



Governing Body

309th Session, Geneva, November 2010

GB.309/WP/GBC/1

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

WP/GBC

FOR DEBATE AND GUIDANCE

FIRST ITEM ON THE AGENDA

Improving the functioning of the Governing Body

A. Context

1. During the last meeting of the consultative group¹ held on 18 October 2010, the Office was requested to prepare a consolidated paper with the aim of facilitating the debate that will take place during the forthcoming meeting of the Working Party during the 309th Session (November 2010) of the Governing Body.
2. This paper is based on concepts and proposals that have been under discussion by the tripartite consultative group. Nevertheless, it is presented on the understanding that all documents and ideas submitted since the start of this process remain on the table and that no part of the debate has yet been concluded.
3. The paper focuses on the functioning of the Governing Body but the mandate of the Working Party continues to cover the International Labour Conference as well.

B. Main directions of a potential reform

4. The consultations held in 2009 and 2010 have led to agreement on the need to move forward in reforming the functioning of the Governing Body and to develop a shared vision of its roles and functions: overview and supervision of the operation of the Office, functioning of the Organization and strategic governance of the Organization. There is also a common understanding that all reform must remain within the framework of the ILO Constitution.
5. During the debates a consensus seemed to emerge about the main directions of a potential reform. This could entail:

¹ Composed of the regional coordinators, representatives of the Employers' and Workers' groups' secretariats and representatives of the Chairperson of the Working Party and the Chairperson of the Government group.

- focusing on supervision and constituent-led governance of the Office but avoiding micromanagement;
 - ensuring tripartite participation with the full engagement of all three groups;
 - giving priority to policy- and decision-making debates, including follow-up of Governing Body and Conference decisions;
 - aligning with the ILO Declaration on Social Justice for a Fair Globalization; and
 - creating appropriate space and visibility for strategic discussions.
6. On this basis, the reform could 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.

C. An improved agenda-setting mechanism

7. There appears to be a consensus regarding the need for an improved agenda-setting mechanism for the entire Governing Body. This could include:
- defining the strategic matters to be discussed;
 - having a comprehensive view of the content of all discussions;
 - improving transparency and timely and inclusive consultation; and
 - focusing on policy debate and decision-making.
8. The mechanism could be composed of the following elements:
- **a screening procedure** to make an initial assessment of all proposals and **determine the agenda** of the next session; this could entail the holding of a meeting, in the course of a given Governing Body session, of the Officers of the Governing Body with the regional coordinators and the secretariats of the Employers and the Workers. Consideration should also be given to the way in which the Governing Body, as a whole, would be involved in this process. Such a procedure would increase transparency;
 - **consultation and interaction**, well ahead of the Governing Body sessions, between the Officers, the regional coordinators and the secretariats of the Employers and the Workers **to determine the tentative order of business** of each session;
 - systematic inclusion in the agenda of the **follow-up to decisions** taken at previous Governing Body sessions; and
 - a report to the Governing Body on those issues which are “for information only” (see paragraph 33), to be agreed at the beginning of each session at the usual meeting of **the Officers of the Governing Body**.

9. Side events – meetings or initiatives involving the participation of Governing Body members which are not intrinsic to the business of the session – should be kept to a minimum; they should not coincide with Governing Body meetings but take place at lunchtime or in the evening. All such side events should be approved by the Officers in consultation with the regional coordinators.

D. A new structure for the Governing Body

10. In the first phase of the consultations two possible approaches on how to reform the Governing Body structure were discussed. The first would maintain, with some adaptations, the present structure of committees followed by a plenary. The second would take the form of one continuous plenary session. As the consultations progressed it appeared that these two approaches were not mutually exclusive. Many elements were common to both and might be embodied in an intermediate approach.

11. The following elements constitute common ground:

- issues should determine the structure, rather than structure determining the agenda items;
- the four strategic objectives should be adequately covered;
- flexibility is needed in the programming and handling of Governing Body work;
- grouping items under a limited number of themes would help to improve the organization of the agenda and the conduct of business; and
- no meetings should take place at the same time, so that, with the exception of the Committee on Freedom of Association, all Governing Body members would be able to participate in them.

12. Within this intermediate approach:

- members would no longer have to choose which committees to serve on;
- the number of reports would be reduced; and
- significant savings would be made on interpretation costs.

13. It is to be noted that the principle “*no meetings should take place at the same time*” is a key structural element of this scenario. First, it would ensure a good balance between the initial approaches outlined in paragraph 10 above. Second, it would enhance better governance and transparency. Third, it would respond to a traditional request from medium- and small-size delegations which are unable to follow simultaneous Committee meetings.

14. In the context of this approach, with all Governing Body members able to participate fully in all meetings, the choice becomes less marked between retaining a limited number of Committees or having a series of plenary “segments”, each addressing a broad theme. The main difference between the two is that Committees would still need to report to the plenary in order for decisions to be made, while plenary “segments” would be able to take decisions directly without further reference to any other body. Some of the rules and modalities of each option would need to be clarified, in particular concerning the chairing of meetings.

Note – The following elements of the new structure could be applied, with some minor adaptations, to each concept: (i) a Committee week followed by a plenary; or (ii) a permanent plenary organized by agenda segments.

General

15. The Governing Body could continue to meet in March and November (as well as for a half-day session in June). The sessions would not necessarily have the same duration. The length of each session would be determined by its agenda, which could be set at the end of the previous session through the new agenda-setting mechanism (see Part C, paras 7–9 above).

Committees or thematic segments

16. The Committee on Freedom of Association would be maintained in its current form but with two possible options:

- Option 1: maintaining the present number of three meetings of two days each.
- Option 2: introducing a new formula of two meetings (June and November) of three days each; while maintaining the same number of working days this option could have the advantages of facilitating the work of the secretariat, allowing better preparation of the respective reports and reducing the heavy burden of the March session of the Governing Body.

Advice on this matter by the members of the Committee on Freedom of Association is clearly of major importance.

17. Small tripartite committees would still continue to be set up to deal with representations under **article 24** of the Constitution and would report to the Governing Body. The need for private sittings of the Governing Body for this purpose could be reviewed.

18. To better align the Governing Body structure with the Declaration on Social Justice for a Fair Globalization, simplify the structure and reduce overlaps, a **Policy Development (POL)** Committee or segment could be created.

- The POL could cover the present mandate of the Committee on Employment and Social Policy (ESP) and absorb the work of the Subcommittee on Multinational Enterprises (MNE) and the policy part of the Committee on Sectoral and Technical Meetings and Related Issues (STM).
- Its mandate could also be enlarged to include social dialogue and industrial relations issues (such as labour law, labour administration and labour inspection), which up to now have no designated place in any of the Committees.
- Its agenda could be structured into **three main components**: (i) employment; (ii) social protection; and (iii) social dialogue/industrial relations.

19. A **Committee or segment on Legal Issues and International Labour Standards (LILS)** would continue to deal with legal issues, standards policy, preparation of decisions on issues to be submitted to the Conference, Standing Orders questions, report forms for ratified Conventions and article 19.

20. Regarding the present Programme, Financial and Administrative Committee (PFA) and the Committee on Technical Cooperation (TC), two options might be considered:
- Option 1: a **Programme, Finance and Technical Cooperation (PFTC) Committee or segment**, incorporating the present PFA and TC competencies. Among other things, this would allow integrated discussions on activities under all sources of funding.
 - Option 2: **two autonomous Committees or segments**: PFA (including the sectoral meetings programme); and TC.
21. Some work presently done in the Information and Communication Technology Subcommittee and in the Building Subcommittee could be dealt with through inter-sessional work, for which rules and modalities would need to be clarified.

Plenary or general segment

22. The plenary (or general segment) agenda could be divided into two parts as follows:
- a high-level part to promote high-visibility strategic debates on key issues; and
 - a part related to the functioning of the Office and of the Organization, including standing items such as approval of the minutes of the previous session, report(s) of the Director-General, the agenda of the International Labour Conference, reports of the Committee on Freedom of Association, and representations under article 24 of the Constitution.
23. Regarding the first part, changes in the Standing Orders could allow the use of interactive approaches such as keynote speakers, panels and videoconferences. This would create an opportunity to bring into the Governing Body the type of debates currently undertaken by the Working Party on the Social Dimension of Globalization (WP/SDG).
24. The content of the agenda would determine the length of each part. Determining the agenda in advance, together with the time frame, would facilitate the presence of high-level participants such as ministers and heads of employers' and workers' organizations.
25. Flexible management of the plenary or general segment would allow the Friday to be used in case of need, with eventual Working Groups meeting on Monday afternoon.
26. Adequate time and space for group meetings would continue to be ensured by the Office.

E. Enhanced transparency and Office support to the tripartite constituents (including the Government group)

27. In order to enhance transparency and participation of all groups, the following measures could be put in place in addition to those referred to in Part C:
- ensure that governments effectively have the right to reply if they are specifically mentioned in the discussion, including in the concluding remarks by the Vice-Chairpersons;

- establish criteria for the limited and special circumstances where governments who are not Governing Body members can have the right to speak;
 - share documents and drafts under consultation with regional coordinators at the same time as with Employers' and Workers' secretariats;
 - improve the ILO website in order to facilitate further sharing of information; and
 - promote the regular use of online discussion forums open to the tripartite constituents.
- 28.** Regarding the need for the greater involvement of governments in decisions by the Officers of the Governing Body, and taking into account the neutral role that the Chairperson is supposed to play, the possibility was presented of instituting a new Vice-Chairperson representing the Government group, thus increasing the number of officers from three to four. Alternatively, informal arrangements such as consultations with the regional coordinators, to be organized by the Chairperson before each officers' meeting, might be put in place under modalities to be determined.
- 29.** Regarding the composition of working parties and drafting groups, the present Standing Orders of the Governing Body establish a 1-1-1 format unless the Governing Body decides otherwise. This practice goes back to the decisions taken at the founding of the Organization. In any case, all committee and working group proposals must be approved by the Governing Body itself, which remains a 2-1-1 composition. In this context the situation seems to be less contentious, but two options are still under discussion:
- Option 1: to keep the present Standing Orders.
 - Option 2: to amend the Standing Orders to establish a 2-1-1 format for working parties and drafting groups.
- 30.** There was extensive discussion of how the Office could improve secretariat support to the Government group and regional coordinators. A proposal was made by the Africa group to establish a structure within the Office to provide a greater level of support for the Government group than the current system of liaison through the regional coordinators. Governments supported this proposal. The Employers also favoured the idea and felt that this would enhance tripartism. The Workers also expressed support for such a structure. Its precise form remained to be defined and should be discussed further.
- 31.** In that regard, in the course of the consultations, others suggested that this might be done by establishing, within the Meetings Planning and Coordination Section of the Official Relations Branch (RELOFF), a service desk to facilitate contacts within the Office as well as access to information and documentation. Discussions could continue with the Office regarding the implications and feasibility of different possible arrangements. In addition, an appropriately equipped office in the ILO building could be made available, on a permanent basis to the regional coordinators.

F. Better documentation presentation and time management

32. Regarding the length and presentation of Governing Body documents, the aim is well-written and concise texts, but it does not seem feasible to establish a unique or rigid limit to the number of pages. Nevertheless, measures such as the following could be introduced in order to enhance governance and a “reader-friendly” format:
- All Governing Body documents would begin with a synopsis frame indicating: (a) the relevant paragraphs for decision (if any); (b) the respective financial implications (if any); and (c) a short executive summary; and
 - the present organization of documents into three different categories (“for information”, “for guidance and debate” and “for decision”) creates some level of confusion and would be discontinued. A new rule could be established as follows: all Governing Body agenda items are considered to be for debate; if they include points for decision this will be duly noted in the abovementioned synopsis frame.
33. In addition, it seems that there is general consensus on the need to remove from the agenda those items which are purely procedural or informative and do not call for a Governing Body discussion. These documents would be the only ones identified as “for information only”, and would cover items such as the programme of meetings, information notes on symposia and seminars and certain reports of the Officers of the Governing Body. Such papers “for information only” would be distributed to Governing Body members during or outside a session, but would not be on the agenda unless specifically requested by a member.
34. Concerning document timeliness, the following rules could be adopted:
- Governing Body documents should be available electronically, in the three official languages, at least X weeks (Y working days) prior to the date foreseen for their discussion.
 - If documents are not available within this deadline, the discussion would be postponed to the next meeting unless the Officers agree to make an exception.
35. Regarding time management, the idea of establishing a single time limit for speeches 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). One solution would be to allow each Committee or segment to determine its own time management procedures. For the plenary, a standard default procedure might be established; this would require further discussion. 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.

Geneva, 1 November 2010

Submitted for debate and guidance