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IMPROVING THE FUNCTIONING OF THE ILO GOVERNING BODY: AN EMPLOYERS' GROUP CONTRIBUTION

The Employers' Group is approaching the improving of the functioning of the Governing Body from a perspective where it sees new opportunities for a relevant and strong ILO as the world emerges from the global economic crisis.

We also believe that we need to ensure our governance role, both in terms of the structure we chose and in the content of our discussions, add value to the ILO's ability to participate in the new and emerging global processes such as the G20. It must also maximise its ability to fulfil its constitutional mandate and the expectations of constituents as set out in the 2008 Social Justice Declaration.

It is clear from the discussions in the first Working Group, tentative though they were, that there is support from reform arising not only from the previous debates on this point, but also from the new reality.

The world has changed and we must change with it. The consequences of failing to do so are self evident. The hard truth is that, unless we, through our effective and efficient governance of the ILO, are able to support its deserved relevance, others will take role. They will not wait for us. This may sound dramatic, but our Group does see this point in time as a tipping point – a point where either the ILO is both strengthened and relevant in the new environment or one in which it continues to weaken, to become marginalised. It will be our actions in this Working Party which will largely determine which way we go.

This contribution draws upon both the reflections of the Employers' Group and the contributions of the first meeting of the Working Group. We are open to all ideas and look forward to more interaction between all the Groups, the Chair and the Office as we move forward. We all need to be committed to what emerges from this process.

WHAT COULD A REFORMED GOVERNING BODY LOOK LIKE?

We approached this from the perspective of:

- A “clean sheet” approach which looks to design a Governing Body to fit the new realities
- Enhancing, not weakening governance of the ILO;
- Avoiding repetition in the work of the Governing Body
- Enhancing, not weakening the engagement of the Groups in the work of the Governing Body;
- Ensuring clear decision-making implementation and follow-up;

- Giving effect to its constitutional responsibilities as well as the SPF and P&B;
- Meeting the expectations of the constituents as expressed through the Social Justice Declaration;
- Contributing to the strengthening of the Office's work with the G20 and the wider multilateral system as stipulated in the Global Jobs Pact, and the 2008 Social Justice Declaration;
- Ensuring, at least in the mid-term, an effective ILO response to the needs of constituents in the recovery from the crisis and beyond.
- Linking GB reform to improving the working methods of the Office in servicing the GB

A new structure needs to emerge from the discussions of the Working Group, but at the same time we need to avoid an endless discussion. Given that a new Governing Body will be elected in June 2011 we would propose that the agreed new Governing Body structure also be implemented at that date. This would allow the Office to develop a time line of consultations, meetings and papers with a "goal" as to when change needs to be decided and implemented.

We also feel that the reform needs to also consider new ways of working. As it is now, everything needs to be discussed and decided at the Governing Body as that is the only "space" provided for such discussions. This has lead to long agendas, but with insufficient debate.

A means to address this challenge is to look at inter-sessional working methods, an approach common to many other UN agencies. This would enable work items identified as requiring further debate and elaboration to be referred by the High-level Policy Body (see below) to an inter-sessional working method. The results of that work would then come back to the Governing Body for approval. Within this broad idea a lot of detail needs to be elaborated, but if the idea of using inter-sessional working methods is regarded as useful, such modalities could be discussed by the Working Group. Technology should be used wherever possible to facilitate such work. Whilst recognising that the ILO is a tripartite organisation, the experiences of other UN agencies should be sought as an input into the elaboration of such working methods.

A concept

Simply, the Governing Body has to fulfil two roles:

- (a) As a forum for high-level policy discussions – i.e. what the ILO should do ; and
- (b) Exercising a governance and oversight function, i.e. what it did and what its impact was.

There are numerous models for accomplishing these two roles. The following model, presented for discussion, envisages a Governing Body that consists of two bodies of the Whole that would meet sequentially. There would be no "Committees", as currently, just a Governing Body. All Governing body members would be present in both bodies and both would have a "governance" role which would inform their agenda and working methods. This model is also predicated on the use of inter-sessional work.

The concept also recognises that not all GB's need to be the same. The agenda agreed for a GB should determine its length. At the same time, the need for a shorter more efficient and effective GB which allows for the best possible participation from the groups should also be kept in mind.

(a) High-level Policy Body

The Content of the work of this Committee of the Whole could be guided by, for example, steps needed to

- (i) Give effect to the SPF and ILO programme, both in Geneva and the Field;
- (ii) Ensure policy follow-up to matters arising from previous Governing Body decisions and Conference debates;
- (iii) Give effect to the 2008 Social justice Declaration;
- (iv) Identify Inter-sessional work items;
- (v) Adopt results of inter-sessional work.

The agenda itself should determine the necessary length of this Committee.

(b) Oversight and Implementation Body

Again this is envisaged as a Committee of a Whole. Its agenda would be to focus on ILO implementation and impact, tracking the realisation of the ILO programme and the Strategic Policy Framework. This would cover both Geneva and the Field. Similarly it would monitor budget expenditure and programme evaluations. It would also refer policy-related issues that may arise from its analysis to the Officers for possible inclusion in the agenda of the Policy Committee or, alternatively, for inter-sessional work.

As with the High-level Policy Committee, the agenda would determine the length of the session.

OTHER MATTERS

Within this concept other matters also need to be considered, some of which are set out below;

- The Committee on Freedom of Association would continue its work outside of this concept but we see its report being adopted by the Oversight body.
- The current Governing Body activities surrounding Art. 24 and 26 complaints, the handling of the Director-General's report and other matters would need to be considered with regard to the proposed structure. Article 33 would be dealt with within the Oversight Committee, although the development of such a complaint could lie with the Policy body.
- The Working Party on the Social Dimension of Globalisation should not be a regular standing day for the new Governing Body, but instead it, or something like it, could be convened where an issue warrants such a session.
- This contribution needs to be considered against the ILO's Standing Orders, to identify areas for amendment.
- The Officers of the Governing Body would have enhanced responsibilities vis-à-vis the setting of agendas, determination of inter-sessional working methods.
- Each Committee of the Whole would adopt its own decisions.
- LILS would be retained although its agenda and focus should be included in the wider reform discussion.

IMPROVING EXISTING WORKING METHODS (FOR IMMEDIATE IMPLEMENTATION)

At the same time as looking forward we think it is equally important to continue to improve our current GB structure and working methods. To that end, it is clear that those improvements to the functioning of the Governing Body that have previously been proposed and accepted must be implemented. These are in the non paper and were raised by many interventions in the Working Party. The Office needs to move quickly to realise them as they are simply good practice and require no further reflection. In particular, the Office needs to enhance its consultation activities with all groups. No group should feel any inequality of treatment.

Ideas for process and administrative improvements, found in the IMEC, ASPAC written statements and the oral contributions of other governments should be extracted, listed and confirmed. From our perspective such issues include, in no particular order:

- Consideration of procedural rules on interventions;
- Timely delivery of papers;
- Clarification of the process by which papers are classified “for decision”, “for debate and guidance” (and “information”) and how points for decision are highlighted in the papers;
- That decisions taken be captured and reported to the Governing Body members, including identification of ILO responsible officers;
- Sessions to start on time;
- True “information papers” should be agreed to by the Officers and be made available to Governing Body members, but not form part of an agenda.

However, such efforts should not equal reform. Efficiency and the improvement of effectiveness of the Governing body processes and management must be continually addressed.

CONCLUDING THOUGHTS

This contribution is designed to meet the new reality facing the ILO. It is not simply a cost-saving issue as in fact the inter-sessional work will require resourcing.

It also recognises the possibility of a greater engagement of Governing Body members’ time in inter-sessional work depending on final modalities.

Similarly, a new costing model for the Governing Body will be needed in considering any GB reform

The Employers’ Group looks forward to discussing reform further, including the broader aspects of Conference reform, and remains available to workers, governments and the Office.

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