



ELEVENTH ITEM ON THE AGENDA

**Reports of the Committee on Legal  
Issues and International Labour  
Standards**

**First report: Legal issues**

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1. The Committee on Legal Issues and International Labour Standards (LILS Committee) met on 14 November 2002. It elected the following officers:

*Chairperson:* Mr. G. Corres (Government, Argentina)

*Employer Vice-Chairperson:* Mr. B. Boisson

*Worker Vice-Chairperson:* Mr. U. Edström

## **I. Replacement of the electronic voting system and introduction of a new information technology at the International Labour Conference** (First item on the agenda)

2. The Committee had before it an Office paper<sup>1</sup> containing technical proposals concerning the replacement of the electronic voting system and the introduction of new information technology at the International Labour Conference, as well as a plan for their implementation.
3. The Employer members, although convinced that the present system had its limitations and aware of the risks involved if it were to be used too long, nevertheless wondered if this was the right time to replace it. Given the considerable changes in information technology, it might be better to gain one or two years before replacing it. The old system had disadvantages in that it was only used in one place, once a year, and it required a certain amount of checking and maintenance each time that it was used; the Office paper did not specify the cost of this maintenance. Although the new proposed system would be more efficient and more reliable than the existing one, its cost – US\$600,000 – was high. Furthermore, the Employer members noted that the document did not provide information on any savings the new system might bring and consequently its return on investment. As the new system would facilitate the discussion of amendments in the Conference committees, they wondered if this might make it possible to shorten the Conference. As regards the type of equipment selected, the Employer members did not have any particular views on the matter; this was a technical choice that required explanations from the experts. Finally, they pointed out that the ILO's philosophy was to seek consensus at meetings; making an electronic voting system accessible should in no way undermine this principle. With these reservations, the Employer members approved the launching of competitive bidding for the acquisition of a new system in accordance with the Office's proposals.
4. The Worker members recognized the reasons for the replacement of the current electronic voting equipment as being the insufficiency of replacement parts and the non-existence of external technical support consultants. They expressed approval for the combination of radio networking technology in conjunction with portable computer equipment (especially PC tablets) as expressed in the Office paper. Nevertheless, they felt that certain clarifications were needed. Firstly, they hoped that the choice had been made after an inquiry amongst other international organizations as to the type of equipment that they utilized and the reliability of their respective systems. Secondly, that the equipment was

<sup>1</sup> GB.285/LILS/1.

sustainable and compatible with a wider usability. Further, while the Worker members supported the replacement of the voting equipment, they suggested that when entering into the details of the contractual arrangements for the delivery of the system, certain safeguards be included. For example, that the contractor engaged bear responsibility in the event that the system failed. With reference to the identification of the voters, the Worker members expressed concern with respect to the application of a system of PIN codes and therefore supported the continued use of magnetic cards or the like. Lastly, the Office was asked to take into account the necessity of training for delegates. Agreement was expressed with regard to the Employer members that there should be no deviation from consensus building if, as a result of the replacement of the voting equipment, its accessibility was increased.

5. The representative of the Government of the United States, speaking on behalf of the IMEC group, noted with satisfaction the information that was submitted regarding the current electronic voting equipment and the proposals for its updating and improvement. Note being taken that the current equipment was outdated, inflexible, worn out and not repairable, she endorsed the combination of radio networking technology in conjunction with portable computer equipment. Further, she relied on the Office's expertise with regard to the selection of the technical aspects of the future voting equipment with the understanding that the technology that would be utilized would be forward-looking, flexible and adaptable whilst ensuring that it be user-friendly, simple to operate and capable of expanded uses. For example, that it would be capable of being employed in the Governing Body and the committees of the International Labour Conference. Concerning the subject of security, as raised in the Office paper, it was expressed that not only should it be considered in the context of the equipment itself, but should also include the system. On the subject of the identification of the users, agreement was expressed that some form of identification was necessary and if PIN codes were both economical and adaptable, then its selection would be acceptable. However, clarification from the Office was sought as to who would receive PIN codes: would they be required for users in technical committees or just the delegates or those alternates authorized to vote? With reference to the timetable envisaged, she expressed concerns as it was extremely tight given the necessary paperwork for competitive bidding and awarding of contracts, and sought assurances that the system would be developed carefully and not rushed to meet the June 2003 deadline. Lastly, she noted that the financing of this item had been recommended by the Programme, Financial and Administrative Committee. In view of this, she looked forward to an update to be provided at the next session of the Governing Body.
6. The representative of the Government of the Republic of Korea, speaking on behalf of the Asia-Pacific Government group, acknowledged that the Office paper represented an important step towards replacing an outdated system. He nevertheless regretted that the only justification this paper gave for the replacement of the system was that it was obsolete; it did not give an adequate cost-benefit analysis of the new system compared to the old system. While stressing that it would be up to the Office to choose the best possible system, that which was the most user-friendly and beneficial for the delegates, he pointed out that he supported the point for decision.
7. The representative of the Government of Nigeria, speaking on behalf of the African Government group, recalled that the Governing Body had, since its session in November 2001, considered that the present system should be replaced for the reasons listed in paragraphs 10 to 12 of the paper submitted to this session of the Governing Body. While stating that the costs indicated could still change depending on the various technical options, he hoped that the new system would be introduced as soon as possible given the time that would be required for the competitive bidding process and the signing of a contract with the provider – and the need to ensure that a good service would be provided. He expressed his support for the Office's proposals, provided that the system would

improve the running of the Organization, by allowing a more reliable counting of votes and a time-saving; it should be capable of expanded uses so that it would not be outdated after several years.

8. The representative of the Government of the Russian Federation approved the Office's proposals. He pointed out that the new system was not only more straightforward than the former one, but it had a much greater inbuilt potential. It would be possible to use it for all ILO meetings, not only for voting, but also for drawing up texts of these meetings – simultaneously in all the official languages – thanks to the screens which were an integral part of the equipment proposed. This would allow for a reduction in the length of these meetings. The speaker wondered if the Office had carefully studied all the possibilities provided by such a system.
9. The representative of the Government of Japan, associating himself with the statements made on behalf of the IMEC group, expressed satisfaction for the Office's further efforts to provide information for the replacement of the voting equipment and the introduction of new information technology. However, he emphasized the necessity of any new equipment to be cost-effective and user-friendly.
10. The representative of the Government of Spain appreciated the efforts that had been made to explain the technology in layman's terms. However, he stressed that if the technology were to achieve results it would have to be simple, increase efficiency and be understandable. He considered that the estimated cost seemed rather reasonable. Provided that the new equipment increased effectiveness and facilitated voting, and that consideration be given to guarantees with respect to the functioning of the equipment and an estimated duration support, he supported the proposal for the replacement of the electronic voting equipment. On the matter of voter identification, he wondered whether PIN codes could not be assigned to the tripartite groups instead of individuals, as this would permit greater flexibility as they would not be tied to one person.
11. While endorsing the statement made on behalf of the IMEC group, the representative of the Government of Germany wished to emphasize that it was important for the system to be easy to use, including for delegates with limited technical competence. It would be useful to prepare a simple set of instructions which delegates could carry with them and consult rapidly when votes were taken; without this, the Office might have to make additional staff available to help delegates during votes. Lastly, he wondered whether it was possible for the electoral colleges to use the system in Governing Body elections, where voting was done by secret ballot.
12. The representative of the Government of France said that he was absolutely convinced of the need to replace the existing system. The Conference was currently still at the mercy of possible technical failures, which could have very serious consequences, given the length of the manual voting procedure. With regard to the technical options available, he wished to emphasize the importance of having a system that was easy to use and of proper training by the Office, either oral or based on written material, given that errors did occur even with the existing system. Lastly, he wanted to know why the proposed new system would have 200 mobile voting stations, although the current system had only 180 fixed stations.
13. The representative of the Government of Ecuador expressed support for the statements made by the representative of the Government of Germany, and emphasized the necessity of the system to be understandable. Further, he encouraged the Office to prepare a manual that would facilitate the equipment's use and accessibility.
14. In response to the various concerns and questions raised, the Director of the Relations, Meetings and Document Services Department recalled that the current equipment had an

extremely high risk of operational failure which had prompted the Office to call for a recess when conducting several votes at the Conference so that the system could be refreshed in an effort to avoid a collapse. When the system had been introduced, there was nothing on the market that met the ILO's requirements and both the equipment and the applications had been tailored to those requirements. The system had served the ILO well and had resulted in significant savings, as the Committee had assessed in November 2001. The technical choice for its replacement had been made after a survey of standard voting systems now available on the market. However, it appeared that none of those systems was adapted to ILO needs or to the development of further applications as requested by constituents. The proposals contained in the Office paper were thus based on standard proven equipment, so as to ensure reliability and sustainability and allow upgrades in the future. Radio technology, for instance, was extensively used in supermarkets to control inventory. Given the suitability of the portable stations for use with keyboards, additional flexibility existed. Furthermore, the present restriction on the equipment being used only once a year would not exist, as it would not be cabled into the Palais, as was presently the case. With that additional flexibility, the use of the equipment could be expanded to Conference committees for the management of texts and amendments, the Governing Body, Regional and sectoral meetings as and when required, or even to the many elections and surveys within the Office. Regarding the actual cost-effectiveness of the new system, it would be possible to assess it only on the basis of experience of its potential extended uses. It would however ensure that time and staff cost savings achieved with the current system would be fully maintained. In response to the question regarding the number of voting stations, he explained that a minimum of one station per national delegation was necessary to vote in plenary. If the system was also to be used by committees for the management of amendments and proposed texts (at times when the plenary conducts no votes), portable equipment should be available in sufficient number so as to be available simultaneously for at least two standard-setting committees. With regard to the identification of voters, there was greater expense with the smart or magnetic cards versus the PIN codes, both in terms of the equipment and of the purchase of cards themselves, which could only be used for a single meeting. He affirmed that the need for training would be examined by the Office although, if the system was user-friendly, then that equipment should be minimal. With respect to the timetable, he assured that the Office would act deliberately and thoroughly and not rush the process. The target of the next Conference in June 2003 was intended to allow tests on the new equipment while the current one remained in use.

15. After recalling that the new system would comprise multiple options for use, irrespective of where it was used, the Deputy Legal Adviser said that the Standing Orders currently imposed certain restrictions. Electronic voting was envisaged as the standard voting procedure only for votes in the plenary sessions of the Conference, in accordance with article 19, paragraph 15, of the Standing Orders of the Conference. Following an amendment adopted at the previous session of the Conference, the electoral colleges could now also use electronic voting for Governing Body elections, without being required to request the Conference to suspend article 52, paragraph 3, of the Standing Orders. The decision to use electronic voting was, however, taken by each electoral college for each new election. As article 19, paragraph 16, of the Standing Orders indicated, in cases of secret electronic ballots, delegates' individual votes were never announced or recorded; the new electronic voting system would naturally continue to comply with that provision. The introduction of electronic voting in the Conference committees would require a new amendment to the Standing Orders, or the suspension of the relevant provisions, just as its introduction in the Governing Body would require an express decision by the latter. The Deputy Legal Adviser emphasized that the Governing Body would retain authority over its own Standing Orders and over any proposals to amend the Standing Orders at the Conference. Although the possibility of using electronic voting might be unproblematic from the point of view of the Standing Orders, whether or not it was actually used would depend, firstly, on a decision by the meeting itself to vote on a particular question (except

in cases where voting was obligatory, for example the election of the Director-General by the Governing Body) and, secondly, where the amendment or the suspension of the Standing Orders provided for it, on a decision by the meeting to use the available electronic voting system for the vote in question, in preference to traditional methods. The availability of an electronic voting system thus did not appear to jeopardize the practice of seeking consensus, which was in keeping with the spirit of the ILO.

**16. *The Committee accordingly recommends that the Governing Body:***

- (a) endorse the basic technical choice made by the Office, taking into account the various points made during the Committee's discussions;*
- (b) approve in principle, subject to its decision regarding the financing of this proposal, the replacement of the current electronic voting system and the introduction of a new information technology at the Conference as soon as possible.*

## **II. The role of the Credentials Committee** (Second item on the agenda)

17. The Committee had before it a paper<sup>2</sup> indicating the reasons for which it was considered more appropriate to postpone the discussion of the role of the Credentials Committee to the 286th Session of the Governing Body so as to allow better preparation of this complex subject based on more detailed research and broader consultations.
18. The Employer members said that they were aware of the scope of the subject and agreed to postponement of the discussion until the next session of the Governing Body. However, recalling that the Credentials Committee at the previous session of the Conference had indicated the urgency of the question, they requested that the Office consult the social partners via its Bureaux for Employers' Activities and Workers' Activities well before the March 2003 session of the Governing Body.
19. The Worker members emphasized that the question concerned a very serious situation for all of them and that they were aware of the need for further consultations. However, in view of the urgency of the situation, they emphasized that the Committee should examine the question at the next session of the Governing Body in March 2003.
20. The representative of the Government of Nigeria, speaking on behalf of the African group, supported postponement of the discussion to the next session so that a high-quality paper could be submitted to the Governing Body at its March 2003 session.
21. Replying to a request for clarification by the representative of the Government of the Republic of Korea, in particular for new members of the Governing Body, the Chairperson said that the Office would include all the necessary information in the paper to be presented at the next session of the Governing Body.

Geneva, 18 November 2002.

*Point for decision:* Paragraph 16.

<sup>2</sup> GB.285/LILS/2.