



Governing Body

328th Session, Geneva, 27 October–10 November 2016

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

WP/GBC

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FIRST ITEM ON THE AGENDA

Improving the functioning of the International Labour Conference

Analysis of the 105th Session (June 2016)

Background

1. At its 326th Session (March 2016), the Governing Body requested the Office to prepare for its 328th Session (November 2016) an analysis of the 105th Session of the International Labour Conference (2016), to allow the Governing Body to draw lessons and take appropriate decisions as regards the arrangements for future sessions of the International Labour Conference. The analysis contained in the following paragraphs is based on the general assessment provided by the Governing Body at its 327th Session (11 June 2016) and conclusions drawn by the Office after consultations with ILC secretariats.

Analysis of the 105th Session of the International Labour Conference

2. At its 327th Session, the Governing Body acknowledged the effective conduct of the 105th Session and the joint commitment of the ILO constituents and the Office to ensuring the success of the two-week format.
3. While highlighting the new working arrangements and positive developments which facilitated the work of the Committee of the Whole for the Evaluation of the Social Justice Declaration and ensured the smooth running of the Committee on the Application of Standards (CAS), a number of areas were identified for further improvement.

(a) Preparatory processes

4. **Information:** The pre-Conference information provided on the website, in the *Conference guide*, during briefings organized for the Geneva-based missions and individual consultations was welcomed. The early dissemination of such information and posting of

the tentative plans of work of committees were acknowledged as having improved the ILC preparation.

5. **Individual committees' web pages:** The improved committee-specific web pages facilitated the dissemination of information before the ILC and the communication between the committees' members and the secretariat during the session.
6. **New technologies:** The launch of the ILO App significantly improved information sharing during the ILC. Some concern was raised, however, about the late availability of the App. It is now intended that all information on the App will also be posted on the ILC website.
7. **Advance planning:** While the decision to close the Conference on Friday afternoon was potentially a major challenge for the 105th Session, the early dissemination of the tentative plan of the work of the Conference, the good preparations and improved time management, in particular in the Committee on the Application of Standards, enabled the Conference to complete its work on time. The 2016 experience shows however that closing on Friday afternoon requires the adoption of one of the committee reports on Thursday afternoon. The experiences of the 104th and 105th Sessions will be taken into account in the early planning of the next session in 2017, which, in addition to being a budgetary session, will have to accommodate the Governing Body elections and the second discussion of a standard-setting item, and the corresponding votes. Beyond the simple transition from three- to two-week sessions, efforts should be pursued to find the best way to work within the two-week format. The number of sittings and time devoted to the general discussion or to the drafting group in a non-standard-setting committee should be taken into consideration during the preparatory process of the points submitted for discussion or the zero draft (tentative conclusions) prepared by the Office.
8. **Early nomination of committee chairpersons:** All efforts should continue to be made to ensure that the identification of all the committee officers is finalized by the month of April, subject to the final endorsement of those nominations by the committee. These early nominations are critical for allowing the Office to brief and consult the three officers of each committee prior to the ILC. They should be based on a clear understanding of the required profiles, in particular the expertise on the subject matter and skills/experience in conducting tripartite discussions. In some cases in 2016, the late nomination of the committee chairpersons did not allow the Office to organize those pre-consultations and briefings, which made the task of the some chairpersons in the running of the meeting more difficult. The draft plans of work, as proposed by the Office, were posted on time on the web pages of the committees pending their adoption by the relevant committees.
9. **Early registration in committees:** The number of early registrations received by the Office for the Government delegations (97) improved compared to 2015 with only 37 additional delegations registered during the session. The number of pre-registrations for the Employers' and Workers' delegates increased: 102 for the Employers' delegates (compared with 88 last year) and 43 for the Workers' delegates (compared with 33 last year).

(b) In-session processes

10. **Group meetings:** Two hours of interpretation services (9 a.m. to 11 a.m.) were assigned to each of the official regional groups on each day of the Conference, with the exception of the opening day. This was to allow the regional groups, as required, to share the interpretation service time with a subgroup needing that support. While this facility was appreciated by some groups, this opportunity was not utilized by all. A better coordination of the interpretation needs among the regional groups would allow a more efficient distribution of interpretation services among the official groups and subgroups.

11. **Opening day:** Due to the expected visit of a Head of State, the Conference opening ceremony started at *11 a.m.* The regional group meetings were held from *9 a.m. to 10 a.m.*, with a one-hour meeting of the whole Government group from *10 a.m. to 11 a.m.* While recognizing that the visit of a high-level dignitary on the opening morning represented a challenge in terms of time management, the sequence of the formal/official opening followed by the special sitting went smoothly. The programme for the opening sitting should however be made more explicit in the future to prevent any confusion between the opening ceremony and the opening of the general discussion on the Reports of the Director-General and the Chairperson of the Governing Body.
12. **Plenary:** On the assumption that the number of speakers would remain approximately the same as in 2014 and 2015 (around 300 speakers), the discussion of the Reports of the Director-General and of the Chairperson of the Governing Body (plenary period II) commenced one day earlier (compared with last year) to compensate for the loss of a half-day at the end of the second week. Of the 398 slots available, only 293 were used, resulting in the cancellation of two afternoon sittings (on Thursday and Friday, 2 and 3 June, first week).
13. Taking into consideration the preference clearly expressed by the delegates for the morning slots, one option next year would be to only keep provisionally the morning slots of the first week, commencing on Wednesday. This would also provide some flexibility, should the number of speakers requesting to take the floor during the first week exceed the number registered this year.
14. The sequence of the plenary periods II (Discussion of the Reports of the Chairperson of the Governing Body and of the Director-General), III (World of Work Summit) and IV (Formalities and adoption of the committees' reports) was effective and the efforts made to avoid the situation of speakers delivering their statements immediately before or after the adoption of reports were acknowledged. While the decision to close the Conference on Friday afternoon was appreciated by most delegates, some concern was expressed that any further reduction in time would have a negative impact on the outcomes of the Conference.
15. **World of Work Summit:** The World of Work Summit on Youth Employment was widely acknowledged as a successful lively and interactive session. Many delegations expressed concern at the lateness of information on the programme, participants and the nature of the contribution expected from delegates. For Regional Coordinators in particular, coordinating participation within their groups proved difficult at such a late stage. Views were expressed that the Summit could still be made more attractive for international political leaders, and in order to facilitate the preparations, some suggested that the World of Work Summit focus on the Report of the Director-General.
16. Concerning the format of the Summit, the general view is that the visits of the dignitaries should all be scheduled on that day (World of Work Summit) with one special sitting taking place before lunch break and no more than three special sittings scheduled in the afternoon. When the situation permits, the special sittings should be clustered to allow individual speakers to address the plenary either before or after those special sittings.
17. **Side events:** The policy applied since June 2015 of limiting the holding of parallel sessions to special events, such as the Ceremony for the World Day against Child Labour, was continued in 2016. This Ceremony organized on Wednesday, 8 June, attracted a large audience.
18. **Committee on the Application of Standards:** Many groups expressed satisfaction with the way the Committee discharged its functions and noted with appreciation that most of the recommendations formulated during the Informal Tripartite Consultations on the Working

Methods of the CAS were implemented with success. The timely agreement on the list of cases and the dissemination of the long list one month before the opening of the Committee's work, the improved time management and the adoption of conclusions on each specific case were identified as successful improvements. The more dynamic use of the web page of the Committee, the introduction of a new programme displaying the list of speakers on screens, the electronic submissions of corrections to the minutes and the introduction of SharePoint to facilitate the communication between the Employer and Worker Vice-Chairpersons were also acknowledged as improving the Committee's work. The introduction of these new facilities has resulted in major improvements in terms of information sharing, communication, transparency and time management. The overall production of documents for that single Committee was consequently reduced by more than 70 per cent. During the next round of informal tripartite consultations on the working methods of the CAS, which will take place in November 2016, further suggestions for improvement will be discussed which could be trialled during the Conference in 2017. Some delegates recommended to avoid, to the extent possible, any overlap between the adoption of the report of the committee and any major activity of the Conference, such as the World of Work Summit.

- 19. *Credentials Committee:*** The Office will look at further improvements to the online accreditation system to enable the processing of credentials and visa requests in a timely manner.
- 20.** One of the consequences of the reduction of the duration of the Conference to two weeks has been the need to also reduce the time limits for the presentation of objections, from 72 to 48 hours for objections against the credentials contained in the *Provisional list of delegations* published on the opening day of the Conference; and, from 48 to 24 hours for objections against credentials contained in the revised provisional list, published in recent years on the Friday morning of the first week of the Conference. The possibility of further adjustments to these time limits is explored in connection with the amendments proposed to articles 26, 26bis and 26ter of the Standing Orders of the Conference.¹
- 21.** As the Credentials Committee pointed out in its report in 2016, of the 3,800 members of national delegations registered at the Conference, around 2,300 had an official capacity, i.e. as ministers, delegates, substitute delegates or advisers, which are the only categories entitled to actively take part in the Conference plenary and Committees. The remaining 1,500 members of national delegations attended as "other persons" with no official capacity. A similar phenomenon has been observed with the delegations of international non-governmental organizations invited to the Conference, which can appoint a maximum of five or six members as their official representatives (one per agenda item), but who often accredit much larger delegations.
- 22.** While the Conference is a forum open to the public as well as an opportunity for all participants to learn about the ILO and contribute to its work, even when they are not accredited in an official capacity, the fact that all persons accredited by member States or invited organizations receive similar identification badges that provide access to the same Conference rooms and facilities can create bottlenecks (at the registration desk, at catering facilities, the shuttle, etc.), space constraints in meeting rooms that may affect the capacity of official members of delegations to properly discharge their functions, or security issues. The Office is therefore considering introducing a wider variation in the type of identity badge issued to the distinct categories of persons accredited so that, if required, the holders of certain types of badges be accorded access corresponding to the role that they may carry out during the Conference. This is already the case, for instance with special sessions, where access to the plenary is highly restricted.

¹ See document GB.328/WP/GBC/1/2.

23. *Standard-setting Committee*: The first experience of a two-week session in June 2015 demonstrated that a standard-setting committee could complete its work within this condensed format with the same amount of time (nine days), sequence, number of sittings and group meetings as previously available. The June 2016 session of the Conference, however, provided the opportunity to trial a first discussion of a standard-setting discussion within the new format. The overall assessment of this trial confirmed that a standard-setting committee was able to hold a first discussion within the two-week format. To fulfil its mandate within the prescribed deadlines, the committee however held four evening plenary sittings and four night sittings of the committee drafting committee.
24. Some delegates would have appreciated a stronger presence and active contribution of experts from relevant United Nations agencies to inform the Committee's discussions in order to understand better how the recommendation under discussion would align with other international instruments.
25. Bearing in mind that standard-setting committees have in the past occasionally had longer texts before them, in particular when proposed conclusions relate to a proposed Convention and its accompanying Recommendation, the Office should explore ways to facilitate the in-session process.
26. In general, the standard-setting procedure, including its preparatory stages (consultations, documents, timelines, etc.), as foreseen in the Standing Orders, could be re-examined with a view to identify possibilities to make it more effective, especially with a view to ensuring greater preparation ahead of the Conference or in-between Conference sessions.
27. Some lessons should be drawn from the organization of that discussion. The beginning and the end of a standard-setting discussion are often difficult to plan efficiently. Taking into account the need to hold approximately a half-day of general discussion – including the preliminary statements – before entering into the discussion of amendments, scheduling the submission of the first batch of amendments on the second day (afternoon) is often challenging, as this has to be conducted after group meetings but not too late in the afternoon to allow the committee to resume the general discussion during late afternoon. While flexibility is required, the overlaps between the submission slots and the plenary should as much as possible be avoided.
28. The finalization of the texts (i.e. conclusions, draft instrument and Committee report) within very tight deadlines remains a real challenge. Some alternative measures could be considered to alleviate the pressure under which both the secretariat and the delegates are working during the last day. The deadline for the corrections to the report (as verbatim of the discussion) could, for example, be extended by one week (i.e. one week after the closure of the Conference) in accordance with the practice currently followed for the minutes of the Governing Body. The outcome document (conclusions/draft instrument) would in any case be posted on the Web the day before its adoption by the plenary, as soon as possible after its last review by the Conference/Committee Drafting Committee.
29. As regards the tasks to be discharged respectively by the Committee Drafting Committee and Conference Drafting Committee, and taking into account that the 2017 session is expected to mark the end of a standard-setting process, the Working Party may wish to examine an option which would merge their respective mandates by the appointment of a single Drafting Committee of the Conference, whose membership would include members of the relevant technical committee.² This Drafting Committee, which would be established by the Conference at the beginning of the session (although its members from the technical

² See GB.328/WP/GBC/1/2, para. 12 and the appendix.

committee could be appointed later), would meet periodically to review the English and French versions (authentic texts) as agreed by a standard-setting committee and would also be responsible for introducing, when required, the final clauses in the text of a draft Convention.

30. ***Non-standard-setting committees:*** Due to the specific nature of each of the committees, the preparations and working methods were adjusted to the challenges, purpose and priorities of each discussion. Nevertheless, the move to a two-week Conference format has highlighted the necessity and importance of the preparatory process ranging from the structure and content of the report, points for discussions and expected outcome. As already underlined during the November 2015 and March 2016 Governing Body sessions, early, broad and intensive consultations with constituents play a key role in the outcome of each discussion.
31. As regards the evaluation of the impact of the ***ILO Declaration on Social Justice for a Fair Globalization, 2008***, the preparations commencing in November 2014 included the adoption of a global agenda for the preparations, three consecutive discussions of the Governing Body at its 322nd, 323rd and 325th Sessions, three rounds of Geneva-based tripartite consultations, five consultations with key international and regional organizations, questionnaires sent to member States as well as the establishment of an internal ILO task team. The final round of informal consultations held on 14 April 2016 resulted in the production of an addendum to the Office report providing detailed guidance for concrete points for discussion, modalities and working methods of the Committee and building blocks for the outcome document. Many components of those preparations, including the publication of similar addenda, could be considered for the preparation of future ILC non-standard-setting discussions.
32. The successful approach taken by that Committee will be examined in the perspective of the future modalities of the recurrent discussions.³ The high-level exchange on improved policy coherence for decent work and sustainable development which involved representatives of other international organizations received large support from ILO constituents. However, this type of exchange should be carefully planned, as it was this year, and not reduce the time required for tripartite discussion.
33. An overall conclusion is that the efficient preparations of the discussion contributed to the smooth running of the Committee which concluded its work on Tuesday, 7 June. The effective organization of that Committee could serve as a model for future non-standard-setting committees. Due to the very heavy Conference agenda in 2017⁴ (adoption of the programme and budget, elections of the Governing Body, standard-setting activity), it is most likely that the Conference will have to adopt the report of one of its non-standard-setting committees during the afternoon of the penultimate day of the Conference (Thursday, 15 June 2017).
34. In accordance with the decision of the Governing Body regarding the preparations for the ***general discussion on decent work in global supply chains***,⁵ the preparations started at an early stage with informal consultations with the three groups of constituents. At the request of the Governing Body, innovative processes were put in place to optimize the consultative process and to allow the tripartite groups of constituents to provide feedback on the anticipated structure of the report and draft points of discussion to be presented to the Conference Committee. Informal regional consultations with governments were held in all

³ GB.328/INS/5/2.

⁴ See the agenda of the 106th Session of the Conference in the appendix.

⁵ GB.320/INS/2, paras 20–23; and GB.320/PV, para. 42.

regions, while the consultation process with the Workers' and the Employers' groups was coordinated through their bureaux. This process included various meetings and global symposia. The early involvement of constituents through consultations was effective and enabled the three groups to contribute efficiently to the discussion.

35. An Office task force was also established to ensure consistency with the follow-up of the 2015 Conference committees on small and medium-sized enterprises (SMEs), the informal economy and the recurrent discussion on social protection. The positive input of this task team to the preparation of the report was reflected in the positive feedback received from the members of the Committee.
36. It is important to recall, however, that the Standing Orders of the Conference contain no specific provisions regulating the working methods of a non-standard-setting discussion. Under the current practice, the tentative plan of work of the non-standard-setting discussions is based, by default, on the division into four major parts: (1) general discussion in plenary of the committee; (2) drafting group; (3) submission of amendments; and (4) discussion of the amendments in plenary of the committee. The allocation of time between those four parts could however be reconsidered in order, for example, to provide more time to the drafting group for the completion of its work.
37. In the light of the general discussion on labour migrations, to be held in 2017, consideration should be given to the lessons learnt from the non-standard-setting discussions in June 2016, and any alternative process based on the nature and scope of the expected outcome. The preparation of such discussions should include, at an early stage, tripartite informal consultations on the content of the report, the expected outcome and the points for discussion.
38. In 2016, the Employer and Worker Vice-Chairpersons and the Government members of the drafting group presented the draft text from the drafting group to the plenary before the formal submission of amendments. This was in general well received.
39. The need for a focused, concise, policy and action-oriented outcome document has been reiterated.
40. *Logistics and practical points:* The elimination of the pigeon holes boxes raised some concerns among the delegates and will be addressed for future ILCs.
41. It has also been noted that additional organizational arrangements and services (for example catering and transportation facilities) need to be put in place for the delegates involved in late night meetings.

Draft decision

42. *Following the discussion and lessons learned from the 105th Session of the Conference (June 2016), the Working Party on the Functioning of the Governing Body and the International Labour Conference recommends that the Governing Body should:*
 - (a) *continue to explore further improvements which could be trialled or implemented at future sessions of the Conference;*
 - (b) *request the Director-General to prepare for its consideration at the 329th Session (March 2017) a detailed plan of work for the 106th Session of the Conference (June 2017) based on a two-week format.*

Appendix

Agenda of the 106th Session of the International Labour Conference (2017)

Standing items

- I. Reports of the Chairperson of the Governing Body and of the Director General.
- II. Programme and Budget proposals for 2018–19 and other questions.
- III. Information and reports on the application of Conventions and Recommendations.

Items placed on the agenda by the Conference or the Governing Body

- IV. Labour migration (*general discussion*).
- V. Employment and decent work for peace and resilience: Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) (*standard setting, second discussion*).
- VI. A recurrent discussion on the strategic objective of fundamental principles and rights at work, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008.
- VII. The abrogation of Conventions Nos 4, 15, 28, 41, 60 and 67.