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TWELFTH ITEM ON THE AGENDA

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

Report of the Chairperson of the Working Party

1. The Working Party on the Functioning of the Governing Body and the International Labour Conference met in the afternoon of Monday, 5 November 2018. The Office had prepared three documents for the Working Party,¹ dealing with the following issues: *the Functioning of the International Labour Conference: Analysis of the 107th Session (2018)*; *the Comprehensive review of the Standing Orders of the Conference: Progress report of the inter-sessional consultations*; and *the Revised Introductory note to the Rules for Regional Meetings*. As Chairperson of the Governing Body, I presided over the sitting. With regard to the Employer spokespersons, Mr Barklamb spoke on the first and second documents, while Ms Hornung-Draus spoke on the third document. The Worker spokesperson of the Governing Body, Ms Passchier, spoke on behalf of the Workers' group throughout.
2. This is my report to the Governing Body on the work of the Working Party. It is not a summary verbatim report or minutes, but a very brief synopsis of the main elements of the discussion, containing the Working Party's recommendations to the Governing Body as draft decisions. The Office has taken due note of the Working Party's discussion and will take them into account in the work done in future regarding these items.

Functioning of the International Labour Conference: Analysis of the 107th Session (2018)

3. Before opening up the discussion on the first document before the Working Party, I gave the floor to the ILO Director of the International Labour Standards Department, who gave a report on the informal tripartite consultations on the working methods of the Committee on the

¹ [GB.334/WP/GBC/1](#), [GB.334/WP/GBC/2](#), and [GB.334/WP/GBC/3](#).

Application of Standards that had taken place on Saturday, 3 November. The report appears in the appendix.

4. Many participants commented on the document before the Working Party ² and the Office agreed to take into account the feedback and proposals from the different groups, which would be reflected in the document submitted to the Governing Body in March 2019. The following paragraphs summarize the Working Party interventions on the themes outlined in the Office paper, in the same order.
5. Different views were expressed on the two-week format of the Conference. The group of Latin American and Caribbean States (GRULAC), the industrialized market economy countries group (IMEC) and the Employers' group supported maintaining the current arrangements to hold the Conference over two calendar weeks. The Workers' group requested the Office to prepare an analysis of the pros, cons, feasibility and implications of having the two-week Conference spread over three weeks, starting mid-week in the first week and concluding mid-week in the third week, providing two weekends during the Conference to alleviate the workload. Such analysis should be carried out before making a decision regarding the dates of the Conference session in 2021.

I. Conference preparations and logistics

6. There was general agreement on the importance of **early preparations**, the consultation process, and the early nomination of committee officers. The Africa group stressed the importance of addressing gender when looking into the issue of diversity. A majority of participants also stressed the importance of improving the training of staff and delegates on Conference procedures, including the distribution of Conference manuals, such as the booklet entitled *Conference Committees without tears*, as suggested by the Workers' group.
7. There was also general agreement on expanding the use of information technology tools in a progressive manner, but with fall-back mechanisms in place during any trial period.
8. While Employers and Workers stressed the need to continue with the current policy of limiting **side events**, the Employers' group called for the adoption of clear rules, especially with regard to the Centenary session of the Conference. At the same time, the Workers' group attached great importance to the Conference as a forum for dialogue and considered that certain parallel discussions were very useful, provided they did not interfere with official Conference business.
9. There was also general agreement on the need to take new measures in order to improve the **management of Conference attendance and room capacity**.
10. Regarding **Conference logistics**, general support was expressed by several groups (IMEC, GRULAC, Africa group) to set an end time of 10 p.m. for all committees. The Employers' group was also in favour, but requested that a limited number of justified exceptions be allowed. The Workers' group, however, expressed reservations on this proposal, citing the need for the committees to finish their work as the main consideration in that regard.
11. Measures to improve **time management** received wide support from all groups, while also calling for self-discipline from the groups. Similarly, the groups agreed that very short breaks between group meetings and committee plenary meetings should be introduced.

² GB.334/WP/GBC/1.

12. Diverging views were expressed on the issue of **catering services and transport** provision by the Office for late sittings, with the possible exception of the drafting groups of non-standard-setting committees and the drafting committee of the standard-setting committee, as these were of limited composition. The Africa group and the Workers did, however, point out that unless these facilities were absorbed by the Conference budget, the level playing field would not be the same for all groups and all delegations.
13. GRULAC made a call for the Conference to contribute to the Green Initiative by **reducing waste** and increasing the use of biodegradable materials, reiterating a request made by IMEC in June 2018.

II. Conference plenary

14. There was general support for the simplification of the **opening ceremony** of the Conference as trialled in 2018.
15. As regards the **discussion of the reports of the Chairperson of the Governing Body and of the Director-General**, a majority of the Working Party supported that the number of interventions made on behalf of the Government of each member State be limited to one, especially if this measure proved necessary during the Centenary Conference in order to accommodate all requests for the floor. In contrast, there was no consensus view on the possibility of reducing the time-limit of speeches from five to four minutes. Moreover, the Employers' group considered that if such limitations were to be introduced, they should be directed towards interventions from observer delegations in the first instance, in particular from non-governmental organizations, as priority should be given to the tripartite constituents from member States.
16. The interactive nature of the **World of Work Summit** and the involvement of the tripartite constituents in its preparation was welcomed, in particular by the Employers' group.
17. There was general agreement to continue organizing **votes** outside the Plenary Hall as a time-efficiency measure. However, the Employers' and Workers' groups were of the view that votes on standard-setting items should continue to be held in the Plenary Hall after the adoption of the committee reports.
18. The majority of Working Party members were in favour of better time management with respect to the **adoption of committee reports in plenary**, with the introduction of time limits, if necessary, for interventions from committee officers, and an invitation to favour group statements, with interventions from individual delegates being restricted to exceptional circumstances.
19. IMEC, GRULAC, and the Workers' group supported the reintroduction of the **Provisional Record** of speeches of all plenary sittings as suggested in the document, on the understanding that the arrangements would be introduced on a trial basis and could be reviewed after a few years. The lightly edited transcription of the speeches delivered in plenary regarding the reports of the Director-General and of the Chairperson of the Governing Body should be included in the *Record of Proceedings* of the Conference published by the Office in the three official languages (English, French and Spanish).

III. Conference committees

20. With regard to the **Selection Committee** and **Finance Committee**, all groups expressed support for the continuation of the practice trialled in 2018, both with respect to the web-posting of their

working documents and the adoption of their reports. GRULAC and the Africa group welcomed the idea of entrusting a small group, similar in composition to the Governing Body Screening Group, with routine, uncontroversial matters currently addressed by the Selection and Finance Committees with poor attendance.

21. While several groups, in particular the Employers', recognized improvements in the management of the workflow of the **Committee on the Application of Standards**, GRULAC considered that its working methods deserved a more detailed discussion in order to further improve.
22. As regards the **standard-setting committee**, several groups supported the proposed modalities aimed at improving the working methods of the committee, in light of the experience in 2018. While considering that sufficient time was available for making decisions on standard-setting items over a two-year period, the Employers asked whether, in very exceptional cases, provision could be made for a third discussion – an idea that the Workers did not support. The Africa group called for more inclusivity in the preparatory process, as well as better handling of amendments and better use of the drafting committee. Those were key elements in addressing the challenges arising from the limited time available to the standard-setting committee during a two-week Conference. IMEC, GRULAC and the Employers highlighted the importance of better time management in ensuring that standard-setting committees could finish their work within the allocated time. There was overall support for limiting the general discussion at the start of the committee, and for granting a one-day extension at the end of the committee.
23. With respect to the **non-standard-setting committees**, several groups agreed on the need to improve their functioning, while highlighting the need to reduce the amount of late sittings for their drafting groups. The Employers' and Workers' groups reiterated their call for balanced draft conclusions, which would facilitate a swift consensus. In this regard, the Employers' also reiterated the importance of focused, concise and action-oriented outcomes.
24. Concerning the **Credentials Committee**, the Workers' group reiterated that it was not possible to make any further adjustments to the time limits on filing objections and complaints. It also urged governments to comply with their institutional obligations to grant travel and subsistence allowances to Workers' and Employers' delegates, in particular during the Centenary Conference. While acknowledging that only 60 per cent of member States had sent their credentials in time, GRULAC called for some flexibility and that the particular circumstances of each country be taken into account in that regard.

Draft decision

25. *Following the discussion and lessons learned from the 107th Session of the Conference (May–June 2018), and on the recommendation of the Working Party on the Functioning of the Governing Body and the International Labour Conference, the Governing Body decided to:*
 - (a) *continue to explore further improvements taking into account the discussion in the Working Party;*
 - (b) *request the Director-General to prepare for its consideration at the 335th Session (March 2019), a detailed work plan for the 108th Session of the Conference (June 2019) based on a two-week format;*

- (c) *request the Director-General to take into account the discussion of the Working Party in developing proposals for the work plan of future sessions of the Conference.*

Comprehensive review of the Standing Orders of the Conference: Progress report of the inter-sessional consultations

26. All speakers who took the floor reiterated their support for the in-depth review of the proposed amendments to the Standing Orders of the ILC, the purpose of which was – inter alia – to remove obsolete provisions and codify standard practices. The Office was therefore encouraged to pursue inter-sessional consultations. IMEC and the Workers' group expressed the hope that further consultations could be organized before the 335th Session of the Governing Body, which would enable it to move forward at that session if consensus was ripe. Nevertheless, in response, the Office explained that it would not be realistic to expect the finalization of all amendments by the next session of the Governing Body, but that it would be more likely for the Governing Body to review them in full in November 2019.
27. A few more specific comments were made with regard to the substance of proposed changes to existing provisions in the Conference Standing Orders.
28. The Africa group welcomed the retention of consensus as the fundamental decision-making mechanism of the Conference. It requested that the Office further explain the nature of votes so that the interest of the changes proposed could be better appreciated and evaluated. The Africa group also supported keeping the provision concerning the appointment of additional advisers under article 2(3)(i) of the Standing Orders to replace advisers and substitute delegates who would have to leave the Conference.
29. The Asia and Pacific group (ASPAG) proposed, under article 14 of the Standing Orders, that the chairing officer maintain the discretion to withdraw a speaker from the floor, as it would contribute to a better management of the debates in cases where interventions were unrelated to the matter under discussion.

Draft decision

30. *On the recommendation of the Working Party, the Governing Body took note of the second progress report on the inter-sessional consultations concerning the comprehensive review of the Standing Orders of the Conference contained in document GB.334/WP/GBC/2, and provided guidance on the next stages.*

Revised Introductory note to the Rules for Regional Meetings

31. The Employers' and Workers' groups highlighted that Regional Meetings supported global governance and provided a forum for implementing the ILO Declaration on Social Justice for a Fair Globalization, 2008.
32. The Employers' group considered that flexibility and tripartite ownership were two key aspects of Regional Meetings. Hence, tripartite preparatory consultations were needed to promote engagement from constituents from an early stage. The group advocated a bottom-

up approach in setting the agenda for Regional Meetings, whereby social partners and governments of the region were consulted. The Employers expressed satisfaction that many of their previous comments and proposals had been duly taken into consideration in the revised Introductory note.

33. The Africa group pointed out that the revised Introductory note should reflect the revised rules which were adopted at the 332nd Session of the Governing Body in March, rather than the questions raised at the 19th American Regional Meeting in Panama. Responding to this statement, the Deputy Director-General for Management and Reform said that the matters discussed in the Introductory note had not arisen from the 19th American Regional Meeting, but in the lead up to the Meeting, and were then included in the proposed Introductory note, in particular paragraph 3 of section 3 in which observer States were invited to take into account the obligation incumbent on full Members of the region to cover the travel and subsistence expenses of their tripartite delegations.
34. All groups expressed support for Portuguese to be adopted as a working language for African and American Regional Meetings. Eswatini, Lesotho and Nigeria supported this proposal, stating that it would help to facilitate communication and promote inclusivity, the essence of tripartism.
35. GRULAC and Brazil, speaking on behalf of the Community of Portuguese-speaking countries, stressed that including Portuguese as a working language would facilitate participation of all social partners who were of Portuguese mother-tongue, thereby promoting social dialogue in the Regional Meetings of Africa and the Americas, the regions where most of those countries were located. Similarly, Canada requested that French be adopted as a working language for American Regional Meetings, given that it was one of Canada's official languages, and that nine member countries of the Americas were a part of the International Organization of *Francophonie* (OIF). Brazil further referred to the need to consider in due course the status of Portuguese in the United Nations system.
36. The Workers' and Employers' groups supported the inclusion of Portuguese and French in those Regional Meetings.
37. The Deputy Director-General for Management and Reform reiterated that under the proposed Introductory note, the Governing Body retained discretion in deciding the official and working languages applicable to each Regional Meeting.
38. The Africa group, as well as the Workers' and Employers' groups advocated for gender equality and stressed that great progress was yet to be made, particularly with respect to the goals set by the relevant ECOSOC and ILC resolutions. The Employers' group reiterated, however, that gender parity had been included as an aspiration, to be considered together with the autonomy of the groups in the appointment of their delegations to Regional Meetings.
39. In response to Cuba's request to include a reference, in the Introductory note, to the conditions for exercising the right to take the floor and the right of reply, the Deputy Director-General for Management and Reform recalled that such matters were provided for in the *Rules for Regional Meetings*.

Draft decision

40. *On the recommendation of the Working Party, the Governing Body:*

- (a) adopted the revised Introductory note set out in Appendix I of document GB.334/WP/GBC/3;***
- (b) approved the list of Members to be invited as full Members by region set out in Appendix II of the document.***

Appendix

Informal tripartite consultations on the working methods of the Committee on the Application of Standards

1. The informal tripartite consultations on the working methods of the Committee on the Application of Standards (CAS) took place on Saturday, 3 November 2018. A summary of the meeting's discussions and decisions is provided below, while a more detailed report will be prepared as background for the next informal tripartite consultations. The meeting took note of the changes to be introduced in the minutes of the last meeting and that minutes of meetings should be rapidly circulated for any amendments.
2. The meeting discussed a proposal for possible improvements of the working methods of the CAS secretariat, which was made following an internal review of the working methods utilized by the secretariats of all of the committees of the Conference. The main proposal, which would affect the content of *Provisional Records*, would be to produce Part II of the report of the CAS as a verbatim record of statements as delivered instead of the summary record currently produced. Production of a verbatim record is not a new practice, as it is the method already in use for capturing statements made in the plenary session of the Conference. Delegates had expressed their satisfaction with verbatim records produced for the plenary, and producing verbatim records would respond to requests made by the tripartite constituents for even better reproduction and accuracy.
3. It was noted that the production of a verbatim record would ensure greater transparency and efficiency, and would capture the precise content of the interventions made by speakers. The Office pointed out that the internal review had also shown that production of a verbatim record would result in significant time and cost savings, which would permit resources to be directed to strengthening Office support to the supervisory system and to providing related technical assistance at the country level. The Office also clarified that corrections could be made to the verbatim record in the event that there were errors.
4. The meeting agreed to the Office proposal to reproduce statements as delivered as a verbatim record for all its discussions, with respect to the proposal that Part I of the report could be reorganized to include only the outcomes of the CAS discussion (cases of serious failure of reporting, outcome of the General Survey discussion and conclusions of individual country cases) while Part II would contain a verbatim record of all its discussions, it was agreed that this required further discussion. Therefore, the issue of the content and structure of Parts I and II of the report would be placed on the agenda of the next meeting, to allow for further consultation and reflection.
5. The meeting also discussed a proposal that governments on the long list of cases be invited to submit updated information as soon as the list was available, and that information provided would be posted on the CAS dedicated web page. It was agreed to continue this discussion in March 2019.
6. The meeting then addressed the special Centenary arrangements. The meeting participants were in agreement that it was important to draw attention to the impact of international labour standards and to celebrate the history, challenges and successes of the supervisory bodies over the course of the ILO's first century and discussed a number of options that could take place during the year of the Centenary. However, in relation to the Conference, concerns were expressed in relation to the need to balance the time constraints faced by the CAS, given its heavy workload, with the importance of marking the Centenary. A number of proposals were discussed, including the possibility of: dedicating opening statements in the CAS to highlighting the importance of international labour standards and the impact of the work of the supervisory bodies; holding a one- to two-hour side event commemorating

the history and work of the CAS; creating a commemorative film or photo exhibition; and discussing one or more cases of progress to illustrate the concrete and positive impact of the work of the CAS, while keeping the focus of the CAS on reviewing compliance of member States with their international obligations in relation to ratified Conventions, in accordance with its mandate.

7. In concluding the meeting, the participants agreed that the next meeting of the informal tripartite consultations on the working methods of the CAS would be held during the 335th Session of the Governing Body (March 2019) on 23 March 2019.