



Governing Body

310th Session, Geneva, March 2011

GB.310/9/1

NINTH ITEM ON THE AGENDA

A reform package to improve the functioning of the Governing Body

I. Introduction

Context and application

1. Following an extensive process of formal and informal consultations on ways to improve the functioning of the ILO Governing Body, the inter-sessional meeting of the Working Party (WP/GBC),¹ held on 9 and 10 February 2011, recognized that sufficient progress had been made and sufficient convergence reached for the Governing Body to move forward to taking a decision on reform.
2. The Working Party therefore requested the Office to prepare a draft proposal of a reform package on the functioning of the Governing Body.
3. Should the Governing Body adopt a reform of its functioning in March 2011, the Office of the Legal Adviser would prepare the corresponding set of amendments to the Standing Orders of the Governing Body required to reflect all changes related to the reform package and to be approved by the incoming Governing Body in June 2011.² The 312th Session of the Governing Body (November 2011) would then function within the framework of the agreed reform and would be governed by the new Standing Orders.
4. As emphasized by the Working Party, no reform package can be expected to operate perfectly. Further adjustments will be required. For that reason, the Governing Body may wish, when adopting any reform package, to include a clause whereby, after a period of practical implementation, the Governing Body would review the situation in order to introduce the necessary adaptations. This would be done at its 318th Session (November 2013).

¹ Working Party on the Functioning of the Governing Body and the International Labour Conference.

² These amendments would be developed through a tripartite consultative process to be organized by the Office during April and May 2011.

Five main orientations

5. Within the framework of the ILO Constitution and of a shared vision regarding the role and functions of the Governing Body – overview and supervision of the operation of the Office and strategic governance of the Organization – the proposed reform package is guided by the following orientations:
 - focusing on supervision and constituent-led governance of the Office while avoiding micromanagement;
 - ensuring full tripartite participation through the active engagement of all three groups;
 - giving priority to policy- and decision-making debates, including follow-up of Governing Body and Conference decisions;
 - alignment with the ILO Declaration on Social Justice for a Fair Globalization; and
 - maintaining appropriate space for high-level and strategic discussions.

Four main pillars

6. On this basis, the reform would be composed of four main pillars:
 - an improved agenda-setting mechanism;
 - a new Governing Body structure;
 - enhanced transparency and Office support to the tripartite constituents; and
 - better documentation presentation and time management.

Officers of the Governing Body

7. The composition, roles and functions of the Officers of the Governing Body as established by the ILO Constitution would be maintained and not be infringed upon by the reform package. The provisions of the Standing Orders would be amended only to the extent necessary to accommodate agreed changes arising from the reform proposals.

II. The reform package

A. An improved agenda-setting mechanism

8. In order to ensure an integrated and coherent approach to setting the agenda of all Governing Body meetings – which would avoid duplication or gaps in discussion, provide for transparency and tripartite inclusion and focus on policy- and decision-making debates – the following arrangements would be put in place:
 - **a screening procedure** to make an initial assessment of all proposals and **determine the agenda of the next session**; this would entail:
 - the setting up of a **screening group** composed of the Officers of the Governing Body, the Government group Chairperson, the regional coordinators and the

secretariats of the Employers' and the Workers' groups; ILO executive directors shall also attend;

- the screening group would meet in the course of a given Governing Body session to establish the draft agenda of the next session;
 - the segments or sections conducted in the first week of the Governing Body would prepare a draft agenda for their next session at the conclusion of their current session; these would be distributed as soon as possible as inputs to the full provisional agenda;
 - for the consideration of the screening group, the Office would issue a draft provisional agenda, in principle at the beginning of the second week and, in any case, no later than two working days before the closing of a given session; this would ensure an adequate opportunity for proper consultations within the groups;
 - the draft provisional agenda would include, as an annex, a **tentative plan of work** with a clear indication of time frames for each section referred to in Part II(B) of this paper;
 - the necessary flexibility to deal with urgent matters arising in respect of agenda-setting during or between sessions would be decided by the Officers following consultations with the other members of the screening group in order to be able to adapt the agenda initially agreed;
 - if needed, an updated tentative plan of work would then be distributed.
- **inclusion in the agenda of the follow-up to previous decisions;** this would entail:
- clear formulation of decision points in documents; a distinction to be made between decisions of a purely formal or procedural nature (for which follow-up is not requested) and those of a substantive or operational nature requiring follow-up action;
 - this distinction would be highlighted by the Office when drafting points for decision, clearly indicating whether a given decision required reporting on follow-up action or not. This would be confirmed by the Governing Body itself when adopting the respective points for decision;
 - a Director-General's supplementary report outlining follow-up action taken by the Office on decisions specifically requiring it would be presented to the Governing Body in its March and November sessions; this would be in tabular or matrix form and would provide basic information on action taken, the time frame for further action, those responsible for taking action, budgetary implications, and items which were not acted upon (outlining the reasons for this);³
- **removal from the agenda of those items which are purely informative** and which do not call for a substantive Governing Body discussion; this would entail the following rules:
- all items on the agenda would be, by definition, for guidance and/or for decision;

³ The Office reply to the report of the Internal Auditor could be used as a reference.

- documents identified as “for information only” – for instance, items such as programmes of meetings, information notes on symposia and seminars and certain reports of the Officers of the Governing Body – would be posted on the ILO’s Governing Body website in conformity with deadlines established in paragraph 30 but would not be intended for discussion;
 - a document containing a list of all papers “for information only” presented to a given session would be prepared for the Governing Body to take note of; the list would be annexed to the Governing Body agenda;
 - members of the Governing Body would have the right to request the opening of a discussion on a “for information only” paper if, in their view, the paper required guidance or decision; the matter would then be referred to the screening group (referred to above);
 - tripartite consultations, to be held between March and June 2011, would establish a more clear definition and scope of the concept of papers “for information only”.
- **side events** – meetings or initiatives organized or supported by the Office not intrinsic to the business of the session, but involving the participation of Governing Body members, should be an exception and kept to a minimum. They should not in any way coincide with Governing Body meetings. All such side events should be approved by the screening group.

B. A new structure for the Governing Body

Basic rules and principles

9. The new structure of the Governing Body would be guided, in addition to the five main orientations of the reform package referred to in paragraph 5, by the following principles:
 - the four strategic objectives should be adequately covered;
 - flexibility would be required in the programming and handling of Governing Body work; and
 - grouping items under a limited number of themes would help to improve the organization of the agenda and the conduct of business.
10. The new structure would be based on two basic and interrelated concepts:
 - **no more than one meeting should take place at any time**, so that (with the exception of the bodies referred to in paragraph 12) all Governing Body participants would be able to take part in them;
 - the Governing Body would take the form of a **continuous plenary**⁴ structured in defined spaces called sections; it is to be noted that the present quorum rules⁵ would be maintained.

⁴ With the exception of the Working Party on the Social Dimension of Globalization.

⁵ Thirty-three members, in accordance with article 6.3 of the Standing Orders.

11. Therefore, with the exception of the Committee on Freedom of Association (CFA), the present committee structure would be discontinued.
12. The CFA, as well as the Boards of the International Training Centre of the ILO in Turin (the Turin Centre) and of the International Institute for Labour Studies (IILS), would be maintained in their current form. The presentation, discussion and adoption of the CFA report would be unchanged.
13. Full sessions of the Governing Body would continue to take place in March and November.⁶ In addition, as is the case today, the Governing Body would have, in June:
 - a half-day meeting after the closing of the International Labour Conference; and
 - a (short) meeting of its Programme, Finance and Administrative Section during the Conference.
14. The length of each full session would be determined by its agenda as established through the new screening procedure. It is expected that several important elements of this reform package – such as abolishing the practice of “rubber-stamping”, removing from the agenda papers “for information only”, and better time management – should allow for greater efficiencies. This would be fine-tuned as the reform is implemented. For budgetary and planning purposes a given time for the “non-budgetary” sessions and for the March budgetary sessions would be established.
15. Adequate time and facilities for group meetings would continue to be ensured.

Functioning of sections

16. Each section would be composed of autonomous **segments** in order to better organize the agenda and ensure that important issues are not systematically left out. Nevertheless, flexibility would be a key element of agenda-setting and of the time frame within each section, through the application of the following rules:
 - the agenda and allocation of time would be determined by the issues to be discussed;
 - there would be no need to treat all the segments of a section in a given Governing Body session; nevertheless, all segments would be treated no less than once a year with the possible exception of the Strategic Policy Segment;
 - each segment retained for a given session would be discussed one after the other;
 - any changes in timing would take into consideration the coordination and participation needs of all groups.
17. The sections would function within the following principles:
 - **Time allocation:** As the business to be conducted would determine the time needed, the indicative time allocated to each section could change from session to session, as well as the order in which the sections will be treated. This would be duly noted in the tentative plan of work to be examined by the screening group (see paragraph 8). This would help to establish defined spaces and to ensure predictability for participants with specific responsibilities or competences.

⁶ Paragraphs 16–23 below apply mainly to the March and November full sessions.

- **Decision-making:** Each section would take its own decisions (as part of a continuous plenary) as the Governing Body proceeds; because decisions will not be brought back for approval, any amendment to a decision point should be provided in writing before a decision can be taken. The use of screens to display amendments could be tested. Decisions would be posted on the ILO's Governing Body website on the day on which they are taken.
- **Membership:** Since all Governing Body members would be able to participate in all sections there would be no need to establish specific membership for them.
- **Chairperson, Vice-Chairpersons:** As is the case under current provisions, the Officers consist of a Chairperson and two Vice-Chairpersons chosen one from each of the three groups. Only regular members of the Governing Body may be elected as Officers. The Officers would remain the same throughout the entire Governing Body session. The Chairperson of the Governing Body could assign the functions necessary for chairing segments of the Legal Issues and International Labour Standards Section (LILS) or the Policy Development Section (POL) to another Government member of the Governing Body in order to replicate, as far as possible, the current arrangements for chairing Governing Body committees.
- **Spokespersons:** In accordance with the principle of autonomy of the groups, each group will freely designate, among the titular or deputy members of that group, a spokesperson to express the views of that group in a particular section or segment.
- **Reporting:** There would be no need for formal approval of the report of each section within a given Governing Body session.⁷ However, to ensure adequate reporting, the following procedure would be put in place:
 - the Office would make available, during the last week of a given session, the provisional reports of the sections having concluded their work during the first week. These provisional reports would be posted on the ILO's Governing Body website. The present format of the reports would be maintained;
 - Governing Body members would have a deadline for amendments to their own interventions; such amendments to be presented directly to the secretariat without the need to announce them in the Governing Body itself;
 - the reports of each section, once amended, would be incorporated into the minutes of a given Governing Body session; a compilation of the amendments submitted would be posted on the ILO's Governing Body website;
 - these minutes, covering the entire proceedings of a given Governing Body session, would be adopted at the subsequent session of the Governing Body.

The five sections

18. To better align the Governing Body structure with the ILO Declaration on Social Justice for a Fair Globalization, as well as simplifying the structure and reducing duplication, five sections would be created:

- a Policy Development Section (POL);
- a Legal Issues and International Labour Standards Section (LILS);

⁷ With the exception of the reports of the remaining bodies referred to in para. 12.

- a Programme, Financial and Administrative Section (PFA);
- a High-Level Section (HL);
- an Institutional Section (INS).

19. The Policy Development Section (POL) would operate as follows:

- cover the present mandates of the Committee on Employment and Social Policy (ESP), the Committee on Sectoral and Technical Meetings and Related Issues (STM) and the Committee on Technical Cooperation (TC), and take in the work of the Subcommittee on Multinational Enterprises (MNE);
- be enlarged to include social dialogue and industrial relations issues – such as labour law, labour administration and labour inspection – which up to the present have had no designated place in any Governing Body committee;
- ensure that strategies and policies for technical cooperation are fully discussed;
- mainstream the standards dimension of the above matters;
- be organized in four segments: (i) employment and social protection questions; (ii) MNE questions; (iii) social dialogue and industrial relations questions; and (iv) technical cooperation questions.

20. The Legal Issues and International Labour Standards Section (LILS) would operate as follows:

- cover the present mandate of LILS;
- continue to be organized in two segments: (i) legal issues; and (ii) international labour standards and human rights;
- the screening group (referred to in paragraph 8) would determine whether legal matters that could otherwise be treated within the Institutional Section – such as the report of the CFA, complaints and representations under article 24 and complaints under article 26 of the Constitution (see paragraph 23) – would be better placed in LILS.

21. The Programme, Financial and Administrative Section (PFA) would operate as follows:

- cover the present mandate of the Programme, Financial and Administrative Committee and take in the work of the Information and Communication Technology Subcommittee and of the Building Subcommittee;
- be organized in three main segments: (i) programme, finance and administrative questions; (ii) personnel questions; and (iii) audit and oversight questions;
- financial dimensions and implications of matters discussed in other sections would be treated in the PFA Section;
- the present meetings of the Government members of the PFA Committee (GMA) would be replaced by meetings of the Government members of the Governing Body.

22. The **High-Level Section (HL)** would continue the Governing Body's role as a forum for global policy discussion and strategic guidance without allowing types of debate more appropriate to the ILC or other bodies. Determining its agenda and time frame in advance would facilitate the presence of participants such as ministers and heads of employers' and workers' organizations. The High-Level Section would take place in:

- a **Working Party on the Social Dimension of Globalization** which would, by and large, maintain the form and terms of reference of the current Working Party (which has demonstrated its relevance and effectiveness as a dialogue forum between Governing Body members and important actors from outside the ILO's constituency) but would refocus its mandate on issues directly linked with the social dimension of globalization;
- a **strategic policy segment** which would, on the basis of clear need, accommodate internal Governing Body debate focused on cross-cutting relevant topics or recent trends considered of strategic importance for the future of the Decent Work Agenda. The need for content and time allocation of this segment would be determined by the screening group referred to in paragraph 8. The proposed agenda for this segment would be included in the tentative workplan.

23. The **Institutional Section (INS)** would deal with issues related to the functioning of the Office and of the Organization, including constitutional obligations. This would encompass standing items such as:

- **reporting:** minutes of the previous session,⁸ Report(s) of the Director-General, report(s) of the Officers, reports of the CFA, reports of the Boards of the Turin Centre and the ILS, reports and conclusions of regional meetings, and so on; as stated in paragraph 11, the presentation, discussion and adoption of the CFA reports would maintain the present modalities;
- **constitutional obligations**, including the annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, the agenda of the International Labour Conference, complaints and representations under article 24 and complaints under article 26 of the Constitution;⁹
- **urgent matters** arising between or during sessions tabled by the Officers following consultations with the other members of the screening group referred to in paragraph 8.

C. Enhanced transparency and Office support to tripartite constituents

24. In order to enhance active participation by all groups, the following measures would be put in place:

⁸ There might be a need to start a Governing Body session with a short meeting of the Institutional Section to adopt the minutes of the previous session.

⁹ The screening group (referred to in para. 8) would determine whether legal matters to be treated in the Institutional Section – such as the report of the CFA, complaints and representations under article 24 and complaints under article 26 of the Constitution – would be better placed in LILS (see para. 20).

- full tripartite participation in the agenda-setting mechanism would be ensured (as referred to in paragraph 8);
- issues, papers and relevant information submitted by the Office for consultation shall be shared at the same time with ACT/EMP and ACTRAV, with the secretariats of the Employers' and Workers' groups and with the Government group Chairperson and the regional coordinators;
- consultations organized by the Office with the group secretariats between Governing Body sessions will include the Government group Chairperson and the regional coordinators;
- the Chairperson of the Governing Body shall ensure consultations with the Government group on any matter on which he/she deems it necessary to consult, in session, the Officers on the conduct of any item of the business of the Governing Body.

25. In order to enhance transparency the following measures would be put in place:

- The right to reply of Government members of the Governing Body would be ensured upon their request and in the time to be decided by the Chairperson, provided they had been specifically referred to in the discussion (including in the concluding remarks by the Vice-Chairpersons or the group spokespersons).
- Observers designated by ILO member States that are not members of the Governing Body will continue to be allowed to speak in accordance with article 1.8 of the Standing Orders of the Governing Body when these States are subject to a representation under article 24 or a complaint under article 26 of the Constitution, or a report of the Committee on Freedom of Association. In addition, a State that is not a member of the Governing Body will be able to speak, with the authorization of the Officers of the Governing Body, in order to express its views on matters concerning its own situation if a decision point may affect its interests, or if it has been specifically referred to in the discussion.
- Representatives of official international organizations and non-governmental international organizations continue to be allowed to participate in the work of the Governing Body under the conditions currently set out in the Standing Orders: possibility of participation in the debates by official international organizations invited by the Governing Body (article 1.9); possibility of non-governmental international organizations invited by the Governing Body, subject to the authorization of the Officers of the Governing Body, to make or circulate statements for information (article 1.10).

26. The composition of working parties and committees would be decided on a case-by-case basis, taking into account the present Standing Orders of the Governing Body and the fact that, owing to its particular regional structure and composition, eight governments (or any other multiple of four) would help to accommodate regional concerns.

27. The Office would improve support to the Government group by establishing a specific and dedicated facility. This facility would have, inter alia, the following roles and functions:

- facilitate and promote, by all possible means, the full participation of governments – and, in particular, Government group Chairperson, regional coordinators, labour attachés and Geneva missions – in the life and governance of the International Labour Organization and Office;

- ensure effective early consultations with the Governments on issues, papers and relevant information submitted by the Office for consultation;
- provide for government representatives:
 - information about ILO activities, rules and procedures, composition of governance bodies, preparations for the main official meetings (such as the ILC, Governing Body and regional meetings) and any other information requested by governments, including organizing training courses and information sessions for newly arriving government representatives;
 - timely access to documentation and information;
- organize for them, whenever requested, briefings or contacts with other branches within the Office;
- facilitate consultations between them and the Employers' and Workers' group secretariats;
- ensure technical and logistical support to the Government group Chairperson, regional coordinators, and government and regional group meetings.

D. Better documentation presentation and time management

Documentation

28. Items on the agenda are usually covered by specific documents. In particular circumstances a document might be replaced by a PowerPoint presentation. Such presentations would be provided in advance to Governing Body members. Oral presentations can be used for urgent matters.

29. Length and presentation of Governing Body documents. The Office should provide clear, concise and decision-oriented texts. However, owing to the different nature of the documents, it does not seem feasible to establish a single limit on the number of pages. Nevertheless, the following measures would be introduced in order to enhance governance and a “reader-friendly” format:

- long historical backgrounds should, as far as possible, be avoided; long quotations from other documents could be replaced by posting them on the ILO Governing Body website as a link connected to the item to be discussed;
- for each Governing Body session, the screening group (referred to in paragraph 8) would identify Governing Body documents considered to be good examples as a future reference for author units;
- all Governing Body documents would begin with a synoptic frame indicating: (a) the relevant paragraphs for decision (if any) with an explanation of the content of decisions; (b) the need for follow-up (if any); (c) implications (if any); (d) a short executive summary; and (e) the ILO author unit;
- the present organization of documents into three different categories – “for information”, “for guidance and debate” and “for decision” – would be discontinued;

- by default, all Governing Body agenda items would be for guidance and/or for decision; there would be no need to make a distinction between them because any points for decision would be duly noted in the abovementioned synoptic frame;
- papers “for information only” would be handled as outlined in paragraph 7.

30. Timeliness of Governing Body documents. The general principle would be the following:

- Governing Body documents shall be available electronically, in the three official languages, 15 working days prior to the start of the public Governing Body meetings;
- if a document is not available electronically, in the three official languages, 15 working days prior to the start of the public Governing Body meetings, the item concerned would be postponed to the following Governing Body session;
- in the case of the programme and budget, a period of 30 working days would be required;
- derogations to this rule would be exceptional and would require prior agreement from the Officers of the Governing Body, after consulting the Government group Chairperson and the regional coordinators.

31. By definition, this general principle would not apply to those reports and documents directly arising from meetings, missions and initiatives taking place immediately before or during the Governing Body session. This is the case of a number of documents to be presented to the Institutional Section.

Time management

32. Establishing a single time limit for all interventions during a Governing Body session seems unrealistic, given the different nature of the items to be discussed and the different types of intervention (Office presentations, spokesperson interventions, group statements, individual speeches). Each section would, therefore, determine its own time management procedures.¹⁰ Sections might wish to use a standard default procedure – such as specific or indicative time limits or lists of speakers – to be decided. The criteria would be set in advance.

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

- (a) adopt the reform package outlined in this document;*
- (b) request the Office to prepare proposals for the amendments of the Standing Orders of the Governing Body, the Introductory Note to the Compendium of rules applicable to the Governing Body and any other complementary text of the Organization for the consideration of the 311th Session of the Governing Body (June 2011) in order to give effect to the reform package;*

¹⁰ It is to be noted that, for the purpose of better time management during sessions of the Governing Body and the International Labour Conference, the Office has already installed a time-control device in the Governing Body room.

- (c) *request the Office to organize timely tripartite consultations in developing the proposals referred to in (b) above; and*
- (d) *request the Office to prepare an estimate of the cost implications of the reform package.*

Geneva, 21 March 2011

Point for decision: Paragraph 33