

Realizing decent work in the platform economy

► Background information for the consideration of an accelerated and simplified amendment procedure (point 5 of the proposed Conclusions)

A. Introduction

1. In the proposed Conclusions presented by the International Labour Office in *Realizing decent work in the platform economy* (ILC.113/Report V(2)) as a basis for discussion of the fifth item on the agenda of the 113th Session (June 2025) of the International Labour Conference, point 5 provides that: “The standards should include an accelerated and simplified amendment procedure to ensure their continued relevance in the light of future technological, regulatory or operational developments impacting on work in the platform economy”.¹
2. The Office indicated in the same report that it would prepare and share with Member States more detailed information on the possible design of an accelerated and simplified amendment procedure.
3. This document briefly recalls the statutory procedures for the revision of ILO standards.² It provides information on the amendment procedures contained in a number of ILO standards as well as succinct information on the procedures in force in selected other organizations. Finally, it outlines some considerations that the Conference could take into account when discussing a possible accelerated and simplified amendment procedure for a standard or standards on decent work in the platform economy.

B. ILO procedures concerning the revision of international labour standards, including their amendment

I. Statutory procedures for the revision of Conventions and Recommendations

4. The ILO Constitution does not provide for any specific procedure for the revision of international labour standards.
5. While one statutory procedure exists to revise *Conventions and Recommendations*, during the last 70 years, in practice, the general procedure for adopting new standards through either a single or a double Conference discussion has become the “established” method of revision governed by the Standing Orders of the Conference (articles 45 and 46).

¹ In the previous report, *Realizing decent work in the platform economy*, ILC.113/Report V(1), the Office underlined that the special characteristics of the platform economy may require continued review due to its rapid evolution. Thus, a possible standard or standards on the platform economy could include a simplified and accelerated procedure for amending provisions relating to specific topics to ensure their continued relevance in light of the technological, regulatory or operational developments concerning work on or through digital platforms. The Office questionnaire contained the following question (No. 78): “Should the instrument or instruments include a simplified and accelerated procedure for amending specific provisions in order to ensure their continued relevance in the light of technological, regulatory or operational developments impacting on work on or through digital labour platforms?”

² For more detailed information, see “Reference document 2: Revision of international labour standards”, prepared for the fifth meeting of the Standards Review Mechanism Tripartite Working Group (23–27 September 2019).

6. Any instrument revised in accordance with the latter procedure results in a new instrument, which, in the case of Conventions and Protocols,³ must be ratified to become binding on Member States.
7. The [Standards Review Mechanism Tripartite Group \(SRM TWG\)](#) established by the Governing Body in 2015 plays an important role (as did similar previous mechanisms) in assisting the Governing Body in the identification of the Conventions and Recommendations in need of revision. Thereafter, it is for the Governing Body to decide to place on the agenda of the Conference the question of the revision of the relevant Convention or Recommendation.⁴

II. Specific amendment clauses incorporated in certain ILO instruments

8. In addition to the statutory revision procedure,⁵ a limited number of Conventions and Recommendations contain “built-in” clauses concerning the amendment of specific provisions or the annexes.⁶
9. Notably, over the past 20 years, the Conference has introduced innovative “accelerated amendment” clauses.⁷ These clauses can apply to annexes of Conventions or Recommendations. In the case of the Maritime Labour Convention, 2006, as amended (MLC, 2006), the corresponding procedure concerns both mandatory and non-mandatory provisions.
10. These amendment clauses lead to the partial revision of the standards. Their scope is limited to specific provisions or part of provisions of the standards concerned. As such, these clauses present two important features:
 - (a) First, the adoption of an amendment *does not result in a new instrument*. The existing instrument maintains its original title with the addition of the words “as amended” and retains the registered ratifications.
 - (b) Second, under these clauses, the amendments *do not require ratification*. They enter into force for a ratifying Member State after a given period unless such Member gives “written notice to the Director-General of the International Labour Office that [they] shall not enter into force for that Member, or shall only enter into force at a later date upon subsequent written notification”.⁸ This procedure, known as “tacit acceptance”, is intended to facilitate the process by which States parties can be bound by an amendment and a speedy entry into force for as many State parties as possible to ensure a level playing field. At the same time, a number of safeguards are afforded to ensure that the sovereign right of Member States to decide if and when they wish to be bound by an amendment is preserved.⁹ For

³ A Protocol remains linked to the Convention that it partially revises and is particularly suitable for amending or supplementing a limited number of provisions.

⁴ In accordance with Article F of the Annex to the [Resolution concerning the final provisions of international labour Conventions](#), adopted by the Conference at its 111th Session (June 2023), the following clause shall be included: “At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision.”

⁵ Article XIV of the MLC, 2006, contains some specificities.

⁶ To date, two Conventions in force include provisions for a specific amendment procedure with respect to their annexes: the Migration for Employment Convention (Revised), 1949 (No. 97), and the Employment Injury Benefits Convention, 1964 (No. 121). For instance, under Article 31 of Convention No. 121, the Conference may adopt amendments to the Schedule containing a list of occupational diseases. This Schedule was amended in 1980 by a working party set up in the framework of the first Conference discussion of the Occupational Safety and Health Convention, 1981 (No. 155).

⁷ The Seafarers’ Identity Documents Convention (Revised), 2003, as amended (No. 185); the Work in Fishing Convention, 2007 (No. 188); and the Maritime Labour Convention, 2006, as amended.

⁸ Article 45(2) of Convention No. 188.

⁹ The tacit acceptance procedure provided for in Article XV of the MLC, 2006, comprises multiple stages. A proposal for an amendment is first submitted to the Director-General and communicated to all Member States. A summary of all observations

example, in the case of the MLC, 2006, such safeguards include the possibility for a Member State to express formal disagreement with the amendment; to indicate that it will only be bound after a subsequent express notification of its acceptance (opt-out clause); or to give notice that it will not give effect to the amendment for a specified period.

11. Under the existing accelerated and simplified amendment clauses, the amendments will in all cases require a majority of two thirds of the votes cast by the delegates present at the International Labour Conference.¹⁰ However, under these clauses, there are two different scenarios: (1) a committee of the Conference *discusses and adopts* the text of the amendments, acting on the advice of an ad hoc tripartite body or a meeting of experts; or (2) the Conference *approves or rejects* the text of amendments adopted by an ad hoc committee established by the Governing Body.
12. In the last ten years, the ILO has gained considerable experience in the process of adoption of amendments under simplified procedures. In practice, the time frame observed for the adoption and entry into force of the amendments is relatively short: three years from the submission of a proposal to its entry into force for the MLC, 2006, and one and a half years in the case of Convention No. 185.
13. With regard to Recommendations, two instruments include amendment procedures related to the annexes.¹¹

C. Procedures of selected international organizations for the revision of standards

14. The Office also examined the nature of revision procedures that apply to other international treaties of the United Nations and its specialized agencies.¹² Each procedure is uniquely defined according to the agency's context and the instrument concerned. Several treaties contain two amendment procedures: a general revision procedure and a specific procedure relating to the revision of certain articles,¹³ which in some cases is an accelerated procedure.¹⁴ Several contain amendment procedures that provide for tacit acceptance.¹⁵ More information is contained in the Appendix.

received is transmitted within nine months to the Special Tripartite Committee of the MLC, 2006 (STC) for consideration. If adopted by the STC, the proposal is transmitted to the next session of the Conference for approval. If approved by the Conference, the draft amendment is notified to all ratifying States, which are given a period of two years to react. The amendment is considered to have been accepted unless a formal expression of disagreement by 40 per cent of ratifying States representing no less than 40 per cent of the gross tonnage of the ratifying States is received by the end of the two years. It comes into force six months after the end of the prescribed two-year period.

¹⁰ For Conventions Nos 185 and 188, this includes at least half the Members that have ratified them.

¹¹ The List of Occupational Diseases Recommendation, 2002 (No. 194), contains a specific amendment procedure in Paragraphs 3 to 5 relating to the list of occupational diseases in its annex. The Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), provides in Paragraph 16 that its annex (containing a list of up-to-date instruments concerning occupational safety and health) should be updated.

¹² Including the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), the World Customs Organization (WCO) and the International Union for Conservation of Nature (IUCN).

¹³ See, for example, the United Nations Convention on the Law of the Sea (1982) and the Convention on Biological Diversity (1992).

¹⁴ Certain UNESCO conventions have standard general clauses for amending articles, while others have accelerated procedures for amending their annexes in specific revision clauses.

¹⁵ See, for example, the International Convention for the Safety of Life at Sea (1974), the Convention on International Civil Aviation (1944) and the International Convention on the Simplification and Harmonization of Customs Procedures (1973).

D. Considerations for the design of a possible accelerated and simplified amendment procedure for a standard or standards on decent work in the platform economy

15. The ILO's current procedural framework offers various options for the revision of standards, including amendments to specific provisions of standards. Should the Conference consider a simplified and accelerated amendment procedure to be apposite for specific aspects of the subject matter, a built-in clause would be necessary to that effect. Inspiration could be drawn from existing ILO instruments and also from the procedures in place in other international organizations.
16. The following points may be relevant to the Conference's consideration in this regard:
 - (a) the features of the amendment clauses in light of existing practices (paragraphs 10–13 above);
 - (b) the provisions that could be subject to an accelerated and simplified amendment procedure, as they touch on aspects that might be the subject of rapid technological, regulatory and operational developments; provisions concerning fundamental rights or other core aspects would not be included in the scope of the accelerated and simplified amendment procedure (paragraphs 8, 9 and 13 above);
 - (c) guarantees concerning thorough preparation, tripartite consultation and the sovereign right of Member States to decide whether they wish to be bound by an amendment (paragraph 10 above).

Appendix. Revision procedures in selected international organizations

Organization	Relevant conventions and provisions
United Nations	• United Nations Convention on the Law of the Sea, 1982 – Articles 312 and 313. This convention provides for two amendment procedures: a standard procedure and a simplified amendment procedure.
United Nations Environment Programme (UNEP)	• Convention on Biological Diversity, 1992 – Articles 29 and 30. This convention includes a general revision clause and a specific revision clause concerning amendments to the convention and its protocols and annexes.
United Nations Educational, Scientific and Cultural Organization (UNESCO)	• Convention on the Protection of the Underwater Cultural Heritage, 2001 – Article 31. • Convention for the Safeguarding of the Intangible Cultural Heritage, 2003 – Article 38. • International Convention Against Doping in Sport, 2005 – Article 33. • Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005 – Article 33. • Global Convention on the Recognition of Qualifications concerning Higher Education, 2019 – Article XXIII. Certain UNESCO conventions have standard general clauses for amending articles, while others include “accelerated” procedures for amending their annexes in specific revision clauses.
International Civil Aviation Organization (ICAO)	• Convention on International Civil Aviation, 1947 (Chicago Convention) – Article 90. This convention provides for an amendment procedure for its technical annexes based on tacit acceptance.
International Maritime Organization (IMO)	• International Convention for the Safety of Life at Sea (SOLAS), 1974 – Article VIII. • International Convention for the Prevention of Pollution from Ships (MARPOL), 1973 – Article 16. These conventions establish simplified procedures for amending their annexes, including a tacit acceptance (opt-out) mechanism.
World Customs Organization (WCO)	• International Convention on the Simplification and Harmonization of Customs Procedures, 1973 (Kyoto Convention) – Article 15. This convention provides for an amendment procedure for its main text and annexes based on tacit acceptance.
International Union for Conservation of Nature (IUCN)	• Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973 – Articles XV, XVI and XVII. The convention provides for a general review clause and two specific review clauses for its annexes.