



SECOND ITEM ON THE AGENDA

Meetings of experts: Purpose, function and lessons learned

Introduction

1. Following concerns expressed on behalf of the IMEC group at the 288th Session of the Governing Body that meetings of experts were becoming more like tripartite sectoral meetings, the Office was asked to prepare a paper on meetings of experts for consideration by the Committee.¹

Background

2. Meetings of experts have been convened regularly by the Governing Body for many years, but more frequently in the past five to ten years (see table 1). They are typically small (five to ten participants per group) and have a very specific task – to advise the Office and the Governing Body on a well-defined subject – in the framework of the mandate given to them by the Governing Body. Some of these meetings provide recommendations and general guidance for current and future ILO activities, others adopt a code of practice or similar text for subsequent publication. This paper focuses on the latter type of meeting.
3. These meetings of experts review and amend a draft prepared by the appropriate department of the Office and adopt a code of practice or similar text covering a specific economic sector, category of worker, or technical aspect of work. Codes of practice are not legally binding, rather they provide practical guidance on, for instance, improving safety and health to practitioners in the sector concerned. Such codes have traditionally focused on occupational safety and health.

Evolution of meetings of experts

4. For a short time before and after the Second World War, the Governing Body authorized the Office to publish and disseminate to member States “model codes” containing

¹ GB.288/13, para. 19(d).

scientific and technical information. Their purpose was to provide technical guidance without creating legal obligations. Subsequently, the term “code of practice” was adopted.

5. For a short period (beginning in 1974), in order to lighten the workload of the Governing Body, the practice of submitting the full text of codes of practice was dropped. They were published by the Office and the Governing Body was informed.² However, in order to give the codes a higher status, it was later decided to have them endorsed by the Governing Body for publication.
6. “Guides” are companion publications to some codes of practice. They contain descriptive material on how to implement the code. They are not formally approved by meetings of experts, nor submitted to the Governing Body. They might, however, be considered by a meeting of experts or a panel of consultants for general comment prior to final publication.
7. “Guidelines” are not well defined but fall somewhere between codes of practice and guides. For all intents and purposes, however, guidelines, when adopted by a meeting of experts and reported to the Governing Body, are analogous to a code of practice. They often address an issue that does not require global attention, or is less technical than it would be in a code.³
8. Until the 1980s meetings of experts were just that: they were limited to the experts themselves. Experts were seated alphabetically by name to underline their independent expert status.
9. Gradually the door was opened to accommodate technical advisers accompanying the expert (initially without the right to speak) and invitations to the United Nations, for example, were not limited to a specific observer.
10. From the early 1990s onwards experts sat in their groups, and Employer and Worker experts tended to speak through a spokesperson. Introductory group meetings on the first day soon gave way to daily group meetings, most recently for Government experts as well. For cost reasons these meetings sometimes have to be held at the expense of the plenary sitting.

Differences between meetings of experts and sectoral meetings

11. The Standing Orders for sectoral meetings do not apply to meetings of experts.⁴ A footnote to article 1 of the Standing Orders states: “These Standing Orders are not intended to apply to meetings of experts, symposia or seminars – which operate without Standing

² GB.208/21/13, para. 11.

³ For example: *Technical and ethical guidelines for workers’ health surveillance* (1997); *ILO guidelines on occupational safety and health management systems* (2001); *Guidelines on safety and health in shipbreaking* (2004).

⁴ Sectoral meetings (SM/1996/SO).

Orders – ...”.⁵ However, when necessary, the rules and procedures generally accepted for ILO meetings provide guidance.

12. Given the developments noted above, there are, however, strong similarities between sectoral meetings and meetings of experts. They both have a chairperson and group spokespersons. They both have group meetings with interpretation, set up working parties, and the Employers’ and Workers’ groups have a secretariat. Both meetings adopt a report of the discussions.
13. The major difference between these meetings is their output. Sectoral meetings adopt conclusions and, possibly, resolutions concerning follow-up action, whereas meetings of experts adopt a code of practice (or guidelines) which are among the ILO’s instruments for enabling decent work.

Procedure

Topics

14. Suggestions for topics for meetings of experts arise and are dealt with in a variety of uncoordinated, ad hoc ways with different departments taking responsibility for producing them. Resolutions adopted by sectoral meetings have been the source of several codes of practice, some of which were developed as part of the Sectoral Activities Programme, others by what is now SafeWork. In other cases they have been suggested during budget planning following discussions with constituents. One recent code of practice (HIV/AIDS in the workplace) was a direct consequence of a resolution adopted by the International Labour Conference.

Soliciting comments

15. Prior to a meeting of experts, draft texts to be considered are circulated to all or relevant member States for comment, including from employers’ and workers’ organizations. Comments received are generally summarized by the Office and made available to the experts on arrival in Geneva. The full comments are also made available. The extent to which these comments are taken into account depends on the dynamics of the meeting. Draft texts are now also posted on the Internet. In the past, consideration was given to having some form of “double discussion” of a code of practice. It was not pursued because of the cost and time involved.

Selection of experts

16. Experts are supposed to “... serve in their personal capacity and act and speak in their expert capacity, not as representatives of any government, group, or other interest.”⁶ There

⁵ Chapter IX on conduct of business in the *General characteristics of sectoral meetings* also states in para. 27 “The conduct of business in sectoral meetings (except meetings of experts and seminars) is determined by the Standing Orders adopted by the Governing Body ...”.

⁶ Excerpt from a text approved by the Governing Body at its 180th Session (May-June, 1970) and reproduced in: International Labour Conference, 54th Session, Geneva, 1970, *Record of Proceedings* (Geneva, ILO, 1971), App. D. Miscellaneous, Report of the Working Party of the

is generally an equal number of experts from each of the three groups and they are chosen by the Governing Body on the recommendation of the Officers of the Governing Body and after consultation with the Employers' and Workers' groups, as appropriate. National tripartite delegations of experts have been rare.

17. Criteria for appointing experts include:

- (a) securing the highest possible level of qualifications in the meeting;
- (b) securing a balanced representation of different parts of the world and different points of view; and
- (c) securing the fullest and most appropriate use of the expert knowledge and experience available in the employers' and workers' circles.⁷

18. When soliciting Government-nominated experts, the Office has sometimes asked for information on the technical expertise and experience of the nominee. No such procedure is used for experts nominated by the Employers' and Workers' groups. While consideration has been given to soliciting more than one name for each expert position, so that a choice can be made, it has not been done.

Chairperson

19. In common with other ILO meetings, the chairperson is selected from among the experts nominated by Governments. This has not always been satisfactory, particularly when the number of experts is small. First, it removes a voice from the Government side. Second, a person who is expected to make a full expert contribution to the meeting cannot do so from the chair. Recent experience with appointing a competent chairperson from outside the group of experts has been positive.

Governing Body endorsement

20. Following the adoption of a new code of practice or guidelines, this text, together with a report of the meeting, is submitted to the Governing Body with a view to authorizing the Director-General to publish the text adopted by the experts.

Promotion

21. Following its publication – in hard copy and on the Internet – the Office promotes the use of new codes of practice or guidelines, particularly by means of national tripartite workshops and, where possible, organizes translation into languages other than English, French and Spanish. For the code of practice and guidelines to be considered in 2005, resources have already been budgeted for their promotion and the experts' views will be solicited on the approach to be taken.⁸

Governing Body of the International Labour Office on the Structure of the ILO, III, Composition of Meetings of Experts and Advisory Panels Established by the Governing Body, para. 260, pp. 44-45.

⁷ *idem*.

⁸ A revised code of practice on safety and health in the iron and steel industry; Meeting of Experts to Develop Guidelines for Labour Inspection in Forestry.

Lessons learned

Benefits of meetings of experts

22. Meetings of experts have been instrumental in the preparation of practical, comprehensive and topical technical guidance on a range of issues. Products from the meetings – such as codes of practice – can be an important part of the new approach to sectoral activities by focusing on their dissemination and implementation. Although they are not legally binding, many governments have used codes of practice as models for their national law and practice.⁹ Elements of some have also been incorporated into collective agreements. Without active promotion by the Office, however, including translations into other than the three basic languages, there is little chance of them being widely disseminated and used. Resources for promotion have been built in to the code and guidelines to be discussed in 2005.

Preparation

23. Having the experts nominated at least four months before the meeting should enable greater pre-meeting interaction between them – individual, group or regional, particularly if it is encouraged by the Office. The extent to which views can be shared, issues addressed and solutions proposed before a meeting commences can only serve to streamline the formal consideration of the draft. The Office will solicit nominations and send invitations for the two meetings of experts in 2005 well beforehand.

Selection of experts

24. The Office often involves experts in the preparation of the draft document. It will ensure that the groups are aware of those who have already been involved so that their invitation can be considered.
25. Having expert resource persons take part has proved to be useful in resolving technical issues.

Chairperson

26. Having a chairperson from outside the group of experts has proved to be a success, provided that all experts were consulted beforehand and that the chairperson selected had expertise in the topic under discussion.

Topics for meetings of experts

27. Paragraph 9 of the conclusions of the discussion on ILO standards-related activities in the area of occupational safety and health (91st Session of the International Labour Conference, June 2003) states that: “Occupational safety and health is an area which is in constant technical evolution. High-level instruments to be developed should therefore focus on key principles. Requirements that are more subject to obsolescence should be

⁹ ILC, 91st Session, June 2003, *Provisional Record* No. 22, para. 10.

addressed through detailed guidance in the form of codes of practice and technical guidelines. The ILO should develop a methodology for a systematic updating of such codes and guidelines.” To a certain extent, such a process could enable the political discussion to take place at an earlier stage, thereby clearing the way for technical discussions during the meeting of experts. Pending the development of a methodology, the practice of discussions in the Committee on Sectoral and Technical Meetings and Related Issues to decide on topics for meetings of experts should adequately perform that function as far as sector-specific topics are concerned.

The way forward

28. The Committee might wish to consider that:

- (a) when a meeting of experts is decided upon by the Governing Body, the precise purpose of the meeting and the role of the experts should be explicitly stated. In particular, persons appointed to serve as members of a meeting of experts should act and speak in their expert capacity and not as representatives of any Government, group, or other interest;
- (b) expert nominees should submit to the Office their experience and qualifications, through the groups as appropriate, in order to assure the highest possible level of qualifications in the meeting;
- (c) expert resource persons should be invited by the Office to take part in meetings of experts, particularly when they have been involved in preparing draft texts for consideration by the meeting;
- (d) nominees to meetings of experts should be identified by the time a draft text is available in order to maximize the possibility for consultations among them before the meeting takes place;
- (e) an external chairperson who is familiar with the sector should be appointed in advance of the meeting, in consultation with the expert nominees;
- (f) when a meeting of experts is decided upon, resources should be earmarked from the start for translating codes of practice and guidelines into other languages and for promoting their use at the national level;
- (g) the Office review existing codes of practice and guidelines and, where necessary, propose a programme of revision over coming biennia.

29. The Committee is invited to take note of the paper and provide its comments on the proposed way forward.

Geneva, 10 February 2004.

Submitted for discussion.

Appendix

Table 1. Meetings of experts (1993-2003)¹ [Not final]

Held ¹	Title of meeting	Title of publication ²
28 September-5 October 1993	Meeting of Experts on Accident Prevention on Board Ship at Sea and in Port	<i>Accident prevention on board ship at sea and in port</i> (1996)
11-19 October 1993	Meeting of Experts on Working Time ³	
16-20 May 1994	Meeting of Experts on the Safety and Health of Workers in the Electronics Industry ³	
3-11 October 1994	Meeting of Experts on Recording and Notification of Occupational Accidents and Diseases	<i>Recording and notification of occupational accidents and diseases</i> (1995)
21-25 November 1994	Tripartite Meeting of Experts on Social Security and Social Protection: Equality of Treatment Between Men and Women ³	
23-31 January 1995	Meeting of Experts on the Management of Alcohol- and Drug-Related Issues in the Workplace	<i>Management of alcohol- and drug-related issues in the workplace</i> (1996)
22-26 May 1995	Meeting of Experts on Cooperative Law ³	
1-7 October 1996	Meeting of Experts on Workers' Privacy	<i>Protection of workers' personal data</i> (plus Commentary) (1997)
21-25 April 1997	Tripartite Meeting of Experts on Future ILO Activities in the Field of Migration ³	
2-9 September 1997	Meeting of Experts on Workers' Health Surveillance	<i>Technical and ethical guidelines on workers' health surveillance</i> (1998)
23-30 September 1997	Meeting of Experts on Safety and Health in Forest Work	<i>Safety and health in forestry work</i> (1998)
27 September-2 October 1999	Meeting of Experts on Labour Inspection in Child Labour ³	
27 January-2 February 1999	Meeting of Experts on Ambient Factors in the Workplace	<i>Ambient factors in the workplace</i> (2001)
15-19 May 2000	Meeting of Experts on Workers in Situations Needing Protection ³	
17-26 January 2000	Meeting of Experts on Safety in the Use of Insulation Wools	<i>Use of synthetic vitreous fibre insulation wools (glass wool, rock wool, slag wool)</i> (2000)
19-27 April 2001	Meeting of Experts on ILO Guidelines on Occupational Safety and Health Management Systems	<i>ILO guidelines on occupational safety and health management systems</i> (2001)

¹ Meetings of experts on labour statistics have been excluded as being outside the purview of this paper.

Held ¹	Title of meeting	Title of publication ²
14-22 May 2001	Meeting of Experts on HIV/AIDS and the World of Work	<i>HIV/AIDS and the world of work</i> (2001)
28 August-4 September 2001	Meeting of Experts on Safety and Health in the Non-Ferrous Metals Industries	<i>Safety and health in the non-ferrous metals industries</i> (2003)
3-12 October 2001	Meeting of Experts on Managing Disability in the Workplace	<i>Managing disability in the workplace</i> (2002)
6-8 May 2002	Meeting of Experts on Working and Living Conditions of Seafarers on Board Ships in International Registers	"Consensual statement" attached to the Final report of the Meeting of Experts, MEWLCS/2002/8
2-4 September 2003	Meeting of Experts on Labour Standards for the Fishing Sector ³	
7-14 October 2003 (Bangkok)	Interregional Tripartite Meeting of Experts on Safety and Health in Shipbreaking for Selected Asian Countries and Turkey	Safety and health in shipbreaking: Guidelines for Asian countries and Turkey ⁴ (forthcoming 2004)
8-15 October 2003	Meeting of Experts to Develop a Code of Practice on Violence and Stress at Work in Services: A Threat to Productivity and Decent Work	<i>Workplace violence in services sectors and measures to combat this phenomenon</i> (forthcoming 2004)
8-17 December 2003	Tripartite Meeting of Experts on Security, Health and Safety in Ports	<i>Security in ports</i> (forthcoming 2004) <i>Safety and health in ports</i> ⁵ (forthcoming 2004)

¹ All meetings held in Geneva unless otherwise stated. ² All published as codes of practice unless otherwise stated in the title (e.g. guidelines).

³ Provided advice. ⁴ Pending a decision by the Committee on Sectoral and Technical Meetings and Related Issues. ⁵ Joint ILO/IMO code of practice.