



Governing Body

340th Session, Geneva, October–November 2020

Institutional Section

INS

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First item on the agenda

Special arrangements for the 340th Session of the Governing Body of the ILO (October–November 2020)

► Introduction

1. The Covid-19 pandemic has had an impact on the functioning of governance organs and resulted, most significantly, in the deferral of the 109th Session of the International Labour Conference and the decision not to hold the 338th, 338th *bis* and 339th Sessions of the Governing Body.
2. The evolution of the pandemic remains highly uncertain and it is neither realistic nor practical to anticipate the possibility of holding a physical Governing Body meeting in the coming months under reasonable conditions of safety and security for all participants. The Office has therefore concluded that the only practical and safe manner in which to conduct the 340th Session of the Governing Body will be as a virtual meeting.

▶ Legal basis for a virtual Governing Body meeting

3. At the outset, it should be clarified whether existing rules permit a virtual meeting. While it is quite obvious that the drafters of the Governing Body Standing Orders had physical meetings in mind, there are no provisions in the Standing Orders which can be construed as preventing the Governing Body from meeting through videoconference or similar means.
4. While terms such as “session”, “meeting” and “sitting” are instinctively understood as referring to face-to-face meetings, these terms may be considered in the current unprecedented global context, and in view of technological progress, which makes it possible to hold discussions and to take decisions without the physical presence of all participants in the same venue. It should be noted, in this respect, that the object and purpose of the Standing Orders of the Governing Body are to permit the Governing Body to function smoothly so that it can play its role as a governance organ and take the necessary decisions. In view of the exceptional circumstances which prevent a normal face-to-face meeting, the Standing Orders should not be interpreted as requiring the holding of physical meetings only.
5. A decision to hold the 340th Session of the Governing Body primarily virtually would have to be taken by the Governing Body, most practically by correspondence as has been the case since March 2020.
6. Finally, it should be noted that according to information available, several UN agencies (including the World Health Organization, United Nations Educational, Scientific and Cultural Organization, International Telecommunication Union, World Intellectual Property Organization and International Atomic Energy Agency) have already organized virtual sessions of their executive organs on the uncontested premise that existing rules of procedure, which contain similar provisions as the Governing Body Standing Orders, could be complied with by holding a virtual meeting.

▶ The need for adjustments and special rules

7. Generally speaking, the Governing Body Standing Orders, as they currently stand, seem to adequately support virtual meetings. Existing rules and practices concerning, for instance, group representation, participation and speaking rights, the duties of the chairing officer, motions or the quorum, would, in principle, apply irrespective of the physical or remote attendance of Governing Body members.
8. However, it is known that group interaction though virtual means represents a number of challenges, and, therefore, conducting a Governing Body session through videoconferencing would require an extremely rigorous approach, efficient time management, and key adjustments to working methods if the Governing Body is to discharge its statutory responsibilities in respect of oversight of the Office, standards-related supervisory procedures, and policy guidance.
9. Accordingly, irrespective of the overall suitability of the existing Standing Orders, the Governing Body would need to consider the adoption of special arrangements and rules of procedure to address the specificities of its 340th Session. These special procedures would seek to adapt traditional parliamentary practices of face-to-face debate and negotiation to the constraints associated with the electronic medium but would also

address aspects of the meeting not expressly covered by any provision of the Standing Orders. Consideration could thus be given to introducing strict speaking time limits, specific deadlines for the submission of amendments, decision-making methods, etc.

10. Given the novel and untested character of some of these rules of procedure, it is important that they be sufficiently detailed and formally endorsed ahead of the Governing Body meeting. This is not only consonant with transparency and good governance but also necessary to avoid protracted discussion and/or disagreement over procedural issues during the meeting.
11. In light of the preceding considerations and of the exceptional circumstances in the context of the ongoing COVID-19 pandemic, the Officers of the Governing Body, after consulting the tripartite Screening Group, recommend that the 340th Session of the Governing Body take place from 2 to 14 November 2020, through video conferencing, and that a set of special arrangements and rules of procedure be adopted to facilitate the conduct of the session accordingly.
12. The rules of procedure contained in the appendix have been elaborated to that end and shall take precedence over the Standing Orders of the Governing Body and their Introductory Note in any instance of inconsistency between the two.
13. Should the evolution of the pandemic prevent any future session of the Governing Body from being held face to face, the Governing Body will review and adjust the special arrangements and rules of procedures in the light of the experience and changing circumstances.

▶ Draft decision

14. **The Governing Body decided by correspondence to hold its 340th Session from 2 to 14 November 2020 under the special arrangements and rules of procedure set out in the appendix to document GB.340/INS/1 in order to facilitate the conduct of the session.**¹

¹ This decision was adopted on 15 October 2020. The revised version of the document was prepared by the Office in response to the request by the Governing Body at its first sitting (Monday, 2 November 2020), in order to reflect the fact that the session is fully virtual.

▶ Appendix

Special arrangements and rules of procedure applicable to the 340th Session of the Governing Body of the ILO (October–November 2020)

The Standing Orders of the Governing Body shall continue to apply in full except to the extent that they are inconsistent with the special arrangements and rules of procedure set out below, in which case the Governing Body's decision to adopt these arrangements and rules shall be deemed as a decision to suspend the relevant provisions of the Standing Orders for the entire duration of the 340th Session of the Governing Body.

Given the novel and untested character of these arrangements and rules, it had been agreed from the outset that should the need arise, the Governing Body may modify them during the session on the recommendation of its Officers after consulting the Government group regional coordinators. In view of the rapid deterioration of the COVID-19 situation and following the safety and health risk assessment undertaken by the Office in the three weeks since the original version of this document was published, it was subsequently decided that all group meetings and plenary sittings of the 340th Session would have to be fully virtual, with the exception of the Chairing Officer, where possible.

Accreditation

1. Accreditation to the 340th Session shall continue normal practice, that is Government members of the Governing Body shall communicate in writing the list of their representatives to the secretariat of the Governing Body (governingbody@ilo.org). The secretariats of the Employers' and Workers' groups shall also communicate in writing the list of the regular and deputy members attending the session, including any substitute in replacement of a regular or deputy member, as well as the members of their secretariats.
2. Governments that are not members of the Governing Body and other observers with a standing invitation to attend Governing Body sessions shall also send in writing to the secretariat of the Governing Body credentials for their authorized representatives.
3. In view of the maximum capacity of 1,000 participants in the virtual platform that will be used for plenary sittings of the Governing Body, the maximum number of representatives who will be given access to the platform in each category shall be as follows:
 - Government regular and deputy members of the Governing Body: up to 16 representatives (that is the same number as for face-to-face meetings).
 - Employer and Worker regular and deputy members (or their substitutes): 14 regular and 19 deputy members in each group.
 - Employers' and Workers' group secretariats, substitute members not replacing regular or deputy members or other persons invited as observes by the groups: 25 in each group.
 - Observer governments (non-Governing-Body members and ILO non-Member States) and the Palestinian Authority): 5 representatives each.

- Observers from invited international intergovernmental and non-governmental organizations: 5 representatives each.
4. Should the above limits prove insufficient to keep the number of participants within 1,000, the Officers of the Governing Body shall decide whether and to what extent the number of observer delegations with access to the platform should be reduced. Any accredited participants in excess of the above limits or new limits set by the Officers of the Governing Body will be entitled to follow the proceedings of the Governing Body through a separate platform.
 5. Regarding group meetings (employer, worker and government regional groups), the virtual platform permits a maximum of 500 participants in each group. Unless any particular group considers it necessary to establish restrictions, all persons accredited to the session by the groups (whether or not they are members of the Governing Body) will be granted access to participate remotely in the meetings of their respective groups.
 6. Credentials of Governing Body members and observers should reach the secretariat no later than one week before the opening of the session, namely by 26 October 2020, so that the Officers can determine whether any limitation in the number of members of observer delegations is required, and the secretariat can send the relevant access codes to each accredited participant.
 7. To enable secured access to join the session remotely through the relevant virtual platform, the provision of a personal e-mail will be required upon submission of the credentials of Governing Body members and observers. The same e-mail will be used to enable access to the ILO Events APP that will be used throughout the session to announce the programme, transmit documents and enable participants to communicate with each other during and outside plenary and group meetings.

Attendance

Physical attendance

8. All previously agreed arrangements regarding the limited number of group representatives having access to ILO meeting rooms have been superseded by the decision to hold a fully virtual meeting.

Remote attendance

9. Governing Body members and invited observers shall join the plenary sittings remotely through a closed virtual platform. These participants will be able to listen to other speakers and address the meeting in any of the seven working languages of the Governing Body (Arabic, Chinese, English, French, German, Russian and Spanish) and to communicate in writing with the Clerk and individual participants, through the chat function in the platform.
10. Group meetings are private and therefore only accessible remotely to those participants authorized by each group. Authorized participants will be able to take the floor and listen to other participants in the traditional working languages of each group, and to interact through the chat.
11. Separate access codes or links will be required to attend public sittings of the session, and any private sitting and group meetings through the closed platform specific to each of these three meeting types. Individual access codes or links will be communicated separately to each participant according to their attendance rights and will be valid for

the entire duration of the session. It is the responsibility of each registered participant to keep their access code secret and to abstain from sharing it with any other person, even within the same delegation.

12. Accredited persons in excess of the limits mentioned in paragraphs 3 and 4 above will be provided on request access to a separate virtual platform allowing them to see and listen to the debates, but with no possibility of addressing the meeting or interacting with other participants. The media and interested members of the public may be also provided with access to such separate virtual platform.
13. If the Officers, following consultations of the Chairperson with the Government group, decide that any specific plenary sitting of the Governing Body or parts thereof should be accessible to the public at large without registration, the Office will webcast them in the language of the speaker (or its interpretation in English, French or Spanish) through the ILO's public website.

Programme

14. To ensure the most equitable participation possible for participants from different time zones, all plenary sittings will be organized between noon and 4:30 p.m. Geneva time. A maximum of 12 plenary sittings will be scheduled, including if necessary on Saturdays. A tentative order of business shall be available at least two weeks prior to the opening of the session.
15. For groups with members from different time zones that need to hold their group meetings also within the core hours above, a maximum of one hour and a half will be devoted to group meetings so as to ensure sufficient time for plenary sittings. Group meetings with interpretation can be organized upon request outside these core hours as well as for the weeks before the start of the session, including during weekends if necessary.
16. Group meetings and plenary sittings will be announced through the Governing Body website and ILO Events APP. In the case of plenary sittings, information will include the items scheduled for discussion with links to relevant documents, the estimated duration of the discussion for each item, as well as any applicable time limit for group and individual interventions.
17. As soon as practicable, the Officers, after consulting the tripartite Screening Group, will fix the tentative programme for the session, including the approximate duration for the discussion of each item and corresponding time limits for interventions, as well as the time at which items considered by correspondence should be submitted to the Governing Body for decision.

Conduct of debates

Time management

18. In view of the limited number of plenary sittings, and the need to make the best use of the time available, the following principles shall apply:
 - (a) To the extent possible, the position of Governing Body members on each item of the agenda should be expressed through group statements made by the spokesperson for the group.
 - (b) Individual statements should, to the extent possible, be limited to situations where they differ from the group to which the member belongs or where they add a

perspective not covered by the group statement that is relevant in the decision-making process.

- (c) Time limits for group and individual statements, as determined under paragraph 19 above, will be enforced.
- (d) Except in the limited cases referred to in paragraph 1.8 of the Standing Orders, requests for the floor from States which are not members of the Governing Body or other observers shall be made 24 hours before the start of the sitting at which the agenda item is scheduled, and shall include the text of the statement which should be provided in any of the three official languages and not exceed 700 words. The Officers shall determine if the statement should be delivered orally and under what time limit, or if it should be made available to the Governing Body in writing in the language of the submission and included in summary form in the minutes of the session.
- (e) Requests for the floor shall be made in writing to governingbody@ilo.org one hour before the opening of the sitting at which the item is scheduled for discussion. This will allow the display of the list of registered speakers and a better assessment of the time needed for each discussion.

Duties of the chairing officer

- 19. The Chairperson of the Governing Body will preside over the sittings of the Governing Body, unless he/she assigns the chairing functions for a given segment or section or a specific sitting or agenda item to a regular or deputy member of the Governing Body, in accordance with paragraph 2.2.5 of the Standing Orders.
- 20. In conducting the debates, the chairing officer shall have discretion in according or withdrawing the right to address the sitting and administering any motion as to procedure or requests for the right to reply, which he/she may postpone to another sitting in the interest of strict time management.
- 21. The chairing officer shall determine any time limit applicable to interventions made at the end of the list of registered speakers.
- 22. Interruption of sittings for negotiations should be avoided. These should take place outside of the hours reserved for plenary sittings.
- 23. When considering matters of a ceremonial nature, such as obituaries, the chairing officer may decide that comments or statements be submitted in writing.
- 24. The right to reply (within the meaning of paragraph 5.8 of the Standing Orders) to comments circulated in writing in accordance with paragraphs 20(d) above or 29(c) below, shall also be submitted in writing in any of the three official languages within 7 days after their circulation. Replies, which may not exceed 700 words, shall be circulated in the language of submission and shall be included in summary form in the minutes of the session.

Decision-making

Decisions by correspondence

- 25. In the context of the COVID-19 response, since March 2020 the Governing Body has been taking a series of decisions by correspondence on urgent, non-controversial or routine matters. This has proved a particularly efficient and pragmatic way of taking decisions in these exceptional circumstances.

26. The Officers, after consulting the tripartite Screening Group, may recommend to the Governing Body that one or several items on the agenda be submitted for a decision by correspondence. The proposed decision point of any such item shall be subject to consultation with the Screening Group prior to its submission for decision by correspondence.
27. Decisions by correspondence shall be taken in accordance with the following procedure:
 - (a) All Governing Body members (regular and deputy members) are invited to express in respect of each proposed draft decision whether they (i) agree with the proposal, (ii) do not agree with the proposal but without seeking to block consensus or (iii) do not agree with the proposal to the extent of blocking consensus. The absence of a response to a draft decision shall be considered support for the decision, that is the equivalent of remaining silent during a discussion in the Governing Body room. Where there is no obstacle to consensus, the chairing officer shall announce the decision made without indication of the individual responses.
 - (b) Where consensus is not reached, the Officers, after consulting the tripartite Screening Group, will determine whether the item should be referred to the Governing Body (during the same session or to a future session) or submitted to a vote by correspondence. In such cases, regular members only shall be invited to indicate whether they agree, disagree or abstain with respect to each proposal. The absence of response shall be considered as an abstention. The decision thus made will be announced together with an indication of the responses received from each regular member, that is the results will be included in the minutes in the same manner as a roll call.
 - (c) In both processes, members may submit in writing (in one of the three official languages) an explanation of their response, including guidance to the Office. Such explanation or guidance should not exceed 700 words and will be made available in the language of submission. Any members wishing to comment on any such explanation or guidance may do so in writing within 7 days (in one of the three official languages), not exceeding 700 words, for distribution in the language of submission. All explanations, guidance and comments received will be included in summary form in the minutes of the session.
28. All decisions by correspondence shall be announced by the Chairperson and shall be included in the minutes of the Governing Body session.

Decisions during plenary sittings and submission of amendments

29. To enable effective decision-making while preserving consensus building, items on the agenda scheduled for discussion will be dealt with as follows:
 - (a) Any Governing Body member or group wishing to submit an amendment to any decision point proposed in a Governing Body paper must do so in one of the three official languages at least 48 hours prior to the scheduled commencement of the sitting at which the item is to be discussed.
 - (b) Any proposed subamendment (namely an amendment to an amendment submitted under (a)) must be submitted in one of the three official languages at least 24 hours prior to the scheduled commencement of the sitting at which the item is to be discussed.
 - (c) All amendments and subamendments will be translated and distributed in the three official languages as soon as they are received.

- (d) On each item, the chairing officer shall invite the Workers', Employers' and Government delegates to intervene and address the item under consideration and any amendments and subamendments received for that item. In accordance with usual Governing Body practice, the chairing officer shall invite the representatives of the Workers' and Employers' groups to speak in response to the interventions and may also grant the floor to any Government seeking to respond to the debate.
- (e) Where consensus is apparent following this first round of interventions on an item, the chairing officer shall conclude the item.
- (f) Where consensus is not apparent after the first round of interventions, the chairing officer shall adjourn the debate on the item. Following the sitting, the Office will arrange consultations between all constituent groups with a view to finding consensus on a decision point. Based on those consultations, the Office shall provide a revised draft decision. Any revised draft decision shall be circulated at least 48 hours before the discussion of the item is resumed to enable further consultation within and among the groups, and facilitate consensus.
- (g) If consensus does not emerge upon the resumption of the discussion, the item shall be deferred to the 341st Session (March 2021) of the Governing Body, unless the Governing Body decides, time permitting, to pursue negotiations with a view to reaching consensus or that the item be put to a vote by correspondence in accordance with the procedure described above.