

in regard to the Governing Body and committees until the opening of the general session of the Conference next following that at which it was taken.

2. Notwithstanding the provisions of paragraph 1 of this article, after the Conference has approved an arrangement under which the arrears of a Member are consolidated and are payable in annual instalments over a period of years, the Member shall be permitted to vote provided that, at the time of the vote concerned, the Member has fully paid all instalments under the arrangement, as well as all financial contributions under article 13 of the Constitution that were due before the end of the previous year. For any Member which, at the close of the session of the Conference, has not fully paid all such instalments and contributions due before the end of the previous year, the permission to vote shall lapse.

#### ARTICLE 33

##### *Cessation of disqualification from voting*

When, as a result of the receipt by the Director-General of the International Labour Office of payments made by a Member, article 13, paragraph 4, of the Constitution ceases to be applicable to that Member:

- (a) the Director-General shall notify the Member that its right to vote is no longer suspended;
- (b) if the International Labour Conference, the Governing Body, the electoral colleges provided for in articles 49 and 50 of the Standing Orders of the Conference, or any committee concerned, has received the notification provided for in article 30 of the present section, the Director-General shall inform it that the right to vote of the Member is no longer suspended.

#### SECTION E

##### **Convention and Recommendation procedure**

#### ARTICLE 34\*

##### *General provisions*

1. *When a proposal to place an item on the agenda of the Conference is discussed for the first time by the Governing Body, the Governing Body cannot, without the unanimous consent of the members present, take a decision until the following session.*

2. *When it is proposed to place on the agenda of the International Labour Conference an item which implies a knowledge of the laws in force in the various countries, the Office shall place before the Governing Body a concise statement of the existing laws and practice in the various countries relative to that item. This statement shall be submitted to the Governing Body before it takes its decision.*

3. *When considering the desirability of placing a question on the agenda of the International Labour Conference, the Governing Body may, if there are spe-*

---

\* Ed. note: This article and the two following articles consist of provisions of the Standing Orders of the Governing Body which are included here for convenience of reference but are not part of the Standing Orders of the Conference.

*cial circumstances which make this desirable, decide to refer the question to a preparatory technical conference with a view to such a conference making a report to the Governing Body before the question is placed on the agenda. The Governing Body may, in similar circumstances, decide to convene a preparatory technical conference when placing a question on the agenda of the Conference.*

*4. Unless the Governing Body has otherwise decided, a question placed on the agenda of the Conference shall be regarded as having been referred to the Conference with a view to a double discussion.*

*5. In cases of special urgency or where other special circumstances exist, the Governing Body may, by a majority of three-fifths of the votes cast, decide to refer a question to the Conference with a view to a single discussion.*

#### ARTICLE 35

##### *Method of voting for placing items on the agenda*

*1. When agreement on the agenda of the Conference has not been reached without vote, the Governing Body shall decide by a first vote whether it will place all the questions proposed on the agenda. If it decides to insert all the questions proposed, the agenda of the Conference is considered as fixed. If it does not so decide, the procedure shall be as follows:*

*2. Each member of the Governing Body entitled to vote shall receive a voting paper on which a list of all the questions proposed is given, and shall indicate the order in which he wishes them to be considered for inclusion in the agenda by marking his first preference "1", his second "2" and so forth; a voting paper which does not indicate the order of preference for all the questions proposed shall be void. Each member shall place his voting paper in the ballot box as his name is called on the roll.*

*3. Whenever a question is indicated as a first preference, it shall be allotted one point, whenever it is indicated as a second preference, two points and so forth. The questions shall then be listed on the basis of the total points obtained, the question with the lowest total being regarded as the first in order of preference. If the voting results in an equal number of points for each of two or more questions, a vote by show of hands shall be taken as between them. If the voting is still equal, the order of preference shall be decided by lot.*

*4. The Governing Body shall then decide the number of questions to be placed on the agenda, in the order of priority established in accordance with paragraphs 2 and 3. For that purpose, it shall vote first on the total number of questions proposed minus one, second on the total number of questions proposed minus two, and so forth, until a majority is obtained.*

#### ARTICLE 36

##### *Preparatory conferences*

*1. When the Governing Body decides that a question shall be referred to a preparatory technical conference it shall determine the date, composition and terms of reference of the said preparatory conference.*

*2. The Governing Body shall be represented at such technical conferences which, as a general rule, shall be of a tripartite character.*

## Conference

Arts. 37, 38

52

3. *Each delegate to such conferences may be accompanied by one or more advisers.*

4. *For each preparatory conference convened by the Governing Body, the Office shall prepare a report adequate to facilitate an exchange of views on all the issues referred to it and, in particular, setting out the law and practice in the different countries.*

### ARTICLE 37

#### *Objections to items on the agenda*

*Const.* 16, 2 If an objection has been lodged against any item on the agenda by the government of any of the Members, the Conference, after hearing any report upon the subject which the Governing Body may have presented, shall, in accordance with article 16 of the Constitution of the Organization, decide whether such item is to be retained on the agenda or not.

### ARTICLE 38

#### *Preparatory stages of single-discussion procedure*

1. When a question is governed by the single-discussion procedure the International Labour Office shall communicate to the governments, so as to reach them not less than 18 months before the opening of the session of the Conference at which the question is to be discussed, a summary report upon the question containing a statement of the law and practice in the different countries and accompanied by a questionnaire drawn up with a view to the preparation of Conventions or Recommendations. This questionnaire shall request governments to consult the most representative organizations of employers and workers before finalizing their replies and to give reasons for their replies. Such replies should reach the Office as soon as possible and not less than 11 months before the opening of the session of the Conference at which the question is to be discussed. In the case of federal countries and countries where it is necessary to translate questionnaires into the national language the period of seven months allowed for the preparation of replies shall be extended to eight months if the government concerned so requests.

2. On the basis of the replies received the Office shall draw up a final report which may contain one or more Conventions or Recommendations. This report shall be communicated by the Office to the governments as soon as possible and every effort shall be made to secure that the report shall reach them not less than four months before the opening of the session of the Conference at which the question is to be discussed.

3. These arrangements shall apply only in cases in which the question has been included in the agenda of the Conference not less than 26 months before the opening of the session of the Conference at which it is to be discussed. If the question has been included in the agenda less than 26 months before the opening of the session of the Conference at which it is to be discussed, a programme of reduced intervals shall be approved by the Governing Body; if the Officers of the Governing Body do not consider it practicable for the Governing Body to approve a detailed programme it shall be in their discretion to agree on a programme of reduced intervals with the Director-General.

4. If a question on the agenda has been considered at a preparatory technical conference the Office, according to the decision taken by the Governing Body in this connection, may either:

- (a) communicate to the governments a summary report and a questionnaire as provided for in paragraph 1 above; or
- (b) itself draw up on the basis of the work of the preparatory technical conference the final report provided for in paragraph 2 above.

**ARTICLE 39***Preparatory stages of double-discussion procedure*

1. When a question is governed by the double-discussion procedure, the International Labour Office shall prepare as soon as possible a preliminary report setting out the law and practice in the different countries and any other useful information, together with a questionnaire. The report and the questionnaire requesting the governments to consult the most representative organizations of employers and workers before finalizing their replies and to give reasons for their replies shall be communicated by the Office to the governments so as to reach them not less than 18 months before the opening of the session of the Conference at which the question is to be discussed.

2. The replies should reach the Office as soon as possible and not less than 11 months before the opening of the session of the Conference at which the question is to be discussed. In the case of federal countries and countries where it is necessary to translate questionnaires into the national language, the period of seven months allowed for the preparation of replies shall be extended to eight months if the government concerned so requests.

3. The Office shall prepare a further report on the basis of the replies received indicating the principal questions which require consideration by the Conference. This report shall be communicated by the Office to the governments as soon as possible and every effort shall be made to secure that the report shall reach them not less than four months before the opening of the session of the Conference at which the question is to be discussed.

4. These reports shall be submitted to a discussion by the Conference either in full sitting or in committee, and if the Conference decides that the matter is suitable to form the subject of Conventions or Recommendations it shall adopt such conclusions as it sees fit and may either:

- (a) decide that the question shall be included in the agenda of the following session in accordance with article 16, paragraph 3, of the Constitution; or
- (b) ask the Governing Body to include the question in the agenda of a later session.

5. The arrangements referred to in paragraphs 1 to 4 shall apply only in cases in which the question has been included in the agenda of the Conference not less than 18 months before the opening of the session of the Conference at which the first discussion is to take place. If the question has been included in the agenda less than 18 months before the opening of the session of the Conference at which the first discussion is to take place, a programme of reduced intervals shall be approved by the Governing Body; if the Officers of the Governing Body do not consider it practicable for the Governing Body to approve a detailed programme it shall be in their discretion to agree on a programme of reduced intervals with the Director-General.

6. On the basis of the replies received to the questionnaire referred to in paragraph 1 and on the basis of the first discussion by the Conference, the Office may prepare one or more Conventions or Recommendations and communicate them to the governments so as to reach them not later than two months from the closing of the session of the Conference, asking them to state within three months, after consulting the most representative organizations of employers and workers, whether they have any amendments to suggest or comments to make.

7. On the basis of the replies received, the Office shall draw up a final report containing the text of Conventions or Recommendations with any necessary amendments. This report shall be communicated by the Office to the governments so as to reach them not less than three months before the opening of the session of the Conference at which the question is to be discussed.

8. The arrangements referred to in paragraphs 6 and 7 shall apply only in cases in which there exists a period of 11 months between the closing of the session of the Conference at which the first discussion took place and the opening of the next session of the Conference. If the period between the two sessions of the Conference is less than 11 months, a programme of reduced intervals shall be approved by the Governing Body; if the Officers of the Governing Body do not consider it practicable for the Governing Body to approve a detailed programme it shall be in their discretion to agree on a programme of reduced intervals with the Director-General.

#### ARTICLE 39 *bis*

##### *Consultation of the United Nations and other specialized agencies*

Where items are placed on the agenda of the Conference with a view to the adoption of a Convention or a Recommendation, the International Labour Office shall, at the same time as it is requesting governments for their comments on the proposed Convention or Recommendation, consult the United Nations and other specialized agencies in respect of any provision of the proposed Convention or Recommendation which affects the activities of such organization or organizations, and the comments of such organization or organizations shall be brought before the Conference, together with the comments received from governments.

#### ARTICLE 40

##### *Procedure for the consideration of texts*

1. The Conference shall decide whether it will take as the basis of discussion the Conventions or Recommendations prepared by the International Labour Office, and shall decide whether such Conventions or Recommendations shall be considered in full Conference or referred to a committee for report. These decisions may be preceded by a debate in full Conference on the general principles of the suggested Convention or Recommendation.

2. When the Conference has referred to a committee the text of a Recommendation only, a decision by the committee to propose a Convention to the Conference for adoption (in place of or in addition to the Recommendation) shall require a two-thirds majority of the votes cast.

3. If the Convention or Recommendation is considered in full Conference, each clause shall be placed before the Conference for adoption. During the debate and until all the clauses have been disposed of, no motion other than a

## Conference

Arts. 41, 42

55

motion to amend a clause of such Convention or Recommendation or a motion as to procedure shall be considered by the Conference.

4. If the Convention or Recommendation be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the Convention or Recommendation in accordance with the rules laid down in paragraph 3. The discussions shall not take place before the day following that on which copies of the report have been circulated to the delegates.

5. During the discussion of the Articles of a Convention or Recommendation, the Conference may refer one or more Articles to a committee.

6. If a Convention contained in the report of a committee is rejected by the Conference, any delegate may ask the Conference to decide forthwith whether the Convention shall be referred back to the committee to consider the transformation of the Convention into a Recommendation. If the Conference decides to refer the matter back, the report of the committee shall be submitted to the approval of the Conference before the end of the session.

7. The provisions of a Convention or Recommendation as adopted by the Conference shall be referred to the Drafting Committee for the preparation of a final text. This text shall be circulated to the delegates.

8. No amendment shall be allowed to this text, but notwithstanding this provision the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed to the Secretariat before the final vote is taken.

*Const.*  
19 9. On receipt of the text prepared by the Drafting Committee and after discussion of amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Convention or Recommendation in accordance with article 19 of the Constitution of the Organization.

### ARTICLE 41

#### *Procedure if a Convention fails to obtain a two-thirds majority*

If a Convention on a final vote fails to obtain the necessary two-thirds majority, but obtains a simple majority, the Conference shall decide forthwith whether the Convention shall be referred to the Drafting Committee to be drafted in the form of a Recommendation. If the Conference approves the reference to the Drafting Committee, the proposals contained in the Convention shall be submitted for the approval of the Conference in the form of a Recommendation before the end of the session.

### ARTICLE 42

#### *Official translations*

After the adoption of the French and English authentic texts, official translations of the Conventions and Recommendations may, at the request of interested governments, be drawn up by the Director-General of the International Labour Office. It will be open to the Governments concerned to consider such translations as authoritative in their respective countries for the application of the Conventions and Recommendations.

## ARTICLE 43\*

*Procedure for placing on the agenda of the Conference the question of revising a Convention in whole or in part*

1. *When the Governing Body, in accordance with the provisions of a Convention, considers it necessary to present to the Conference a report on the working of the said Convention and to examine if it is desirable to place the question of its revision in whole or in part on the agenda of the Conference, the Office shall submit to the Governing Body all the information which it possesses, particularly on the legislation and practice relating to the said Convention in those countries which have ratified it and on the legislation relating to the subject of the Convention and its application in those which have not ratified it. The draft report of the Office shall be communicated to all Members of the Organisation for their observations.*

2. *After a lapse of six months from the date of circulation to members of the Governing Body and to Governments of the draft report the Office referred to in paragraph 1, the Governing Body shall fix the terms of the report and shall consider the question of placing the revision in whole or in part of the Convention on the agenda of the Conference.*

3. *If the Governing Body takes the view that it is not desirable to place the revision in whole or in part of the Convention on the agenda, the Office shall communicate the above-mentioned report to the Conference.*

4. *If the Governing Body takes the view that it is desirable that the question of placing the revision in whole or in part of the Convention on the agenda of the Conference should be further pursued, the Office shall send the report to the governments of the Members and shall ask them for their observations, drawing attention to the points which the Governing Body has considered specially worthy of attention.*

5. *The Governing Body shall, on the expiry of four months from the date of the despatch of the report to the governments, taking into account the replies of the governments, adopt the final report and define exactly the question or questions which it places on the agenda of the Conference.*

6. *If at any time other than a time at which the Governing Body, in accordance with the provisions of a Convention, considers it necessary to present to the Conference a report on the working of the said Convention, the Governing Body should decide that it is desirable to consider placing upon the agenda of the Conference the revision in whole or in part of any Convention, the Office shall notify this decision to the Governments of the Members and shall ask them for their observations, drawing attention to the points which the Governing Body has considered specially worthy of attention.*

7. *The Governing Body shall, on the expiry of four months from the date of the despatch of this notification to the governments, taking into account the replies of the governments, define exactly the question or questions which it places on the agenda of the Conference.*

---

\* Ed. note: This article consists of provisions of the Standing Orders of the Governing Body which are included here for convenience of reference, but are not part of the Standing Orders of the Conference.

## ARTICLE 44

*Procedure in case of revision of a Convention*

1. When the revision in whole or in part of a Convention which has been previously adopted by the Conference is included in the agenda, the Conference shall proceed in accordance with the following provisions:

2. The International Labour Office shall submit to the Conference draft amendments drawn up in accordance with the conclusions of the report of the Governing Body recommending the revision in whole or in part of the Convention previously adopted and corresponding to the question or questions in respect of which a proposal for revision has been placed on the agenda.

3. The Conference shall decide whether it will take as the basis of discussion the draft amendments prepared by the International Labour Office, and shall decide whether they shall be considered in full Conference or referred to a committee for report. These decisions may be preceded by a debate in full Conference on the general principles of the proposed revision in whole or in part within the limits permitted by the agenda.

4. If the draft amendments are considered in full Conference, each of them shall be placed successively before the Conference for adoption. During the debate, and until all the draft amendments have been disposed of, no motion other than a motion to amend the text of one of them or a motion as to procedure shall be considered by the Conference.

5. If the draft amendments be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the text of each draft amendment in succession, in accordance with the rules laid down in the last preceding paragraph. The discussion shall not take place before the day following that on which copies of the report have been circulated to the delegates.

6. During the discussion of the draft amendments the Conference may refer one or more of them to a committee.

7. The amendments together with consequential amendments of the unamended provisions of the Convention under revision, as adopted by the Conference, shall be referred to the Conference Drafting Committee, which shall combine with them the unamended provisions of the Convention under revision, so as to establish the final text of the Convention in the revised form. This text shall be circulated to the delegates.

8. No amendment shall be allowed to this text but, notwithstanding this provision, the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed to the Secretariat before the final vote is taken.

9. On receipt of the text prepared by the Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Convention in accordance with article 19 of the Constitution of the Organization.

10. In accordance with article 14 of the Constitution of the Organization and subject in the provisions of article 16, paragraph 3, of the said Constitution, the Conference shall not at any stage of the procedure of revision revise in whole or in part a Convention which has previously been adopted by it, save in respect of a question or questions placed by the Governing Body on the agenda of the session.

ARTICLE 45

*Procedure in case of revision of a Recommendation*

*Const.*  
14; 16, 3

1. When the revision in whole or in part of a Recommendation which has been previously adopted by the Conference is included in the agenda, the International Labour Office shall submit to the Conference draft amendments corresponding to the question or questions in respect of which a proposal for revision has been placed on the agenda.

2. The Conference shall decide whether it will take as the basis of discussion the draft amendments prepared by the International Labour Office, and shall decide whether they shall be considered in full Conference or referred to a committee for report. These decisions may be preceded by a debate in full Conference on the general principles of the proposed revision in whole or in part within the limits permitted by the agenda.

3. If the draft amendments are considered in full Conference, each of them shall be placed successively before the Conference for adoption. During the debate, and until all the draft amendments have been disposed of, no motion other than a motion to amend the text of one of them or a motion as to procedure shall be considered by the Conference.

4. If the draft amendments be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the text of each draft amendment in succession, in accordance with the rules laid down in the last preceding paragraph. The discussion shall not take place before the day following that on which copies of the report have been circulated to the delegates.

5. During the discussion of the draft amendments the Conference may refer one or more of them to a committee.

6. The amendments, together with the consequential amendments of the unamended provisions of the Recommendation under revision, as adopted by the Conference, shall be referred to the Conference Drafting Committee, which shall combine with them the unamended provisions of the Recommendation under revision so as to establish the final text of the Recommendation in the revised form. This text shall be circulated to the delegates.

7. No amendment shall be allowed to this text but, notwithstanding this provision, the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed to the Secretariat before the final vote is taken.

8. On receipt of the text prepared by the Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Recommendation in accordance with article 19 of the Constitution of the Organization.

9. In accordance with article 14 of the Constitution of the Organization, and subject to the provisions of article 16, paragraph 3, of the said Constitution, the Conference shall not revise in whole or in part a Recommendation which has previously been adopted by it, save in respect of a question or questions placed by the Governing Body on the agenda of the session.

## ARTICLE 45 bis

*Procedure to be followed in the event of the abrogation\* or withdrawal of Conventions and Recommendations*

1. When an item to be placed on the agenda of the Conference concerns the abrogation of a Convention in force or the withdrawal of a Convention that is not in force or of a Recommendation, the Office shall place before the Governing Body a report containing all relevant information which the Office possesses on this subject.

2. When an item on abrogation or withdrawal is placed on the agenda of the Conference, the Office shall communicate to the governments, so as to reach them not less than 18 months before the opening of the session of the Conference at which the item is to be discussed, a short report and questionnaire requesting them to indicate within a period of 12 months their position, along with the reasons therefor, on the subject of the said abrogation or withdrawal, along with the relevant information. This questionnaire shall request governments to consult the most representative organizations of employers and workers before finalizing their replies. On the basis of the replies received, the Office shall draw up a report containing a final proposal which shall be distributed to governments four months before the session of the Conference.

3. The Conference may decide to examine this report and the proposal which it contains directly in a plenary sitting or send it to the Selection Committee. At the end of this examination in the plenary or in the light of the report of the Selection Committee, as appropriate, the Conference shall decide by consensus or, failing that, by a preliminary vote by a two-thirds majority to submit the formal proposal for the abrogation or withdrawal to a final vote. This record vote shall take place no earlier than the day following the preliminary decision.

**SECTION F****Procedure for the consideration by the Conference of proposed amendments to the Constitution of the Organization\*\***

## ARTICLE 46

*Inclusion of proposals for the amendment of the Constitution in the agenda*

1. Any proposal for the amendment of the Constitution of the Organization shall only be considered by the Conference if it has been included in the agenda of the Conference by the Governing Body at least four months before the opening of the session at which it is to be considered in accordance with article 14 of the Constitution, or has been included in the agenda of the Conference by the preceding session of the Conference in accordance with paragraph 3 of article 16 of the Constitution.

2. When including any proposal for the amendment of the Constitution in the agenda the Governing Body or the Conference, as the case may be, shall define exactly the question or questions which it includes in the agenda of the Conference.

---

\* Ed. note: Only applicable upon the entry into force of the Constitution of the International Labour Organisation Instrument of Amendment, 1997.

\*\* Ed. note: The entry into force of amendments is governed by article 36 of the Constitution.