



Governing Body

312th Session, Geneva, November 2011

GB.312/WP/GBC/1

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

WP/GBC

FIRST ITEM ON THE AGENDA

Improving the functioning of the International Labour Conference

Overview

Summary

At its 311th Session (June 2011), the Governing Body decided to pursue the work of the Working Party on the Functioning of the Governing Body and the International Labour Conference. Following the completion of the reform of the Governing Body, the present document is focused on the functioning of the Conference and comprises four chapters: (a) a synthesis of past discussions; (b) the constitutional framework; (c) statistics and trends; and (d) possible questions for debate.

Policy implications

The present document limits itself to launching a debate which may have policy implications.

Legal implications

Idem in relation to legal implications.

Financial implications

None for the time being. However, a reform of the functioning of the Conference is intended to have a positive financial impact in terms of efficiency and savings.

Decision required

The document is submitted for debate and guidance.

Follow-up action required

None.

Author unit

Relations, Meetings and Document Services (RELCONF).

References to other Governing Body documents and ILO instruments

GB.248/20/15, GB.248/20/16, GB.250/15/5, GB.251/WP/IFC/1, GB.254/16/19, GB.255/8/17, GB.285/3, GB.288/4/1, GB.289/3/1, GB.292/3/1, GB. 304/15/2(&Corr.).
Constitution of the International Labour Organisation.

Context

1. At its 311th Session (June 2011), the Governing Body decided to pursue the work of the Working Party on the Functioning of the Governing Body and the International Labour Conference. Following the completion of the reform of the Governing Body, the Working Party is expected to focus on further improvements in the functioning of the International Labour Conference in the light of experiences gained from the format adopted since 2007, and taking into account the introduction of the scheme of recurrent discussions. It was also agreed that this review process should include the functioning and role of Regional Meetings.
2. The present document is focused on the functioning of the Conference and comprises four chapters: (a) a synthesis of past discussions; (b) the legal/constitutional framework; (c) statistics and trends; and (d) possible questions for debate.

Review of past discussions

Introduction

3. The current format of the International Labour Conference was implemented for the first time in June 2007. It is the result of the last reform adopted by the Governing Body in November 2006. The question of the improvement of the functioning of the ILC has been, over the past 25 years, a subject of constant reflection in the Governing Body. Nevertheless, four broad periods can be identified.

November 1990 to May–June 1991: Proposed improvements and conceivable reforms aimed at improved functioning of the Conference

4. With a view to the Programme and Budget proposals for 1992–93, the Officers of the Governing Body presented at the 248th Session (November 1990) two papers¹ aimed at improving the functioning of the Conference. The Governing Body first examined proposals on which an immediate decision could be adopted, and changes relating to the discussion of the Report of the Director-General. It was then decided to introduce an electronic voting system and to reduce the time limit of speeches in plenary from 15 to ten minutes as from the 78th Session (June 1991) and, later, to five minutes.
5. With the objective of rendering the general discussion in plenary more dynamic, the Governing Body also discussed the possibility of removing the discussion of a policy theme from the scope of article 12 (Report of the Director-General) to organize it around an item formally placed on the agenda for a general discussion. As regards the standard-setting work, various options were explored aimed at improving the effectiveness of the double discussion system, such as having recourse to preparatory technical conferences² for the first discussion, which could be held in conjunction with ordinary sessions of the Conference (but not being formally part of its agenda).

¹ GB.248/20/15 and GB.248/20/16.

² As provided for by articles 36 and 38.4 of the Standing Orders.

6. Regarding the more structural debate, a preliminary exchange of views was held in February 1991 and in May–June 1991. The Governing Body had before it a “blueprint for a comprehensive solution”³ involving a proposed alternation between ILC **full sessions** and **lighter sessions**, with implications both on the scope (agenda) and duration of the Conference. The intention was to reduce the Conference every other year to its essential functions: i.e., standard-setting (elaboration and supervision of International Labour Standards) and technical functions laid down in the Constitution. The agenda of the lighter session could nevertheless include a technical item for general discussion which would offer an alternative to the plenary debate.

November 1991–November 1992: Working Party on improvements in the functioning of the International Labour Conference

7. This Working Party focused its attention on various proposals aimed at a reduction in the workload and duration of the Conference. In that respect, it drew a distinction between the reforms which could be adopted without any change to the overall organization of the Conference and those which would involve the adoption of a system of alternation between “heavy” and “light” sessions, as referred to above in paragraph 6.
8. Among the first category of reforms, the Working Party addressed the following issues: (a) the duplication between the Director-General’s Reports on activities and on programme implementation; (b) the discussion of a social policy issue in plenary; and (c) the possible savings related to the transcript of the plenary speeches.⁴ Concerning a possible reduction of the duration of the Conference, the option of a preparatory conference was again put forward, together with the possibility of spreading a single ILC session over two years (with a first discussion in the first year, and a second discussion during the second year).
9. The Working Party reached agreement on the following reforms of the Conference procedures: (a) establishment of the initial composition of committees on the basis of the groups’ proposals; (b) delegation by the Selection Committee to its Officers of its functions regarding the ILC programme; (c) review of the working methods of the Resolutions Committee; (d) consolidation of the Director-General’s Report on ILO activities and the programme implementation report into a single report.
10. At its last meeting, the Working Party approved a revised plan of work,⁵ shortening the duration of the ILC by four days, as compared with the 1992 Conference. The duration of the ILC was then reduced to the current three weeks (compared with the former four weeks). The Working Party also approved a redistribution of the workload between the two (budget and non-budget) years of the biennium as follows:
- *non-budget years*: the general discussion in plenary would focus on the consolidated Report of the Director-General on ILO activities and programme implementation and on an oral report by the Chairperson of the Governing Body. There would be no

³ GB.250/15/5.

⁴ The possibility to reproduce the speeches in one of the three languages of the *Record of Proceedings* of the Conference was one of the options put before the Working Party (GB.251/WP/IFC/1).

⁵ As reproduced in the annex to the report of the Working Party (GB.254/16/19). According to that schedule, the Conference would start on the Tuesday afternoon of the first week, and conclude its proceedings at noon on the Friday of the third week.

report on a social policy theme. The Resolutions Committee would be appointed and would meet as per the usual procedure;

- *budget years*: the general discussion in plenary would be based on a Report of the Director-General on a social policy theme. There would be no report on ILO activities. The Resolutions Committee would not be constituted.

11. In March 1993, the Governing Body approved the amendments to the Standing Orders to consolidate the biennialization of the activities reports and the biennialization of the Resolutions Committee.⁶

November 2002–November 2005: Discussion in plenary on the functioning of the International Labour Conference

12. The Governing Body decided to continue the discussion of this issue at its 285th Session (November 2002) on the basis of a document prepared by the Office⁷ addressing questions such as:

- *The overall duration of the Conference*. The current three-week duration of the Conference was still considered as too long, both in terms of absence of government, employers' and workers' representatives from their national duties, and of the cost implications for the member States. Nevertheless, attention was drawn to the serious difficulties encountered by the technical committees to complete their work in the present time frame.
- *Role and procedures of the Conference plenary*. It was recalled that the plenary had two roles, quite distinct and governed by different rules: (a) to perform the procedural and decision-making functions provided for in the Constitution and the Standing Orders; and (b) to hold a general discussion on the Reports of the Chairperson of the Governing Body and of the Director-General.
- *Conference committees*. It was recognized that to provide technical committees with a significant amount of additional time and flexibility, more radical solutions needed to be explored, such as the possibility to resort to technical preparatory conferences for standard-setting items.
- *Production and distribution of documents*. The general feeling was that much waste was generated in this field. It was recalled that, during the financial crisis (in 1995), it was decided to suspend the in-session production of the *Provisional Record*.

13. These issues were discussed again at the 287th Session (June 2003) and during informal consultations held prior to the 288th Session (November 2003) of the Governing Body. On these occasions, shared concerns were expressed in the following areas:⁸ (a) the need to raise the Conference's profile, political visibility and high-level participation; (b) the identification of alternative methodologies for the work of technical committees; (c) the identification of possible changes in the format or structure of the plenary; and (d) operational issues, such as time management, preparation and training.

⁶ GB.255/8/17.

⁷ GB.285/3.

⁸ GB.288/4/1.

14. In March 2004, the Governing Body had before it a paper summarizing the results of the informal consultations.⁹ It was made clear that a further reduction in the duration of the Conference would not be possible under present arrangements. In order to improve the quality of the general debate in the Conference plenary, some alternative approaches were suggested such as high-level panel discussions and round tables. A strict enforcement of time limits on interventions was also recommended. Concerning the work of technical committees, a suggestion to limit the agenda to one standard-setting and one general discussion was also put forward.
15. Drawing lessons from the innovations introduced during the June 2004 Conference, the Governing Body re-examined the same issues in March 2005,¹⁰ noting the positive results of: (a) the introduction of a panel of Heads of State and Government; (b) better Conference preparation through informal consultations; (c) presentations for Committee members explaining its working procedures; (d) a new interactive format of the discussion of the Global Report in a committee room; and (e) a reduced number of side events. As regards the use of modern technologies, the Office announced the development of a system whereby amendments and sub-amendments would be projected on a screen.¹¹ In its consideration of the Programme and Budget proposals for 2006–07, and as part of efforts made to find savings in a tight budget, the Conference suspended the Resolutions Committee at its regular session in 2006 to contribute to the cost of the Maritime Session in February 2006.¹²

March 2006–November 2007: Working Group on the International Labour Conference

16. The Report of the Director-General to the June 2005 International Labour Conference¹³ gave a new impetus to this reflection. The Governing Body decided then that a small working group would be established to meet in March 2006, with the “objective of developing recommendations on possible improvements to the structure and functioning of the International Labour Conference”.
17. To serve as a basis for the discussion, the Governing Body identified the following five major functions of the Conference: (a) **constitutional function**, concerning decisions such as the Governing Body elections, adoption of standards, approval of the programme and budget; (b) **political function**, concerning the operation of the Organization (discussion of the Reports of the Chairperson of the Governing Body and of the Director-General, examination of a social policy theme, adoption of resolutions not related to items on the agenda); (c) **technical function**, including decisions on the organization of the Conference’s work (Selection Committee), those of certain standing committees

⁹ GB.289/3/1.

¹⁰ GB.292/3/1(a).

¹¹ This system, known as SAMM, was tested for the first time in a technical committee at the 93rd Session (June 2005).

¹² Since June 2006, the Resolutions Committee has never been reconvened. See reply of the Director-General to the Programme, Financial and Administrative Committee (292nd Session of the Governing Body).

¹³ ILO: *Director-General’s introduction to the International Labour Conference: Consolidating progress and moving ahead*, Report 1(A), International Labour Conference, 93th Session, Geneva, 2005.

(Standards, Finance), those on the Conference technical committees and certain plenary meetings (discussion of the Global Report); (d) **forum function**, related to the right of any delegate to take the floor; and (e) **assembly function**, related to the opportunity for delegates to meet at regional, national or international level.

18. In November 2006, the Governing Body approved a new structure,¹⁴ introduced in the 2007 ILC, whose major components were: (a) a clear distinction between the technical activity of the committees (during the two first weeks) and the week of general discussion in plenary (the third week); (b) a short opening plenary sitting on the Wednesday morning of the first week, limited to administrative decisions necessary to meet constitutional and Standing Orders requirements; and (c) constituent group meetings to be held on the day before the opening of the Conference (Tuesday, first week) to become official preparatory meetings.
19. During its last meeting, in November 2007, the Working Group assessed its practical application. It was deemed opportune, in order to compensate for the possibility of lack of quorum, to establish the Credentials Committee immediately after the opening of the Conference.

Legal framework

Constitutional framework of the Conference

20. Given the demanding conditions laid down in article 36 of the Constitution for the adoption of amendments to the Constitution, such amendments may be difficult to adopt and often take a long time to enter into force. Therefore the Working Party may want to ensure that any measures to reform the functioning of the ILC be taken within its current constitutional framework. The relevant constitutional provisions can be summarized as follows.

Composition of the Conference

21. Article 3 of the Constitution governs the composition of Member delegations to the Conference. Delegations have to comprise two Government, one Employer and one Worker delegate. Each delegate may be accompanied by advisers, who must not exceed two in number for each technical item on the agenda of the meeting; certain exceptions apply to address the situation of non-metropolitan territories.
22. The names of the delegates and their advisers are communicated to the ILO by the government of each of the Members. Governments have to nominate non-Government delegates and advisers chosen in agreement with the most representative employers' and workers' organizations, as the case may be, of their respective country. The credentials of the delegations are subject to scrutiny by the Conference (in practice through its Credentials Committee), which may, by a two-thirds majority vote, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with the relevant constitutional provisions. In addition to the tripartite delegations of Members, article 12(2) provides for the participation of representatives of public international

¹⁴ This format is still used as a basis for planning purposes, even though the Governing Body may decide in specific circumstances, as in March 2009, to recommend to the Conference to rearrange its programme of work to address urgent issues of critical importance (GB. 304/15/2(&Corr.)).

organizations in the Conference and article 18 provides for the appointment of technical experts to committees (article 18) – in both cases without the right to vote.

Sessions and agenda of the Conference

23. Pursuant to articles 3(1) and 5 of the Constitution, the ILC meets at least once every year at a place determined by the Governing Body or by the Conference itself. In accordance with article 14(1) of the Constitution, the agenda of the Conference is settled by the Governing Body.¹⁵ In so doing, the Governing Body is bound by the constitutional mandate of the ILO as set out in article 19(1) of the Constitution, the Preamble of the Constitution and the Declaration of Philadelphia annexed to the Constitution, and as further elaborated in the ILO Declaration on Social Justice for a Fair Globalization. Under those texts, international labour standards, whose adoption is one of the main functions of the ILC, are considered one of the essential means of action of the ILO.

Conference procedure

24. The Conference regulates its own procedure, which it has done by adopting and, from time to time, amending the Standing Orders of the Conference. The Constitution itself contains only a few procedural rules. It specifies namely that the Conference shall elect a President and three Vice-Presidents and that there shall be one Vice-President from each of the three groups (article 17). The Conference can appoint committees to report on any matter (article 17(1)).

Election of the members of the Governing Body

25. Under article 7 of the Constitution, the three groups of the Conference elect their respective elective members of the Governing Body. It may be noted that, if it enters into force, the Instrument of Amendment, 1986, would, among other things, abolish the non-elective seats. The ILC would also have the new function of approving the appointment of the Director-General by the Governing Body.

Adoption of international labour standards and supervision of their application

26. The ILC is the organ of the ILO entrusted with the adoption of international labour Conventions and Recommendations and the regular supervision of their application. Articles 14(2) and 19(1)–(3) of the Constitution deal with the adoption of international labour standards. In terms of procedure, they provide only for the need to ensure thorough technical preparation and adequate consultation of Members before adoption by the Conference and for the requirement of a final vote requiring a two-thirds majority for the adoption of a Convention or Recommendation.
27. The role assigned to the Conference in the system of regular supervision of the application of Conventions and Recommendations is to examine “a summary of the information and reports communicated to [the Director-General] by Members in pursuance of articles 19

¹⁵ The Conference may decide by two-thirds of the votes to include an item on the agenda of the following session.

and 22” (article 23(1) of the Constitution).¹⁶ In practice, the Conference receives this information through the reports of the Committee of Experts on the Application of Conventions and Recommendations and deals with it in its Committee on the Application of Standards. In addition, the Conference can make a final decision when a Member fails to take the action required after the adoption of a Convention or a Recommendation (article 30) or when a Member fails to ensure the observance of a Convention that it has ratified (article 33).

Approval of the budget and related arrangements

28. The budget of the ILO and the allocation of expenses among Members are adopted by the Conference by a two-thirds majority vote. In accordance with article 13(4) of the Constitution, a Member which is in arrears in the payment of its financial contribution to the Organization automatically loses its right to vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Conference may, however, by a two-thirds majority vote and under certain conditions, permit that Member to recover the right to vote.

Other functions

29. Other functions of the Conference include the adoption of amendments to the Constitution (article 36), the admission of new Members which are not members of the United Nations (article 1(4)) and the approval of rules for regional conferences (Regional Meetings) drawn up by the Governing Body (article 38).

Effects of recent suspensions of the Standing Orders

30. In the past 20 years, decisions taken to improve the functioning of the Conference have resulted in suspensions by the Conference of certain provisions of the Standing Orders of the Conference, as provided in article 76 of the Standing Orders. Once piloted on an experimental basis, certain suspensions that were repeated regularly led to amendments to the Standing Orders. This process has permitted the Organization to identify and adapt to changing modes of functioning of the Conference while retaining the integrity of its essential functions and its rules of procedure.
31. A number of suspensions to the Standing Orders have been taken on a regular basis since their last revision in 2008, which give rise to reflection on new amendments. This concerns notably the following:
 - *The processing of resolutions not related to items on the agenda has been significantly curtailed but not eliminated.* This has been achieved by suspending the rules providing for a Resolutions Committee in alternate years (sessions other than those preceding the start of a biennial financial period) (pertinent parts of article 17 of the Standing Orders). In tandem, the Selection Committee has been called upon in several cases to review resolutions on urgent or entirely formal matters (article 17(2) of the Standing Orders). If the Resolutions Committee is to be eliminated, it may be helpful to consider the incorporation into the Standing Orders of criteria and procedures relating to exceptional resolutions which, while not related to items on the

¹⁶ Article 19 defines the measures that have to be taken by States after the adoption of a Convention or a Recommendation by the Conference and article 22 obliges Members to make an annual report on Conventions to which they are a party.

agenda, would nonetheless be processed. Such an approach could assure a certain predictability and transparency in the processing.

- *The suspension of rules concerning time limits and order of speakers in plenary and in committees has sought to facilitate the exchange of views and information at the Conference.* To facilitate interactive debate and panel presentations in plenary and in committees, including in Committees of the Whole, sessions of the Conference since 2008 have suspended, for certain purposes, the rules concerning the time limits for plenary speeches, the number of statements made by each member State, and the sequence in which the floor is given to speakers (article 14(2), (3) and (6) of the Standing Orders).¹⁷ Granting a more general discretion to committees and possibly creating panel procedures may help provide the necessary flexibility while establishing a framework for such interactions on an ongoing basis.
- *Savings have been gained in relation to the Director-General's reply to the debate on his Report.* To save time in the Conference plenary and the related work hours, the response of the Director-General to points raised in the plenary discussion of his Report has been given in writing, in exception to the rule that all speeches are to be delivered during the sitting (article 23(2) of the Standing Orders).
- *Panels and high-level summits have been held in relation to contemporary concerns.* The holding of panels and high-level summits has involved the suspension of various rules, including those on speaking discussed above and the rule regarding closure of the discussion (article 16 of the Standing Orders) as well as innovative approaches with regard to those participating in or facilitating the work of the Conference. The roles and status of certain panellists, moderators of panel discussions, and other persons engaged to assist in the work of the Conference (such as Nobel Prize winners and Heads of State), are not expressly provided for in the rules, but the contributions of such individuals have been viewed as being congruent with the functioning of the Conference (articles 2, 14 and 56 of the Standing Orders). The explicit incorporation of such roles and status could be considered in a broader review of the developing practice and impact of panels and high-level summits on the functioning and work of the Conference.
- *Electronic voting in parallel to Conference proceedings has yielded mixed results.* Following the recent reforms introducing electronic voting systems, attempts to save time have included experiments with the holding of record votes outside the Conference hall in a way that permits plenary discussions to continue simultaneously with the voting. After a few trials, consensus appears to disfavour such a practice, at least where it concerns votes on Conventions and Recommendations and other solemn matters, such as constitutional amendments, membership and the biennial budget.

¹⁷ Examples include the plenary discussions of the Global Report; the discussions at the ILO Summit on the Global Jobs Crisis and plenary panel presentations; and the discussions of the Committee on Gender Equality, the Committee of the Whole on Crisis Responses and the Committee for the Recurrent Discussion on Social Protection.

Statistics and trends

Level of participation

32. ILC participation among ILO member States, observers, international organizations and non-governmental organizations has constantly increased (by nearly 30 per cent) over the past nine years (see table 1). The number of other visitors has stayed constant with an average of 800 per Conference. The servicing personnel (regular staff, short-term staff, interpreters and daily contracted staff) represents an average of 1,750 persons each year. Statistics on the representation of women and men in the ILC are available (27.8 per cent of participants in 2011 were women). Overall, the level of participation at the Conference in 2011 broke all records (approximately 7,500 persons were involved, all categories combined). The implications of such a trend, if sustained, for the organization of the Conference, would need to be considered in view of capacity constraints with respect to resources and premises.

Table 1. Trends in the level of participation at the ILC

	2003	2004	2005	2006	2007	2008	2009	2010	2011
ILO member States	3 066	3 295	3 418	3 425	3 604	3 796	3 722	3 824	3 994
International organizations	75	81	80	70	66	84	68	68	77
Non-governmental organizations	348	341	335	315	304	304	312	372	440
Observers	25	19	17	29	18	23	29	35	31
Total	3 514	3 736	3 850	3 839	3 992	4 207	4 131	4 299	4 542

33. Although the overall number of meetings organized has tended to increase (see table 2), there is no clear trend as to what accounts for most of the increase.

Table 2. Trends in the number of meetings organized per ILC

	2007	2008	2009	2010	2011
ILC plenary sessions	13	11	18	18	17
ILC committee sessions	96	90	107	114	92
Employers	81	93	72	88	94
Workers	118	114	122	141	163
Regional groupings	148	173	154	186	149
Bilaterals	141	101	84	75	92
Others *	73	92	102	97	106
Total	670	674	659	719	713

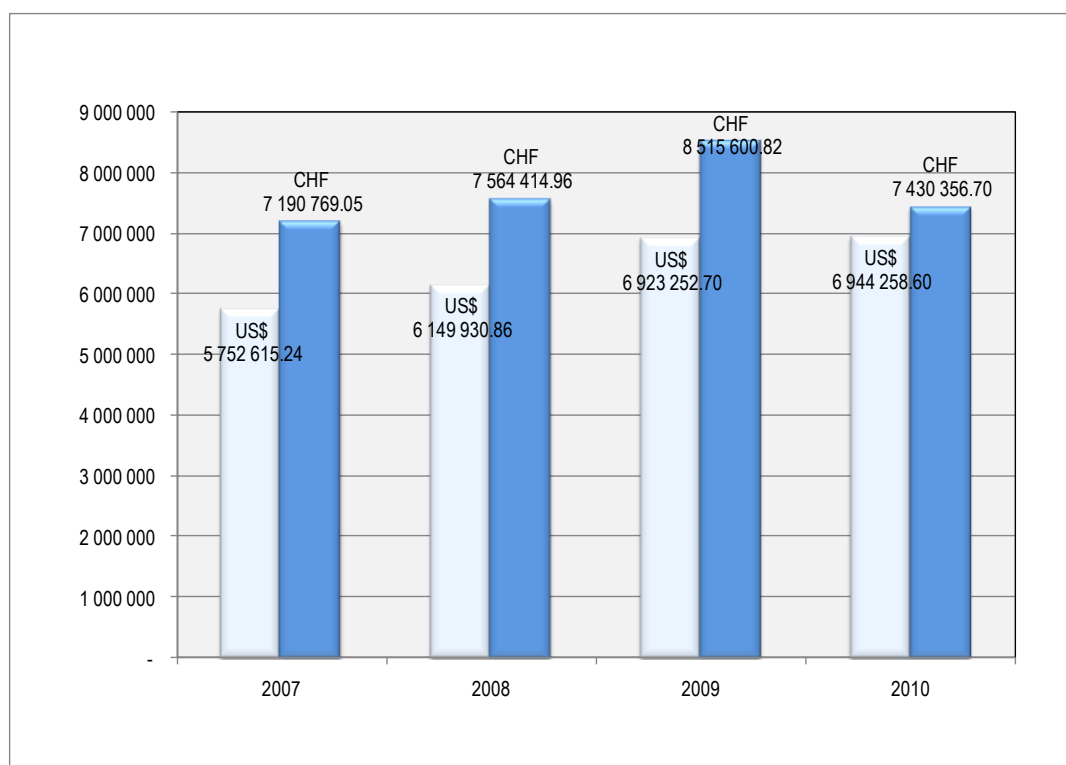
* Side events, meetings between ILO units and constituents or organizations, and so on.

Costs

34. ILC expenditure (under the ILC budget) in two different currencies, US dollars and Swiss francs, shows a different trend (see figure 1). When comparing the total ILC expenditure in US dollars, between 2007 and 2010, figures tend to rise every year. But the picture changes when one looks at it in Swiss francs. This is because there is a big difference

between the exchange rates used; for instance, in 2009 there were 1.23 Swiss francs to the US dollar, and in 2010 there were 1.07 Swiss francs to the US dollar.

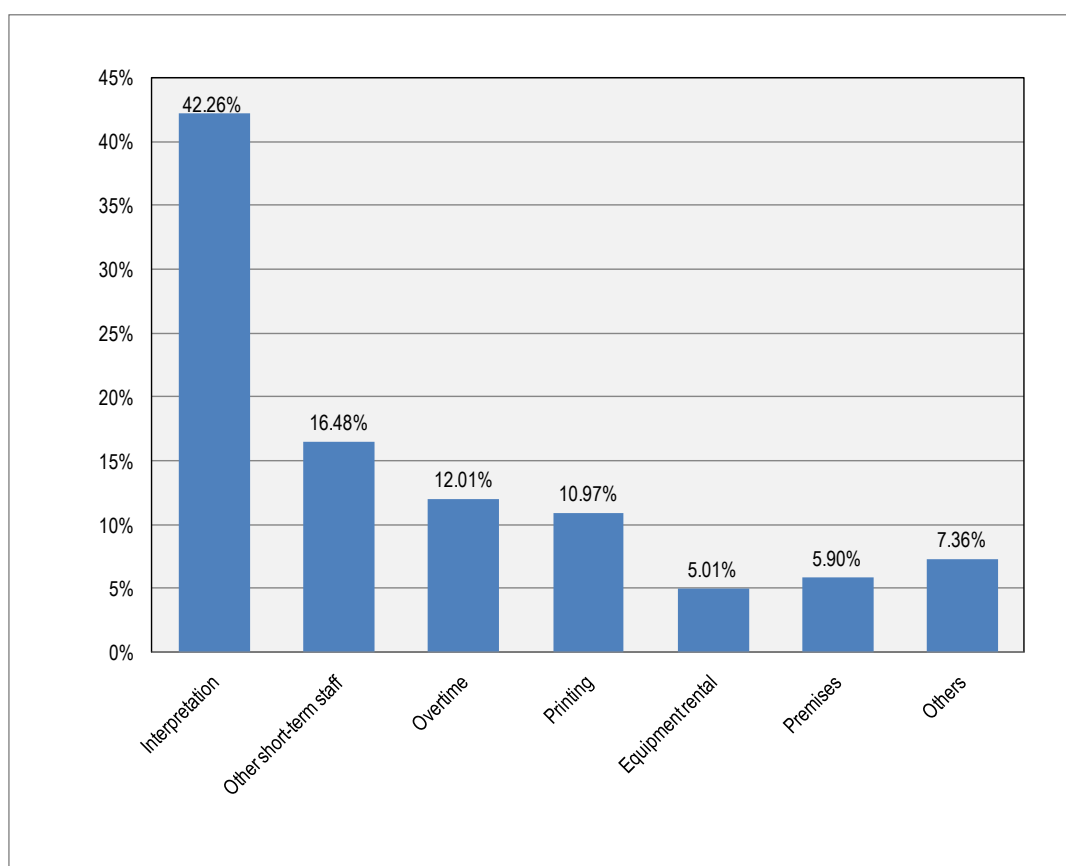
Figure 1. ILC total expenditure in US dollars (US\$) and Swiss francs (CHF) (2007–10)



Note: The ILO's exchange rate was 1.25 Swiss francs to the US dollar in 2006–07; 1.23 Swiss francs to the US dollar in 2008–09; and 1.07 Swiss francs to the US dollar in 2010–11.

- 35.** It is to be noted that, when combining the information in table 1 and figure 1, a very stable figure for the ILC cost per participant ratio is reached (approximately CHF1,800 per participant).
- 36.** In the context of the Conference's overall management, the expenditure in relation to each ILC budget item also needs to be reviewed. Three categories of expenditure (interpretation, local short-term staff and paid overtime) account for approximately 70 per cent of the total ILC-dedicated budget. If three more categories are added – printing, equipment rental and premises – more than 92 per cent of the total cost of the ILC is accounted for. Whereas expenditure on interpretation services stands as a major item (42 per cent), this proportion is largely explained by the fact that the Office has no permanent interpretation staff and all recruitment therefore appears in the ILC temporary recruitment category. This is different from other services, such as translation, where a share of the cost is borne from permanent in-house resources. Constant efforts are pursued to match the supply of interpretation at the ILC to the considerable demand for these services, although economy measures are such that in the near future, not all requests presented by constituents can be met.

Figure 2. ILC expenditure by component (percentage of total expenditure)
(averaged over the period 2007–10)



37. It is also to be noted that, as approved by the Conference at its 2011 session, the ILC budget for the next biennium has been reduced by approximately 10 per cent (in Swiss francs – the main currency used for ILC payments).

Questions for debate

38. The Working Party may wish to reflect, among other issues, on the following suggested points for discussion:

- As mentioned in other phases of the debate on the functioning of the ILC, is there room for a more in-depth reform of the present structure of the ILC, such as alternating between full sessions and lighter sessions as suggested in past debates?
- How can the process of setting and preparing for the ILC agenda be improved?
- How can the functioning of the plenary be improved? (This is directly related to the first point for discussion.)
- How can the working methods of the technical (standard-setting and general discussion) committees be improved?

- Is there a link between the ILC reform and the reform of the Regional Meetings?
- Should there be feasible to establish limits (numerus clausus) regarding the size of delegations?
- What additional measures could be proposed to improve the efficiency of the Conference?

Geneva, 21 September 2011