaking on behalf of IMEC*, a Government representative of Canada expressed general satisfaction with the reform, while noting that further amendments to the *Compendium of rules applicable to the Governing Body of the International Labour Office* might be required. Improved consultation with Governing Body members was needed, especially regarding changes to the agenda: the social partners had secretariats here in Geneva, while governments did not. The Officers should consult before the sessions by videoconference and email, to allow the reports of the Officers to be available earlier. A more focused agenda and the use of information papers had allowed more time for policy debate and decision-making. However, further improvements needed to be made to the functioning of the screening group. The draft agenda should be communicated early to the screening group; it should be annotated, including the genesis, rationale and estimated discussion time of the items, as well as an indication of items that could be postponed if necessary. A list of standing Governing Body items could be posted on the Governing Body website. The High-Level Section should not be convened automatically. She supported the list of issues requiring further attention and noted that other areas for consideration included the classification of documents, and an evaluation of whether the dedicated facility for governments had met its objectives.
32. *The Worker spokesperson* said that the report for the March session must assess whether the guiding principles of the reform had been respected. He questioned whether the sections and segments fully coincided with the strategic objectives of the ILO. The coverage supplied by the Social Dialogue Segment was not sufficient: labour law, labour inspection, and administration and industrial relations were not adequately addressed. The Technical Cooperation Segment discussions should be more focused on policies and strategies, while the papers coming before the Employment and Social Policy Segment

<sup>6</sup> GB.319/WP/GBC/INF/1.

were less substantial than previously. More time was needed for group meetings given overfull agendas. Distribution of agenda items should be more reasonable with more focused policy debates on topical issues. The Office must provide reasoned proposals for agenda items well in advance. Inevitably, some of the Officers' documents would arrive at the last moment. The confidentiality of the Officers' meetings should be preserved. Paper copies of reports should remain available to some participants.

33. *The Employer spokesperson* agreed with the objectives set out in paragraph 6 of the document. The reform was satisfactory, but improvements were certainly possible. There should be no duplication between sections or segments. The High-Level Section should only meet when a specific theme had been agreed. The Office should clarify the ways in which working parties differed from plenary, as there appeared to be confusion. In the High-Level Section held earlier there had been a multitude of national statements. Time management would have improved with a timing device. Internal reform and the reform of the Governing Body went hand in hand. Much work should be done in respect of covering items on the agenda. Tomorrow, the Institutional Section would discuss the Conference agenda: this debate would have been greatly assisted by preliminary work. Sometimes the documentation before the Governing Body simply contained too much information to be absorbed. The role of group leaders became one of explaining to the groups what the documents contained, rather than one of unifying group positions. Documents should be clearly and logically structured, with content, a message and an objective. They should be available sufficiently in advance. The best possible interaction between the Governing Body and the Office was called for, so that the Governing Body ceased to be a bureaucratic instrument and became an instrument of governance.

### **Draft decision**

34. *The Working Party on the Functioning of the Governing Body and the International Labour Conference recommends that the Governing Body request the Office to prepare for its 320th Session (March 2014):*
- (a) *a detailed proposal for a two-week Conference, which would take into account the concerns and requirements expressed during the present discussion, and elaborate on the areas of consensus reached;*
  - (b) *a detailed plan of work for the 103rd Session, which would take into account the abovementioned reforms which could be further improved and/or trialled at the 103rd Session of the International Labour Conference;*
  - (c) *additional information on pending issues requiring further consultations and discussion.*