



## FOURTH ITEM ON THE AGENDA

**The functioning of decision-making bodies****The International Labour Conference****Introduction**

1. Over the last few years the Governing Body has frequently discussed proposals on improvements in the functioning of the International Labour Conference. The present form of the Conference is the result of constant modifications taking account of objectives and needs expressed by the constituents, as well as of financial constraints. Over the past 15 years, these factors have resulted in a reduction of the time allocated to plenary debate by more than a week, and that given over to technical committees by several days. Many of the proposed improvements that received support in the more recent discussions were also subsequently implemented by the Office. A progress report was submitted to the Governing Body at its 292nd (March 2005) Session.<sup>1</sup>

**Main functions of the International Labour Conference**

2. The International Labour Conference has five distinct functions: constitutional, political, technical, forum and assembly. Some of these functions are constitutional obligations, others are imposed by the Conference Standing Orders, still others have arisen from established practice.
  - *Constitutional function.* Essentially this concerns the decisions which the Conference must take regarding the election of the members of the Governing Body (one half-day every three years); voting the budget (every two years), votes allowing Members to recover voting rights and votes for the adoption of Conventions and Recommendations. This function is generally carried out in the last week of the Conference, except for the vote for Governing Body membership.

<sup>1</sup> GB.292/3/1.

- *Political function.* This includes those tasks which concern the operation of the Organization (discussion of the report of the Chairperson of the Governing Body, of which the aim is to allow all Members to express themselves regarding the directions taken by the Organization); the examination of questions “devoted to a social policy theme of current interest chosen by the Director-General” (Standing Orders, article 12.2); the adoption of resolutions on questions not related to items on the agenda; or other questions on which the Conference may request regular reports. These functions may be carried out by the plenary (Reports of the Chairperson of the Governing Body and of the Director-General), by ad hoc committees (Resolutions Committee) or standing committees (Application of Standards and, in certain situations, the Selection Committee), or by other means (high-level tripartite meetings).
  - *Technical function.* This includes activities necessary to the organization of the Conference’s work (Selection Committee and its Officers), those of certain standing committees (Standards, Finance) and those of the Conference technical committees (adoption of standards, integrated approach, general discussion), or certain plenary meetings (discussion of the Global Report). These functions require relatively long and intensive advance preparation (16-30 months to allow as wide as possible consultation when preparing standards; 15 months for the budget), and a sufficient amount of time during the Conference (around 30 hours a year for the elaboration of the text of a Convention).
  - *Forum function.* Any delegate or duly authorized adviser may take the floor in plenary, for a time of no more than five minutes, whether minister, representative of a member State, employer or worker. The numerous criticisms of the plenary do not appear to affect the number of speakers (around 400) wishing to register for speaking; very few representatives of States choose to renounce this right. The time for the plenary debate has been reduced to one week, which must also allow for special sittings (visits from Heads of State and Government and other dignitaries), and for the time allocated to the Global Report.
  - *Assembly function.* The number of meetings requested by regional groups is constantly increasing. The Conference provides an opportunity for delegates to meet at regional, national or international level, and this facilitates the action of the Organization particularly in preparing technical cooperation projects. The reduction of the overall length of the Conference in 1994 affected this function, which although not provided for in the texts, is nonetheless important in practice, by considerably cutting the time available to it.
3. Any discussion on possible improvements to the structure and functioning of the Conference must take account of the different functions described above and the facilities which allow them to be carried out. While these functions are relatively distinct from each other, they are interdependent. Changes in the means deployed to fulfil one function will have repercussions on another function, or even on all of them. At the same time it is important to note that not all of these functions take place for the full duration of the Conference.

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## Discussions during the 93rd Session of the International Labour Conference

4. The Report of the Director-General to the June 2005 International Labour Conference<sup>2</sup> sought to give a new impetus to the discussion on improvements in the Conference. Thirty-three speakers in the plenary debate addressed issues relating to the structure and the functioning of the Conference. The attachment to this paper includes a synthesis of the main ideas in those statements and puts them in context by highlighting other related questions yet to be thoroughly discussed.

### Informal consultations held in September

5. Informal consultations were held with representatives of the Employers', Workers' and Government groups of the Governing Body in September 2005. The informal consultations confirmed that the Governing Body's continued consideration of this matter is based on the desire to ensure that the Conference remains relevant to the times, fulfils its constitutional obligations, attracts high-level participation, promotes the objectives of the Organization, and does so in an effective and efficient manner.
6. Some further proposals were made in the course of the consultations, in particular stating that:
  - selected items of Governing Body work undertaken during the year could be identified and presented on a tripartite basis to the Conference for both information and broader debate;
  - greater use should be made of panel discussions in the Conference plenary;
  - the Governing Body could, in either the November or March session preceding each Conference, decide on an appropriate subject for a high-level discussion at the Conference, maybe in the form of a special panel discussion.

### Future steps

7. Conference reform is an ongoing effort. It is clear from the discussions that there remains a range of areas that require further deliberation. The Governing Body should now consider how to proceed further on these matters. The concern has been expressed that no mechanism was in place to ensure a comprehensive debate of proposals. Treating them in a piecemeal manner does not appear to be useful. During the informal consultations among the employers, workers and regional coordinators in September 2005, a proposal was aired for the establishment of a small Governing Body working group (five representatives from each group) to meet during the committee week of the Governing Body.
8. If the Governing Body wishes to establish such a working group, it would need to spell out its parameters. As a working group of the Governing Body it should be composed of Governing Body members only. The working group would need to meet for one day, and only during the committee week of the Governing Body so as to minimize additional costs. These would rise to a maximum of US\$9,000 in interpretation costs over the Governing Body period. The mandate of the working group could be to review the improvements

<sup>2</sup> Director-General's introduction to the International Labour Conference: *Consolidating progress and moving ahead*.

suggested in this paper and its attachment, to consider other proposals from the Governments, Employers and Workers, and to make proposals to the Governing Body accordingly.

- 9. *The Governing Body may wish to decide that a small working group (five representatives from each of the three groups) of the Governing Body be established to meet during the committee week of the 295th (March 2006) Session of the Governing Body, with the objective of developing recommendations on possible improvements to the structure and functioning of the International Labour Conference, to be presented to the 297th (November 2006) Session of the Governing Body.***

Geneva, 19 October 2005.

*Point for decision:* Paragraph 9.

## Appendix

### **Summary of the International Labour Conference discussion in June 2005 on possible improvements to the structure and functioning of the Conference**

#### ***General statements of principle***

1. A number of speakers emphasized the general qualities they wished to see strengthened in any review of the functioning of the Conference. Generic statements were made such as the need to improve the functioning of the Conference, the need for greater efficiencies, more productivity and the modernization of the Conference.
2. It was however stressed that any reform of the governance structures should be forward looking and not be treated in an ad hoc way. All issues affecting the development of the Organization must be strategically addressed. Speakers underlined that there is a need to be creative in shaping the future of these bodies in line with the values of the Organization, its strategic vision and the purpose of its governance organs.

#### ***Specific proposals***

3. A number of speakers favoured a shorter Conference while others disagreed. The latter argued that the various Committees of the Conference need the time required to fulfil their objectives and this should not be compromised purely on the basis of a drive for efficiency. This argument is based on a view that the workload of the Committees is such that shortening the Conference is not feasible.
4. Better preparations prior to the meetings of the committees, including when possible preliminary discussions on their topics, could have an impact not only on the length of the committee meetings but also on the quality of their discussions and conclusions. It should be noted however that, whilst Governments can individually undertake pre-Conference preparation, it is difficult for the Employers' and Workers' groups of a committee to do so without actually meeting. This explains the necessity for extensive group meetings on the first day of the Conference. Rather than seeing this as lost time, it could be understood as an investment for greater efficiency in the Committee's ongoing work. As has occurred recently in the Fishing Committee for example, the Government members of technical committees could use that time for their own meetings towards improved understanding of positions and the identification of possible common ground.
5. The Report of the Director-General to the Conference, together with the report of the Chairperson of the Governing Body, serve as the main agenda item addressed by the statements at the plenary. The statements made at the plenary are actually written speeches addressing a host of different topics, and they are read out in the plenary room according to a pre-established list of speakers. Most speakers do not remain in the room for the length of the plenary. This has given rise to proposals for more interactive plenary debates, through such means as panel discussions. There is a counter argument that the plenary statements provide the speakers with an unparalleled opportunity to make their views known freely to other participants at the highest international level. This includes any relevant issues they may face in their own national context.
6. The plenary debate is particularly important as the International Labour Conference is seen as a place where the governments and their social partners across the world gather together

with their respective wisdom and experiences, and it is a place where the future of labour is debated. Such an opportunity should not be lost, but the challenge rather is to see whether the dual concepts of participant speeches and panel discussions could in some way be combined. This would retain for all delegates the right to address the Conference while as a whole the plenary would gain in importance as a forum for high-level policy debate and exchange of views.

7. The speakers suggested that the usefulness and relevance of plenary statements also depend on the type and nature of the Reports submitted by the Director-General and the Chairperson of the Governing Body, and particularly any points raised for discussion in those Reports. While every effort should be made to keep such reports as succinct as possible the substance of the reports was seen to be more important than their length.
8. A related question was the frequency of plenary discussions, i.e. whether speeches should be foreseen at the plenary each year. There is a constitutional requirement that the International Labour Conference be held at least once a year. Some speakers suggested that there is merit in sequencing the Conference so that there shall be a full session, similar to the present Conference, every second or third year and shorter Conferences in between, where technical committees would meet to prepare topics for standard setting or general discussions.
9. Another similar proposal was to hold, on an experimental basis, a full plenary session of the Conference every other year, alternating with a technical Conference. In the technical year, one, two or several committees would draft standards if necessary; the Committee on the Application of Standards would meet; and a discussion would be held on the follow-up to the ILO Declaration. The following year, the full plenary session of the Conference would adopt the draft standards as well as the programme and budget. It would also have general discussions, preferably based on an integrated approach and panel discussions.
10. A third version of sequencing the Conferences proposed shortening it to two weeks, using the first week to debate general issues and the second week to look at specific proposals on standards, while spreading standard setting over a three-year period to ensure adequate reflection.
11. According to a fourth proposal, the Conference could be based on annual regional conferences organized by regional and subregional offices with a global conference every two or three years. The sequencing of the Conference could then be combined with a greater role for the regional meetings in the interval years.
12. Even without adjusting the frequency of the sessions of the International Labour Conference, there is seen to be merit in looking into the role and the structure of the regional meetings. In recent years the regional meetings have suffered from a reduction in their duration, essentially to cut costs. Nonetheless, with greater decentralization in the provision of ILO services to its constituents, the regional structures of the ILO benefit increasingly more from the priorities and the directions discussed at regional meetings. Better use of the regional meetings would require a discussion on their organization and on the type and nature of topics most suitable for their agenda.
13. The regional meetings, which were previously organized as regional conferences, are also of major importance in bringing a large number of participants from across each region together. They serve to publicize the ILO and its objectives and build up and promote the participation of all governments and employer and worker representatives of the region in the ILO governance and in the development of the technical items. In fact, in previous years the regional conferences had served as a preparatory stage in the standard-setting process as well.

14. As regards the number of Conference committees, there were proposals for a more focused Conference with a smaller number of agenda items. This argument is based on the grounds that a smaller number of committees would entail greater economies and increased efficiency. It is useful therefore to recall the nature of each Conference committee.

(a) Standing committees

- *The Selection Committee* is necessary for the functioning of the Conference, and meets in a way that represents the least burden on the time of the participants and the resources for the Conference. It can be used for any unforeseen occurrence.
- *The Credentials Committee* is composed of three members and works efficiently and at a low cost.
- *The Resolutions Committee*: One speaker preferred to abolish this Committee as it no longer contributed any real value-added to the work of the ILO, and proposed to provide for other means for any delegate to exercise the democratic right to submit substantive resolutions to the Conference. The counter argument has been that the Resolutions Committee provides the participants with a high-level international forum to seek international support for any topical issue which is not scheduled to be discussed by the Conference and for which follow-up is desired. It meets every other year.
- *The Finance Committee* carries out an essential function for the organization in a limited number of days.
- *The Committee on the Application of Standards* undertakes a major supervisory task that has become a significant feature of the Conference and is of key importance to all groups of the constituents.
- *The Standing Orders Committee* meets only when needed and as briefly as possible.

(b) The technical committees

- In addition to the committees mentioned above, technical committees are intended either for standard setting or for general discussions. Their number depends on the number of items set on the agenda of the Conference by the Governing Body. The fundamental standard-setting role of the Conference is mandated by the Constitution of the ILO.
- Over time, standard setting has been the subject of various discussions and improvements, such as the general discussions based on an integrated approach. More discussions are foreseen on standard-setting policy. Further thought can be given to proper mechanisms for the identification of new standard-setting items, and their development, as well as their advance discussion prior to the Conference, and to the way they are discussed at the relevant Conference committee.
- More attention is now paid to better preparation of the subject matter for standard-setting committees. Advance discussions can be held on the standard-setting items in various ways, including through technical meetings, regional meetings, expert meetings, preparatory conferences and informal consultations. Further thought could be given to the way and means to achieve this objective and to how these preparatory processes and mechanisms can be

used in a more coherent and systematic manner. Better preparations also have consequences on financial and staff resources.

- 15.** The venue of the Conference was not subject to much comment, as it appeared to be more cost-efficient to hold the Conference in Geneva. Holding the Conference in any other city would involve strong political pressures and constraints in choosing the host city and also unnecessary costs for staff travel. It could also result in the loss of very useful contacts between the Conference participants and the technical departments. This again does not prevent the regional meetings from assuming a more meaningful role in the preparation of the Conference discussion items and holding other policy discussions.
- 16.** As regards the work methods of the committees, it was said that advances in technology appear to have left them largely unaffected, as they have remained as they were decades ago. Certain types of discussions repeated each year might stand at odds with the demands for greater efficiency. The platform provided by a committee is also used to air national achievements that might not necessarily serve the work of the committee. Sometimes the strength of the arguments is lost in the midst of the length of the statements. Recent experience has shown that a better coordination within the government regional groups and better information channels among the three groups can smooth the progress of the work of the technical committees. While some advances have been made recently in the introduction of technology to support committee debate, the ability to modernize further is to a large extent restricted by the fact that the Palais des Nations does not have the technical infrastructure found in modern conference facilities.