



THIRD ITEM ON THE AGENDA

Other legal issues**Compendium of rules applicable to the Governing Body: Proposals for revision, including to promote gender equality**

1. At its 294th Session (November 2005), the Governing Body approved the publication of the *Compendium of rules applicable to the Governing Body*.¹ Since publication in 2006, several of the rules applicable to the Governing Body have been revised, and other practices have further developed. It thus seemed appropriate to advise the Governing Body of such revisions and to present an opportunity to consider other matters that could ensure an up to date and useful set of rules applicable to the Governing Body.
2. As at the time of the original exercise, the present consideration would not take the form of new amendments to rules or decisions, or to the Standing Orders of the Governing Body. It would aim to update the texts already contained in the *Compendium* and to clarify that, following amendment or revision by the Governing Body or the International Labour Conference, such texts should be updated by the Office at appropriate intervals. It would also provide an occasion to determine whether other rules and decisions relating to specific functions of the Governing Body could usefully be included in the *Compendium*, and whether revisions to the Standing Orders of the Governing Body aimed at promoting gender equality in language usage should be prepared for consideration.

Constitution of the International Labour Organisation and selected texts

3. Following amendments to the Standing Orders of the Conference adopted by the 97th Session of the International Labour Conference,² production of a new print edition of the booklet, *Constitution of the International Labour Organisation and selected texts*, is under way. Along with the Constitution of the ILO and the amended Conference Standing

¹ GB.294/LILS/1 and GB.294/9(Rev.), para. 24.

² ILO: *Provisional Record* No. 2-2, International Labour Conference, 97th Session, Geneva, 2008, adopted by the Conference on 10 June 2008, see *Provisional Record* No. 17, p. 21.

Orders, the booklet will reproduce, for ease of reference, the agreement between the United Nations and the ILO and, as a new addition, the resolutions of the Conference adopted in 1948 concerning privileges and immunities of the ILO which annexed the text of the UN Convention on Privileges and Immunities of the Specialized Agencies.³ As discussed during the development of the *Compendium*, the *Compendium* is intended to complement these basic texts by drawing together, in a separate publication, the rules established by the Governing Body to govern its work with those adopted to govern particular aspects of the Organization's activities.⁴

Standing Orders of the Governing Body

4. Since the last publication of the *Compendium*, the Governing Body has amended article 2.3.1 by adding a new subparagraph (b) to delegate authority to the Officers to invite member States or States which are not Members of the Organization.⁵ This amendment, which was approved in particular to facilitate participation in Regional Meetings, will be reflected in the updated edition.

Annexes to the Compendium

5. In some cases where the performance by the Governing Body of the functions assigned to it by the Constitution of the ILO has required the adoption of specific rules, the Governing Body has adopted them not as part of the body of its Standing Orders, but as specific sets of free-standing rules. Certain updates and corrections are needed to such texts already published in the annexes to the *Compendium*, including:

- Annex V, *Representation of non-governmental international organizations at ILO meetings*. Two corrections are contemplated for the updated edition.
 - (a) In order to align the Introductory Note's reference (page 63) to the official wording of the corresponding Note (page 72), the words "international employers' or workers' organizations" would be replaced by "non-governmental international organizations" and the words "or those included on the Special List" would be added after "other than those enjoying general or regional consultative status".
 - (b) In paragraph 8 of the *Note concerning arrangements applicable to non-governmental international organizations included in the Special List* (page 69), the wording of article 2(4) of the Standing Orders of the Conference would be corrected by replacing "before the opening of the session of the Conference"

³ ILO: Resolution concerning the Privileges and Immunities of the International Labour Organisation, and resolution concerning interim arrangements in regard to the Privileges and Immunities of the International Labour Organization, adopted by the International Labour Conference on 10 July 1948, in *Record of Proceedings*, Appendix XVIII, International Labour Conference, 31st Session, Geneva, 1948. See also GB.304/LILS/1.

⁴ See, for example, GB.294/LILS/1.

⁵ GB.301/11(Rev.), para. 25(iv); GB.301/PV, para. 224(d).

with the words “before the opening of the session of the Governing Body preceding the session of the Conference”.⁶

Possible additions to the Compendium

6. The Governing Body has adopted several other sets of rules applicable to its functions which could be considered for inclusion in the *Compendium* for ease of reference and use. These include the following:
- The *Procedures for the selection and appointment of the ILO External Auditor*, approved by the Governing Body in 2002.⁷ The publication of these procedures will offer an accessible point of reference for members in the exercise of their duties and highlight the role of the External Auditor in the accountability framework of the Organization. They are not included in the separately published *Financial Regulations* and *Financial Rules*.
 - The Standing Orders of the International Conference of Labour Statisticians, adopted by the Governing Body in 1981.⁸ As with other annexes, a brief explanatory note could precede the Standing Orders to explain the origin and purpose of this standing conference in light of its importance to the international study of labour issues, and the practice of the Governing Body in convening and following up the report and conclusions of each Conference.
7. The Governing Body has also taken important decisions that regulate certain procedures without their having been adopted as rules. Those procedures are contained in the corresponding Governing Body documents or *Records of Decisions*. They are not always reproduced in any sort of publication, note or online. Annex V (representation of non-governmental organizations at ILO meetings) and Annex VI (periodic reports on the absence of tripartite delegations or incomplete tripartite delegations) of the *Compendium* are examples of these types of decisions. In this regard, further consideration could be given to including the following as annexes to the *Compendium*:
- For meetings of experts approved by the Governing Body, a compilation of the decisions relating to the composition concerning such meetings for which the Governing Body established criteria in 1970.⁹ An explanatory note could set out applicable references to the procedures for meetings of experts (for which there are no standing orders) and on follow-up action by the Governing Body.
 - In the absence of a provision in the Constitution or the Standing Orders of the Conference for the participation in the General Conference of separate tripartite delegations from non-metropolitan territories, the Governing Body, in 1954,

⁶ See Standing Orders of the International Labour Conference, article 2(4).

⁷ The text is found in Appendix 1 of GB.285/PFA/3.

⁸ GB.218/21/23 (Nov. 1981), Appendix. *Record of Decisions*, para. 143.

⁹ GB.178/4/22; GB.178/4/22(Concl.), approved by the GB at its 180th Session (May–June 1970), *Record of Decisions*, paras 8–9. The text relating to composition of such meetings is reproduced in the *Record of Proceedings* of the ILC, 54th Session, 1970, Appendix D, Miscellaneous, Report of the Working Party of the Governing Body of the International Labour Office on the Structure of the ILO, Part III of the Report, Composition of Meetings of Experts and Advisory Panels established by the Governing Body, para. 260, pp. 44–45.

established a procedure to provide for such participation. Such a procedure is reproduced only in the record of the 124th Session (March 1954) of the Governing Body.

Revisions to promote gender equality

8. In keeping with the revisions adopted by the Governing Body and by the Conference in 2008 to the Standing Orders of the Conference in order to promote gender equality, revisions to certain of the texts in the *Compendium* to align the contents with the same general approach may be desirable. Using the approach adopted in the three languages for the texts at the Conference,¹⁰ a detailed review of the Introductory note and Standing Orders of the Governing Body, could be conducted in order to submit proposals to the Governing Body at its next session for possible adjustments in this regard.
9. *In light of the above, the Committee may wish to recommend to the Governing Body to:*
 - (a) *decide that, following any revision by the Governing Body or the Conference, texts in the Compendium of rules applicable to the Governing Body should be routinely updated by the Office, both electronically and, at appropriate intervals in print; and*
 - (b) *request the Office, in light of the discussion in the Committee, to submit more detailed proposals to the next session of the Governing Body for possible improvements to the Compendium, including revisions to the Standing Orders of the Governing Body in relation to promoting gender equality.*

Geneva, 16 February 2009.

Point for decision: Paragraph 9.

¹⁰ See *Provisional Record* No. 2-1A(Supp.) (English, French and Spanish versions), International Labour Conference, 97th Session, Geneva, 2008; *Provisional Record* No. 2-2, International Labour Conference, 97th Session, Geneva, 2008, note 2 and paras 15–20; GB.301/11(Rev.), para. 25(ii); and GB.301/PV, para. 224(b).