



Governing Body

350th Session, Geneva, 4–14 March 2024

Institutional Section

INS

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Ninth item on the agenda

Review of the functioning of the Governing Body, identification of possible areas for improvement and arrangements and time frame for results-based follow-up action

Purpose of the document

This document provides information on previous constituent-led reviews of the functioning of the Governing Body, which led to the adoption of the current [Compendium of rules applicable to the Governing Body of the ILO](#); identifies areas in which constituents have indicated a need for potential further reviews and improvements; and outlines the different modalities that could be used by the Governing Body to review the current rules, should the Governing Body decide that further action is advisable or necessary (see the draft decision in paragraph 46).

Relevant strategic objective: All.

Main relevant outcome: Enabling outcome B: Effective and efficient governance of the Organization.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: Depending on the guidance of the Governing Body.

Author unit: Official Meetings, Documents and Relations Department (RELMEETINGS).

Related documents: [GB.350/INS/8](#); [GB.334/INS/12\(Rev.\)](#); [GB.321/INS/3\(Rev.\)](#); [GB.311/7/1](#); [GB.311/8](#); [GB.310/9/1](#); [GB.310/PV](#); [GB.309/PV](#); [GB.306/PV](#); [GB.305/PV](#).

► I. Introduction

1. In the course of the preparation of the agenda of the 350th Session (March 2024) of the Governing Body, different groups proposed the addition of two agenda items, namely the democratization process of the ILO's governance organs and the review of selected aspects of the functioning of the Governing Body. Following discussions at the tripartite Screening Group and a series of consultations among the Officers of the Governing Body, it was decided that two new agenda items would be included in the agenda of the 350th Session, one focusing on the ongoing efforts for the entry into force of the [Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986](#), and the broader discussion of the democratization of the ILO's governance structure,¹ and the other on the identification of areas where the rules and practices of the Governing Body might need to be clarified or amended, as appropriate.
2. This document provides information on previous constituent-led reviews of the functioning of the Governing Body, which led to the adoption of the current [Compendium of rules applicable to the Governing Body of the ILO](#); identifies areas in which constituents have indicated a need for potential further reviews and improvements; and outlines the different modalities that could be used by the Governing Body to review the current rules, should the Governing Body decide that further action is advisable or necessary.

► II. Working Party on the Functioning of the Governing Body and the International Labour Conference

A. Terms of reference, composition, duration and review process

3. At its 305th Session (June 2009), the Governing Body decided to establish a working party on the functioning of the Governing Body and the International Labour Conference to consider how the governance functions of these organs could be improved in the light of the [ILO Declaration on Social Justice for a Fair Globalization](#).²
4. According to the same decision, the working party would consist of 16 Government members, eight Employer members and eight Worker members, to be appointed by each group, prior to the 306th Session (November 2009) of the Governing Body, while other members of the

¹ Covered in [GB.350/INS/8](#).

² [GB.305/PV](#), para. 62. The idea of setting up a working party originated with the adoption in March 2009 of a plan for the implementation of the ILO Declaration on Social Justice for a Fair Globalization ([GB.304/SG/DECL/1\(Rev.\)](#)). According to the initially proposed terms of reference, the working party would "(a) review the functioning of the Governing Body in order to determine the optimal way in which the Governing Body and the Office can be guided in their responsibilities by the outcome of the recurrent item discussions at the Conference; (b) determine the most effective balance between the Governing Body's policymaking and governance functions; (c) identify means to increase the coherent development by the Governing Body of the Organization's policy including by identifying duplication or inefficiencies in its current working methods and structures; (d) propose such adjustments as may be necessary in its committee and plenary structures as well as in its working methods; (e) ensure that in preparing proposals to this effect, sufficient consultation with all of the groups takes place; and (f) discuss further improvements in the functioning of the International Labour Conference in the light of experiences gained from its format since 2007 and taking into account the introduction of the scheme of recurrent item discussions" ([GB.305/4](#), para. 4).

Governing Body could participate in an observer capacity, with permission to speak on authorization by the Chairperson.

5. As originally planned, the time frame and process for the review included: (i) the preparation by the Office of an issues paper based on the matters raised during the first meeting of the Working Party, in November 2009; (ii) informal tripartite consultations on the issues paper in February 2010; (iii) a meeting of the Working Party to discuss the issues paper during the March 2010 Session of the Governing Body; (iv) the submission by the Working Party of an interim report at the June 2010 Session of the Governing Body; and (v) the submission by the Working Party of its final report containing recommendations and an implementation plan at the November 2010 Session of the Governing Body.³
6. The Office was requested by the Governing Body to draw up a road map setting out a timetable for informal thematic consultations, which would allow in-depth discussion, as well as an additional intersessional meeting of the Working Party.⁴ A Geneva-based tripartite consultative group (composed of the regional coordinators, representatives of the Employers' and the Workers' groups' secretariats and representatives of the Chairperson of the Working Party and the Chairperson of the Government group) was also set up. According to its usual working method, the Working Party met during the first week of each Governing Body session and presented an oral report and recommendations through its Chairperson during the second week for plenary discussion and decision. The Geneva-based tripartite consultative group met when necessary for consultation and coordination purposes.
7. In March 2011, recognizing that sufficient progress had been made and sufficient convergence reached for the Governing Body to move forward to taking a decision on reform, the Working Party agreed on a reform package which was adopted by the Governing Body at its 310th Session (March 2011).⁵ At the same session, the Office was requested to prepare proposals for the amendments to the Standing Orders of the Governing Body and to the Introductory note to the Compendium of rules applicable to the Governing Body. These were adopted by the Governing Body at its 311th Session (June 2011).⁶ In addition, the Governing Body decided to review the practical implementation of the reform package at its 318th Session (November 2013), in order to introduce the necessary adaptations.
8. During the discussion, the Governing Body decided that, after the completion of that initial phase, the Working Party should also review the functioning and role of regional meetings and confirmed the current composition of the Working Party.⁷ The mandate of the Working Party was renewed and its composition again confirmed in June 2014.⁸ The Governing Body renewed the mandate of the Working Party for the last time in June 2017.⁹ The last meeting of the Working Party took place in November 2018, following which the Governing Body adopted the revised Introductory note to the *Rules for Regional Meetings* and approved the list of Members

³ GB.306/PV, para. 175.

⁴ GB.309/PV, para. 285.

⁵ GB.310/9/1 and GB.310/PV, para. 129.

⁶ GB.311/7/1 and [Decision on the seventh item on the agenda: Amendments to the Compendium of rules applicable to the Governing Body and to decisions attributing functions to committee structures or Officers](#).

⁷ GB.311/8, para. 4, and [Decision on the eighth item on the agenda: Working Party on the Functioning of the Governing Body and the International Labour Conference](#).

⁸ GB.321/INS/3(Rev.) and GB.321/PV, para. 25.

⁹ GB.330/PV, para. 19.

to be invited as full Members by region.¹⁰ The Governing Body did not take any specific decision at the time on the continuation of the work of the Working Party. Thereafter, the pending items – the comprehensive review of the Standing Orders of the International Labour Conference – were taken up directly by the Governing Body in its plenary sittings, either in the Institutional Section (INS) or in the Legal Issues and International Labour Standards Section (LILS).

9. The question of the renewal of the mandate of the Working Party was not raised in June 2021 when the current Governing Body was elected. Therefore, the Working Party ceased to exist at that time, as its mandate was not renewed.
10. Overall, the Working Party was active from November 2009 to November 2018 and held 20 meetings. All relevant information on the Working Party is summarized in Appendix I, including weblinks to all Governing Body documents published and decisions adopted during that period.

B. The reform package to improve the functioning of the Governing Body

11. The 2011 reform package was guided by the following orientations:
 - focusing on supervision and constituent-led governance of the Office while avoiding micromanagement;
 - ensuring full tripartite participation through the active engagement of all three groups;
 - giving priority to policy- and decision-making debates, including follow-up of Governing Body and Conference decisions;
 - alignment with the ILO Declaration on Social Justice for a Fair Globalization; and
 - maintaining appropriate space for high-level and strategic discussions.¹¹
12. On that basis, the reform was composed of four main pillars:
 - an improved agenda-setting mechanism;
 - a new Governing Body structure;
 - enhanced transparency and Office support to the tripartite constituents; and
 - better documentation presentation and time management.¹²

An improved agenda-setting mechanism

13. A tripartite Screening Group was established, composed of the Officers of the Governing Body, the Chairperson of the Government group, the regional coordinators representing the governments and the secretariats of the Employers' and the Workers' groups or their representative (paragraph 3.1.1 of the Standing Orders of the Governing Body).
14. The Screening Group meets after each Governing Body session to establish the draft agenda of the next session. Since the Screening Group was first established in November 2011, the timing and procedure for preparing the provisional agenda have been adjusted, at the request

¹⁰ GB.334/PV, para. 445.

¹¹ GB.310/WP/GBC/1(Rev.2), para. 5.

¹² GB.310/WP/GBC/1(Rev.2), para. 6.

of its members. Screening Group meetings are held two to three weeks after the end of the session, to allow for consultations, within and among groups, on the agenda proposals.

15. A draft provisional agenda for the following session is established by the Office at least one week before the opening of each session of the Governing Body. This list takes into account the standing items, previous decisions adopted by the Governing Body, including those reflected in the annual supplementary report of the Director-General on the follow-up to previous decisions, and any specific requests made at previous meetings of the Screening Group. This annotated list includes a brief explanation of each item and is distributed to the members of the Screening Group, in the three official languages, before the opening of each Governing Body session to allow the groups to hold consultations. The list is updated at the end of the Governing Body session to reflect any decisions adopted during that session and any proposals received from the groups and is then resubmitted to the Screening Group one week before its meeting.
16. Once agreed by the Screening Group, the agenda is circulated to Governing Body members and published on the Governing Body website at least 15 days before the opening of the session (paragraph 3.1.4 of the Standing Orders). Following an assessment of the time needed by each section and segment, a tentative plan of work is established and circulated to the members of the Screening Group for final approval.
17. The decisions of the tripartite Screening Group are made, to the extent possible, by consensus. If there is no consensus, the issue is referred to the Officers of the Governing Body (paragraph 28 of the Introductory note to the Compendium of rules applicable to the Governing Body).
18. With regard to classification of documents, all items on the agenda are, by definition, for guidance and/or decision. Documents identified as "for information only" are published on the Governing Body website but are not intended for discussion. A document containing a list of these documents is prepared for the Governing Body to take note of and is annexed to the Governing Body's agenda.
19. As for side events, meetings or initiatives that are not intrinsic to the business of the Governing Body session should be an exception and kept to a minimum (paragraph 42 of the Introductory note).

A new structure for the Governing Body

20. The new structure for the Governing Body is based on two basic and interrelated concepts, namely that no more than one meeting should take place at any time and that the Governing Body should hold its meetings in the form of a continuous plenary, structured in defined spaces called sections and subject to the existing quorum rule of 33 members (paragraph 6.3.1 of the Standing Orders and paragraphs 26 and 35 to 37 of the Introductory note).
21. As a result, with the exception of the Committee on Freedom of Association, the former committee structure was discontinued. Full sessions of the Governing Body continue to take place in March and November and, in addition, a half-day session is held in June immediately after the International Labour Conference (paragraph 25 of the Introductory note). The length of each full session is determined by its agenda, as established through the Screening Group (paragraph 27 of the Introductory note). The new continuous plenary format allows the full involvement of all Governing Body members in the deliberations and decision-making process (paragraph 26 of the Introductory note).

- 22.** To align the Governing Body structure with the ILO Declaration on Social Justice for a Fair Globalization, five sections have been established, the mandates of which correspond to those of pre-reform Governing Body committees, with some expansion to encompass issues which were not adequately covered in the previous structure. The five sections are as follows (paragraphs 35 to 37 of the Introductory note):
- the Policy Development Section (POL);
 - the Legal Issues and International Labour Standards Section (LILS);
 - the Programme, Financial and Administrative Section (PFA);
 - the Institutional Section (INS); and
 - the High-Level Section (HL).
- 23.** Each section is composed of autonomous segments, in order to better organize the agenda, with the understanding that the agenda and allocation of time is to be determined by the issues to be discussed. Accordingly, the indicative time allocated to each section may change from session to session. Each section takes its own decisions. Amendments are made available before a decision is taken and are projected on screens in the three official languages. The draft minutes of each section are incorporated into the consolidated draft minutes of the Governing Body session, which are adopted at the following session of the Governing Body (paragraph 5.6.3 of the Standing Orders and paragraphs 48–50 of the Introductory note). Governing Body members have the possibility to review and amend their own interventions prior to the adoption of the draft minutes (paragraph 49 of the Introductory note).
- 24.** In order to enhance transparency, a representative of a State that is not a member of the Governing Body can speak, with the authorization of the Officers of the Governing Body, in order to express views on matters concerning the State's own situation if a decision point may affect its interests or if that State has been specifically referred to in the discussion (paragraph 1.8.3 of the Standing Orders). Moreover, Government members of the Governing Body specifically referred to in the discussions may exercise the right to reply at the time decided by the Chairperson of the Governing Body (paragraph 5.8.1 of the Standing Orders).
- 25.** The composition of working parties, meanwhile, is decided on a case-by-case basis on the understanding that, owing to the particular regional structure of the Government group, the number of its representatives in those bodies should be eight or any other multiple of four (paragraph 40 of the Introductory note).

Enhanced transparency and Office support to tripartite constituents

- 26.** In order to enhance active participation by all three groups, a standard procedure has been introduced to ensure that any issue, paper or relevant information submitted by the Office for consultation is shared simultaneously with the secretariats of the Employers' and Workers' groups, the Government group Chairperson and the regional coordinators. During the Governing Body session, the Chairperson of the Governing Body must ensure that consultations take place with the Chairperson of the Government group or his or her representative on any matter on which he/she deems it necessary to consult the Officers on the conduct of any item of the business of the Governing Body. The same procedure is followed for the preparation of discussions to be held at the International Labour Conference and the preparation of technical meetings and meetings of experts.
- 27.** With respect to improving support to the Government group, specific and dedicated measures have been implemented, such as briefings for the permanent missions before every session of

the Governing Body and the Conference, in order to provide detailed information both on the substance of the issues to be discussed and on the organization, programme and specific rules and procedures of those governance bodies, and orientation seminars for diplomats newly arrived in Geneva, in order to enhance their understanding of the work and functioning of the Organization.

Better documentation presentation and time management

28. Even though it was considered unfeasible to establish a single limit on the number of pages for all Governing Body documents, steps were taken within the reform package to ensure that texts are clear, concise and decision-oriented, inter alia by requiring authors to avoid long historical backgrounds and to replace long quotations from other documents with weblinks. In addition, following the reform, all Governing Body documents include a synoptic frame indicating: (a) the relevant paragraphs for decision (if any) with an explanation of the content of decisions; (b) the need for follow-up (if any); (c) implications (if any); (d) a short executive summary; and (e) the ILO author unit.
29. As a general principle, Governing Body documents must be made available electronically, in the three official languages, at least 15 working days before the start of the Governing Body session (paragraph 5.6.5 of the Standing Orders). If the 15 working day rule is not respected, the item concerned should in principle be postponed to the following Governing Body session. Derogations to this rule require the prior agreement of the Officers of the Governing Body following consultation of the three groups (paragraph 5.6.6 of the Standing Orders). By necessity, the 15 working day rule does not apply to documents arising from meetings, missions and initiatives taking place immediately before or during the Governing Body session, as is sometimes the case of documents submitted to the Institutional Section. In any case, oral presentations can be made for urgent matters (paragraph 5.6.7 of the Standing Orders).
30. As regards time management, it was found to be unrealistic to introduce a single time limit for all interventions given the nature of the items to be discussed and the different types of intervention. However, each section is expected to determine its own time management procedures, including via the use of a standard default procedure, such as specific or indicative time limits and time-control devices available in the Governing Body room (paragraph 43 of the Introductory note).

C. The review of the implementation of the Governing Body reform

31. The review of the implementation of the Governing Body reform requested by the Governing Body at its 311th Session (June 2011) was undertaken in March 2014.¹³ This followed a request by the Screening Group, during the preparation of the agenda of the 319th Session (October 2013), that the Office prepare an information paper containing a list of issues/questions to guide the review. The Working Party had also provided guidance at that Session on the elements of the reform package to be examined in the context of the review.
32. The review process provided an opportunity to recall the four objectives, or pillars, of the reform package and the arrangements that had been put in place since November 2011 to meet them. There was general agreement among the tripartite constituents about the positive impact of the reform, in particular regarding the following points: full involvement of all Governing Body members in the deliberations and decision-making process in the context of

¹³ GB.320/INS/13, paras 13–20, and GB.320/PV, paras 253–55.

a continuous plenary; stronger involvement of all parties in the agenda-setting process; and enhanced transparency by way of regular informal consultations and follow-up to Governing Body decisions.

33. At the same time, it was recognized that the practical implementation of the reform raised a number of challenges and that there was scope for further improvement. Specific areas that called for additional measures were identified. These included ensuring that the agenda was of a manageable size and avoiding duplication of topics and debates across sections and segments; allocating more time for policy debates; ensuring the fluid running of the continuous plenary; submitting amendments 24 hours in advance to allow for their timely translation and distribution; requiring speakers to register in advance to facilitate the time-management process; enhancing the consultation process through the Geneva-based tripartite consultative group; and continuing efforts to move towards a paperless policy. Accordingly, improvements were implemented by the Office along the above lines.
34. In concluding the review process, the Governing Body endorsed the recommendations of the Working Party to the effect that relevant follow-up action should be taken by the Officers, the tripartite Screening Group and the Office, as appropriate, with regard to a specific list of issues. For instance, the Officers were expected to take follow-up action with regard to the following: ensuring greater fluidity of the Governing Body by adopting time-management procedures; reviewing the mandate of the High-Level Section; and the process for consideration of the deferral of agenda items where the Governing Body has previously determined that an item be considered at its next session.¹⁴
35. For its part, the tripartite Screening Group was expected to take follow-up action with regard to the following: the composition and timing of the Screening Group; ensuring that the Governing Body agenda is of a manageable size and that there are no duplications; ensuring an appropriate balance between the number of items allocated to the various sections and segments; structuring the agenda thematically; ensuring a governance-oriented approach and effective use of the respective mandates through appropriate planning and distribution between the sections/segments; and providing for sufficient time for group meetings.¹⁵
36. Lastly, the Office was expected to take follow-up action with regard to the following: providing the Screening Group with an annotated list of agenda proposals for the following Governing Body session, indicating clearly the rationale for each proposed item, any previous decisions to which they refer and the estimated time needed for the discussion of each item; ensuring the same degree of involvement between the three groups, by communicating concurrently any change in the proposed list of items to all members of the Screening Group; providing advice to the Screening Group on the appropriate scheduling of Governing Body agenda items; communicating to the three groups, at an early stage, a tentative order of business for the entire Governing Body session; improving the process for submitting amendments to draft decision points; enhancing the consultation process through the Geneva-based tripartite consultative group; pursuing such initiatives as the organization of a one-day orientation seminar for diplomats newly arrived in Geneva; ensuring that Governing Body papers are reader-friendly and decision-oriented; and giving consideration to extending the deadline for web posting the draft minutes owing to the heavy workload of some sections.¹⁶ As with the

¹⁴ GB.320/PV, para. 255(a).

¹⁵ GB.320/PV, para. 255(b).

¹⁶ GB.320/PV, para. 255(c).

other recommendations referred to above, improvements were implemented by the Office along the above lines.

37. It is noted that, after concluding the review of the implementation of the Governing Body reform, the Governing Body took no decision on a possible further assessment of the functioning of the Governing Body. However, by way of follow-up to the review of the implementation of the Governing Body reform, the Governing Body considered and adopted further amendments to its Standing Orders and to the Introductory note at its 323rd (March 2015) and 326th (March 2016) Sessions.¹⁷

► III. Possible areas for improvement

38. At the Screening Group meetings to prepare the agenda of the 350th Session (March 2024) of the Governing Body, in particular regarding the proposed new agenda items on the democratization of the ILO's governance organs and the review of the functioning of the Governing Body, certain groups made reference to specific topics that they thought require more clarity and could be addressed in the context of the Governing Body's discussion of those items.
39. In subsequent informal consultations with the groups, it was agreed that the Office document should include all topics and issues raised by the tripartite constituents and identify the group(s) raising them. It was also agreed that the document will describe the issues as raised without providing a substantive analysis of them at this stage or putting forward proposals on how they could be addressed.
40. All the groups indicated that there is no specific need to undertake a full review of the functioning of the Governing Body, as this was addressed extensively by the Working Party during the previous reform process. Nonetheless, the following topics and concerns have been identified as needing some further discussion or clarification:
- **Composition and functioning of the Screening Group.** The Employers' group and some regional groups noted discrepancies between the rules provided for under the Compendium of rules applicable to the Governing Body and the practice, with specific reference to Government representation and grouping. In addition, a call was made for specific provisions to address situations where the Screening Group cannot reach agreement and the issue has to be referred to the Officers, in order to ensure more clarity in the way that final decisions are made.
 - **Agenda-setting process.** The Employers' group and regional groups noted with concern that the agenda of the latest Governing Body sessions had resulted in a very full order of business. In this respect, a suggestion was made to reduce the number of items on the agenda by reviewing the periodicity of recurrent items based on previous Governing Body decisions. The Office was asked to prepare a list of these items to inform the discussion (see Appendix II). Furthermore, it was noted that the Office's input in setting agenda items should be kept to a minimum, that the agenda should be published in a timely manner following final approval by the Screening Group and that the related Screening Group decisions should be openly communicated. It was also mentioned that, as a result of the current

¹⁷ GB.323/WP/GBC/2, GB.323/INS/10 and GB.323/PV, para. 178; GB.326/LILS/2 and GB.326/PV, para. 484.

arrangements among regional groups, some Governments have more than one voice in the Screening Group.

- **Decision-making.** The Employers' group acknowledged that the Governing Body will continue to make decisions by consensus, but considered that the Office should do more to brief constituents in advance and to consult on controversial issues, in order to facilitate consensus-building. The role of the Chairperson of the Governing Body in guiding discussions towards consensus was also mentioned as an important aspect to be considered.
- **Special meetings.** The Employers' group raised questions in the context of the special meetings recently convened by the Governing Body to discuss whether or not the dispute relating to the interpretation of the [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#), with respect to the right to strike should be referred for decision to the International Court of Justice, in accordance with article 37(1) of the [ILO Constitution](#). In particular, clarifications were sought regarding how and when paragraph 3.2.2 of the Standing Orders, which governs special meetings, should be applied.
- **Delegation of authority by the International Labour Conference.** The Employers' group and some regional groups sought clarifications regarding the number of powers and functions that the International Labour Conference may have delegated to the Governing Body, and their nature, with a view to assessing the possible need for revision of those delegations of authority in light of the circumstances under which they may have been granted. It was stressed by all that these questions are not intended to call into question in any way the validity or legitimacy of Governing Body decisions. However, it is considered important to ensure that any existing delegation of authority is in line with the current membership and governance mechanisms of the Organization and that constituents are fully aware of them, in order to ensure that delegation of authority is exercised in a manner befitting the current governance setting of the ILO. The Office was asked to prepare an inventory of the existing delegations of authority granted by the Conference to the Governing Body (see Appendix III).
- **Use of the Committee of the Whole.** The Employers' group considered that the rules governing the use of the Committee of the Whole could be reviewed in order to make Governing Body debates on important and controversial items more inclusive.
- **Pending issues from the last reform package.** A regional group noted that some areas for improvement and proposed changes considered under the previous reform package remained pending their full implementation and would require further consideration. The following issues in particular were mentioned: the need to give greater priority to and make more room for policy-related debate in the Governing Body's agenda; the need to improve time management during Governing Body sessions; the need for a more strategic planning and distribution of items within the five sections to increase transparency and encourage the proactive engagement of the tripartite groups; the need to give greater priority to intersessional consultations; the need for enhanced Office support to Governments through dedicated support to the Chairperson of the Governing Body, the Chairperson of the Government group and the regional coordinators; and the need for improvements in the production of Governing Body documents.
- The Workers' group considers that the current procedures are clear overall and has not therefore identified any specific topics for discussion. It did, however, mention a number of

procedural aspects that could be further clarified or improved, such as the need for clarity in the Governing Body plenary discussion regarding who is speaking on behalf of whom.

► IV. The way forward

41. In light of the above overview of past experience and the views expressed by constituents during informal consultations and assuming that there is support for continuing discussions on possible improvements to the functioning of the Governing Body, the Governing Body may wish to consider one of the following options.
42. A first possibility would be to set up a new working party. This would require a Governing Body decision on its composition, terms of reference and duration. In this connection, the Governing Body should take due account of the fact that its membership is due to change following the elections in June 2024. The working party would have to adopt its own working methods, including as regards the actual drafting of new provisions.
43. A second possibility would be to consider reform proposals via intersessional consultations to be organized according to an established time frame without formally establishing a working party at this stage. This would allow for greater flexibility, as it would not require specific terms of reference to be adopted or a specific time frame to be fixed.
44. A third possibility would be to discuss reform proposals during specific sessions of the Governing Body based on the elaboration of concrete proposals to be identified through tripartite consultations and specific intersessional consultations, as mentioned above.
45. Depending on the number of issues that the Governing Body may identify as warranting closer examination, and their scope, the Governing Body could, as a first step, request the Office to prepare an issues paper with a brief analysis of the specific aspects, rules or practices that need to be addressed, modified or otherwise improved, as may be decided at the current Session. The issues paper would then serve as the basis for a focused and informed discussion at the 352nd (November 2024) or 353rd (March 2025) Session, following which the Governing Body could decide the form and time frame for any follow-up action, as appropriate.

► Draft decision

46. **The Governing Body is requested to provide guidance on the possible way forward and on the form of and time frame for any follow-up action.**

► Appendix I

Working Party on the Functioning of the Governing Body and the International Labour Conference (2009–2018)

- **Establishment:** Governing Body, 305th Session ([June 2009](#)). Mandate renewed in [June 2011](#), [June 2014](#) and [June 2017](#), after each Governing Body elections. The mandate was not renewed in June 2021.
- **Terms of Reference:** To consider how the governance functions of these organs could be improved in the light of the [ILO Declaration on Social Justice for a Fair Globalization](#).¹ The mandate of the Working Party was expanded in 2011 to also encompass the review of the functioning and role of regional meetings.²
- **Composition:** Sixteen Government members, eight Employer members and eight Worker members, to be appointed by each group. Other members of the Governing Body could participate in an observer capacity, with permission to speak on authorization by the Chairperson.³ The Chairperson of the Governing Body acted ex officio as the Chairperson of the Working Party and the Employer and Worker Vice-Chairpersons were appointed as Employer and Worker spokespersons respectively.
- **Duration:** The Working Party held 20 meetings from November 2009 to November 2018. No specific decision was taken by the Governing Body to discontinue the meetings of the Working Party in October/November 2018.
- **Documentation:**
 1. November 2009 ([Office document](#), [report to the Governing Body](#), [decision of the Governing Body](#));
 2. March 2010 ([Office document](#), [report to the Governing Body](#), [decision of the Governing Body](#));
 3. November 2010 ([Office document](#), [report to the Governing Body](#), [decision of the Governing Body](#));
 4. February 2011 (Intersessional meeting of the Working Party);
 5. March 2011 ([Office document](#), [report to the Governing Body](#) with [reform package](#), [decision of the Governing Body](#));
 6. June 2011 ([Office document](#), [decision of the Governing Body](#));
 7. November 2011 ([Office document](#), [report to the Governing Body](#), [decision of the Governing Body](#));

¹ GB.305/PV, para. 62.

² GB.311/8, para. 4, and [Decision on the eighth item on the agenda: Working Party on the Functioning of the Governing Body and the International Labour Conference](#).

³ GB.305/PV, para. 62.

8. March 2012 (Office document, report to the Governing Body, decision of the Governing Body);
 9. November 2012 (Office document, report to the Governing Body, including a proposed timetable, decision of the Governing Body);
 10. March 2013 (Office document, report to the Governing Body, decision of the Governing Body);
 11. October 2013 (Office document and Add., report to the Governing Body, decision of the Governing Body);
 12. March 2014 (Office documents on the International Labour Conference and the review of GB reform, report to the Governing Body, decision of the Governing Body);
 13. October–November 2014 (Office document on the International Labour Conference and Add., report to the Governing Body, decision of the Governing Body);
 14. March 2015 (Office documents on the International Labour Conference and follow-up to the review of GB reform, report to the Governing Body, decision of the Governing Body);
 15. October–November 2015 (Office document, report to the Governing Body, decision of the Governing Body);
 16. March 2016 (Office document, report to the Governing Body, decision of the Governing Body);
 17. October–November 2016 (Office documents on the International Labour Conference, the review of its standing orders and regional meetings, report to the Governing Body, decision of the Governing Body);
 18. March 2017 (Office documents on the Governing Body composition, the International Labour Conference, the review of its standing orders and regional meetings, report to the Governing Body, decision of the Governing Body);
 19. October–November 2017 (Office documents on the International Labour Conference, the review of its standing orders and regional meetings, report to the Governing Body, decision of the Governing Body);
 20. March 2018 (Office documents on the International Labour Conference, the review of its standing orders and regional meetings, report to the Governing Body, decision of the Governing Body);
 21. October–November 2018 (Office documents on the International Labour Conference, the review of its standing orders and the introductory note of the regional meetings, report to the Governing Body, decision of the Governing Body).
- **Determination of issues/topics discussed:** Within the framework of the broad mandate of the Working Party, the issues discussed were determined in the light of intersessional consultations and of the progress made in the work of the Working Party and the decisions taken by the Governing Body.

Prior to the first meeting in November 2009, consultations were held in September/October 2009 to explore the issues which the Working Party might focus on. It was decided to focus on the Governing Body in the first instance. For the second meeting, in March 2010, the Office was invited to prepare an issues paper and informal consultations were held in February 2010. The Governing Body reform package submitted in March 2011 was drawn up by the Office following an extensive process of formal and informal consultations and an

intersessional meeting of the Working Party. In November 2011, the Working Party began discussions on the functioning of the International Labour Conference and the Governing Body decided to establish a Geneva-based tripartite consultative group (composed of the regional coordinators and representatives of the Employers' and the Workers' groups' secretariats) to look at time frames and issues. The tripartite consultative group met in February and October 2012. In March 2012, following consultations and a meeting of the Working Party, it was decided to give priority to the Conference and to examine regional meetings at a later date. Further consultations were held in February 2013. The tripartite consultative group met again in February 2014. Consultations were held in March 2015 and again in September 2015 to guide the Office in preparing the paper for the March 2015 Session and the November 2015 Session, respectively.

- **Procedural arrangements and decision-making process:** The Working Party met during Governing Body sessions (only one meeting was held outside the Governing Body). The meetings lasted half a day or a full day. In the same Governing Body session, the Working Party could hold two sittings on different days (as was the case in October 2013, March and November 2014 and November 2017). The Working Party would present a report to the Governing Body at the same session, through its Chairperson. The report included a summary of discussions and specific recommendations for decision by the Governing Body. Recommendations were adopted by consensus in the Working Party. Informal tripartite consultations between the meetings of the Working Party were integrated in the arrangements from the very first meeting of the Working Party.

► Appendix II

Periodicity of recurrent items to be included in the agenda of the Governing Body

► Institutional Section (INS)

March session	November session	June session
1 Approval of the minutes of the previous Session of the Governing Body	1 Approval of the minutes of the previous Session of the Governing Body	1 Approval of the minutes of the previous Session of the Governing Body
2 Agenda of future sessions of the International Labour Conference	2 Agenda of future sessions of the International Labour Conference	2 Election of the Officers of the Governing Body for the following year
3 Arrangements for the next Session of the International Labour Conference	3 Follow-up to the outcomes of International Labour Conference discussions (2 or 3 committees)	3 Questions arising out of the recent Session of the International Labour Conference requiring immediate attention
4 Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022	4 Analysis of the measures taken to promote the effective functioning of the International Labour Conference	4 Report of the Director-General (Regular report)
5 Report(s) of the Committee on Freedom of Association	5 Report(s) of the Committee on Freedom of Association	5 Report(s) of the Committee on Freedom of Association
6 Supplementary Report of the Director-General: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO	6 Supplementary Report of the Director-General: Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO	6 Reports of the Officers of the Governing Body
7 Report of the Director-General (Regular report)	7 Report of the Director-General (Regular report)	7 Composition, agenda and programme of standing bodies and meetings
8 Supplementary Report of the Director-General: Documents submitted for information only	8 Supplementary Report of the Director-General: Documents submitted for information only	
9 Outcome of a recently held Regional Meeting (if any)	9 Supplementary Report of the Director-General: Follow-up to Governing Body decisions	
10 Reports of the Officers of the Governing Body	10 Reports of the Officers of the Governing Body	
11 Composition, agenda and programme of standing bodies and meetings		

March session	November session	June session
12 Follow-up to the resolutions concerning Myanmar adopted by the International Labour Conference at its 102nd (2013) and 109th (2021) Sessions	12 Report of the Board of the International Training Centre of the ILO, Turin	
12 Items	13 Items (depending on the number of Conference committees to report on)	7 Items

► Policy Development Section (POL)

March session	November session
Social Dialogue Segment	
1 Sectoral meetings held during the year and proposals for sectoral work for the following year	1 Sectoral meetings held during the year and proposals for sectoral work for the following year
	Development Cooperation Segment
	2 Enhanced programme of development cooperation for the occupied Arab territories

Multinational Enterprises (MNE) Segment ¹

- 3 The MNE Segment examines the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration), considers requests for interpretation of the Declaration, and monitors activities of the ILO and other organizations regarding multinational enterprises. ²

2 Items**2 Items**

¹ Annex II of the [MNE Declaration](#) states that, as part of its promotional tools, "...the Governing Body of the International Labour Office has the overall responsibility for the promotion of the MNE Declaration. The Governing Body reviews on a regular basis the overall strategy and underlying activities to promote the instrument together with governments, employers' and workers' organizations in all ILO Member States." At the conclusion of its 350th Session (March 2024), the Governing Body will have held 13 discussions in the MNE Segment since November 2011 when the current structure of the Governing Body was put in place. Eight of the 13 discussions were held during the March Session. With the exception of 2020 (COVID-19 pandemic) and 2023, MNE discussions have been held annually. The item proposed for 2023 was deferred to March 2024.

² Paragraph 37 of the Introductory note to the [Compendium of rules applicable to the Governing Body](#).

► **Legal Issues and International Labour Standards Section (LILS)**

March session	November session
International Labour Standards and Human Rights Segment	
1 Proposed form for reports requested under article 19, paragraphs (5)(e) and (6)(d), of the ILO Constitution	1 Report of the Meeting of the Standards Review Mechanism Tripartite Working Group held during the year
	2 Choice of Conventions and Recommendations on which reports should be requested under article 19, paragraphs 5(e) and 6(d), of the ILO Constitution
1 Item	2 Items

► **Programme, Financial and Administrative Section (PFA)**

March session	November session
Programme, Financial and Administrative Segment	
1 The Director-General's Programme and Budget proposals for the next biennium (every two years on odd-numbered years)	1 ILO Strategic Plan (every four years)
2 Delegation of authority under article 17 of the Standing Orders of the International Labour Conference	2 Preview of the Programme and Budget proposals for the next biennium (every two years on even-numbered years)
3 Scale of assessments of contributions to the budget for the next financial period	3 Proposed biennial budgets for extrabudgetary accounts: Inter-American Centre for Knowledge Development in Vocational Training (CINTERFOR) (every two years on odd-numbered years)
4 ILO programme implementation (every two years on even-numbered years)	4 Programme and Budget for the previous biennium: Regular budget and Working Capital Fund (for decision on odd-numbered years and for information on even-numbered years)
Other financial matters*	Other financial matters
Audit and Oversight Segment	
5 Report of the Independent Oversight Advisory Committee	5 Annual Evaluation Report

March session		November session	
6	Report of the Chief Internal Auditor for the year ended	6	High-level evaluations of strategies and Decent Work Country Programmes
	Other audit and oversight matters	7	Matters relating to the Joint Inspection Unit
Personnel Segment			
7	Statement by the Chairperson of the Staff Union	8	Statement by the Chairperson of the Staff Union Committee
8	Amendments to the Staff Regulations	9	Amendments to the Staff Regulations
9	Matters relating to the Administrative Tribunal of the ILO, if any	10	Matters relating to the Administrative Tribunal of the ILO, if any
	Other personnel matters		Other personnel matters
9	Items	10	Items

* Items without a number are placeholders for urgent items that may arise, which need to be brought to the attention of the Governing Body.

► Total number of items

March session	November session
24 items	Approximately 27 items

The above lists do not include country cases; items resulting from previous Governing Body decisions; items proposed by the groups; or mid-term progress reports on strategies adopted by the Governing Body, including their reporting cycle, such as the Human Resources Strategy, the ILO Development Cooperation Strategy, the ILO Information Technology Strategy, the ILO Action Plan for Gender Equality, the ILO Disability Inclusion Policy and Strategy and the ILO's Youth Employment Action Plan.

► Appendix III

Delegations of authority granted by the International Labour Conference to the Governing Body

1. According to the ILO records available, it seems that the [Resolution concerning the Procedure for Requests to the International Court of Justice for Advisory Opinion](#), adopted by the International Labour Conference at its 32nd Session (1949), is the only general delegation of authority to date. Other Conference decisions involve some transfer of authority to the Governing Body on an ad hoc basis or subject to confirmation by the Conference.
2. The 1949 resolution was adopted pursuant to article IX(2) and (3) of the [Agreement between the United Nations and the ILO](#) of 1946, which provided that requests for advisory opinions of the International Court of Justice could be addressed to the Court by the Conference, "or by the Governing Body acting in pursuance of an authorization by the Conference".
3. The Reporter of the Committee on Standing Orders explained the rationale for the delegation of authority in the following words: "Article 9 of the [1946] Agreement [...] is quite understandable, because the Conference is the general organ of the International Labour Organisation, but it was found that there were certain objections to this arrangement. The Conference, while it is representative of all elements in the International Labour Organisation, has what might be called a very sporadic existence. It meets for about three weeks every year, and it may happen that it is necessary to ask the Court for an advisory opinion when it is not in session, and in that case it would seem advisable that the Governing Body should be able to ask the Court for such an opinion. For that reason, the Committee on Standing Orders proposes that the Conference should adopt a Resolution to give the Governing Body general authorisation in advance to request the Court for opinions. I think that this solution is a common sense one and that you will not see any objection to it." ¹
4. The Office Note for the Committee on Standing Orders provided further clarifications as follows: "The Governing Body exercises important functions in connection with the application of Conventions, in the course of which it may find it desirable to refer a matter to the Court. It therefore seems desirable that the Governing Body should request the Conference to grant it the authorisation contemplated by the agreement with the United Nations. It appears that the simplest arrangement would be to grant the Governing Body an authorisation in general terms. The Governing Body would clearly not approach the Court on a matter which was primarily the responsibility of the Conference without ascertaining the views of the Conference, and, on this understanding, the Governing Body considers that there would not be any objection in principle to, nor any practical disadvantage in, a general authorisation." ²
5. As regards transfer of authority or attribution of functions to the Governing Body on an ad hoc (one-off) basis or subject to subsequent validation by the Conference, mention should be made of article 41 of the [Financial Regulations of the ILO](#), which provides that, where urgently required, "the Governing Body is authorized to approve and put into temporary operation such alteration or addition [to the Regulations], but shall report thereon to the Conference as soon

¹ ILO, *Record of Proceedings*, International Labour Conference, 32nd Session, 1949, 245.

² ILO, *Record of Proceedings*, International Labour Conference, 32nd Session, 1949, 391–92. The above information has already been provided in [GB.347/INS/5](#), footnotes 13 and 14.

as possible for final decision by the latter”. Similarly, article 12(1) of the Financial Regulations provides that “[G]ifts which may directly or indirectly involve an immediate or ultimate financial liability for the Members of the Organization may only be accepted after authorization by the Conference”. Such authorization was given, for instance, in 1993 and 2003 for gifts of land by governments of Member States for the purpose of constructing ILO premises.

6. In another example of an ad hoc delegation, the [Resolution concerning rules governing regional meetings](#) adopted by the Conference at its 83rd Session (1996), “delegate[d] to the Governing Body of the International Labour Office authority to adopt rules to govern regional meetings taking into account the duration and results intended to be achieved by these meetings, and to apply them on an experimental basis before submitting them to the Conference for confirmation at a later stage”. The revised rules for regional meetings were adopted by the Governing Body at its 267th Session (November 1996)³ and confirmed by the Conference in 2002.⁴ It should be noted, however, that under article 38 of the [ILO Constitution](#), the drawing up of rules for regional conferences is within the powers of the Governing Body. Therefore, in reality, the only authority that was “delegated” in 1996 was the provisional entry into effect of the rules.
7. Similarly, in 2019 the Conference authorized the Governing Body to provisionally fill vacant members’ and alternate members’ positions of the respective groups to the ILO Staff Pension Committee, on the understanding that any appointments thus made would be confirmed by the International Labour Conference at its 109th Session (June 2020).
8. Other examples of “ad hoc” delegation are the authorization given by the Conference to the Governing Body to make the necessary arrangements with regard to the financial contributions of newly admitted States (see 1947, 1960 and 2015) and to determine whether the implementation of one or more of the measures recommended by the Governing Body under article 33 of the ILO Constitution on the subject of Myanmar remained appropriate (see 2000).
9. Reference may also be made to the [Standing Orders of the International Labour Conference](#), which contain provisions entrusting specific Conference-related responsibilities to the Governing Body, such as the invitation of official international organizations (article 2(2)(b)), international non-governmental organizations (articles 2(2)(k) and 2(3)) and liberation movements (article 2(2)(l)) to be represented at the Conference and the designation of the working languages in which interpretation services will be provided (article 29(3)).
10. Lastly, paragraph 6 of the Introductory note to the [Compendium of rules applicable to the Governing Body of the ILO](#) lists a number of functions assigned by the Conference to the Governing Body, including those mentioned in the previous paragraph. Most of these functions are set out in the Financial Regulations of the ILO and relate to the implementation of a budget adopted by the Conference, for instance: authorization of the use of the Building and Accommodation Fund (article 11(3)) and the Special Programme Account (article 11(9)); approval of the use of an appropriation which “is included in the budget by the Conference without specification of the precise purposes for which it is to be applied” (article 15); and transfers from one item to another in the same part of the expenditure budget by special resolutions, which must be communicated to the Conference (article 16). The rationale for assigning these functions to the Governing Body is the evident need to ensure ILO business continuity and operational efficiency in the interval between Conference sessions.

³ GB.267/9/1, paras 2–20, and GB.267/LILS/1.

⁴ ILO, [Provisional Record No. 2](#), International Labour Conference, 90th Session, 2002, paras 14–16 and Appendix; ILO, [Record of Proceedings](#), International Labour Conference, 90th Session, 2002, 26/3.