

Governing Body

335th Session, Geneva, 14–28 March 2019

GB.335/LILS/2(Rev.)

Legal Issues and International Labour Standards Section
Legal Issues Segment

LILS

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SECOND ITEM ON THE AGENDA

Improving the functioning of the International Labour Conference: Comprehensive review of the Standing Orders of the Conference

Progress report of the intersessional consultations

Purpose of the document

This document presents the third progress report of the intersessional consultations concerning the comprehensive review of the Standing Orders of the International Labour Conference. The Governing Body is invited to take note of the report and provide guidance on the next stages with a view to a possible submission of a comprehensive set of amendments to the Standing Orders to one of its next sessions (see draft decision in paragraph 8).

Relevant strategic objective: All.

Main relevant outcome/cross-cutting policy driver: Enabling outcome B: Effective and efficient governance of the Organization.

Policy implications: None at this stage.

Legal implications: None at this stage.

Financial implications: None at this stage.

Follow-up action required: Organization of intersessional consultations.

Author unit: Office of the Legal Adviser (JUR).

Related documents: GB.335/INS/2/1; GB.334/INS/12(Rev.); GB.334/WP/GBC/2; GB.332/INS/12; GB.332/WP/GBC/3; GB.331/INS/17; GB.331/PV.

1. At its 331st Session (October–November 2017), the Governing Body requested the Director-General to undertake through electronic correspondence intersessional and Geneva-based consultations for the purposes of an in-depth review of the proposed amendments to the Standing Orders of the Conference and the preparation of any additional amendments, as may be necessary.¹
2. The intersessional consultation process aims at soliciting the views of the tripartite constituents on the proposed amendments to the Standing Orders of the Conference in an open, transparent, informed and effective manner, in order to facilitate the decision-making process in the Governing Body. No amendment will be decided until such time as the Governing Body takes a decision on the comprehensive set of amendments.
3. At its 332nd Session (March 2018), the Governing Body examined the first progress report on the intersessional consultations in respect of proposed amendments aimed mainly at deleting obsolete provisions or revising them so that they reflect current practice.² At its 334th Session (October–November 2018), the Governing Body examined the second progress report on consultations in relation to proposed amendments concerning general provisions (Part I) and the procedure in the plenary of the Conference (Part II, section A). These proposals aimed at codifying or modernizing certain practices. Throughout the discussions, members of the Governing Body reiterated their support for the in-depth review of the Standing Orders of the Conference and encouraged the Office to pursue intersessional consultations in a transparent and timely manner.³
4. A third set of proposed amendments concerning the provisions set forth in Part II, section H, of the Standing Orders regarding Conference committees was submitted for consultations on 15 January 2019. Respondents have expressed agreement with most of the proposed amendments.⁴ The following proposals in particular gave rise to comments:
 - With respect to the composition of committees and the right to participate in their work, it was suggested to maintain the possibility for members of the Employers' and Workers' groups to have personal substitutes; it was also suggested that the possibility for representatives of non-governmental organizations to make or circulate statements be expressly limited to the opening sitting and only if time permits.
 - While the proposal for a single Conference Drafting Committee was in principle accepted, it was suggested that the wording should clarify that the Drafting Committee will be convened with a changing composition if the Conference negotiates in parallel more than one formal instrument and that its composition reflects a geographical and linguistic balance.
 - Regarding the proposed insertion of a new provision on the authority of each Conference committee to set up subsidiary bodies, it was suggested that it should be specified that, as per current practice, a subcommittee works only by consensus and that if no agreement is reached the issue is referred back to the committee.

¹ [GB.331/INS/17](#) and [GB.331/PV](#), para. 480.

² [GB.332/WP/GBC/3](#) and [GB.332/INS/12](#).

³ [GB.334/WP/GBC/2](#) and [GB.334/INS/12\(Rev.\)](#), paras 26–30.

⁴ The Office received six replies: from the Employers' group, the Workers' group, the group of industrialized market economy countries (IMEC), and the Governments of Algeria, Chile and Mexico.

- With respect to the right to address the committee, it was suggested to allow more time for speeches made on behalf of a group.
- With respect to motions, resolutions and amendments, it was suggested that the rules applicable to committees be aligned or merged with the parallel provisions applicable to the plenary.
- With respect to the proposed new paragraph on the sequencing of amendments, it was suggested that in the interest of expediting committee discussions, it should be specified that when an amendment is rejected, all similar amendments fall.
- With reference to the proposed definition of consensus, it was suggested by some constituents that no definition be introduced in the Standing Orders given the difficulty to accurately define the term. Others proposed that a member who is not a regular member should also have the power to prevent consensus.⁵
- With respect to record votes it was proposed to keep the current wording of the Standing Orders under which the Chairperson is obliged to take a record vote if the result of a vote by show of hands is challenged; it was also suggested to clarify that a record vote requested by a group be taken immediately after the vote by show of hands.
- With respect to the secretariat, it was suggested that the Secretary-General of the Conference or his or her representative be allowed to address committees with the permission of the Chairperson only after she or he has consulted the Vice-Chairpersons.

5. Other comments were related to pure drafting matters or raised certain queries.
6. A fourth set of proposed amendments is expected to be circulated after the present session of the Governing Body to enable the three groups to provide comments before the 108th Session of the Conference. The fourth set of proposals will aim mainly at aligning specific provisions set forth in Part II, sections E (Convention and Recommendation procedure) and F (Procedure for the consideration by the Conference of proposed amendments to the Constitution of the Organisation) with the proposed establishment of a single Conference Drafting Committee as per consultation form No. 3. It will also address provisions of section G (Governing Body elections) with a view to codifying or modernizing certain practices.
7. As requested during the discussion at the 334th Session (October–November 2018), the Office will make the necessary arrangements to ensure that the consultations continue in a timely and effective manner so that a comprehensive set of amendments be submitted to the Governing Body for its consideration at one of its next sessions.

Draft decision

8. *The Governing Body took note of the third progress report on the intersessional consultations concerning the comprehensive review of the Standing Orders of the Conference and provided guidance on the next stages.*

⁵ See also comments made in the context of the second set of proposed amendments; GB.334/WP/GBC/2, para. 5.