



International
Labour
Organization

► Instrument of Amendment to the ILO Constitution, 1986

Briefing for the Caribbean
25 September 2024

Instrument of Amendment to the ILO Constitution, 1986

Objective: To make the governance of the ILO more equitable and democratic, adjusted to current times.

The importance of change was again emphasized in 2019 in the ILO Centenary Declaration for the Future of Work.

A call to all Member States that have not yet ratified the amendment to make it a priority.

A special appeal to Member States of “chief industrial importance” to consider the proposal of the Amendment.



Decision of the 347th meeting of the Governing Body, March 2023

The Governing Body:

took note of the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;

welcomed the significant progress made in the ratification of the Instrument of Amendment to the Constitution of the International Labour Organization, 1986, since the establishment of the working group;

urged the eight Members of chief industrial importance which have not yet ratified the 1986 constitutional amendment to consider favourably such ratification in the shortest possible time;

requested the Director-General to take all necessary initiatives aimed at bringing the 1986 constitutional amendment into effect and keep the Governing Body updated in subsequent November and March sessions until the amendment enters into force.

Subjects of the Amendment

In 1986, the International Labour Conference adopted an Instrument of Amendment proposing significant changes to 11 of the 40 articles of the ILO Constitution.

The 1986 Amendment addresses three main areas:

- Composition and governance of the Governing Body;
- Procedure for appointing the Director-General; and
- Rules for amending the ILO Constitution.

► Composition of the Governing Body

The amendment aims at providing a means of appointment of its members taking into account the various geographic, economic and social interests of each of the three constituent groups.

If the 1986 Amendment were to come into force today, the total number of seats on the Governing Body would increase from 56 to 112, with the manner of their allocation modified.

Of these 112 seats, 56 would be allocated to government representatives, 28 to employers' representatives, and 28 to workers' representatives.

The seats currently allocated to non-elective Members (of chief industrial importance) would cease to exist.

► Composition of the Governing Body

Of the 56 government seats, 54 would be distributed as follows:
(for each region, no less than 12 seats, and no more than 15 seats)

❑ Africa: 13 seats

❑ Americas: 12 seats

❑ Asia-Pacific: 14 seats

❑ Europe: 15 seats

❑ 2 remaining seats rotating between Africa/Americas, and between Asia-Pacific/Europe

► Appointment of the Director-General

Under the 1986 Amendment, the Director-General of the ILO would continue to be appointed by the Governing Body, subject to the approval of the International Labour Conference.



► Rules applicable to the procedure for amending the Constitution

- ✓ Amendment to article 36 of the Constitution relating to future amendments and specifying voting and ratification requirements for amendments related to specific considerations.
- ✓ **Three-fourths (3/4) of the votes cast** would be required for the adoption of amendments concerning the fundamental purposes of the Organization, the permanent establishment of the Organization, the composition and functions of its collegiate organs and the appointment and responsibilities of the Director-General, constitutional provisions relating to international labour Conventions and Recommendations and the provisions of article 36 of the Constitution. They would then have to be ratified or accepted by three-quarters of the member States for entry into force.
- ✓ **Two-thirds (2/3) of the votes cast** would be required for the adoption of amendments relating to any other issues covered by the ILO Constitution. The amendments would have to be ratified or accepted by two-thirds of the member States for entry into force.

► Regional Distribution of government Seats on the Governing Body from June 2024 to June 2027

Regions	Regular members		Deputy members	Total elective seats	Total
	Non-elective**	Elective			
Africa*	0	6	7	13	13
Americas*	2	5	6	11	13
Asia and Pacific	3	4	8	12	15
Europe	5	3	7	10	15
Total	10	18	28	46	56

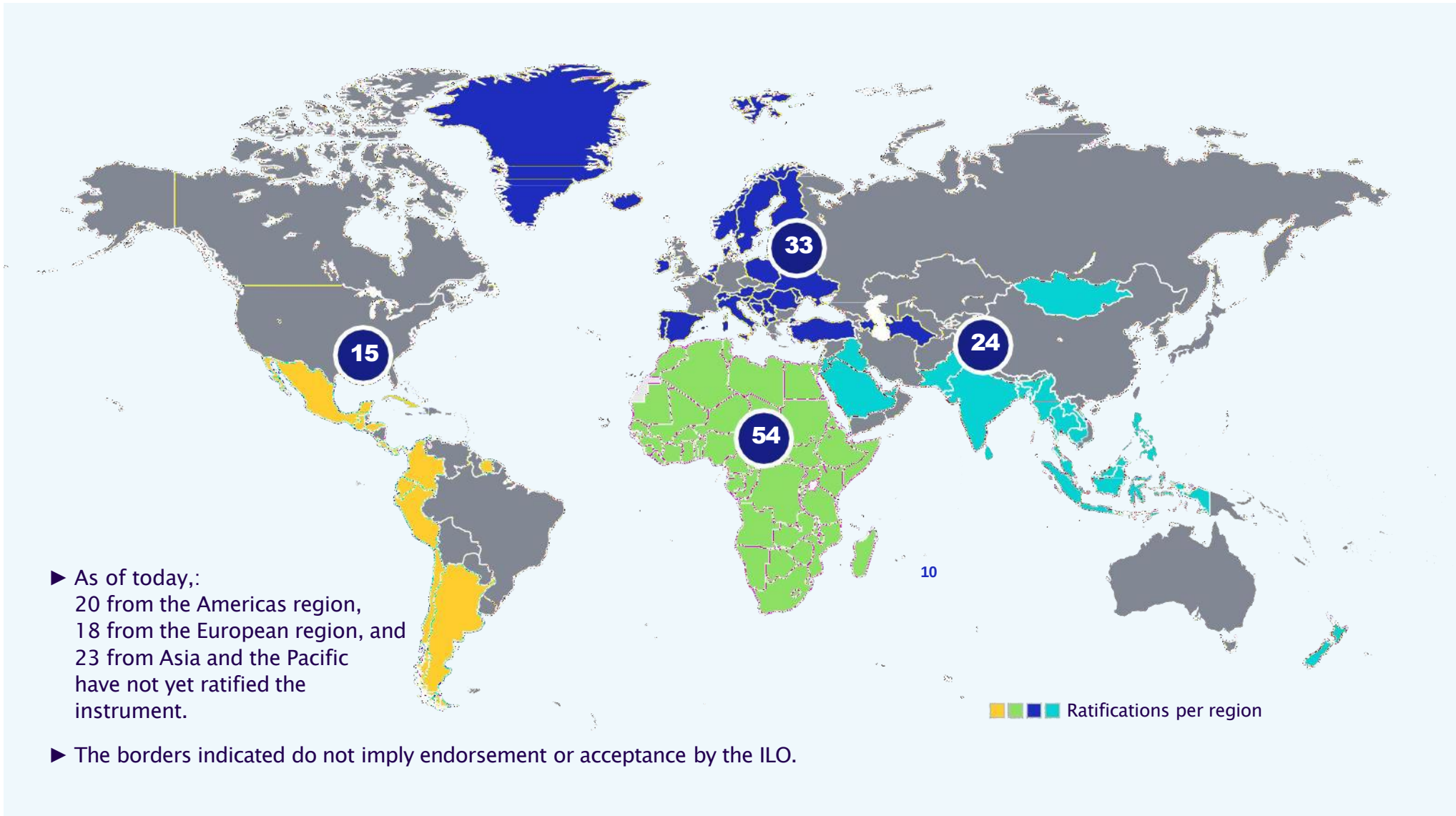
* Africa and the Americas share a “floating” deputy member seat, which alternates between the two groups for each term of office of the Governing Body. This seat was assigned to the Africa group for the period 2021–24 and will be held by the Americas group for the 2024–2027 term.

** States of chief industrial importance



► Status of ratification per region

As at June 2024, 127 ratifications have been registered.



► Status of the Amendment - 127 ratifications

A. Member States of the Americas that have ratified or accepted the Amendment

Argentina	Cuba	Mexico
Barbados	Ecuador	Panama
Chile	Granada	Peru
Colombia	Guatemala	Suriname
Costa Rica	Honduras	Trinidad and Tobago

B. Member States of the Americas that have not yet ratified or accepted the Amendment

Antigua and Barbuda	Dominican Republic	Saint Kitts and Nevis
The Bahamas	El Salvador	Saint Vincent and the Granadinas
Belize	Guyana	Santa Lucía
Bolivia, Plurinational State of	Haiti	<u>United States of America</u>
<u>Brazil</u>	Jamaica	Uruguay
Canada	Nicaragua	Venezuela, Bolivarian Republic of
Dominica	Paraguay	



► What needs to be done?

Entry into force requires acceptance by two-thirds of the member States, including at least five of the non-elective States of chief industrial importance.

127 ratifications have been received, two of which are from States of chief industrial importance (India and Italy).

Three more ratifications from States of chief industrial importance are needed.

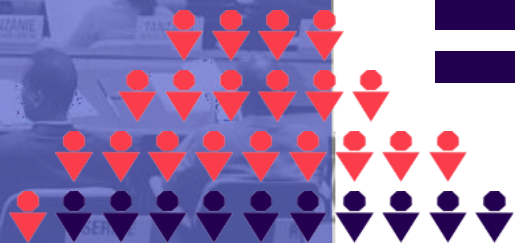
Acceptance

2 / 3

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125

ratifications



Member States

5 / 10



States of chief
industrial
importance need to
ratify

► What added value it would bring?

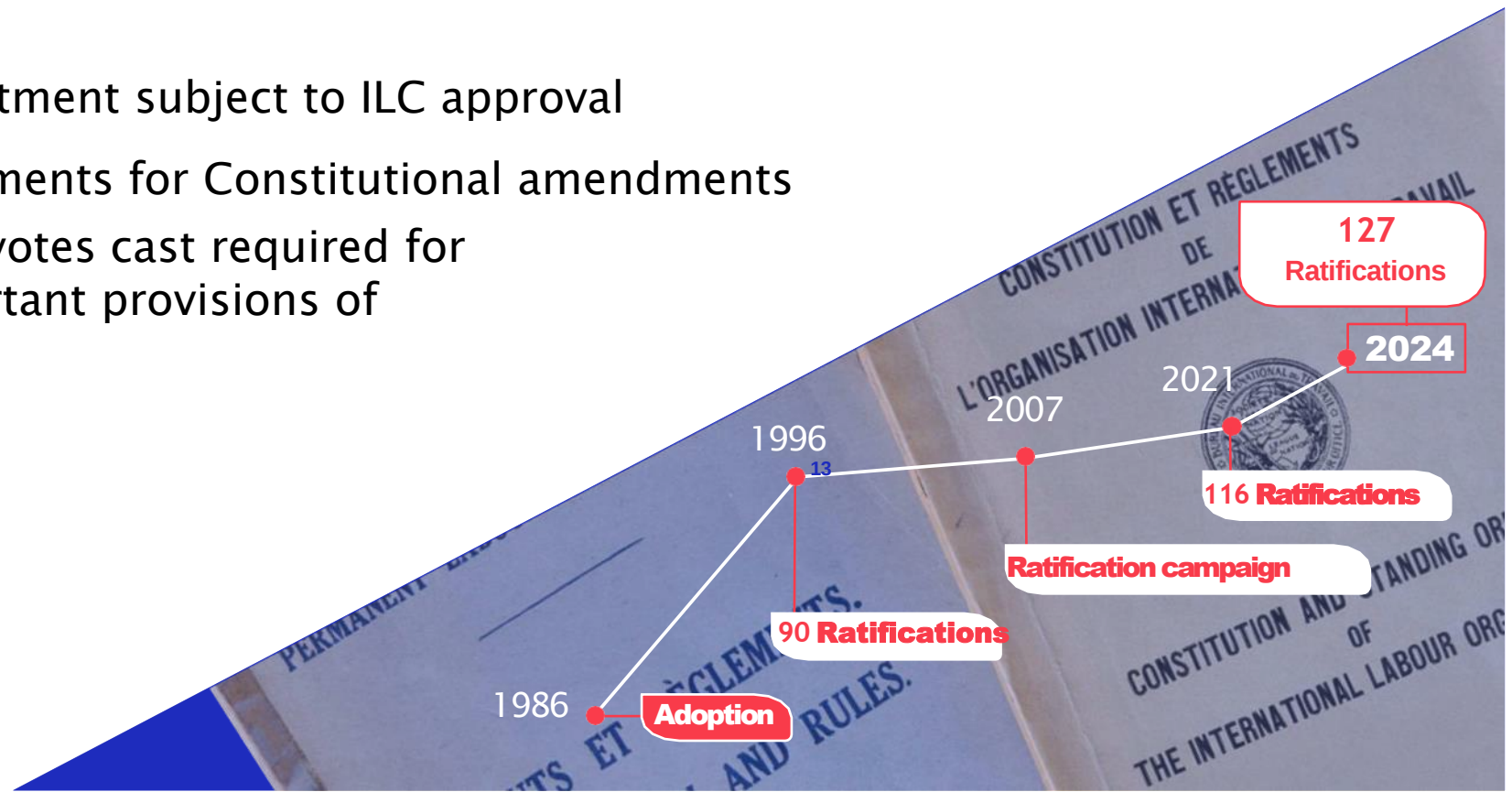
A more representative Governing Body membership

- No seats reserved for ten Members of chief industrial importance

Director-General appointment subject to ILC approval

Stricter majority requirements for Constitutional amendments

- Three-fourths of the votes cast required for amendments to important provisions of the ILO Constitution





Thank you very much