



Governing Body

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Legal Issues and International Labour Standards Section
Legal Issues Segment

LILS

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FIRST ITEM ON THE AGENDA

Standing Orders of the International Labour Conference: Proposed amendments arising from the Conference reform proposals of the Governing Body

Purpose of the document

In response to a decision by the Governing Body on the recommendation of the Working Party on the Functioning of the Governing Body and the International Labour Conference, this document proposes amendments to the Conference Standing Orders that are necessary to implement the reform proposals on which tripartite consensus has been reached so far. It also proposes options for one issue on which the Office requires further guidance from the Governing Body.

The Governing Body is asked to invite the Conference to adopt the proposed amendments to its Standing Orders and to request the Office to prepare further amendments for the following session of the Governing Body.

Relevant strategic objective: Cross-cutting.

Policy implications: None.

Legal implications: No immediate implications but, if agreed, obligation to submit the proposed amendments to the Standing Orders to the Conference.

Financial implications: None.

Follow-up action required: Submission of a draft resolution to the International Labour Conference adopting the proposed amendments to the Conference Standing Orders; preparation of a second set of amendments for the 320th Session (March 2014) of the Governing Body.

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Related documents: GB.312/WP/GBC/1; GB.312/INS/13; GB.313/WP/GBC/1; GB.313/INS/10; GB.316/WP/GBC/1; GB.316/INS/12; GB.317/WP/GBC/1; and GB.317/INS/10.

1. At its 317th Session (March 2013), the Governing Body, on the recommendation of the Working Party on the Functioning of the Governing Body and the International Labour Conference, requested the Office to prepare for its 319th Session (October 2013), *inter alia*, a first set of proposed amendments to the Standing Orders of the International Labour Conference (hereinafter the “Standing Orders”) on the issues on which tripartite consensus had been reached but which required, for their implementation, amendments to the Standing Orders at the 103rd Session (2014) of the International Labour Conference. It also requested additional information on pending issues requiring further consultations and discussion.
2. Consensus was reached on the following proposals entailing amendments to the Standing Orders: the non-reactivation of the Resolutions Committee, the shortened opening sitting, the definition and function of plenary period II, and in particular the discussion of the Reports of the Director-General and the Chairperson of the Governing Body and the World of Work Summit.¹ However, in relation to the proposal not to reactivate the Resolutions Committee, reservations were expressed as to the appropriate forum for the discussion of draft resolutions not related to agenda items.² On this issue, the Office would need further guidance from the Governing Body to be able to prepare amendments to the Standing Orders.
3. Accordingly, this document contains specific proposals for amendments to the Standing Orders for the abovementioned proposals (part I), with the exception of the proposed non-reactivation of the Resolutions Committee, for which possible options are outlined (part II). The numbering of the proposals follows the numbering of the items in table 1 of document GB.319/WP/GBC/1.

Specific proposals for amendments to the Standing Orders

Opening sitting (item B.13.1)

4. It is proposed to permit the suspension of Standing Orders provisions at the opening sitting, without having to artificially split the sitting in two, as in the past. This would be permitted if the proposed suspensions were set out in a meeting document published at least 24 hours before the sitting. It could be envisaged to publish the document only on the Conference website. This requirement would be in the spirit of the original purpose of the two-sitting rule, that is, to allow time for consultation on the proposal. In practice, the interval between the two first sittings of the Conference has been reduced to a few minutes, thereby defeating the intended purpose. If proposed suspensions are not published in time, the existing rule requiring a second sitting would continue to apply.
5. Therefore, the following amendments are proposed to article 76 of the Standing Orders:

ARTICLE 76

Subject to the provisions of the Constitution, the Conference, on the unanimous recommendation of the President and three Vice-Presidents, may exceptionally decide to suspend any provision of the Standing Orders, for the purpose of dealing with a specific non-

¹ See GB.317/WP/GBC/1, table 2, items B.5, B.14.1, B.14.2 (option 1) and B.14.3.

² See GB.317/INS/10, paras 4–5.

controversial question before it when this will contribute to the orderly and expeditious functioning of the Conference. A decision may not be taken until the sitting following that at which a proposal to suspend the Standing Orders has been submitted to the Conference, unless the proposal has been published by the Secretariat in a meeting document at least 24 hours before the sitting at which it is submitted to the Conference.

Plenary period II (item B.13.2) and the World of Work Summit (item B.13.3)

6. In the context of the Director-General's Report, amendments are required to article 12 of the Standing Orders on two aspects: the subject covered by the Report and the possibility of conducting discussions in non-traditional formats.
7. Regarding the subject covered by the Director-General's Report, there was consensus on the proposal that at every session it should be devoted to a social policy theme of current interest chosen by the Director-General, on the understanding that programme implementation and related issues, which are currently the subject of the Director-General's report every other year, would be covered in the report of the Governing Body Chairperson, which would reflect the information provided by the Director-General to the Governing Body.
8. The possibility of conducting discussions in less formal interactive formats such as panels, which could be moderated by external persons (for example, journalists) and launched by keynote addresses from speakers not otherwise participating in the Conference (for example, academics) was accepted. For such situations, amendments are proposed to introduce flexibility by excluding the application of a number of rules governing the formal debates at the Conference. Some of those provisions have been regularly suspended in the past, notably those on the limitation to one statement per group within each delegation; the order of the speakers; the time limit for speeches; and the motion of closure. In addition, the provisions on the motions, resolutions and amendments, and on the methods of voting and the required quorum and majority would also be inapplicable. Furthermore, exceptions would have to be introduced to allow for the participation of persons not normally admitted as Conference participants and their possible chairing of sittings (as moderators). The application of those exceptional rules would be triggered by a decision of the Conference to organize a part of the discussion on the Reports of the Director-General and of the Chairperson of the Governing Body in the form of interactive debates.
9. Finally, with respect to the World of Work Summit, which may involve addresses by distinguished speakers, who may not be regular Conference participants, and panel sessions, the same exceptions to the regular procedure would be needed as for the interactive discussion of the Director-General's Report. As the World of Work Summit also falls under the agenda item "Reports of the Chairperson of the Governing Body and of the Director-General", the same amendments would cover both types of sittings.
10. Therefore, the following amendments are proposed to article 12 of the Standing Orders:

ARTICLE 12

Reports of the Chairperson of the Governing Body and the Director-General

1. During the session at the times fixed by the Selection Committee, the Conference shall discuss the report of the Chairperson of the Governing Body on its work and the Report

of the Director-General of the International Labour Office ~~on the subjects specified in paragraph 2 below.~~

~~2. At each session of the Conference in the first year of a biennial financial period, the Director-General shall report on programme implementation and the activities of the Organisation during the preceding financial period, together with proposals for advance planning as well as information on the steps taken by the Governing Body and the Director-General to give effect to the decisions of the Conference at its previous sessions and the results achieved. At each session preceding the beginning of a financial period, the said The Report of the Director-General shall be devoted to a social policy theme of current interest chosen by the Director-General, without prejudice to other questions on which the Conference may have requested the Director-General to report to it on an annual basis.~~

3. One delegate representing the Government, one delegate representing the Employers and one representing the Workers may participate in the discussion in respect of each member State, provided that a visiting minister may speak in addition to the Government delegate. No speaker may intervene in the discussion more than once.

4. If the Conference decides that a part of the discussion on the reports referred to in paragraph 1 is to be conducted in the form of interactive debates such as a panel discussion, the following provisions of these Standing Orders shall not apply to those debates:

- (a) paragraph 3 of this article;
- (b) paragraphs 2 and 6 of article 14;
- (c) articles 15 and 16; and
- (d) articles 19 to 21.

5. In the event the Conference decides on an interactive debate under paragraph 4 of this article, it may, notwithstanding the provisions of article 14, invite eminent persons not belonging to one of the categories of persons listed in article 2, paragraph 3, to participate in the discussion and the President may, notwithstanding article 13, paragraph 2, delegate to such persons the authority to direct the debates.

Provisional Records (item C.25)

11. Amendments to article 23 of the Standing Orders are required, to allow for the deferred publication of the *Provisional Records* relating to the plenary discussion of the Reports of the Chairperson of the Governing Body and of the Director-General, a practice which was successfully trialled at the 102nd Session (2013) of the Conference. In that case, the secretariat would have to provide access to the speeches concerned at the conclusion of each sitting, by means of a sound or video recording or an electronic copy of the manuscript.
12. Furthermore, it is proposed to amend the provision in order to avoid the repeated suspension of article 23(2) of the Standing Orders to allow the Director-General to submit the reply to the discussion of his Report in writing.
13. Therefore, the following amendments are proposed to article 23 of the Conference Standing Orders:

ARTICLE 23

Verbatim reports-Records

1. A ~~verbatim report shall be printed at the conclusion~~ record of each sitting shall be published by the Secretariat. There shall be included in the ~~report record~~ report record any texts adopted and the results of any votes taken.

2. ~~Any delegate who has made a speech may demand the right to revise any part of the report containing that speech.~~ Speeches or parts of speeches that have not been delivered during the sitting shall not be published in the ~~report-record~~, with the exception of the Director-General's reply to the discussion of the Report provided for in article 12 which may be presented in writing.

3. While *Provisional Records* are normally published at the conclusion of each sitting, the *Provisional Records* of the discussion on the report of the Chairperson of the Governing Body and on the Report of the Director-General may be published after the closing of the Conference. In that case, the Secretariat shall at the conclusion of each sitting provide access to recordings of the speeches made at the sitting.

34. Any delegate who has made a speech may propose corrections to that speech in the *Provisional Record*. The Secretariat shall fix a reasonable period following the publication of all *Provisional Records* within which ~~In order that~~ any proposed corrections ~~may be published, they should~~ shall be communicated to the Secretariat in writing, ~~not later than ten days after the close of the Conference.~~

4. ~~The verbatim reports shall be signed by the President of the Conference and the Secretary General.~~

Non-reactivation of the Resolutions Committee (item B.7)

Background

14. In accordance with article 17 of the Standing Orders, resolutions relating to matters not included in an item placed on the agenda of the Conference may be moved under certain restrictive conditions (15 days before the opening, only in non-budgetary years and presented by a titular delegate). In accordance with the current provisions of article 17(3), (4) and (10) of the Standing Orders, they must be referred to a Resolutions Committee. However, those provisions have been suspended since 2006 at each non-budgetary session of the Conference, when such resolutions were receivable, in order to achieve savings. By way of exception, in accordance with article 17(2) of the Standing Orders, resolutions relating to "urgent" or "entirely formal" matters not included in the agenda of the Conference can be considered at any session of the Conference, by the plenary or any committee of the Conference, as decided by the Selection Committee.
15. The issue at hand is therefore to determine which body and procedure should be used in the future to discuss regular resolutions (that is, those which are not urgent and not entirely formal) relating to matters not included in the agenda. Even in the absence of a Resolutions Committee, such resolutions have remained receivable under the prescribed conditions and there has been no proposal to abolish them. Nor is it proposed to change the procedure which precedes the referral to the body that will examine the resolution, including the preliminary control by the Officers of the Conference of the resolutions referred to them by the Director-General before their circulation.³
16. When provisions restricting the right to submit resolutions not relating to matters included in the Conference agenda were first introduced in the Standing Orders in 1922, there was no indication as to the procedure that would apply to their discussion. The practice which then developed and which was codified in the Standing Orders in 1930 provided that such resolutions were referred to the Selection Committee for examination, which, in turn, referred them to a subcommittee of the Selection Committee composed of three members of each of the three groups. This system was replaced by the creation of the Resolutions

³ See article 17(1)(2), of the Standing Orders.

Committee in 1932, which was entirely dedicated to discussing the increasing number of resolutions, and was more representative of the Conference than the nine-member subcommittee of the Selection Committee.

17. Since the suspension of the Resolutions Committee in 2006, no resolutions on a matter not included in the agenda have been moved. This suggests that the very existence of a dedicated committee may have encouraged constituents to move resolutions which they might otherwise have considered did not warrant submission. Nevertheless, it should be remembered that a number of resolutions submitted outside of the Conference agenda have later led to important developments in the ILO's setting of standards. They are therefore invaluable to the work of the Organization.
18. This would suggest that the right balance could be struck between keeping the possibility of discussing such resolutions in a committee and discouraging the submission of unnecessary resolutions, by entrusting an existing committee with the examination of occasional resolutions not related to an agenda item. In this regard, the Selection Committee would seem to constitute the only possible option.

Examination of resolutions by the Selection Committee

19. In order to permit the examination by the Selection Committee of resolutions on matters not included in the Conference agenda, amendments to the Standing Orders could be considered on three aspects: the Committee's mandate; the right to participate in its work; and the discussion procedure.
20. The **mandate of the Selection Committee** is currently "to arrange the programme of the Conference, to fix the time and agenda for the plenary sittings, to act on behalf of the Conference with respect to decisions on non-controversial questions of a routine nature and to report to the Conference on any other questions requiring a decision for the proper conduct of its business, in accordance with the Conference Standing Orders".⁴ Thus, while substantive policy discussions are currently not within its mandate, pre-1932 and post-2006⁵ history shows that the Selection Committee has had no difficulty in taking up such tasks. Article 4 of the Standing Orders could accordingly be amended to entrust the Selection Committee with the examination of resolutions on matters not included in the Conference agenda.
21. As regards the **right to participate in the work of the Selection Committee**, it must be noted that its composition is limited to 28 Government, 14 Employer and 14 Worker titular members. In practice, an equal or approximately equal number of deputy members are also nominated. However, there is no rule that would prevent the nomination of a higher number of deputy members in accordance with article 56(4) of the Standing Orders.
22. In order to have equal voting power between the Government, the Employers' and the Workers' groups, as in other Conference committees, the Selection Committee could

⁴ Article 4(2) of the Standing Orders.

⁵ A number of resolutions on matters *related* to an agenda item have been adopted through the Selection Committee in cases where it was considered that the resolution submitted did not justify the establishment of a separate committee. For example, in 2006 and 2007, resolutions on matters concerning the Standing Orders were discussed in the Selection Committee, and in 2012 and 2013, the resolutions concerning the measures previously adopted by the Conference under article 33 in respect of Myanmar were adopted following debate in the Selection Committee.

create a subcommittee, open to all its members, to which resolutions would be referred and in which votes would be weighted as in technical committees. This subcommittee, which would be established only if resolutions are submitted, could submit its report directly to the Conference, as was the case for the subcommittee of the Selection Committee that examined the additional agenda item on Myanmar at the 101st Session (2012) of the Conference.⁶

23. In addition, it could be clarified that article 56(6) of the Standing Orders, according to which any delegate or specifically authorized adviser not a member of a committee has full participation rights in the committee except the right to vote, would apply to the subcommittee of the Selection Committee, although it does not apply to the Selection Committee itself.

Procedure for the discussion of resolutions

24. As regards the discussion procedure, the main question is whether resolutions on matters not included in the Conference agenda would be discussed under the rules applicable to the discussion of resolutions in technical committees⁷ or under the special rules pertaining to the discussion of resolutions in the Resolutions Committee.⁸ The main difference is that the Resolutions Committee procedure permits the Committee to deal with a great number of resolutions. It sets out how the order in which receivable resolutions will be discussed is determined.⁹ In addition, any resolutions which could not be discussed in the time allotted for the work of the Committee are simply dropped;¹⁰ this option does not exist under the regular committee procedure, which provides that a decision has to be taken on all receivable resolutions submitted.¹¹

25. The choice between the two options may depend on whether a substantial number of resolutions not related to an item on the agenda are to be expected in the future.

Draft decision

26. The Governing Body:

- (a) *invites the International Labour Conference to adopt the amendments to its Standing Orders proposed above; and*
- (b) *requests the Office to prepare for its 320th Session (March 2014) a set of proposed amendments as necessary to implement a new procedure for the discussion of resolutions relating to matters not included in an item placed on the agenda of the Conference, taking into account the preferences expressed by the Governing Body during the debate.*

⁶ See International Labour Conference, 101st Session (2012), *Provisional Record* No. 2-3, item 6.

⁷ Article 63 of the Standing Orders.

⁸ Article 17(4)–(9) of the Standing Orders.

⁹ Article 17(5) of the Standing Orders.

¹⁰ Article 17(6) of the Standing Orders.

¹¹ Article 63(7)(2)(a) of the Standing Orders.