



Governing Body

323rd Session, Geneva, 12–27 March 2015

GB.323/WP/GBC/2

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

WP/GBC

Date: 5 March 2015

Original: English

SECOND ITEM ON THE AGENDA

Improving the functioning of the Governing Body: Follow-up to the review of the implementation of the Governing Body reform

Background

1. In March 2014, the Working Party on the Functioning of the Governing Body and the International Labour Conference reviewed the implementation of the Governing Body reform introduced in November 2011. The discussion was based on a report¹ covering the four pillars of the reform: an improved agenda-setting mechanism; a new structure for the Governing Body; enhanced transparency and Office support to tripartite constituents; and improved presentation and timely distribution of documentation. The final section, entitled “The way forward”, explored a number of possible improvements to address issues arising out of the reform.
2. On the basis of the recommendations made by the Working Party, in particular as regards the proposed measures contained in the final section of the document, the Governing Body noted that relevant follow-up action should be taken by the Officers, the tripartite Screening Group and the Office, as appropriate, with regard to the issues summarized below. The present paper describes the follow-up given to the specific measures proposed and new developments which the Governing Body may wish to consider.

¹ GB.320/WP/GBC/2.

Follow-up to the decision adopted by the Governing Body at its 320th Session (March 2014)

3. A follow-up action was requested from the Officers as regards the following issues.

- (i) *The process for consideration of the deferral of agenda items where the Governing Body has previously determined that an item be considered at its next session.*

On a small number of occasions the situation has arisen where it is necessary to consider deferring an item which had been previously approved for a pending Governing Body agenda due either to developments (or lack of developments) which would render a Governing Body discussion premature, or to higher priority items being identified for an agenda and likely insufficient time for the Governing Body to consider all items. The issue has been raised as to the possibility to defer such items under the current standing orders. Paragraph 3.1.3 of the Standing Orders of the Governing Body states that: “The provisional agenda may be updated for any urgent matter arising between sessions by the Officers of the Governing Body following consultations with the other members of the tripartite Screening Group ...”. However, 3.1.2 of the Standing Orders states that: “Any subject that the Governing Body shall have decided at its last session to include in the agenda shall be included in the agenda for the next session by the tripartite Screening Group”. Therefore in view of the role and powers of the Officers to ensure the proper conduct of the work of the Governing Body, the Governing Body could consider clarifying that where they consider it necessary to defer an item previously approved for a Governing Body agenda, the Officers could decide to defer such item following consultations with the other members of the tripartite Screening Group. Such clarification would take the form of an amendment to the Standing Orders.

- (ii) *Enhancing the role of the Officers and ensuring early communication of information submitted to the Officers’ meetings.*

As noted above the Officers have general powers with regard to the proper functioning of the Governing Body. An important role of the Officers is to consider certain Governing Body agenda items and to make recommendations to the Governing Body on those items. In the past, some Governing Body members have expressed concern that due to the timing of Officers’ meetings during the Governing Body session there was insufficient time for Governing Body members to give due consideration to the Officers’ recommendations prior to their consideration by the Governing Body. The Officers have, since November 2014 (322nd Session) decided to hold their meeting in the week prior to the opening of the plenary of the Governing Body and to release, at an earlier time, information on the items they will be considering at their meeting. This has facilitated the opportunity for consultations within and between the groups, enabled Government members to seek advice from their capitals on sensitive items and provided more time for those governments who may be impacted by recommendations to prepare for their intervention to the Governing Body.

- (iii) *Ensuring greater fluidity of the Governing Body by adopting time-management procedures, strict observance of starting time of the sittings and the role of the Chairperson, Vice-Chairpersons and other members chairing parts of the meetings.*

The early consultations held with the groups on the tentative order of business (TOB) and the common discipline agreed by the Governing Body Chairperson, Vice-Chairpersons and other members chairing a particular segment resulted in an improved time management during the November 2014 session of the Governing Body. Despite a very heavy agenda,

there was no significant delay observed in the starting time of the sittings and no change was requested in the consolidated order of business.

The situation can, however, arise that the required time for completion of an agenda item may be significantly longer or shorter than anticipated. In such cases continued cooperation is required to extend the time allocated to an item or sitting when required, or to advance items on the agenda when the Governing Body is running ahead of schedule. It is, however, recognized that advancing items can prove difficult where those items have not yet been considered within group meetings. The practice of rescheduling items on the approval by the Officers after consulting the groups should be retained.

Paragraph 2.2.4 of the Standing Orders provides that the Chairperson shall normally preside at all sittings of the Governing Body, or in the absence of the Chairperson, the two Vice-Chairpersons shall preside at alternate sittings. Alternatively the Chairperson can assign another member of the Governing Body the functions necessary to chair a particular segment. This later provision was introduced as part of the Governing Body reform in 2011 in consideration of the previous structure of the Governing Body in which Government members chaired each of the Governing Body committees. As the committee structure was replaced by the continuous plenary comprising thematic sections and segments the option of continuing the practice of different Government members being designated to chair segments within the Legal Issues and International Labour Standards (LILS) Section and the Policy Development (POL) Section was retained. It is apparent that the nature of the continuous plenary has evolved since the implementation of the reform. The duration of each segment can vary significantly and, on occasions, discussion of an item within a segment may be adjourned to allow for informal consultations with the formal discussion resuming at a later time in the Governing Body. This has resulted in members designated to chair a sitting actually being in the chair for very short periods of time, or changing the chairing of sittings to deal with the resumption of a single item. The Governing Body may consider reviewing these issues. Options for its consideration could include the Chairperson exercising greater discretion on the need to designate another member to chair a segment based on the anticipated duration of the segment or not changing the chairing member for short periods to deal with the resumption of an item.

(iv) Reviewing the mandate of the High-Level Section and making better use of both the Strategic Policy Segment and of the more flexible setting of the Working Party.

The High-Level Section was introduced with the intention of providing a forum for discussing issues of high strategic importance for the ILO. It was designed to sit either as the Strategic Policy Segment or the Working Party on the Social Dimension of Globalization, or both. Sittings of the Strategic Policy Segment are conducted as a normal segment under the Standing Orders of the Governing Body, however the Working Party sits as a “Committee of the Whole” which enables representatives of governments that are not represented in the Governing Body to participate in the discussion with a more flexible approach to conduct the discussion. It is a forum which allows broader participation than the Governing Body and is intended to attract high-level participation from constituents and invited organizations. The Working Party does not have decision-making powers and any recommendation or report from the Working Party is submitted to the Governing Body for decision. There has been ongoing debate within the Screening Group on the scheduling of the High-Level Section within the Governing Body. Some express the view that as the focus of the Governing Body is on governance issues, it should only be in exceptional circumstances that a High-Level Section is required. Others express the view that the High-Level Section is integral to the Governing Body’s role in that it provides an opportunity for discussion on key emerging issues affecting the Decent Work Agenda and the world of work and has the benefit of expert participation beyond Governing Body membership.

The Governing Body may wish to consider if the current mandate, purpose and arrangements for the High-Level Section are sufficiently clear.

(v) *Retaining the option of starting the Governing Body autumn sessions during the last week of October (as in 2014).*

This option has been retained for the autumn session of the Governing Body in 2015, scheduled for 29 October to 12 November, and will be retained in the planning of the future autumn sessions in 2016 and 2017.

4. A follow-up action was expected from the tripartite Screening Group regarding the following issues.

(i) *The composition and timing of the Screening Group.*

Paragraph 3.1.1 of the Standing Orders establishes the tripartite Screening Group as comprising the Officers of the Governing Body and representatives designated by the three groups. This is elaborated in paragraph 28 of the Introductory Note of the *Compendium of Rules applicable to the Governing Body* as “the Officers of the Governing Body, the Chairperson of the Government group, the regional coordinators representing the governments, and the Secretaries of the Employers’ and Workers’ groups”. In practice, it has often proved difficult for the three Officers to attend the meetings of the Screening Group. The Governing Body could therefore consider clarifying – by means of an amendment to the Standing Orders – that the Officers may be represented by other persons in the Screening Group.

Paragraph 29 of the Introductory Note foresees that “persons designated by the Director-General, such as Executive Directors, the Legal Adviser and the Treasurer, attend all meetings of the tripartite Screening Group”. The number of people attending these meetings has grown since the establishment of the Screening Group. The Office is now reducing the number of staff members who attend, to limit it to those who may be able to assist the meeting or may be directly involved in the implementation of its decisions. For the successful and timely conduct of its business, it is important that the Screening Group is fully representative but not excessively large.

The Screening Group now meets in the week following each Governing Body session, which provides time for consultation between members of the group and their constituents during the session, and for it to consider any items for future agendas arising from the just concluded session.

(ii) *Ensuring that the Governing Body agenda is a manageable size, that there are no duplications, that is, topics being debated in several sections and segments.*

(iii) *Ensuring an appropriate balance between the number of items allocated to the various sections and segments.*

(iv) *Structuring the agenda thematically.*

(v) *Ensuring a governance-oriented approach and effective use of the respective mandates through appropriate planning and distribution between the sections/segments.*

More attention has been given to rationalizing the agendas of the various sections and segments, and organizing their work and sequence in the programme in a strategic and logical way. Internally the Office reviews all Office agenda proposals before submitting them to the Screening Group to ensure common issues are grouped as single items to avoid

duplication and overlap, and proposals are prioritized. Recommendations are made to the Screening Group to consider non-controversial items as information papers not requiring debate. As a general rule, with the exception of the Institutional (INS) and Programme, Financial and Administrative (PFA) Sections' agendas, the agenda of the other sections and segments is composed of a maximum of two to three items. A balance of items between the various segments is sought; however this is largely dependent on the nature of the items submitted to the Screening Group. A more themed approach to the agenda is being taken either by joining items together or placing them near to each other on the agenda.

- (vi) ***Putting more emphasis in the Social Dialogue Segment on labour administration and labour law issues, and in the Technical Cooperation Segment on strategic policy issues; strengthening the agendas of the Employment and Social Protection Segment and Multinational Enterprises Segment to include more substantial items; convening the High-Level Section only when required and ensuring that its agenda makes more efficient use of the Strategic Policy Segment and of the more flexible setting of the Working Party on the Social Dimension of Globalization.***

These requests were acted on by the Office in the list of proposals submitted to the last meeting of the Screening Group. Greater attention has also been paid to items relating to the follow-up of Conference decisions. During the discussion of the Technical Cooperation Strategy for 2015–17 in November 2014, the terminology used was discussed with a view to replacing the words “technical cooperation” with “development cooperation” not only in the title of the segment but in any relevant document of the Governing Body. The rationale for the proposed change was presented to the Governing Body in the following terms: “the change in terminology over the years from ‘aid’ to ‘technical assistance’ to ‘development cooperation’ stems from the realization that development is a complex, universal and long-term process which can succeed only if grounded on comprehensive, mutual and accountable partnerships. In addition to purely technical aspects, development cooperation encompasses, inter alia, elements of rights, dialogue, good governance, social justice, equality and capacity development.”² The Governing Body could decide to approve the proposed change of terminology and to amend the title of the Segment so as to read “Development Cooperation Segment”. If such a change is approved by the Governing Body, the Office will be requested to reflect this change in the text of the Introductory Note to the *Compendium of Rules applicable to the Governing Body*.

- (vii) ***Providing for sufficient time for group meetings.***

Early consultations have allowed for a better allocation of time for group meetings and this practice will be continued in the future.

5. A follow-up action was expected from the Office regarding the following issues.

- (i) ***Providing the Screening Group with an annotated list of agenda proposals for the following Governing Body, indicating clearly the rationale for each proposed item, any previous decisions to which they refer and the estimated time needed for the discussion of each item.***

A first annotated list of proposed items indicating the rationale for each item is now sent to the Screening Group before the opening of the plenary (for example, such list was sent on 31 October 2014). An explanation is also given on the origin of the item proposed (standing item, item resulting from a previous decision of the Conference or of the Governing Body, of the Screening Group, etc.). A revised annotated list is prepared

² GB.322/POL/6, para. 10.

immediately after each session of the Governing Body, which reflects the additional items placed on the agenda as a result of the decisions adopted by the Governing Body during that session. Such list is sent to all Screening Group members and serves as a basis for the discussions at their post-Governing Body meeting.

- (ii) ***Ensuring the same degree of involvement between the three groups, by communicating concurrently any change in the proposed list of items to all members of the Screening Group.***

All information provided on the proposed agenda items is sent to all members of the Screening Group at the same time. Between meetings of the Screening Group the Office provides further clarification or information required, and suggestions for variations of proposals. On the basis of this additional information, the members of the Screening Group are usually in a position to reach a consensus on a final version of the agenda. When it is not the case, the issue is referred to the Officers of the Governing Body (see paragraph 28 of the Introductory Note).

- (iii) ***Maintaining the institutional memory to ensure appropriate follow-up of previous Governing Body and International Labour Conference discussions.***

- (iv) ***Providing advice to the Screening Group on the appropriate scheduling of Governing Body agenda items.***

The Office maintains a register of all decisions taken by the Conference and the Governing Body and refers them, as necessary, to the Screening Group. This information is provided in the annotated list referred to above.

- (v) ***Communicating to the three groups, at an early stage, a tentative order of business for the entire Governing Body as well as a consolidated programme, including an assessment of the time required for the discussion of each item, to enable members to plan their attendance, and consulting with the three groups promptly when changes to the programme or the order of business are anticipated.***

The consolidated programme communicated to the Governing Body members with the convocation letter contains a tentative order of business for all sections and segments of the plenary indicating the starting times of every section or segment. During the session, this tentative order of business is also available on the Web and projected on the screens located at the entrance of the Governing Body room. When necessary, the order of business is updated twice a day, after the morning and afternoon sitting.

- (vi) ***Improving the process for submitting amendments to draft decision points, as well as the presentation of the proposed amendments.***

- (vii) ***Ensuring the same degree of involvement for the three groups in preparatory discussions for Governing Body debates.***

Before every session of the Governing Body, the regional coordinators and the secretariats of the groups are reminded that any amendment to a decision point should be sent to the Clerk's Office of the Governing Body 24 hours before the discussion of the document concerned to allow the Office to ensure its translation and dissemination among the members of the Geneva-based consultative group. This deadline of 24 hours, which has been agreed to in practice, is meant to facilitate consultations before the discussion is held. It does, however, not override paragraph 5.6.2 of the Governing Body Standing Orders, according to which amendments can in principle be submitted from the floor during the discussion, but it could be laid down in the Introductory Note to the Standing Orders.

To ensure the same degree of involvement for the three groups, the Office is also providing, upon request, specific briefings to individual groups and organizing before each session, an information session for the representatives of Geneva-based missions.

(viii) Enhancing the consultation process through the Geneva-based tripartite consultative group.

As an established practice, informal consultations on key issues placed on the Governing Body agenda are held with the Geneva-based consultative group before every March and November session and regularly throughout the year as issues arise.

(ix) Pursuing such initiatives as the organization of a one-day orientation seminar in Geneva for diplomats newly arrived in Geneva.

The organization of this one-day orientation seminar will be pursued and the next seminar is already tentatively planned for Thursday, 17 September 2015.

(x) Ensuring that Governing Body papers are reader-friendly and decision-oriented.

Feedback from Governing Body members reflects significant improvement in the clarity, length and focus of Governing Body papers and framing of decision points. Office processes have been introduced to ensure improvement continues.

(xi) Continuing efforts to move toward a paperless policy.

During the 322nd Session of the Governing Body, a new paper-reduction policy was put in place. In order to obtain paper copies of the pre-session documents available on the Web, Governing Body members are now required to make a specific request. For the November 2014 session only ten full sets of documents were requested and nine other requests concerned specific documents. Documents produced during the meeting continue to be distributed in paper form.

(xii) Giving consideration to extending the deadline for web posting the draft minutes due to the heavy workload of some sections.

Considerable relief to Office work demands could be achieved by applying greater flexibility to the time in which minutes are required to be posted on the Web. For example, the Governing Body could consider agreeing to allow up to 30 days following a Governing Body session for the posting of minutes. The time available for submitting corrections to the minutes should be clearly indicated to the Governing Body members.

Format of the supplementary report of the Director-General on the follow-up to the decisions of the Governing Body

6. As part of the reform package,³ the Governing Body decided that the Office should prepare, for its March and November sessions, a Supplementary Report of the Director-General outlining, in a tabular or matrix form, the follow-up action taken by the Office as a result of previous decisions. In March 2013, the Governing Body endorsed the proposal for this Report to be submitted only once a year, at its end of year session, in order to allow

³ GB.310/9/1.

sufficient time for implementation between reporting periods, and to enable the Office to provide more information on actions taken.

7. Given that new decisions are taken at each session, in addition to many past decisions that continue to be carried over from previous sessions, in particular those requiring continual or recurrent action, this document has grown considerably since it was conceived in 2011. Compared with 11 pages in March 2012, this report now contains around 50 pages.
8. In view to ensuring that it continues to meet the objectives of the Governing Body, the Governing Body has decided that it would re-examine the current form of the Report as part of the review of the implementation of the Governing Body reform. The following improvements are therefore proposed by the Office so as to reduce the size of the report, make it manageable and reader-friendly:
 - (a) strictly observe word limits for the follow-up to each decision. The idea would be to provide a snapshot of what is being planned or already under way, with concise and concrete information. Specific details such as dates and place of seminars, publications and translations of already published material will not be included;
 - (b) remove text of some very long decisions (for example, the decisions on the agenda of the ILC), and just keep the Governing Body item number and title and add the hyperlink which would take readers to the original document;
 - (c) the reporting period for a given item could be limited to a maximum of two years, unless the Governing Body otherwise decides;
 - (d) when the follow-up action has been fully implemented, the corresponding decision should be removed from the report;
 - (e) when the follow-up action to a previous decision is presented under a specific item placed on the agenda of the next Governing Body session, in order to avoid duplication in the information provided to the Governing Body, reference should only be made to the document in which the follow-up action will be presented;
 - (f) in case constituents need more information, reference should be made to a contact person (name, department, electronic address, etc).

Proposed review of the Standing Orders of the Governing Body

9. With the reform of the Governing Body in 2011, several amendments were introduced in the Standing Orders and Introductory Note to the *Compendium of Rules applicable to the Governing Body*. These were published separately with the idea that after the two-year testing period certain adjustments would need to be introduced. Apart from the amendments suggested under paragraphs 3(i) and 4(i) above, the Governing Body could consider undertaking a more comprehensive review of its Standing Orders, including the Introductory Note. Such a review would be based on the lessons learned in implementing the reform and would aim at aligning the current texts with the needs identified and current practices, as well as modernizing and rationalizing further the text to ensure that the Standing Orders best contribute to the efficient operation of the Governing Body.

Draft decision**10. In the light of the above text, the Governing Body:**

- (a) decides that the words “technical cooperation” should be replaced with “development cooperation” where it is appropriate and that the title of the Technical Cooperation Segment should be readjusted accordingly;*
- (b) requests the Office to improve the current format of the supplementary report of the Director-General describing the follow-up action taken by the Office as a result of previous decisions through the implementation of the improvements proposed in paragraph 8 as well as by any additional improvement which could serve the objective of the relevant report;*
- (c) requests the Office to review the text of its Standing Orders, including the Introductory Note, and to propose amendments, including those needed to implement the agreed changes, to its 326th Session (March 2016).*