



EIGHTH ITEM ON THE AGENDA

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

1. The Working Party on the Functioning of the Governing Body and the International Labour Conference, set up by the Governing Body in June 2009, held its first meeting on 12 November 2009. Ambassador Farani Azevêdo (Government, Brazil), in her capacity as Chairperson of the Governing Body, was appointed ex officio as Chairperson of the Working Party; the Employer and Worker Vice-Chairpersons of the Governing Body were appointed as Employer and Worker spokespersons, respectively.
2. The Working Party had before it a document submitted for debate and guidance¹ reviewing the main issues raised during preliminary consultations held in September–October 2009. The discussion paper prepared by the Office as a basis for those consultations was appended to the document.²
3. As proposed by the Vice-Chairpersons, the discussion started with the views of Government representatives, with substantive statements being made on behalf of regional groupings and the Government group as a whole.
4. The representative of the Government of the United Kingdom, speaking on behalf of the group of industrialized market economy countries (IMEC), noted that a number of past decisions on the reform of the Governing Body had yet to be implemented. He stressed the importance of respecting the recommendations agreed to by the Governing Body.
5. He proposed that Governing Body documents should be more concise and should be distributed earlier. IMEC would like to see more strategic agenda setting and the shortening or even cancellation of committee meetings, if the committees did not have substantial business. Time management should also be improved. IMEC strongly supported steps to reform the functioning of the Governing Body; such reform was of vital importance to the credibility of the ILO.
6. IMEC considered that all consultations and working groups and parties should follow the representation in the Governing Body. That meant that the number of representatives of the social partners together should be equal to the number of Government representatives in the ratio 1:2:1.

¹ GB.306/WP/GBC/1.

² Appendix II to GB.306/WP/GBC/1.

7. The Office should begin discussions with governments on how to improve information exchange. There should be greater consultation with Government representatives, in particular, through the regional coordinators and over the Internet. The support to the Chairperson of the Government group should be improved. The Office should assist in preparing the group meetings and continuously provide it with the most up to date information on Governing Body and Conference events. Online discussion forums should be used, and information sharing should be facilitated through the ILO web site. Documents, including drafts, should be shared with governments at the same time that they were shared with the ILO's Bureau for Workers' Activities (ACTRAV) and Bureau for Employers' Activities (ACT/EMP). Governing Body decision-making should be made more transparent. After each Governing Body committee discussion, the Office should clarify how each adopted point for decision would be followed up, and more specifically, how the views expressed by constituents would be taken into account in the follow-up. IMEC wanted to ensure that governments had the same opportunities as the social partners to formulate the agendas and contribute to the discussions of the Governing Body and its committees.
8. IMEC considered that there should be a time limit of five minutes on each intervention by constituents and the secretariat. Group statements could be allowed more time. Governments should have the right to reply if they were mentioned in a discussion.
9. There was a consensus in IMEC that the committees of the Governing Body should be reorganized to reflect the four strategic objectives of the ILO. Agendas could be limited to three items and include only items for decision. Sittings should be held from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m. Documents should be concise and well written, with executive summaries and clear points for decision. Documents should be available at least 15 working days before the start of the Governing Body session and, if they were not, the item in question should be automatically deferred to the next session. The Governing Body should be given an account of how decisions taken had been implemented by the Office.
10. IMEC suggested that the Committee on Sectoral and Technical Meetings and Related Issues and the Subcommittee on Multinational Enterprises might meet only once every year. The mandate of the Committee on Technical Cooperation should be clarified and it could also meet only once a year. The Committee on Legal Issues and International Labour Standards and the Committee on Employment and Social Policy should continue to meet in March and in November. Employment and social protection could be dealt with separately. The Working Party on the Social Dimension of Globalization should have a clear and more focused agenda. The Programme Financial and Administrative Committee (PFAC) should plan to devote four days to the budget debate in 2011. The Governing Body plenary should be limited to three days.
11. With regard to the Working Party, IMEC asked the Office to establish an online forum to enable constituents to exchange views and submit comments. The Office should prepare a more detailed time line for the Working Party, including the implementation of recommendations agreed upon by the Governing Body.
12. The representative of the Government of the Bolivarian Republic of Venezuela, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), referred to the mandate of the Working Party, and in particular to the options with regard to future steps.³ GRULAC expressed preference for examining the extent to which the present structure with adjustments, and the functioning of the Governing Body, ensured the coherence required by the ILO Declaration on Social Justice for a Fair Globalization and

³ Paragraphs 11, 12 and 13 of document GB.306/WP/GBC/1.

the Global Jobs Pact. In this regard, GRULAC asked the Office if the current structure of the Governing Body and the Conference could respond to the challenges expressed in both instruments. Close consideration should be given, among others, to the duration and frequency of committee meetings and their agendas and working methods. GRULAC stressed the need for concise and well-focused documents, with executive summaries, which could efficiently orient the debate, with questions that would help the Governing Body adopt decisions.

13. The Governing Body should reinforce its capacity to design strategies and contribute to discussion on topical events. It should also be in a position to examine, swiftly and flexibly, urgent issues which had an incidence on the world of work, with a view to their possible inclusion in the agenda of the International Labour Conference (ILC).
14. Regarding the decision-making process, the interaction among constituents should be reinforced, in particular through tripartite, inclusive and transparent consultations aiming at facilitating consensus. Preliminary briefings and information meetings for the regional groups should be foreseen. The frequency of meetings of the committees should be reviewed, and their agendas should be reduced and well targeted. Regional coordinators should be involved in setting those agendas. The budget discussion in the PFAC should take four days.
15. The length of documents should be reasonable. It was important to ensure the electronic distribution of documents at least 15 days before the relevant discussion and distinction should be made between substantive discussions and information sessions. With regard to time management, GRULAC was in favour of establishing a time limit of three to five minutes on all interventions, under the strict control of the Governing Body and the committees' chairpersons. There should be a programme of work for examining different points. The Working Party should meet between November 2009 and March 2010, and consultations could take place at least once every month. A document containing draft conclusions and proposals should be prepared for the Governing Body in March 2010.
16. The representative of the Government of Tunisia, speaking on behalf of the Africa group, which would determine its views in the light of the proceedings of the Working Party, expressed the wish that the Working Party would address also the functioning of the ILC. The review of the functioning of the Governing Body, which he acknowledged would be a complex task, should take into account the need to follow up the Conference discussions on the recurrent items foreseen by the 2008 Declaration on Social Justice for a Fair Globalization as well as the interaction between the ILO's four strategic objectives, as described by the Declaration and the Global Jobs Pact.
17. Regular and transparent consultations were critical if agreement was to be reached on realistic objectives for the Working Party. In that respect, there was a need for a full and equal participation of the three groups of ILO constituents, in order to ensure a smooth and harmonious functioning of the Working Party and the effective implementation of its results. The rationalization, and possibly restructuring of the committees' work, should be based on a preliminary tripartite agreement on the priority questions which each committee should cover. All constituents should agree to limit the number of items on the agendas. Time management was also a major concern of the Africa group, which suggested that some good practices of other organizations might be considered as a source of inspiration. A reduction in the number of documents and their length as well as their timely distribution was a serious issue for the Africa group. An executive summary, as an introduction to each Governing Body or ILC document, would be a first step in the right direction.

- 18.** The representative of the Government of Australia, speaking on behalf of the Asia–Pacific group (ASPAG), reiterated that both the Governing Body and the ILC should be examined, in line with the Governing Body decision establishing the Working Party. He strongly supported the IMEC statement on the need for early access to documents and improved consultation with Government members so that they might have earlier input into agenda setting, decision-making and policy implementation. While noting that increasing costs (due to a higher volume of documents) was an issue, the process should not only be about cost-cutting but should focus on improving effectiveness and efficiency. He emphasized the need to ensure, through the effective functioning of the Governing Body and the ILC, that: (i) the ILO had policy- and decision-making practices appropriate to the challenges it faced; (ii) its resources were being used to best effect; (iii) its decision-making processes were sufficiently quick and effective to deal with the rapidly changing world; (iv) its service and programme delivery were aimed at the areas of most need and in a way that delivered most impact; and (v) its tripartite structure was used to advance debate and achieve effective decision-making.
- 19.** ASPAG, recognizing the primary governance and policy-making roles of the ILC and the Governing Body, proposed a number of concrete measures: (i) prioritize issues which required Governing Body or ILC consideration and planning within the biennial budgetary framework; (ii) improve reporting and follow up on the implementation of ILC decisions; (iii) examine previous Governing Body decisions which had not yet been implemented and the reasons for that; (iv) study the processes and costs associated with the Governing Body, committee proceedings and the ILC; (v) review the arrangements and options for the electronic distribution of documents and the distribution of information papers out of session; (vi) review the agenda-setting process of the Governing Body and its committees; (vii) recognize that effective operation of the ILC and the Governing Body was a shared concern and in that respect Government, Employer and Worker representatives and the Office had a shared responsibility to improve performance; (viii) request the Office to prepare, prior to the March 2010 session of the Governing Body, a comprehensive issues paper, outlining the significant issues identified and proposals for addressing those issues. Referring to the options described in the document before the Working Party, ASPAG wished to see a combination of the approaches, namely, a detailed examination of the Governing Body and the ILC, proposing changes coherent with the 2008 Declaration on Social Justice for a Fair Globalization. The Committee on Freedom of Association (CFA) and the PFAC should not be excluded from the process.
- 20.** Furthermore, ASPAG considered that there should be a review of previous recommendations which had not been implemented. It was important that any proposed changes should be aimed at improving the operation of the ILO and maximizing the potential benefit of the tripartite nature of the ILO. ASPAG included a detailed timetable in its statement, and proposed that it be followed by the Working Party over the coming 12 months.
- 21.** The representative of the Government of Singapore, speaking on behalf of the Association of Southeast Asian Nations (ASEAN), endorsed the statement made by ASPAG, and strongly supported the recommendations on the key initiatives, roles and approach that the Working Party should undertake. The Working Party should review the merits and relevance of past recommendations, and study the problems of their implementation, modifying them if necessary. The Working Party should explore whether there was a need for a monitoring mechanism to ensure that the recommendations adopted would be implemented effectively and coherently. Procedures for finalizing the ILC agenda should be streamlined. A small interim committee could be established after the November session of the Governing Body each year, to decide on the agenda items to be adopted instead of reopening the discussion again in the March session of the Governing Body. That interim committee could comprise the Worker and Employer representatives and the

Government regional coordinators who were expected to seek the views of the respective members. The number of agenda items for the committees and the length of documents should be reduced, and the scheduling of meetings should be addressed. Documents should be concise, clear and succinct. The mandate of the different committees should be reviewed and prioritized. It was important to observe good time management within Governing Body meetings.

22. The representative of the Government of Lithuania, supported by the Government of Switzerland, expressed full support for the statement made on behalf of IMEC. The requirements of the twenty-first century and the challenges caused by the economic crisis constituted the momentum for a comprehensive change. This reform of the Governing Body could go far beyond repetition of the decisions taken and issues identifies several years ago. Great consideration should be given to a set of decisions that had not been implemented yet. A timely and effective implementation of decisions was important. Furthermore, it was important to identify potential new structures and working methods for the Governing Body. Such structures should be flexible and efficient.
23. The representative of the Government of Nigeria supported the statement made on behalf of the Africa group. He called for more concise documents, distributed earlier, more strategic agenda setting and improved time management. In order to shorten the duration of the Governing Body, committees should only sit if they had substantial business and speaking time should be reduced although flexibility should be shown in the case of group statements. Unfinished business could be deferred to the following meeting when the allocated time was up. Decent work should also apply to ILO meetings with respect to weekend and evening sittings. There should be progressive pursuit of shortening the period of the Governing Body as it was becoming a problem for governments to sponsor large delegations and to keep them away from their offices for extended periods. Regarding the PFA and CFA Committees, consideration could be given to establishing a greater number of subcommittees on thematic issues falling within the strategic objectives of the ILO. Those subcommittees would meet concurrently and feed into the main PFA and CFA Committees. He finished his statement by expressing a wish for better services by the Office to the regional groups, in order to supplement the work done by regional coordinators.
24. The representative of the Government of Bangladesh, speaking on behalf of the Government group, said that the Governments were in favour of a comprehensive review of both the Governing Body and the ILC and underlined the importance of ensuring the follow up and implementation of decisions arising from the Working Party's recommendations. In particular, the Government group proposed making improvements to: (i) the establishment of agendas, time management and the administration of meetings; (ii) the timely availability of documents, including consultative drafts, to all constituents; (iii) the status of Governing Body committees and their role, function and frequency of meetings; (iv) the transparency of decision-making and the follow up and implementation of decisions; and (v) enhanced Office support for the functioning of the Government group. He went on to suggest a detailed timetable for the Working Party, ending with the submission of a final report for decision, containing recommendations and an implementation plan, to the Governing Body in November 2010. The Government group noted that that procedure should not impede the implementation of any agreed changes during that period.
25. The representative of the Government of France expressed his country's full support for the position of IMEC, in particular with regard to the role of the governments in the functioning of the Governing Body. Tripartism was at the core of the ILO's mandate, history and Constitution. One of its implications was the truly tripartite and operational functioning of the Organization's governance bodies, which should enable governments

fully to play their role in the orientation of ILO actions. Solutions should be found with regard to the imbalances mentioned by previous speakers, for example in the way information was communicated to the three ILO constituent groups. He put forward several concrete proposals in that direction: ensuring equal access to information and consultations; increasing operational coordination capacity among governments (such as a light supporting structure); rebalancing the composition of Governing Body organs in order to be in line with the Organization's constitutional balance; and developing real interactivity (including the proposal for a Government Vice-Chairperson).

- 26.** Governments should assume their share of responsibility in the improvement of their coordination system. However, the Office should support those efforts. While a full-fledged secretariat such as ACT/EMP or ACTRAV may not be required, a small, responsive structure could be established within the Office to provide similar services to governments, working in close collaboration with them. The structure of the Governing Body committees should reflect the balance between the three groups. That balance was not a matter of mere practice; enshrined in the ILO Constitution was the principle that decisions in the ILO should be based on that balance. Together, Government members of the Governing Body should represent a force equal to that of the social partners combined. The presence of a Government Vice-Chairperson of the Governing Body might ensure the full involvement of the Government group in the preparation of the decisions and orientations to be followed by the Organization. His insistence on the role of governments was in no way intended to detract from the fundamental role played by the social partners, owing to the very purpose of the ILO and its mandate. At a time when the ILO and its constituents were aiming to promote better governance of the social dimension of globalization, governments could not delegate their responsibilities, and they should be fully included in the decision-making process. He welcomed the Chairperson's call for frank and open discussion of those issues, as only a discussion without taboos would make it possible to reach viable solutions.
- 27.** The representative of the Government of Brazil supported the statement made by GRULAC. Underlining the importance of considering the wider purpose of the ILO, its implementation strategy and its ability to deal with topical global issues, he said that the reform of the Governing Body should concentrate on the implementation of the four strategic objectives of the ILO, in keeping with the guidelines laid down in the 2008 Declaration on Social Justice for a Fair Globalization and the June 2009 Global Jobs Pact. It was more important to give priority to working methods and to analyse how each part of the Governing Body could become more efficient in fulfilling its mandate, rather than limiting discussions to the structure or number of committee meetings.
- 28.** The representative of the Government of Australia, speaking on behalf of the Governments of Australia and New Zealand, endorsed the statements made by ASPAG, IMEC and the Government group. He agreed with many other speakers on the need to improve time management and to ensure the early distribution of documents. Governing Body agendas should comprise only substantive items related to the strategies and outcomes to be achieved by the Office, in line with the Strategic Policy Framework, Programme and Budget and the 2008 Declaration on Social Justice for a Fair Globalization. The relevant papers should contain substantive points for decision. Documents submitted for information, or for procedural issues, could be handled out of session. He pointed out that it was important to improve consultations with governments, particularly with those which did not have staff based in Geneva or the capacity to regularly attend meetings in Geneva. This was the situation of a number of Pacific island countries, for example.
- 29.** The Employer spokesperson stated that, with the review of the Governing Body, the Working Party should aim to respond to the requirements generated by the current financial crisis, in the light of the 2008 Declaration on Social Justice for a Fair

Globalization and the Global Jobs Pact. Two kinds of changes were required: the practical changes which seemed to enjoy unanimous support and which could be implemented without delay; and the structural changes which called for in-depth analysis.

30. An impressive example of the ILO's capacity to respond to urgent needs was to be found in the recommendations adopted by the Governing Body, in March 2009, to readjust the format of the ILC in the light of the crisis, arrangements which had resulted in the adoption by the ILC in June 2009 of the Global Jobs Pact. The Global Jobs Pact was indeed the result of tripartism at work. In that respect, echoing the concerns expressed by the Government representatives, the Employer spokesperson reaffirmed the attachment of his group to an effective and fully inclusive type of tripartism.
31. The Employers' group supported the proposal made by the Government representatives that the Working Party should conclude its review of the functioning of the Governing Body by the end of November 2010. The starting point should be the four strategic objectives of the Organization and the two major functions of the Governing Body, namely policy setting and the monitoring of ILO activities.
32. Finally, the Employer spokesperson concurred with several proposals formulated by the Government representatives with regard to: the role of the Governing Body as a forum for the discussion of substantive issues; the need for transparency; the need for an improved format for documents; the need to shorten the duration of Governing Body sessions, as government representatives and the social partners were not always available for such long periods; and the need to innovate, be prepared to take up new challenges and demonstrate the capacity to react efficiently and in the spirit of tripartism.
33. The Worker spokesperson reaffirmed the importance of free and frank discussions enabling the three groups of constituents to express their views, and welcomed the way in which the Governments had been leading the Working Party's discussions. However, the Workers' group was approaching the discussions from a different point of departure.
34. For the Workers' group, the ultimate objective was to make the world of work decent and more acceptable for governments, employers and workers – Members and non-Members alike – and for workers in the informal economy. Any efforts to achieve greater efficiency and to reduce the length of documents should by no means be to the detriment of the result. For that reason, the Workers could not agree with the proposal to limit the number of agenda items to three, to stop a critical discussion because the clock had reached a certain hour or to reduce systematically the number of pages of documents, irrespective of the issue covered. The Working Party had to be sure that its efforts to reduce quantity did not end up compromising quality.
35. The Workers' group was ready to discuss changes, but only after having clearly identified the objectives to be attained through such changes. Furthermore, the Workers recognized the need to review the work of the Governing Body, but considered it crucial not to lose sight of the reasons behind some structures. The tripartite structure had originally been set up to give protection to workers, and it should be recognized that the needs for such protection had not yet disappeared. Should the Working Party consider that new developments had occurred which required changes, then the Working Party should examine how those new realities could be addressed in a structure and in a manner that was satisfactory to all parties. Those changes might imply giving greater responsibility to some of the committees. The STM Committee, for example, could be empowered to take on some fundamental issues which had hitherto not been covered by the present committee structure, such as social dialogue, wages and labour inspection. In conclusion he stated that the Workers' group could not accept any timetable for the Working Party before having discussed and identified a point of departure that was agreeable to all.

- 36.** The representative of the Government of Mexico agreed with the GRULAC statement, in particular regarding the need for an in-depth analysis of the Governing Body's structure. He suggested that a cost analysis of Governing Body meetings would help the Working Party to make rational recommendations to the Governing Body.
- 37.** The Chairperson highlighted the high level of interest in the topic before the Working Party and said that, despite the complexity of the issue, there was a high level of agreement. Some problems were simple to overcome and solutions could be found quickly; other issues implied structural changes and required more analysis and discussion, and it would therefore take longer to reach a decision. There was consensus that more and better tripartite consultations were required.
- 38.** She noted that speakers had concurred on the need to reconsider the structure of committees and to discuss the duration and number of meetings. Many speakers had stressed the need for shorter, better planned and more focused documents, but had noted that it was also important to strike the right balance and not go too far in that respect. It was widely agreed that documents needed to be circulated earlier, which could include electronic distribution. There was a general feeling that interventions in meetings should be limited in time. Regarding the Working Party itself, its scope should include the ILC, the Governing Body and its committees. There had been several suggestions for a workplan and for an interim meeting between the current session and March 2010.
- 39.** The representative of the Director-General (Mr Tapiola, Executive Director) expressed the Office's appreciation of the tone and content of the discussion. Many different proposals had been formulated and although some of them had been questioned, none of them had been rejected or specifically accepted.
- 40.** A certain number of basic understandings should be recorded. The review of the functioning of the Governing Body was not a cost-cutting exercise. The aim of the exercise was rather to look at how much time could reasonably be made available and what would be the optimal way of using that time. Some of the constitutional functions of the Governing Body required time for adequate discussion, and the information and analysis requested had implications for the length of the documents. Quality should by no means be compromised.
- 41.** There was a clear message from the Government group which the Office would address. The consultations and preparations would be organized and conducted on a fully tripartite basis.
- 42.** The Governing Body would meet in March 2010 with the committees starting on 15 March and the plenary week starting on 22 March. Sometime around 16–18 March, a full day could be set aside for the next meeting of the Working Party, although it was necessary to ensure that no other meeting was planned at the same time. Sharing such time with the PFAC was thus important.
- 43.** The Office pledged to continue the preparation for the March meeting with the Government group, with the assistance of the regional coordinators and the secretariats of the Employers' and Workers' groups. Informal tripartite consultations could take place around the first week of February 2010. It was, however, worth noting that such informal tripartite consultations had a cost which, based on earlier experience, was somewhere around US\$120,000–150,000.
- 44.** The purpose of those consultations would be to discuss proposals made by the members of the Working Party. That would then lead into an issues paper for the Working Party meeting in March 2010. In that paper, different options would be examined from different

angles, covering issues such as their feasibility, their legal and practical consequences, their acceptability and the potential effects of any changes which were proposed.

45. In that process, the issues paper could identify for the Governing Body session in March: (i) what could be done immediately; and (ii) what kind of list of options could be submitted for further discussion. It could focus on a certain number of options – rather than proposals – on which agreement could be reached through further deliberations. In March 2010, the Working Party could also review how the format of the Conference, which had been in operation since June 2007, was working and what kind of further adjustments needed to be made to it.

46. *The Working Party recommends that the Governing Body:*

(a) *adopt the following time frame and process for the review:*

(i) *an issues paper to be prepared based on the papers and issues raised in the Working Party that met during the November 2009 session of the Governing Body, and circulated to members in preparation for informal tripartite consultations in February 2010;*

(ii) *a meeting of the Working Party to be convened during the March 2010 session of the Governing Body for discussion of the issues paper;*

(iii) *ILO Members to be invited to make written submissions for consideration of the Working Party;*

(iv) *the Working Party to submit an interim report to be considered at the June 2010 session of the Governing Body;*

(v) *the Working Party to submit a final report containing recommendations and an implementation plan to the November 2010 session of the Governing Body for decision;*

(vi) *this procedure should not impede the implementation of any agreed changes during this period;*

(b) *decide to ensure that all the proposals put forward by Governments, Workers and Employers will be presented in the issues paper; and*

(c) *decide to ensure that any further proposals submitted by constituents will also be presented in the issues paper.*

Geneva, 17 November 2009.