



Governing Body

352nd Session, Geneva, 28 October–7 November 2024

Institutional Section

INS

Date: 15 October 2024

Original: English

Eighth 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 contains an analysis of the areas the Governing Body agreed upon which could be considered for further review and improvement as well as relevant recommendations and procedural proposals (see the draft decision in paragraph 61).

Relevant strategic objective: All.

Main relevant outcome: Enabler B: Improved leadership and governance.

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/9](#), [GB.351/INS/6](#) and [GB.351/PV](#).

► Introduction

1. At its 351st Session (June 2024), the Governing Body requested the Office to prepare an issues paper containing an analysis of the areas it had agreed upon which could be considered for further review and improvement and relevant recommendations, and decided to continue its discussion on the content, form and modalities of the review of the functioning of the Governing Body. ¹ Part I of this document contains an analysis of the agreed areas for possible improvements. Part II contains proposals for the procedure for considering them.
2. Since the end of the COVID-19 pandemic, the Governing Body has held several rounds of discussions concerning its functioning and working methods. Recent Governing Body documents and notes prepared for the Tripartite Working Group on the Full, Equal and Democratic Participation in the ILO's Tripartite Governance contain detailed background information on the origin and rationale of the most recent reviews of the functioning of the Governing Body in 2011 and in the context of the pandemic. ² Research into previous Governing Body reforms in 1990–93 and in 2003–05 may shed additional light regarding the aspects of its functioning retained for further improvement and analysis.
3. As stated in the context of those previous Governing Body reforms:

Governance has been emphasized as the main role and function of the Governing Body. There is a general consensus that the Governing Body should fully exercise its role as the highest decision-making body of the Organization between sessions of the International Labour Conference and should be in a position to deal with all strategic objectives as appropriate; ³

and:

There is general recognition of the value and relevance of the Governing Body's three main functions:

- governance (including the monitoring of programme implementation);
- debate on substantive policy issues (with the aims of providing guidance for future action);
- standards supervision (including the Committee on Freedom of Association, and procedures under articles 24, 26 and 33 of the Constitution). ⁴

4. To discharge these functions, up to the early 1990s the Governing Body held three full sessions every year in March, May and November, in addition to its one-day session after the Conference. The March and November sessions each lasted two weeks, except in budgetary years, when the March session extended over three weeks. The May session, which was held during the week preceding the start of the Conference session, was abolished in the context

¹ GB.351/PV, paras 85–120; see also GB.351/INS/6.

² See in particular GB.347/INS/10 concerning the analysis of measures introduced in the Governing Body meeting arrangements during the pandemic and their relevance for future sessions and other meetings; GB.350/INS/9 and GB.351/INS/6 containing the background notes for the two latest discussions in March and June 2024; and TWGD/Sixth meeting/Background note concerning the role and functioning of the tripartite Screening Group, and the Officers of the Governing Body.

³ GB.292/3/2, para. 3.

⁴ GB.288/4/2, para. 5.

of the 1990–93 reform,⁵ and over time was replaced by a meeting of a few hours (referenced as the “*bis*” to the March session) to deal exclusively with some oversight functions of the Governing Body that could not be discharged at the March session under the existing work cycles (such as the approval of the audited financial statements). All the other items traditionally discussed at the May session were absorbed by the March and November sessions.

5. Moreover, since the abolition of the May session, the Governing Body has been tasked with additional recurrent functions resulting from:
 - revisions to the Standing Orders of the Governing Body and of the Conference or to the Financial Regulations (such as the revision of the Financial Regulations to provide for the submission of financial statements every year instead of biennially);
 - declarations and resolutions of the Conference (such as the annual review under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and action plans resulting from recurrent discussions under the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022);
 - action requested by the Governing Body itself (such as the adoption of and reporting on specific strategies or action plans – human resources, information technology, knowledge, gender equality and so on – beyond the strategic direction contained in the quadrennial strategic policy framework or biennial programmes and budgets).
6. These developments resulted in an ever-increasing number of items requiring consideration by the Governing Body, alongside the increase in the number and complexity of items related to the standards supervisory system and their follow-up. More recently, these larger agendas have resulted in frequent extended sittings requiring Governing Body members and Office staff to work late hours under often stressful conditions, and resulting in higher operational costs.
7. These considerations need to be borne in mind when envisaging possible means of streamlining the number and complexity of items on the agenda that require action by and decisions of the Governing Body, to ensure that it actually has the capacity to deal meaningfully and effectively with them.

► I. Analysis and recommendations concerning areas identified for further review

8. During discussions at its 350th and 351st Sessions, the Governing Body agreed that the Office analysis would concentrate on six aspects related to its functioning: (a) the agenda-setting process; (b) time management; (c) policy-related discussions and the use of the High-Level Section; (d) the Committee of the Whole and inclusiveness of all interested constituents in policy-related discussions within the Governing Body; (e) Office support to the Government group; and (f) document production. The latter two areas were identified as pending from the 2011 reform package.

⁵ See summary of proposals in [GB.256/13/24](#), para. 6.

A. Agenda-setting process

9. One of the major changes introduced with the 2011 reform was a fundamental overhaul of the agenda-setting process, in response to constituents' calls for greater involvement in the determination of the Governing Body agenda, which at that time was primarily driven by inputs from the Office.
10. In accordance with paragraph 3.1.1 of the Standing Orders, the agenda of the sessions of the Governing Body is drawn up by the Screening Group. Initially, the reform package adopted in March 2011 ⁶ called for the Screening Group to meet during a given session to establish the agenda for the subsequent session. However, this did not prove feasible for constituents, who required additional time to consider the agenda proposals. The current process has evolved over time and has been adapted to respond to the needs expressed by constituents:
 - (a) In the week before each Governing Body session, ⁷ the Office distributes to the Screening Group members a preliminary list of items for the agenda of the subsequent session on the basis of mandated functions, existing cycles or previous decisions of the Governing Body or the Conference. This annotated list includes brief explanations on the origin of each item (excluding standing items) and may occasionally include an item proposed by the Office. The early distribution of this preliminary list of agenda items is intended to allow Screening Group members, especially regional groups, to consult with their membership during their in-person meetings before and during the Governing Body session.
 - (b) Immediately after each session of the Governing Body, the Office updates the preliminary list of items in the light of any decisions made by the Governing Body and resubmits it to the members of the Screening Group for their consideration. Screening Group members are requested to submit any new proposals within one week, accompanied by a brief description of the rationale behind them, to allow sufficient time for translation and circulation to other members.
 - (c) If a new proposal is received from any group, the list is circulated for a third time at least a week before the Screening Group meeting. The deadline allows groups to consult internally before the Screening Group meets to decide on the final list of items on the provisional agenda.
 - (d) After each meeting or consultation of the Screening Group, the Office summarizes in an email to all its members the agreements reached. When the Screening Group has reached agreement on all items on the provisional agenda, it is immediately published on the Governing Body website.
 - (e) If, however, there is no consensus on the inclusion of specific items, publication of the agenda is deferred and the matters are referred to the Officers of the Governing Body for decision; additional consultations with the Screening Group may take place by email before the provisional agenda is finalized.
 - (f) The Office informs members of the Screening Group about any consultations held or decisions made by the Officers regarding the agenda. While these communications and the emails referred to in subparagraph (d) above are not posted on the Governing Body web page, each member of the Screening Group is free to share them within their

⁶ GB.310/9/1.

⁷ The list of agenda items for the June session is prepared at the same time as the list for the March session.

constituency. The Office keeps records of all these communications in case any member of the Screening Group requires them for reference purposes.

- (g) At the latest, the agenda must be circulated to the members of the Governing Body so as to reach them not less than 15 working days before the opening of the session (paragraph 3.1.4 of the Standing Orders).
 - (h) The provisional agenda, as approved by the Screening Group or the Officers, can be updated by the Officers to include urgent matters at any time before its publication through additional consultation with the Screening Group (paragraph 3.1.3 of the Standing Orders).
 - (i) After the agenda has been circulated, urgent items can only be added if the Officers so decide following consultation with the members of the Screening Group, or by a decision of the Governing Body (paragraph 34 of the Introductory Note to the Compendium of rules applicable to the Governing Body ("the Compendium").
 - (j) A few weeks before each Governing Body session, the Screening Group is consulted, usually by email, on a tentative programme of work for the session, including the sequencing of items and the estimated time allotted to each item, which determines indicative time limits for group and individual statements.
- 11.** An important element of the agenda-setting process that is not expressly mentioned in the rules and practices codified in the Standing Orders is the role of the Governing Body in approving its own agenda, in the absence of consensus in the Screening Group on the agenda to be drawn up by it under paragraph 3.1.1. Clarifying the Governing Body's role in this context could assist it in managing those situations in an efficient and uncontentious manner if they should arise.
- 12.** Means of reducing the volume of the agenda of the Governing Body could include:
- (a) A review of all mandated functions so as to identify possible items for which reports could be provided or guidance could be obtained by means other than discussions in the Governing Body. The last time a list of mandated functions was drawn up was in 2009 in the context of the preparations for the 2011 reform.⁸ At its 350th Session (March 2024), the Governing Body was provided with information on the periodicity of recurrent items, including standing items.⁹
 - (b) A further review of the periodicity of some of the current standing items and consideration of items that could be moved into the "For information" category. This could include a review of the manner in which items for information are considered, including the possibility for recategorizing such documents as "For debate and guidance". The Governing Body could consider reinstating the practice followed during the pandemic in respect of uncontroversial items submitted for guidance, where the Office organized briefing sessions on the documents concerned and invited Governing Body members to send written comments, which were included in the minutes of the session.
 - (c) In the context of the 1990–93 reform at which the full session of the Governing Body in May was discontinued, one of the measures adopted to reduce the volume of the agenda was to delegate to the Officers some routine matters, on the understanding that any matters for which there was a difference of opinion would be referred to the Governing

⁸ GB.306/WP/GBC/1, Appendix III.

⁹ GB.350/INS/9, Appendix II.

Body for decision. It might be worth revisiting the list of recurrent or standing items that could be considered for delegation to the Officers, or to the Officers in consultation with the Government group Chairperson or the Screening Group.

- (d) Some items on the agenda could be at least partially discontinued where the information they contain is readily available or could be made available, often in real time, through the ILO website. For instance, most of the information contained in the regular report of the Director-General (concerning membership of the Organization, ratification and denunciation of international labour standards, and publications) is already available on the website and reported to all ILO Members, and also announced through press releases, where it is of significant relevance. Including this information in the report had a purpose at a time where it was the fastest means to communicate it to ILO Members, as the Official Bulletin was issued at longer intervals.
- (e) Consideration could be given to a better alignment of specific strategies with the cycle pertaining to the four-year strategic plan and the biennial programme and budget, including with respect to reports on their implementation, as well as a better alignment of work plans on evaluation and oversight with the Office's programme implementation report.
- (f) At present, the agenda of the Policy Development Section consists of two standing items at each full Governing Body session,¹⁰ one of which concerns reporting on sectoral meetings held since the previous session and proposals for sectoral work for the following year. Reporting on and programming of technical meetings outside the sectoral policies areas is done in the Institutional Section: reporting is done through Supplementary Reports of the Director-General and programming through the standing item "Composition, agenda and programme of standing bodies and meetings", which also covers the programme of sectoral meetings. Reporting on and programming of all technical meetings, including sectoral meetings, could thus be consolidated under the Institutional Section, thereby ensuring equal treatment for the discussion on the outcome of sectoral meetings and other technical meetings, as well as greater consistency and visibility in their programming.

B. Time management

13. Historically, the introduction of time management measures in the Governing Body was the direct result of the increased volume of work and the reduction of the time available to deal with it. A third factor was the increase in the number of persons with speaking rights in the Governing Body, in particular with the addition in 1996 of ten Government deputy seats (and five additional deputy seats in each of the Employers' and Workers' groups) and the introduction in 1999 of the possibility for non-Governing Body members to take the floor beyond sittings devoted to standards supervisory procedures (see section D below).
14. Time management has been a concern in all three of the most recent reviews of the functioning of the Governing Body. On each occasion, similar measures have been considered and recommended in relation to one or more of the existing variables: the number of agenda items, the time available for plenary discussions, the number of speakers in the plenary discussion of each item and the time available for each statement.

¹⁰ GB.350/INS/9, Appendix II.

- 15.** No doubt due to the tripartite structure of the Organization, constituents have always been reluctant to implement strict time management measures in the Governing Body (and in Conference committees) and have preferred flexible approaches to ensure equity between the groups, inclusiveness in the discussions and sufficient space to build consensus on decisions. The experience during the pandemic proved, however, that it is possible to achieve tangible results while retaining flexibility if all participants in the Governing Body adhere more strictly to all of the measures that have been recommended since the early 1990s, the majority of which were included in the special arrangements adopted by the Governing Body and implemented during the pandemic:¹¹
- (a) timely start and end to group meetings and plenary sittings;
 - (b) limiting last-minute changes to the order of business to very exceptional circumstances and ensuring that any such changes are announced as early as possible so that all groups are prepared for the discussion;
 - (c) exceptional use of late sittings, to be planned in advance only as a safety net in case some discussions require more time to come to a conclusion;
 - (d) avoidance of protocolar parts of statements, such as congratulations on appointments, and of other parts of statements that do not relate to the substance of the item under discussion;
 - (e) a tentative programme for the session, which included the approximate duration for the discussion of each item and corresponding time limits for interventions, proposed by the Office in consultation with the Officers and the Screening Group;
 - (f) preferred use of group statements, with statements by individual members being limited to additions or clarifications concerning the position of the member in question;
 - (g) advance registration in the list of speakers to facilitate the flow of discussions and to project the list of speakers on the screen, including the time allocated for each speaker;
 - (h) clarity concerning on whose behalf statements are made, to avoid repetition or confusion. Only exceptions to the usual composition of a group need to be clarified. As only the positions of Governing Body members are taken into account to assess consensus or a majority, clarifications regarding support from non-Governing Body members does not seem necessary;
 - (i) avoidance of breaks and interruptions in sittings;
 - (j) greater adherence to indicative speaking time limits, including by ILO officials in response to questions and by speakers presenting reports of committees or other entities reporting to the Governing Body.
- 16.** As mentioned in paragraph 2, the Governing Body reviewed these measures and their relevance to future meetings at its 347th Session and agreed to retain the time management measures described in paragraph 15(e), (f), and (g), which remain in place. Despite a marked improvement in the length of interventions before and after the pandemic, strict adherence to the agreed speaking time allocations remains a challenge. Therefore, the Governing Body may wish to build on the progress achieved and consider a more systematic and stringent

¹¹ GB.341/INS/1.

application of time limits, by using a time monitoring application that clearly and audibly signals the end of the time allocated.

17. Another lesson learned from the special arrangements outlined above was that adherence to the announced times for group and plenary meetings allowed for better planning of informal discussions and negotiations to seek consensus.

C. Policy-related discussions and use of the High-Level Section

18. When the policymaking role of the Governing Body was considered in the context of the 2003–05 reform, it was agreed that policy discussions should not take place just for their own sake but that any policy item selected should clearly contribute to the governance and decision-making role of the Governing Body.¹² More recently, in the context of discussions on the Governing Body's structure during the 2011 reform, it was considered that the High-Level Section would continue as a forum for global policy discussion and strategic guidance, without allowing types of debate more appropriate to the Conference or other bodies.¹³
19. Since the 2011 reform, there has been little use made of the High-Level Section (the Strategic Policy segment and the Working Party on the Social Dimension of Globalization), with a corresponding shift of policy discussions to the Institutional Section and, to a lesser extent, to the Policy Development Section. Despite efforts to ensure some balance between the Governing Body sections and segments, most of the discussions currently take place in the Institutional Section, the Programme, Financial and Administrative Section and the Legal Issues and International Labour Standards Section. In the Policy section, there is an unequal distribution of items within its four segments (Employment and Social Protection; Social Dialogue; Development Cooperation and Multinational Enterprises). The time may therefore have come for constituents to discuss how to address these imbalances, without otherwise changing any of the other agreed principles of the 2011 reform (that is, no parallel meetings, a continuous plenary across all sections and segments, the four strategic objectives should be adequately covered, and grouping items under a limited number of themes to improve the organization of the agenda and the conduct of business).

D. Committee of the Whole and inclusiveness of all interested constituents in policy-related discussions within the Governing Body

20. Paragraph 12 of the introductory note to the Standing Orders of the Governing Body refers to articles 1.8 and 4.3 of the Standing Orders as the provisions that govern the situation of States which are not represented on the Governing Body. Article 4.3 regulates the Committee of the Whole format, which was introduced in the Standing Orders of the Governing Body in 1999 to provide an opportunity for governments that are not members of the Governing Body to take part in the discussions of the Annual Review foreseen in the Follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work to supplement the information contained in their reports.¹⁴ At the time, the work of the Governing Body was organized in committees, all of which reported to the plenary, including the Committee of the Whole. Article 4.3 provides that "representatives of governments that are not represented on the Governing Body may ... express their views with respect to matters concerning their own situation".

¹² GB.292/3/2, para. 4

¹³ GB.310/9/1, para. 22.

¹⁴ GB.276/LILS/1, para. 5.

21. Since the 2011 reform, the Governing Body has functioned in a continuous plenary. At that time, a general provision on the right to speak of representatives of States that are not members of the Governing Body was included in its Standing Orders (paragraph 1.8.3), which provides that a representative of a State that is not a member of the Governing Body may “express views on matters concerning the State’s own situation if a decision point may affect its interests, or if that State, or the situation of that State, has been specifically referred to in the discussion.”
22. The fact that both provisions limit the right to speak of non-members of the Governing Body to expressing views on the State’s own situation and that their exercise is subject to decisions by the Officers, which are to a certain extent discretionary, would suggest that they fulfil the same function and represent a duplication. However, this is not confirmed either by the history of those provisions or by practice.
23. While for the purpose for which the Committee of the Whole was introduced – to permit governments to supplement the information contained in their annual reports under the 1998 Declaration – the requirement to speak only on matters concerning their own situation was perfectly adequate, it may be questioned whether that requirement serves a purpose for other uses of the Committee of the Whole format. In this respect, it is useful to recall that the Committee of the Whole is the format envisaged in paragraphs 37 and 41 of the Introductory Note to the Compendium for meetings of the Working Party on the Social Dimension of Globalization, under the High-Level Section. In recent years, the Committee of the Whole format has been used in debates on the implications of the UN reform for the ILO,¹⁵ on the question of whether to refer the dispute around the interpretation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), to the International Court of Justice¹⁶ and the question of whether to place a standard-setting item on the right to strike on the agenda of the Conference.¹⁷ In those debates, the requirement for non-members of the Governing Body to speak only on matters concerning their own situation was evidently not applied. Indeed, the purpose of those Committees of the Whole being to permit non-members of the Governing Body to participate in debates on issues of high strategic importance for the ILO, it could be envisaged to abolish this restrictive condition.
24. Conversely, paragraph 1.8.3 was introduced only in 2011 to grant limited speaking rights to governments that are not members of the Governing Body outside of supervisory procedures concerning that government (provided for in paragraphs 1.8.1 and 1.8.2). Except in a few recent cases, paragraph 1.8.3 has always been applied narrowly. In the Office’s view, this is appropriate given that the Governing Body is an organ of a limited composition unlike the Conference. Representatives may only be authorized to express views if the matter under discussion affects that State specifically and substantively. Most matters before the Governing Body are potentially of interest to all Member States; invoking the significance or the implications in general of a draft decision for the Member’s interests does not appear to be sufficient grounds for such a Member to be authorized to speak.
25. Based on the above analysis, it would be possible to distinguish more markedly the two possibilities for governments that are not members of the Governing Body to speak. While the restrictive conditions of paragraph 1.8.3 could be further clarified, the restriction on the right to speak in a Committee of the Whole could be abolished. To facilitate the use of Committees

¹⁵ GB.332/PV, paras 790–862.

¹⁶ GB.349bis/PV, paras 1–68.

¹⁷ GB.349ter/PV, paras 1–34.

of the Whole procedurally, it could be envisaged to abolish the obligation of the Committee to report to the Governing Body, as currently required under article 4.3. This seems justified, since all the members of the Governing Body are also members of the Committee of the Whole and, since 2011, comprehensive minutes have been published of the debates in the Committee.

E. Remaining items pending from the Governing Body reform

26. In addition to the items pending from the last reform package mentioned above (transparency of Screening Group proceedings; time management; policy-related discussions and distribution of agenda items across existing Governing Body sections), the questions remain of Office support to the Government group and of document production.

E.1. Office support to the Government group

27. The creation of a dedicated facility, consisting of a dedicated senior professional position, within the Official Meetings, Documents and Relations Department to increase liaison with and support to the Government group, regional groups and individual governments was one of the main features of the 2011 reform package.¹⁸ Over time, the work of most of the department's official relations team and of a substantial part of the department's senior management has evolved to mainly providing support on ILO governance to the Chairpersons of the Governing Body and the Government group and to Regional Coordinators, through the organization of systematic or on-demand information sessions and liaising with technical departments for other types of support.
28. The Office is ready to increase its activities in support of the Government group and regional groups in whatever manner they find appropriate particularly to address the challenges of smaller representations with a view to enabling them to fully participate in Governing Body activities.
29. Clearly, there are varying expectations of the nature and scope of the support to governments that the Office can provide. Some governments have suggested that structures within the Office similar to the Bureaux for Employers' and Workers' Activities (ACT/EMP and ACTRAV) could be considered to increase support to governments. This proposal was also discussed in depth during the 2011 reform but did not receive full support. Nonetheless, the perception that the support the Office provides to governments does not match the type of support the social partners receive persists and needs to be addressed.
30. The role of the Bureaux is to develop and manage a productive and constructive relationship between the ILO and employers' and workers' organizations by acting as the focal points for direct contact between the Office and employer and worker constituents. To this end, the Bureaux fully deliver capacity-building on organizational/institutional development and policy advocacy designed to lead to strong, independent and representative organizations of employers and workers. All technical departments and field offices are there to support governments in relation to ILO technical work. Institutional, policy and procedural support to the social partners in relation to ILO governance is provided by the group secretariats, located outside the Office (in the International Organisation of Employers and the International Trade Union Confederation, respectively) and funded by the groups themselves. Should the Government group or regional groups wish to secure a similar level of independent

¹⁸ See paragraph 22 of the Introductory Note to the Compendium and the summary in Appendix II to document GB.351/INS/6.

governance support and advice, consideration could be given to the creation of a dedicated support unit, subject to budgetary considerations.

E.2. Document production

31. Following the call by the Governing Body in the context of the 2011 reform for more concise, decision-oriented documents, to be published simultaneously in the three official languages within a given timeline before the Governing Body session,¹⁹ the Office put in place the following measures to give effect to the provisions in paragraphs 5 to 7 of article 5.6 of the Standing Orders:²⁰
 - (a) publication of a revised Office policy on the roles and responsibilities of all involved in document production, including target lengths by document type and production timelines to meet publication deadlines;
 - (b) for each Governing Body session, preparation of detailed work plans in agreement with author units, including any departures from target lengths or established timelines in the document production chain;
 - (c) introduction of electronic workflows to record all stages of document production (drafting, editing, approval, referencing, translation, formatting and publication);
 - (d) regular monitoring of compliance with production deadlines and lengths, including early warning of problematic situations.
32. The Office recognizes the need to make further efforts to ensure timely and smooth publication of Governing Body documents and has recently put in place a range of internal measures to this effect. However, as far as the late publication of documents is concerned, practice has shown that it is very challenging to implement the provisions of the Standing Orders strictly. Under paragraph 5.6.7 of the Standing Orders, items on the agenda in respect of which the publication deadline of 15 working days (or 30 days in the case of the programme and budget proposals) is not respected will automatically be deferred to the following Governing Body session, except if late publication is authorized by the Officers in consultation with the three groups, or where the documents arise from meetings, missions and initiatives taking place immediately before or during the Governing Body session.
33. In cases where the publication deadline is not met, the Office either communicates to the Screening Group the list of documents that will be published late, together with the reason and the anticipated revised publication date, or shares the information with the group secretariats and with governments during the information session that takes place two weeks before the Governing Body session. Unless the Screening Group objects to anticipated delays,

¹⁹ For more details, see GB.350/INS/9, paras 28 and 29.

²⁰ Paragraphs 5, 6 and 7 of article 5.6. of the Standing Orders read as follows:

5.6.5. Documents prepared by the International Labour Office and dealing with the items on the agenda of the Governing Body shall be made available electronically to members of the Governing Body, in English, French and Spanish at least 15 working days before the opening of each session. In the case of the discussion on the programme and budget, a period of 30 working days is required.

5.6.6. If the above-mentioned period of 15 working days is not respected, the item concerned will be postponed to the following Governing Body session. Derogations to this rule will require prior agreement from the Officers after consulting the three groups.

5.6.7. The rule in paragraph 5.6.5 will not apply to documents arising from meetings, missions and initiatives taking place immediately before or during the Governing Body session. In any case, oral presentation can be used for urgent matters.

the items are kept on the agenda. To give constituents more time to consider late documents, they are scheduled for discussion during the second week of the session.

34. It may therefore be helpful to review the Standing Orders of the Governing Body to align the rules and the practice and consider further measures to ensure that the setting of the agenda of each session also takes into account document production workflows and deadlines.

F. Other procedural aspects that call for a possible update of the Compendium of Rules applicable to the Governing Body

35. Beyond the areas identified for review by the Governing Body, as described above, the Office has identified, building on legal questions raised by constituents, other legal and procedural aspects which, if addressed, would contribute to improving the functioning of the Governing Body. The Office is cognizant of the fact that these areas have not been previously addressed by the Governing Body. However, it considers it important to bring them to its attention for consideration.
36. These aspects are listed below with corresponding brief explanations to enable the Governing Body to consider whether it wishes to examine them further and possibly request the Office to prepare proposals for discussion during the review.
37. A distinction is to be drawn between aspects that could be examined with a view to amendments to the Standing Orders of the Governing Body, including to enhance coherence with the Standing Orders of the Conference, and the aspects which would merely require additional language in the introductory note to enhance clarity in the procedure of the Governing Body.
38. The following could be examined with a view to amending the Standing Orders of the Governing Body:

- (a) Delegation of authority to the Officers (paragraph 2.3.1)

There is a discrepancy between the contents of the provision and the practice in several respects. For example, this provision enables the Governing Body to delegate authority to its Officers on the enumerated matters (such as invitations of organizations to official meetings). However, decisions delegating authority have been the exception rather the rule and in practice, the Officers have taken decisions on those matters.

- (b) Functions within the Government group exercised by non-members of the Governing Body (article 7.1)

On several occasions in recent years, the question has arisen as to whether the Chairperson and Vice-Chairperson of the Government group of the Governing Body and the Regional Coordinators must be representatives of governments that hold a regular or deputy seat in the Governing Body or could also be representatives of governments that are not members of the Governing Body. The Office has consistently taken the view that the institutional logic underlying the functioning of the Governing Body dictates that these functions be exercised by representatives of elected Government members of the Governing Body. If the nominations were to include non-members, the Standing Orders would need to be amended.

- (c) Designation of a Government deputy member to vote when a regular member is in arrears and has lost the right to vote (paragraphs 6.1.4 and 1.5.3)

In practice, there have been cases where the Government group has designated a deputy Government member to vote in place of a regular member that had lost the right to vote due to arrears in the payment of the country's membership contributions. However, there are doubts as to whether this practice is compatible with the relevant provisions of Standing Orders and legal principles. It would be desirable to amend the Standing Orders to clarify the situation in one sense or the other.

- (d) Definition of consensus (paragraph 6.1.1)

A description of what is to be understood by consensus is contained in paragraph 46 of the introductory note to the Standing Orders. However, the Standing Orders themselves do not contain a binding definition of consensus, unlike the Standing Orders of the Conference (articles 21 and 42) and the Standing Orders for Technical Meetings (article 12) and for Meetings of Experts (article 11). An amendment to introduce a corresponding provision could be proposed.

- (e) Right to reply (article 5.8)

The right to reply of Governing Body members and the groups is provided for in article 5.8, which specifies that it may be exercised at the time decided by the person chairing the sitting. Given its significance and its exercise, it might be useful to further buttress the modalities of the exercise of right to reply, reaffirming that it is exercised under conditions decided by the person chairing the sitting and setting out the most common conditions, as they are applied at the Conference, such as that the exercise of the right is granted at the end of the sitting concerned and that there is no right to reply to a reply.

- (f) Duties of the Chairperson (paragraph 2.2.3)

Under paragraph 2.2.3 of the Standing Orders, the Chairperson has the right to take part in the discussions of the Governing Body and to vote. Given the particular significance of the impartiality of the chairing officer in the ILO's tripartite setting, it could be proposed to align this provision with article 13(3) of the Standing Orders of the Conference to provide that the Chairperson is not permitted to vote but may appoint a substitute.

- (g) Suspension of a provision of the Standing Orders (article 7.2)

Article 7.2 provides that the Governing Body may decide to suspend any provision of the Standing Orders only "exceptionally, in the interests of its own orderly and expeditious functioning" and "for the purpose of dealing with a specific non-controversial question before it". This provision could be aligned with the corresponding provision of the Standing Orders of the Conference (article 69(2)), where similar restrictive conditions were abolished as part of the 2021 comprehensive review.

- 39. It might be desirable to include clarifying language in the introductory note to the Standing Orders of the Governing Body on the following aspects:

- (a) Decision making process for the Officers

Questions have occasionally been raised on the matter, and in particular, the legal implications of any failure to reach agreement. It was clarified that no procedural rules governed Officers' meetings and that the Officers operated on the basis of consensus rather than unanimity and had, in principle, no veto power. In the absence of agreement

among the Officers, the matter was to be referred to the Governing Body for decision.²¹ The Governing Body might wish to consider the possibility of restating key principles to address any difference of views that might arise among the Officers.

(b) Status of substitutes (article 1.6)

The Office has, on several occasions, been consulted by the Employers' and the Workers' groups concerning the possibility of appointing substitutes as titular members to Governing Body committees, specifically the Committee on Freedom of Association. The Office has consistently advised against such a practice, stating that it contravenes the Standing Orders of the Governing Body. The Governing Body might wish to consider the possibility of restating that substitutes can only replace regular members who are absent or unable to attend.

(c) Seat-sharing arrangements (paragraphs 1.7.1 and 1.7.2)

In recent years, the practice of "seat-sharing" among different governments of the same region or subregion has come under scrutiny. This practice involves arrangements by which one or more members elected to occupy a Governing Body seat would resign at a specific point during the three-year term to allow another government or governments to take over the vacancy or vacancies. The Office has consistently expressed the view that such arrangements are incompatible with the constitutional principle of a three-year term for Governing Body members as stipulated in article 7(5) of the ILO Constitution. The Governing Body might wish to consider the possibility of restating the constitutional rule and its implications.

► II. Procedural proposals for the review

40. At the request of the Governing Body, this Part contains draft terms of reference for the two identified potential procedures for the review: (A) a working party tasked with considering possible improvements in the agreed areas of convergence; and (B) a tentative road map of intersessional consultations aimed at informing the Governing Body about possible improvements to its functioning.
41. Considering that there is convergence on pursuing the discussion on a selected number of areas of the Governing Body's functioning, and that the logistical implications of the two options do not differ much, the Governing Body may also wish to consider a third, hybrid, approach: (C) a combination of informal consultations with a working party.

A. Working party to review the functioning of the Governing Body

1. Composition

42. Based on the experience of previous Governing Body working parties and working groups, a working party for the review of the functioning of the Governing Body could be composed of 16 Government members, eight Employer members and eight Worker members.
43. The working party would elect a Chairperson and two Vice-Chairpersons from its members, one from each of the constituent groups. To ensure inclusiveness and transparency, other

²¹ GB.337/PV, para. 539.

members of the Governing Body could participate as observers, with permission to speak subject to authorization by the Chairperson. Alternatively, each group could appoint a limited number of observers or advisers, who need not be members of the Governing Body and whose participation in the proceedings of the working party would be at the discretion of the Chairperson.

2. Terms of reference and mandate

44. The mandate of the working party could include:
 - (a) reviewing the functioning of the Governing Body based on the areas of convergence for possible improvement identified by the Governing Body;
 - (b) proposing adjustments to the Compendium based on its review of those areas of convergence;
 - (c) considering any other adjustments in practice or to the Compendium that may emerge during the proceedings of the working party.

3. Working arrangements

45. The working party could hold its meetings in person immediately before each Governing Body session, and may agree to hold additional meetings remotely. Remote participation would be facilitated for all meetings. The working party's working languages would be English, French and Spanish, for which translation and interpretation would be provided.
46. To the extent possible, the working party would work by consensus and could request the Office to hold informal consultations on any specific aspect requiring the views from a wider audience.
47. Regular meetings of the working party could be scheduled for one full day, including group meetings in the morning and afternoon. Any additional meetings held remotely could be scheduled for half a day.
48. Ten days before each meeting of the working party, the Office would distribute an issues paper covering the areas of convergence under review or proposed revisions to the Compendium.

4. Proposed time frame/work plan

49. Nominations for the members of the working party could be communicated by constituents to the Office by the end of November 2024.
50. The working party could meet in March 2025, ahead of the 353rd Session of the Governing Body, to consider the Office's proposals regarding areas of convergence I-A, B and E.2, and would provide a progress report to the Governing Body at that session.
51. The working party could meet in October 2025, ahead of the 355th Session of the Governing Body, to consider the three remaining areas of convergence (I-C, D and E.1) as well as any other areas identified by the Governing Body, including those mentioned under section F, and would provide a progress report to the Governing Body at that session.
52. The working party could hold its last meeting in March 2026, ahead of the 356th Session of the Governing Body, to consider proposed revisions to the Compendium resulting from its previous deliberations, and would submit its final report to the Governing Body at that session, including recommended revisions to the Compendium and an implementation plan for the agreed measures.

B. Informal consultations on agreed areas of convergence

53. The Office understands that the option of holding informal consultations was intended to be applied if a final determination about the content of the agreed areas of convergence showed that the establishment of a working party was not necessary, and that any further consideration of possible improvements to the functioning of the Governing Body could be addressed directly by the Governing Body itself, following informal consultations.
54. Based on this premise, the Governing Body could consider the following timeline of informal consultations, to be adapted according to final refinements of the content of the review:
 - (a) The Office would organize two rounds of informal consultations and a third wrap-up consultation, all three to be scheduled between November 2024 and August 2025. The first and second rounds would each be devoted to three of the agreed areas of convergence and any other adjustments in practice or to the Compendium that may emerge during the consultations, including in those areas mentioned under section F. The third consultation would concentrate on any interdependencies of proposals and identification of possible amendments to the Compendium.
 - (b) The Office would prepare for each round an issues paper for consideration as well as a paper for the consideration of the Governing Body at its 355th Session in October–November 2025, including concrete proposals and amendments to the Compendium based on the outcome of the informal consultations. Therefore, unlike the option of establishing a working party, this process would be mainly driven by the Office.

C. Combination of informal consultations and a working party

55. A hybrid approach could be envisaged, where possible improvements concerning issues of principle could be discussed in informal consultations in a more open-ended setting, which might vary depending on the topic, while entrusting a formally established working party with formulating the agreed improvements as modifications to existing rules and practices, also taking into account the interdependencies between the various ideas that may emerge from the informal consultations.
56. Informal consultations could be held between sessions of the Governing Body with hybrid participation (in person and remote), while the working party could be scheduled to meet in person immediately before a session of the Governing Body to avoid it having to meet in parallel to Governing Body or related group meetings, and also to minimize travel costs with respect to Employer and Worker members.
57. Informal consultations could be facilitated by the Office, while the working party could be chaired by an independent chairperson or an elected member of the working party, who would preferably have participated in all informal consultations. Alternatively, to ensure continuity, it could be envisaged to have the same person preside over both the informal consultations and the working party.
58. The Office would prepare detailed notes with background information and proposals for each round of consultations or meeting of the working party.
59. Progress on the work of the informal consultations could consist of a brief oral report to the Governing Body, or a document for information, without opening any debate on them. The outcome of the working party could be subject to interim and final reports for consideration and decision by the Governing Body.

60. The composition, terms of reference and work plan of the working party under this approach could be inspired by those of the working party under the first procedural option.

► Draft decision

61. The Governing Body:

- (a) noted the areas of convergence contained in document GB.352/INS/8 to inform the review of the functioning of the Governing Body, subject to the guidance provided during its discussion;
- (b) approved procedural option [II A, B or C] outlined in paragraphs 40–60 of document GB.352/INS/8 for the continuation of the review, and requested the Director-General to take into account the guidance provided during its discussion.