Greetings, and welcome to this presentation on standard-setting committees at the International Labour Conference.

This presentation is intended for delegates who will attend the Conference. It explains what standard-setting committees are and how they work.

To move to the next slide, press any key or click with your mouse.
As we said, this presentation explains what a standard-setting committee is and how it works.

We will explain what a committee is by describing its mandate and composition.

To explain how it works, we will talk about the committee’s plan of work and its methods of work.
**WHAT IS A STANDARD-SETTING COMMITTEE?**

**AGENDA**

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

| IV. | Decent work for domestic workers | Standard setting, with a view to the possible adoption of a Convention supplemented by a Recommendation |
| V.  | Elaboration of an autonomous Recommendation on HIV/AIDS in the world of work | Standard setting, second discussion |
| VI. | A discussion on the strategic objective of employment | First in the cycle of recurrent discussions to follow-up on the 2008 ILO Declaration on Social Justice for a Fair Globalization |

A standard-setting committee is a body set up by the Conference to examine a technical item on the Conference agenda.
WHAT IS A STANDARD-SETTING COMMITTEE?

AGENDA

And…

VII. Review of the follow-up to the 1998 ILO Declaration on Fundamental and Rights at Work
Its task is to consider and reach agreement on proposed texts that it can recommend to the Conference for adoption as an international labour Convention and/or Recommendation.
It is important for delegates to know that the work of a standard-setting committee is but part of a process that has been going on for a number of years.

That process began when the tripartite ILO Governing Body decided to place a particular standard-setting item on the agenda of a future session of the Conference.

In keeping with its obligations under the ILO Constitution, the Office then proceeded to prepare a series of reports that contained an analysis of relevant law and practice around the world, as well as a draft text of a Convention or Recommendation for consideration by the Conference.
Some standard-setting items are scheduled for a single discussion at one session of the Conference. Others are scheduled for a double discussion at two consecutive sessions of the Conference.

In the first case – a single discussion – the Office prepares a White Report and a Blue Report.

The White Report contains an analysis of national law and practice and a questionnaire. It is published about 18 months before its discussion at the Conference.

The Blue Report, published four months before the Conference, contains a summary of the written replies received from member States and the draft text of the proposed standard.
In the second case – a double discussion – the Office prepares the same White Report.

Then, four months before the item’s first discussion, it publishes a Yellow report, which contains a summary of the written replies received from member States and a set of proposed conclusions that the Office has prepared on the basis of those replies.
Following the first discussion at the Conference, the Office prepares a Brown Report which, in addition to a summary of the committee’s discussion, invites member States to submit further comments and suggestions in writing. This enables the Office to prepare the Blue Report, with the draft text of the proposed standard, for the Conference’s consideration during the second discussion the following year.
Let’s briefly review what we’ve seen so far.

The Governing Body places a standard-setting item on the Conference agenda.

The Office undertakes research and consults member States through questionnaires.

The Office prepares a draft text and communicates it to member States.

The Conference sets up a standard-setting committee.

The committee reviews the draft text and agrees on a final text to submit to the Conference for adoption.
Let us turn now to the committee’s composition or membership.

Like the Conference, standard-setting committees are tripartite. In other words, they are composed of accredited Conference delegates and advisers representing governments, employers and workers, who have been appointed to the committee by the Conference. This appointment is automatic upon the delegate’s or adviser’s request.

Government delegates and advisers who wish to be appointed to a committee should submit the request through the Secretariat’s Composition of Committees Office. Employer and Worker delegates and advisers submit their requests for membership through their respective group secretariats.

The composition of a committee may change on a daily basis, since delegates may request appointment to or notify withdrawal from a committee at any time during the Conference.

And by the way, this slide accurately reflects the seating arrangements in the committee’s meeting room. In other words, all employer members of the committee sit together on the right side of the room; the governments occupy the central section, and the worker members sit together on the left.
Committees vary in size, but on average they consist of 100 to 125 government members, 50 to 75 employer members, and a like number of worker members.

The Standing Orders of the Conference refer to each as “groups”, so that a committee comprises the Government Group, the Employers’ Group and the Workers’ Group.
There are three types of membership, depending on the delegate’s preference or the group’s practices. These are: Regular member, Deputy member and Substitute member.

This slide shows the rights of each type of member.

Committee members are not the only ones who attend committee meetings. Also welcome are the representatives of international governmental organizations, international non-governmental organizations and national liberation movements, as well as observers from States that are not members of the ILO.

These representatives and observers have certain limited rights, as shown on the slide.
The Standing Orders of the Conference require committees at their first sitting to elect a Chairperson and two Vice-Chairpersons, chosen one from each group. By tradition, the Chairperson is chosen from among the Government members, and the Vice-Chairs are designated by the Employers’ and Workers’ Groups, respectively.

The Employer and Worker Vice-Chairs usually also serve as spokespersons for their groups.

The committee is also required to elect a Reporter who is charged with presenting a summary of the committee’s deliberations to the Conference.
The Chairperson has the following duties:

- to direct the debates;
- maintain order;
- ensure the observance of the Standing Orders;
- accord or withdraw the right to address the committee;
- put questions to a vote and announce the result of the vote.

Under the Standing Orders, the Chairperson has the following duties: To direct the debates; maintain order; ensure the observance of the Standing Orders; accord or withdraw the right to address the committee; put questions to a vote and announce the result of the vote.

It is the Chairperson who fixes the date and time of the committee’s sittings, after consulting the Vice-Chairs.

The Chairperson has the right to take part in the discussion and to vote, except when replaced on the committee by a substitute. In no event, however, does the Chairperson have a “casting vote”.
In this section of the presentation, we’ve examined the committee’s composition, describing the different types of membership and the rights associated with each type. We have also identified the officers of the committee and described their duties.

There is however, one more team in Conference committees that we have yet to mention. This team is called the Secretariat.

The Secretariat consists of officials from the International Labour Office who have been assigned to provide a variety of services to the committee, including technical and legal advice, and the production of documents in the committee’s three working languages.
See ILC website under xxx
WHAT IS THE PURPOSE OF THE PLAN OF WORK?

A timetable for the Committee’s proceedings that will enable it to fulfil its mandate in an efficient and orderly manner.

MANDATE

- Proposed text (Office text/ Draft instrument)
- Proposed Convention or Recommendation

Standard-setting committees have two short weeks in which to carry out their work. So good time management and a clear understanding of procedures are essential to make every minute count.

Let’s start by looking at the time available to the committee to complete its task. This slide provides a graphic illustration of the committee’s work over the two weeks.
THE OPENING SITTING

- Calling the meeting to order
- The election of the Officers of the Committee
- The announcement of the Plan of Work
- The Office’s presentation of its report and the proposed text(s)
- (Preliminary statements by delegates)

A standard-setting committee generally begins its work on the first Wednesday of the Conference. As you can see, it meets twice a day, morning and afternoon. Sometimes it is necessary for the committee to hold evening sittings, as well.
The committee’s first two sittings are generally devoted to the election of officers and a round of preliminary statements. This is when committee members and groups have an opportunity to comment on the topic in general, to describe their interests and objectives, to highlight their concerns with the draft text, and to raise procedural questions or suggestions.

At the conclusion of this general discussion, committee members are invited to begin submitting amendments to the draft text. (Some delegates call it the “Office text”.)

Virtually all the committee’s remaining time is devoted to the discussion and adoption of the draft text, paragraph by paragraph, on the basis of amendments submitted by the committee members.

At the committee’s final sitting, the committee considers and adopts a summary report of its deliberations. Following its adoption, the summary report, and the proposed Convention or Recommendation, are submitted to the Conference.
So, what does a typical day at the Conference look like?

As you can see, it usually begins with group meetings. The Employers’ and Workers’ Groups meet unfailingly every morning.

Among other business, the groups use this opportunity to review the amendments that have been proposed by other members of the committee, and to consider whether they can support or should oppose those amendments.

Governments may also hold group meetings. When they do, it’s often on a regional basis.

Following the group meetings, the committee holds its morning sitting, which usually begins around 11:00 a.m. and lasts until 1:00 p.m. Some delegates refer to committee sittings as “plenary” or “tripartite” sittings. As we noted earlier, the business of the committee is to consider and decide on proposed amendments.

After a short break for lunch, groups may schedule afternoon group meetings, if desired. These meetings may focus on preparing the next set of amendments the group wishes to submit for the committee’s consideration.

The committee reconvenes in the afternoon for a somewhat longer sitting, generally from 3:30 to 6:30 p.m. Again, amendments are considered, and agreement is reached on the wording of the draft text.
Now that we have a common understanding of committee’s mandate, composition and plan of work, it’s time to look at the practical aspects of how the committee works.

What we will examine is how the committee discusses the draft text, and how it reaches decisions on its final wording.

At the heart of this process is the AMENDMENT. So let’s begin by defining what an amendment is.

An amendment is a formal proposal by one or more members of the committee to change the wording of a specific sentence or paragraph of the draft text.
WHAT IS AN AMENDMENT?

Examples of amendments

1. **Delete** the last sentence
2. In the last sentence, **delete** the word « national ».
3. **Replace** the paragraph with the following text:
   « One of the consequences of… ».
4. In the first sentence, **replace** « heart » with « core ».
5. Between the third and fourth sentences, **insert** the following:
   « For the purposes of … ».
6. At the end of the last sentence, **add** the words « and social security contributions ».
7. **Move** the words « where reliable. mechanisms… » to the end of the paragraph.

What is an amendment?

Let’s illustrate this with a few examples:
As we noted earlier, most of the committee’s two weeks of work is devoted to the discussion and adoption of the draft text on the basis of amendments submitted by committee members.

This slide illustrates what we call the Amendments process.

As you can see, committee members, meeting in their respective groups, consider the draft text and formulate amendments they wish to propose.

These amendments are then handed in to the secretariat for translation and processing and distributed to all members of the committee.

Again, meeting in their respective groups, committee members have the opportunity to examine the amendments submitted by other members of the committee, and to decide if they can support or should oppose those amendments.

One by one, each amendment is presented to the committee plenary for discussion and decision.

Once all amendments have been considered, the committee is in a position to adopt the draft text, as amended, for submission to the Conference.
METHODS OF WORK - AMENDMENTS

- All amendments must be submitted in to the Secretariat in writing in English, French or Spanish
- All amendments must be submitted in time for the Secretariat to translate and distribute them to all members before their discussion
- The Chair decides the order in which amendments are discussed
- No amendment shall be discussed unless it has been seconded

The submission and discussion of amendments is largely governed by the Standing Orders of the Conference. Here are some of the relevant provisions of the Standing Orders:

All amendments must be handed in to the Secretariat in writing in English, French or Spanish.
All amendments must be handed in to the Secretariat in time for Secretariat to translate and distribute them to all members of the committee before their discussion.
The Chairperson shall determine the order in which amendments are discussed.
No amendment shall be discussed unless it has been seconded.
All amendments submitted in due and proper form must be considered by the committee, and a decision reached on their fate.
Amendments must be submitted in writing on a form provided by the Secretariat.

At the committee’s first sitting and throughout its work, the Secretariat will make available to all committee members forms on which they can prepare and submit their amendments. This is what an amendment form looks like.

Please notice that the form has three important blanks that must be filled in. First is the identification of the paragraph in question. This is where you would write in the numeral 3 if your amendment concerns paragraph 3 of the draft text.

Next, in Section 1 of the form, there are boxes where you must identify yourself. So, if you are a government delegate from Mexico, you would check the Government box and write in the word “Mexico”.

Lastly, in Section 2 of the form, space is provided for you to write the amendment you wish to propose.

Next, we’ll explain how amendments should be worded. But first, we need to point out that they must be written in one of the committee’s three working languages, in other words, English, French or Spanish.
Because an amendment is a suggestion to change the wording of the proposed text, it helps to think in terms of the following verbs:

- Delete
- Replace
- Add/Insert
- Move

Your amendment should use one of these verbs.

Let us look at some specific examples.
TIPS FOR PREPARING AMENDMENTS

- Indicate word/s to be inserted or deleted
- For several changes in a paragraph propose a new paragraph
- If one amendment affects another part of the text, propose two amendment forms
- To change a word used several times submit one amendment and indicate to always replace it
- Indicate if the wording is taken from another standard or international instrument

Here are some tips to assist members in formulating amendments according to the guidelines.

Do not propose to replace an entire sentence or paragraph if you wish only to insert or delete a single word or string of words. Simply indicate the word or words to be inserted or deleted.

Conversely, do not try to amend an entire paragraph by proposing several inserts, deletions and replacements. When you are proposing several changes to a paragraph, it is better to propose to replace the paragraph with new wording, even if some of it remains the same.

It may happen that one amendment logically requires the amendment of another part of the draft text. Where that is the case, you must prepare two amendment forms, each one proposing the changes concerned.

This, however, does not apply to identical changes. For example, if you wish to replace a specific word every time it is used in the draft text, you should submit one amendment in respect of the word’s first use, and indicate that the same change should be made wherever the word occurs in the draft text.

Lastly, if the wording proposed in your amendment has been taken or copied from another international labour standard or from an international treaty or legislation, please bring this to the Secretariat’s attention. That will help us avoid retranslating something that already exists in an authoritative document, and ensure that we retain the same authoritative wording in all languages.
<table>
<thead>
<tr>
<th>Committee on the Employment Relationship</th>
<th>Paragraph 25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission de la relation de travail</td>
<td>Paragraphe</td>
</tr>
<tr>
<td>Comisión de la Relación de Trabajo</td>
<td>Párrafo</td>
</tr>
</tbody>
</table>

**Proposed Conclusions**

Amendment submitted by the Government members of Australia and the United Kingdom

*Replace the paragraph with the following sentence: “The ILO should envisage international action on this topic,” and delete the footnote.*

**Conclusions proposées**

Amendement proposé par les membres gouvernementaux de l'Australie et du Royaume-Uni

*Remplacer le paragraphe par la phrase suivante: “L'OIT devrait envisager une action au niveau international sur ce sujet,” et supprimer la note de bas de page.*

**Conclusiones propuestas**

Enmienda presentada por los miembros gubernamentales de Australia y Reino Unido

*Sustituir el párrafo por la siguiente oración: “Sería preciso que la OIT contemplase la posibilidad de emprender una acción internacional en la materia,” y suprimir la nota al pie de página.*

This is what amendments look like after they have been processed by the Secretariat and printed.

Notice that they are trilingual. In other words, the amendment appears in all three languages on the same page.

Also notice that the Secretariat has assigned a serial number to each amendment (the "D number") reflecting the order in which it was received. This serial number has no bearing on the order in which the amendments will be discussed.

The D number becomes the most convenient way to refer to the amendment. So, when it comes up for discussion, the Chairperson will refer to it as Amendment D.12.
Amendments are discussed in the order determined by the Chairperson. As a rule of thumb, the most far-reaching or radical amendments to a given paragraph are considered before other amendments that are more limited in scope.

Example:

1. **Delete** the last sentence.
2. In the last sentence, **delete** the word « national ».

Amendments are discussed by the committee in the order determined by the Chairperson. As a rule of thumb, the most far-reaching or radical amendments to a given paragraph are considered before other amendments that are more limited in scope.

This is to ensure that the committee does not lose time discussing minor changes to a paragraph, when it is possible that the entire paragraph may be deleted or replaced if a more radical amendment is subsequently adopted, making the earlier minor changes irrelevant.
Amendments submitted by individual members must be seconded by another member.

The discussion of an amendment begins with a presentation by the sponsor.

Under the Standing Orders of the Conference, amendments submitted by individual members of the committee (for example, the Government of Mexico) must be seconded by another member of the committee before they can be considered. If there is no second for such an amendment, the amendment falls and the committee moves on to the next amendment.

Where an amendment has been submitted by a group or by several governments, or has been duly seconded, the Chairperson gives its sponsor the floor to formally present the amendment to the committee.

The discussion of an amendment begins with its sponsor. This provides the sponsor an opportunity to clarify the purpose of the amendment and to express his or her views on the need for the amendment.

Once the amendment has been introduced, the Chairperson invites comments and reactions to the proposed amendment. It is customary for the social partners (in other words, Employers and Workers) to be given the opportunity to speak before the views of Governments are heard.
Of course, not all amendments proposed by committee members are adopted by the committee. In fact, only a small proportion of amendments are ultimately adopted.

The fate of amendments refers to the following different possibilities:

An amendment may fall. This happens when, for example, it is not seconded as required; or when it is made irrelevant as a result of the adoption of another amendment.

An amendment may be withdrawn by its sponsor. This may happen during the discussion of the amendment, when the sponsor realizes that it does not enjoy sufficient support from the committee, or at other times and for other reasons.

An amendment may be rejected either when it is opposed by a clear majority of the committee, or defeated by a formal vote of the committee.

An amendment may be adopted either when it is endorsed by a clear majority of the committee, or approved by a formal vote of the committee.

The next section of this presentation will discuss how the committee reaches decisions on individual amendments.
The discussion of an amendment will generally reveal one of the following scenarios:
First, there is general consensus within the committee in support of the amendment.
Second, there is a general opposition within the committee against the amendment.
Third, there is no consensus on the amendment, with some members favouring it, and others opposing it or expressing reservations.
So, how does the committee proceed in each of these cases?

Scenario 1: General consensus in support of the amendment
In some cases, the discussion of an amendment reveals that there is a general consensus within the committee in support of the amendment. Where this is so, the Chairperson concludes that the amendment should be considered as adopted. The draft text is amended accordingly, and the Chairperson proceeds to the next amendment.

Scenario 2: General opposition to the amendment
In other cases, the discussion of the amendments reveals that there is a general lack of support for or outright opposition to the amendment. In the absence of other motions, the Chairperson generally offers the sponsor of the amendment the opportunity to present additional arguments in support of the amendment. However, when faced with a clear lack of support among other members of the committee, the sponsor will frequently withdraw the amendment. In this case no change is made to the draft text, and the Chair proceeds to the next amendment.

Scenario 3: There is no consensus
During the discussion of an amendment, all suggestions of alternative wording (or at least those recognized as such by the Chairperson) are called sub-amendments. Unlike amendments, which must be submitted in writing, sub-amendments are presented orally.

If the committee agrees on such a sub-amendment, the draft text is amended accordingly, and the Chair proceeds to the next amendment.

On the other hand, if no agreement is reached on the sub-amendment, further sub-amendments may be introduced and considered until agreement is reached, or until the committee concludes that no agreement can be reached on a compromise wording.
SUB-AMENDMENTS

- Why are sub-amendments submitted?
- How are they submitted?
- When are they submitted?
What is the impact of a sub-amendment on the discussion?

- The discussion of the original amendment is suspended.
- The Committee must deal with a text that is not available to all in writing.
- The sub-amendment may be sub-sub-amended.
- Are all sub-amendments admissible?
Here are some tips to help committee members use sub-amendments effectively

As we pointed out earlier, unlike amendments, which are submitted in writing, then translated, and then printed and distributed to all committee members in advance of their discussion, sub-amendments are presented orally during the discussion. This can lead to some confusion in the committee.

It is therefore recommended that members who intend to suggest a sub-amendment should write down the exact wording they wish to propose, and be prepared to read it back one or more times until all committee members feel they understand exactly what is being proposed.

Sub-amendments are often not very effective. This is especially true when, for example, they are put forward too early, before a fuller discussion has revealed which way the committee as a whole may be leaning; or when they fail to recognize or reflect the major concerns of the sponsor of the original amendment.

Fortunately, there are effective alternatives to sub-amendments; these include inquiries that seek to identify the underlying concerns of the sponsor of the original amendment, and statements that clarify the various interests of different parties and explore ways of aligning or reconciling them.

Frequently, interventions of this type enable the sponsor of the original amendment to sub-amend his or her own amendment, in a manner that retains the essential concerns of the original amendment, while accommodating the interests of other parties.
Voting is the exception, not the rule. Build consensus and search for win-win-win solutions. Consensus does not mean unanimity. Decision can be reached by majority views. Differing views are recorded in the summary report.

Votes do sometimes take place in standard-setting committees to settle contentious issues, but that is the exception rather than the rule.

Over the years, the ILO has developed a culture of consensus-building among the tripartite constituents, and the Conference setting in Geneva seems to inspire the parties to search for win-win-win solutions. There is a widely shared interest in taking decisions by consensus, and in keeping everyone on board throughout the entire process.

Consensus does not always mean unanimity. Consensus is something that is presumed to exist when parties who may still harbor reservations on a specific issue do not insist on opposing the will of a significant majority, or risk stalling the process.

In cases where there is no consensus, it is still possible to reach decisions without recourse to a vote. This happens when the committee acknowledges that there is a clear majority view on a given issue, but that differing views subsist.

These differing views, while not reflected in the draft text, are nevertheless recorded in the summary report of the committee’s debates.

Formal votes are generally confined to cases in which there is no clear or significant majority view on key issues, and where further discussion is unlikely to lead to agreement.

Usually the vote is by show of hands, but when the results of such votes are inconclusive, or when the matter is considered to be of critical importance, a record vote may be requested.
Final stages of the committee’s work

- Adoption of the Committee’s Report.
- Adoption of the proposed instrument.
- Submission to the Conference by the Committee’s officers.

Once all amendments have been considered and decisions reached, the draft text is considered to have been adopted as amended.

It only remains for the committee, at its last sitting, to consider the summary report of its deliberations and to approve the submission of the report and the final text of the proposed standard to the Conference plenary.

The committee’s report and the text of the proposed standard are placed on the agenda of the Conference plenary during the third week of the Conference. At the appointed time, the committee’s officers address the plenary in turn, describing the committee’s work and accomplishments, and recommending that the Conference adopt the proposed standard. After a short discussion by other delegates who wish to take the floor, the Conference takes a record vote to adopt a new international labour standard, and the party begins.
We hope that this presentation has helped you understand how standard-setting committees work, and that it will enhance your experience at the Conference.

If you would like more information regarding the Conference and its committees, you may wish to consult the Constitution of the ILO and the Standing Orders of the Conference.

Please remember that the members of the Secretariat are there to be of service to you. Do not hesitate to let us know if we can help.

Thank you very much for your attention.