

## Employers' Group Proposals to the Working Group for possible improvements to the ILC

This note contains the proposals presented by the employer representatives of the Working Group for possible improvements to the International Labour Conference (ILC), which was set up during the 295th Session of the Governing Body (16-31 March 2006).

The employers' intention of putting forward these proposals is to contribute positively to the strengthening of the International Labour Organisation (ILO). We believe that the ILC is the most visible face of the ILO and, therefore, the organisations credibility and relevance is unavoidably linked to it.

Many things have changed since 1919 and today's world of work requires new, innovative and quick responses to a diversity of challenges, and the ILO has to be in a position to appropriately respond to these challenges.

The proposals put forward in this paper are neither an imposition nor set in stone. Employer representatives from all regions of the world, both from developing and developed countries have actively participated in their formulation. It is hoped that these ideas will prompt frank and open discussions with the other members of the Working Group and that common ground can be found in order to facilitate concrete proposals to improve the function of the ILC.

## **I. OBJECTIVES**

1. The objective of the ILC reform should be to: (i) make it more relevant to today's world of work; (ii) increase its profile (particularly with regard to its Plenary); (iii) improve the effectiveness of its outcomes; and (iv) achieve a more efficient use of limited resources. With this in mind, changes are needed in both the political and technical roles of the Conference. Reform provides for a virtuous circle, meaning, that by improving the technical role of the Conference, its political role will also be enhanced.
2. The Employers' Group welcomes the fact that the process of ILC reform is taking place with the involvement of all ILO constituents. Collaboration of the Employers' and Workers' Groups, together with Governments, is a key element for the success of this discussion.
3. Changes proposed to the functioning of the ILC should strengthen the representational capacity of national tripartite delegations to participate on an equal footing.

## **II. RELEVANCE AND PROFILE OF THE ILC**

4. The ILC is the supreme policymaking body of the ILO; its organisation entails a huge logistical effort, with thousands of delegates and foreign dignitaries attending it every year. It is a unique occasion when labour and social policymakers at the highest level gather under one roof. Yet, it does not have the profile it should have.
5. The relevance and profile of the Conference are linked and will come from the implementation of reforms that aim to create a dynamic and shortened agenda, coupled with plenary sessions that are interactive, accessible, highly political, cutting edge discussions that are capable of attracting the highest possible level of participation. However, this needs to be done without hampering the technical work, which the Conference has a duty to perform.

### **Conference Agenda**

6. The Conference Agenda could be more stimulating. This situation is necessarily linked to the way topics are selected to be placed on the Agenda during the Governing Body Session. Although several attempts have been made in the past to improve/correct this process –the “Portfolio approach” for instance- further efforts need to be made to ensure that only topics that have full tripartite support find their way into the Conference Agenda.

7. One possible way forward would be to strengthen the governance role of the LILS Committee and assign it the task of discussing potential topics with a view to preparing and pre-selecting items for the ILC agenda. After discussions at the LILS level, items that have been identified as eligible for a Conference discussion (including those for standard-setting) would then be submitted for the GB's consideration for inclusion in the agenda of the Conference.
8. The ILC Agenda should mainly focus on key issues directly relevant to the modern world of work. Topics for discussion should be chosen that are highly relevant at that time and, importantly, which can produce final outcomes that all parties would be willing to support.
9. A shorter agenda and, therefore a more effective one, will also overcome the 'representational' problems of constituents. When there are too many items on the agenda, constituents – especially from the smaller countries – have problems of adequate personnel to cover all the subjects/committees. This is a particular problem in the case of the social partners. In some cases, they have the problem of governments paying the costs of even the delegate. In other cases, the social partners would have to find the funds for advisers if they wish to participate in all the Committees. Consequently, there is an imbalance in representation in the committees.
10. Future standard-setting activities should be limited to having only one item on the Conference Agenda. Priority should be given to the revision of outdated standards that have been identified by the Working Party on Policy Regarding the Revision of Standards. This should be done within the context of future discussions under the integrated approach and its follow-up. Revisions of outdated ILO instruments should recognize the realities of the existing conditions of the world of work and, therefore, be geared towards improving their chances of being accepted and applied by a larger number of ILO Member States.

### **III. FULFILLING THE ILC'S POLITICAL AND TECHNICAL ROLES**

11. The fundamental challenge in achieving real improvements to the functioning of the ILC and increasing its relevance is the need to harmonize its political and technical roles. On the one hand, its political role implies having a Plenary session that provides tripartite national delegations with a forum to discuss political matters and air their concerns to the international community, in particular, with regard to ILO matters. On the other hand, its technical role should be to discuss relevant issues affecting the modern world of work and proposing responses that are best suited to addressing them.
12. Making the two roles (political and technical) compatible at the same time is not always an easy task, not only due to financial constraints, but also, as mentioned above, due to the impossibility of national delegations to afford participants to attend both plenary and technical discussions, which take place simultaneously.

13. Therefore, in our view, the goal should be to facilitate the fulfilment of both roles while also facilitating the full engagement of national tripartite delegations. In this regard, we have received news of some proposals being put forward that would seek to achieve this goal by separating the two roles, namely, by alternating them. This means that, in one year, the Conference would address its political role, while, in the next year, its technical one. Our view is that, in doing so, guarantees need to be given to ensure that the Conference -either political or technical- would maintain its relevance and importance. This could be done with the following modalities:

### **The Political Conference**

14. The Political Conference would seek to raise the visibility of the Organization. It would be held every odd year (budget years) and promote the participation of high-ranking government, worker and employer representatives. The format of the Political Conference would be a Plenary session that continues with its responsibilities concerning voting procedures for any new ILO instrument standards or other instruments), programme and budget, and other relevant political debates. The duration of a Political Conference would be one week. All standards would be put forward for adoption at the Political Conference. One way to promote active participation in the debates would be to select a specific topic / theme for the Conference / Plenary, around which related side events (round tables, panel discussions and interactive debates) could take place.

15. The aim is to enable the ILC Plenary to move away from merely reacting to an Office Report and engaging in only procedural requirements (e.g. approval of Committee reports) to engaging more in policy formulation since it is the supreme policymaking body. Plenary discussions are currently seen in terms of procedure - it is not a place of dynamic discussion. This must change.

16. Delivering speeches to an empty room, too long a list of speakers, and unfocused discussion diminishes the value and credibility of the Conference –not to say of the Organization itself. Therefore, speaking arrangements for the Plenary might be reviewed on the basis of the following:

a) Regional sittings: The plenary discussion could be organised on a Regional basis. For example, Monday would be for the African Region, Tuesday would be for the European Region, Wednesday for the Americas Region, and Thursday for the Asian Region. This would focus the debate much more on specific regional trends and situations. It is also hoped that this would foster discussions more relevant to national concerns and be, attractive for audiences to remain in the room rather than –as it currently happens- listening to a specific Minister and then see entire delegations leaving the room. It would also facilitate the participation of high-level representatives from governments, employers and workers, as they could more easily schedule their attendance at the Conference. One possible way to strengthen this proposal would be to invite “high-profile” regional speakers to address the (Regional) plenary. In addition, this kind of plenary arrangement could also be used as a forum to generate suggestions for follow up at the regional level that would then feed into the ILO Regional Meetings. This could make the agenda of the ILO Regional Meetings more focused and the meeting duration shorter (with the financial savings that this could bring).

b) Arrangement for tripartite delegations: To strengthen the tripartite nature of the ILO, as well as to foster a tripartite dialogue among national delegations, the Plenary could be arranged in such a way that government, employer, and worker representatives of the same country would speak one after the other. This would ensure a more interactive discussion in the plenary.

c) Pre-recorded speeches: All delegations could be offered the opportunity to pre-record their speeches and, with the help of the Office, post them on the internet or have a digital video speech which can be played back at any time in a designated room during the Conference or on the ILC website. The Office could install monitors at the venue of the ILC for the purpose of airing such speeches for interested participants. Participants may also be given the opportunity to submit their statements in writing to be incorporated directly into the Conference records.

d) The GB Chairman's Report: The discussion of this Report could be developed into a high-level plenary session designed to discuss a key strategic consideration(s) of the ILO.

e) The DG's Report: This discussion should allow constituents to address matters they think are important. Discussion on the Report should be interactive and not simply reactive as it is currently. Thought should be given to the possibility of having the DG's Thematic Report in alternate years or not having it at all.

17. The Political Conference should only be reserved for tripartite national delegations. Therefore NGO interventions and participation should be excluded from the plenary debates.

### **The Technical Conference**

18. The main objective of the "Technical Conference» would be to enhance the technical contribution of the ILO to the world of work. It would be held in even years and would address only technical matters without having a plenary discussion. The Technical Conference would have a duration of two weeks. The double discussion procedure for standard-setting would be kept, except that it would not be done in consecutive years, thus allowing for other types of discussions, such as preparatory technical meetings and informal/formal consultations to take place between Technical Conferences.

19. No more than one technical item would be discussed at each Technical Conference, so as to allow for a more in-depth discussion. It would also allow smaller delegations to avoid missing out on important discussions. All delegations should be encouraged to submit their ideas in writing in order to reduce the time spent on discussion.

20. Optimal use of new technology for committee discussions is indispensable. Using pc-projectors is especially necessary for the revision of texts in order to share the outcome among all participants simultaneously and to save time.

21. Appointment of Officers for Technical Committees: Officers of technical committees (government, employer and worker) should be appointed at least one year in advance in order to enable the Office to prepare the work of the Conference. This would evidently include the appointment of the Chairperson of the Committee by the Governmental Group. If the appointment of a specific person as Chairman is not possible, at least the country from which the Chairperson would be chosen should be identified so that the Office can start working with the relevant Ministry of Labour to prepare the work of the Conference.

#### **Duration and use of time**

22. The most immediate observation is in relation to the way time is used (or misused) during the Conference. It takes a real commitment from participants to annually attend the Conference throughout its three-week duration. Two options are envisaged. First, to better utilize the time available, and, second, make real efforts to reduce the duration of the Conference. Making better use of time and/or a shorter, more political role for the June Conference would surely increase the visibility and relevance of the ILC. It would also foster greater participation from very senior people from all three ILO constituents. In the light of this, one option that has been put forward that deserves due consideration is to make better use of the last week of the Conference (during which Committee reports are being adopted) by holding the June GB session at that time. This proposal would help to reduce the duration of the time spent in Geneva by GB delegates, while increasing the visibility of that particular GB session.

#### **IV. THE COMMITTEE ON APPLICATION OF STANDARDS AND THE GLOBAL REPORT**

23. The **Committee on Applications of Standards** should continue its work during both Technical and Political Conferences. One possibility would be for the Committee on Applications of Standards to focus its work on the fundamental ILO Conventions during the Political Conference, and on Technical Conventions during the Technical Conference. However, safeguards should be put in place to avoid confusion between the work carried out by the Committee on Applications of Standards and the Follow-up to the Declaration (Global Report).
24. The working methods and procedures of the Committee on the Application of Standards must continue to focus on enhancing its transparency, objectivity, and, most importantly, credibility. ILO Constituents involved in the work of the Applications Committee should have sufficient time to prepare their contributions. This is particularly important for those governments invited by the Conference to present information concerning the application of a particular convention within their territory (the "List" of individual cases).
25. In order to allow preparation well in advance, an initial proposal of a "List" could be elaborated during the GB March session (two months in advance of the ILC) within the framework of the LILS Committee. The proposal would not be definitive nor binding on the ILC (in order to respect its

autonomy), but rather a recommendation that could be officially adopted by the Conference with any changes it deems necessary. This procedure would address allegations of a lack of transparency by involving governments in the process of selection and allow for sufficient time for preparation for all the ILO constituents and the Office.

26. The **Global Report** should continue to be discussed during both Technical and Political Conferences. The ILO should look for ways to improve the visibility of the ILO Declaration on Fundamental -Principles and Rights at Work by giving wide publicity to the discussion of the Global Report through the international media. An attractive discussion through dialogue and question-and-answer sessions between tripartite panellists and the audience could be a way forward.

## V. OTHER RELATED ISSUES

*a) Time management:* Frequent recourse to night and weekend sessions not only puts a strain on limited financial resources, but also has an unhealthy impact on participants, Office staff and support personnel. In view of this, stricter enforcement of time limits on all interventions is needed, as introduced in other forums. Interventions in the committees should be limited to a maximum of 5 minutes except for the employers' and workers' spokespersons, who would have 15 minutes each. There should be strict adherence to the committee meeting timetable, especially the time when it is to start, reconvene, and finish.

*b) Documentation:* In cases where no deadline is specified in the Standing Orders, all documents related to the Conference must be available at least one month before the commencement of the Conference. Documents related to General Discussion must be short and succinct, factual, to the point, and free from lengthy examples.

*c) Communication with the external world:* The ILC is one unique occasion when employers, workers and social policymakers of the highest level gather under one roof. Yet, it does not have the profile it should. Better communication with the outside world should be sought in order to explain to the public and the media what the ILC is and what it does.

*d) Side events:* The number of side events should be reduced. Side events frequently take away time and distract the attention of delegates attending the Conference. If any additional event is to take place during the Conference –be it Political or Technical-, it should not interfere with the work of the ILC.

*f) NGO:* NGOs should not be part of the Political Conferences. During the Technical Conferences, there should be no change in the present legal position and procedures concerning NGOs. It should also remain a matter for the Officers of the Committee (and not for the Office) to decide the time allocation for NGOs. Any engagement with NGOs should only be after prior consultations with the Officers of the ILC and be transparent to ILO constituents. The Office should fully apply the Resolution on Tripartism adopted by the International Labour Conference. NGOs must meet the criteria of the present standing orders in order to participate –as observers- in the ILC.

\* \* \* \* \*

Summary

OBJECTIVES

- ❖ Making the ILC relevant to the modern world of work
- ❖ Increasing its profile (particularly with regard to its Plenary)
- ❖ Improve the effectiveness of its outcomes
- ❖ Efficient use of limited resources

PROPOSALS

1. Alternating between a technical and a political conference
2. The Committee on Application of Standards and the Global Report
3. Other related issues

Year no. 1	Year no. 2	Year no.3	Year no. 4
Technical Conference (First discussion)	Political Conference	Technical Conference (Second discussion)	Political Conference (Voting of new Instrument)