Compendium of rules applicable to the Governing Body of the International Labour Office

International Labour Office, Geneva, 2026

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Introductory note

1. The Governing Body of the International Labour Office (hereinafter "the Governing Body") is established pursuant to articles 2 and 7 of the Constitution of the International Labour Organization. The functioning of the Governing Body is governed by a set of rules dispersed among different texts and publications, as well as a number of practices and arrangements developed over the years since its First Session on 27 November 1919 in Washington, DC. Since 2006, all these rules have been consolidated into the present Compendium prefaced by an introductory note that reflects certain practices without fixing them as a legal rule. [1]

2. The Compendium was amended in 2009 to include further sets of rules and to promote gender equality, [2] and in 2011 to reflect modifications resulting from the reform package arising out of the work of the Working Party on the Functioning of the Governing Body and the International Labour Conference (hereinafter "the Conference"). Further modifications were made to the Standing Orders and the Introductory note as a result of the review of the reform package in 2014 and 2015, [3] and subsequently in 2025. [4] The annexes in the Compendium have similarly been adjusted as and when decided by the Governing Body. [5]

3. The consolidation of the rules applicable to the Governing Body should provide members with an overview of the rules and practices governing its work. It contains not only texts, but also practical solutions that have either served to deal with situations not covered in specific written provisions and which have not occurred again since, or, through repetition, have become precedents that the Governing Body follows, as in the case of the "rule" of geographical rotation of the office of Chairperson of the Governing Body. A number of these practices, in particular those in regular

[1] GB.291/LILS/3; GB.291/9(Rev.), paras 33–42.

[2] GB.306/LILS/1; GB.306/10/1(Rev.), paras 2–8.

[3] GB.320/WP/GBC/2 and GB.323/WP/GBC/2.

[4] GB.355/INS/6.

[5] Each annex contains a reference to the date of its adoption or amendment by the Governing Body.

use, are described in the introductory note. This also applies to points on which the Governing Body has not seen fit to adopt rules so as to maintain the necessary flexibility for it to adjust to new issues the International Labour Organization (hereinafter "the Organization") has to address.

Roles and functions of the Governing Body

4. The Governing Body is one of the three organs of the Organization; the others are the General Conference and the International Labour Office (hereinafter "the Office"). Article 7 of the Constitution contains specific provisions concerning the composition of the Governing Body, its Officers and the procedure for appointing and replacing its members. The same article provides that certain matters (method of filling vacancies and of appointing substitutes "and other similar questions") may be decided by the Governing Body "subject to the approval of the Conference" and that the Governing Body "shall regulate its own procedure" – which it has done continuously since the adoption of its Standing Orders, as can be seen from the many amendments made to them to keep pace with changes in the Organization.

5. The Constitution contains many provisions referring to the role and functions of the Governing Body. It has two types of functions: on the one hand, those of control over the Office and, on the other, a number of functions of its own concerning the functioning of the Organization and matters relating to international labour standards. The two types of functions are listed below, referring to the relevant articles of the Constitution.

Functions of control over the Office (in the Constitution)
Approval of regulations governing the staff (article 9(1))
Directions concerning the Office's activities (article 10)
Control over expenditure of funds (article 13(5))
Adoption of rules concerning preparation by the Office for the work of the Conference (article 14(2)), including time limits for the despatch of reports for the Conference (article 15(2))

Functions concerning the functioning of the Organization (in the Constitution)
Election of the Director-General (article 8(1))
Place of meetings of the Conference (article 5)
Agenda of the Conference (article 14(1))
Requesting reports on unratified Conventions and Recommendations under article 19(5)(e), (6)(d) and (7)(b)(iv) and (v)
Form of reports presented under article 22
Examination of representations (articles 24 and 25)
Filing of a complaint against a Member (article 26(4))
Communication of a complaint to the government in question (article 26(2))
Appointment of a Commission of Inquiry (article 26(3))
Recommendations to the Conference to secure compliance with the conclusions of a Commission of Inquiry (articles 33 and 34)
Make and submit to the Conference rules providing for the appointment of a tribunal for the interpretation of a Convention (article 37(2))
Draw up rules for regional meetings (article 38(2)) *
* Regional meetings are considered as Regional Conferences for purposes of article 38 of the Constitution.

6. The Conference has assigned a number of functions to the Governing Body; these are set forth either in the Standing Orders of the Conference (SO) or in the Financial Regulations (FR). They are as follows:

- decisions concerning representation of non-governmental international organizations at the Conference (SO, article 2(3));
- communication of its opinion on proposals involving expenditure submitted to the Conference (SO, article 17);
- reduction of the interval for the preparation of international labour standards (SO, articles 45(4) and 46(5) and (8));
- examination and approval of the budget estimates presented by the Director-General for submission to the Conference (FR, articles 5 and 6);
- consideration of the contribution rates for each Member of the Organization (FR, article 9);
- authorization of the use of the Building and Accommodation Fund (FR, article 11(3)) and the Special Programme Account (FR, article 11(9));

- approval of expenditure charged against an appropriation without specification of the purpose for which it is to be applied (FR, article 15);
- authorization of transfers from one item to another in the same part of the budget (FR, article 16);
- authorization of payment of obligations in respect of a preceding financial period (FR, article 17(2));
- authorization of expenditure from the Working Capital Fund to finance contingencies and emergencies (FR, article 21(1)(a)) or to contract loans or advances (FR, article 21(1)(b));
- recommendation for an additional assessment on Member States for the Working Capital Fund (FR, article 21(3));
- appointment of the External Auditor (FR, article 35);
- approval of the Financial Rules (FR, article 40);
- approval of temporary provisions where urgently required (FR, article 41).

This list is not limitative and does not include the functions assigned directly to the Officers of the Governing Body by the Standing Orders, e.g. consultation on draft resolutions submitted to the Conference (SO, article 18(4)).

Composition and membership of the Governing Body

7. The composition of the Governing Body, a decision-making and oversight body, is limited to members appointed in accordance with the provisions of the Constitution and the Standing Orders of the Conference and of the Governing Body.

8. The initial composition of 24 members (12 representing Governments, 6 representing the Employers and 6 representing the Workers) determined by Article 393 of the Treaty of Versailles was increased as follows: to 32 (16+8+8) by the 1922 Amendment to the Constitution; to 40 (20+10+10) by the 1953 Instrument of Amendment to the Constitution; to 48 (24+12+12) by the 1962 Instrument of Amendment to the Constitution; and to 56 (28+14+14) by the 1972 Instrument of Amendment to the Constitution.

9. The Governing Body is currently composed of 56 regular members and 66 deputy members (28+19+19). This composition is the result of an

amendment to articles 49 and 50 of the Standing Orders of the Conference [6] adopted by the Conference at its 82nd Session (1995) following the examination of interim proposals concerning the composition of the Governing Body pending the entry into force of the Instrument for the Amendment of the Constitution of the ILO, 1986. The purpose of the amendment was to provide for a more representative Governing Body to reflect the increase in membership of the ILO. It reflects as far as possible the 1986 Amendment as regards the composition of the Government group by distributing the 56 Government seats as fairly as possible among the four regions – Africa, the Americas, Asia and Europe. The following table shows the regional distribution of seats.

▶ Regional distribution of Government seats for 2021–24

Regions	Regular		Deputy	Total
	Non-elective	Elective		
Africa*	0	6	8	14
Americas*	2	5	5	12
Asia	3	4	8	15
Europe	5	3	7	15
Total	10	18	28	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 2024–27 term.

10. The members of the Governing Body are elected for a three-year term. If a member resigns, the resulting vacancy is subject to the provisions of article 1.7 of the Standing Orders of the Governing Body. If a regular member is absent or unable to attend, he or she may be replaced by a substitute, who shall enjoy all the rights of the regular member. The number of persons accompanying regular or deputy Government members, whether as substitutes or advisers, should not exceed 15, except in exceptional circumstances.

[6] Articles 54 and 55 of the Standing Orders of the Conference adopted at its 109th Session (2021).

11. Except where otherwise provided by the Standing Orders, only regular and deputy members of the Governing Body, as well as a substitute for a regular member who is absent or unable to attend, may take the floor, with the Chairperson's authorization. The exceptions laid down in the Standing Orders concern Members of the Organization that are not members of the Governing Body, on the one hand, and observers of official international organizations and non-governmental international organizations, on the other.

12. The situation of States which are not represented on the Governing Body is governed by the provisions of articles 1.8 and 4.3 of the Standing Orders, which allow representatives of such governments, without the right to vote:

- to express views on matters concerning the State's own situation if a decision point may affect its interests, or if that State, or if its situation, has been specifically referred to in the discussion;
- to take part in proceedings concerning representations under articles 24 and 25 of the Constitution, complaints under article 26 of the Constitution, cases under consideration by the Committee on Freedom of Association or a Fact-Finding and Conciliation Commission on Freedom of Association; or,
- in a Committee of the Whole, to express their views with respect to matters concerning their own situation.

13. While representatives of official international organizations (United Nations, World Bank, International Monetary Fund, Food and Agriculture Organization of the United Nations, etc.) can participate without vote in discussions, under the same conditions as members of the Governing Body, representatives of non-governmental international organizations may make or circulate statements with the agreement of the Officers (paragraph 1.10.1 of the Standing Orders).

14. While participation in the discussions of the Governing Body is restricted, as pointed out above, its sittings are public, as a general rule. The Governing Body may, however, decide to sit in private; it is required to do so, under article 7 paragraph 3 of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution, when it considers the report of the tripartite committee set up

for the examination of the representation.[7] The persons authorized to remain present are the members of the Governing Body, the representatives of the State concerned and ILO officials necessary for the conduct of the sitting.

Chairpersonship of the Governing Body

15. The principle of fair geographical rotation of the office of Chairperson of the Governing Body was recommended by the Working Party on Structure [8] and implemented as of June 1968 according to the following four-year cycle: Americas, Africa, Asia and Europe. In practice, when a Worker or Employer member is elected as Chairperson of the Governing Body, geographical rotation is suspended for the duration of that member's term of office. Rotation is then resumed, beginning with the region that would have presented a candidate if the Worker or Employer member had not been elected.

In June 2017, the Americas could have presented a candidate under the geographical rotation rule. As the nomination of Mr Luc Cortebeeck as Worker Chairperson of the Governing Body received the support of the Governing Body, and the Americas agreed to defer its turn to the following year, the candidate was elected Chairperson for the period 2017–18. The following year, the Government group nominated the Permanent Representative of Peru as Chairperson of the Governing Body for the period 2018–19.

Election of the Chairperson of the Governing Body

16. The appointment of the Chairperson of the Governing Body is governed by the provisions of article 2.1 of the Standing Orders of the Governing Body. The Chairperson, who must be a regular member of the Governing Body, is elected for a one-year term. In the event of the Chairperson's resignation, the Governing Body should hold another election to fill the vacancy for the unexpired portion of the term of office. For many years now, the Chairperson has been appointed by consensus among the three groups, after in-depth consultations, without holding a ballot vote as provided in the texts.

[7] Standing Orders of the Governing Body, Annex I.

[8] GB.171/7/19, annex: Fifth report, 21 February 1968, para. 48.

17. Nonetheless, it is still possible to hold a ballot vote, in particular where a group does not reach agreement on the appointment of a single candidate. The regular members of the Governing Body, representing governments, employers and workers, would then elect the Chairperson in accordance with the Standing Orders by simple majority vote.

In June 1972, the regional Government group that was due to present a candidate under the geographical rotation did not reach agreement and preferred to waive its turn. The question then arose the following year as to which region should present a candidate. Candidates were presented by two regions – the one that had waived its turn the previous year and the one whose turn had come up under the established practice. Without taking a position on the matter, the Governing Body held a ballot vote, which was won by the candidate presented by the region whose turn it was that year.*

* Minutes of the Governing Body, 190th Session, 20th item on the agenda, VI/10–15.

Chairing of the sittings

18. In the absence of the Chairperson, the two Vice-Chairpersons shall preside at alternate sittings pursuant to paragraph 2.2.5 of the Standing Orders. Notwithstanding this, the Chairperson may assign a regular or deputy Government member the functions necessary for chairing a particular segment: a provision was introduced with the 2011 reform in order to allow Government members to chair segments within the Legal Issues and International Labour Standards Section and the Policy Development Section, in keeping with prior practice. This can occur even if the Chairperson is not absent.

Role of the groups

19. Reflecting the tripartism that is the foundation of the Organization, three groups sit on the Governing Body, with the necessary facilities for their participation: Officers, a secretariat and regional coordinators. In line with the principle of autonomy of the groups, there are no provisions referring to their structures in the Standing Orders of the Governing Body. The three groups nevertheless play an important role in the work of the Governing Body. In particular, the regional coordinators and the Employers' and Workers' secretariats play a key role in preparatory work for discussions and decisions. In order to enhance participation by all groups, the Office ensures that any consultation to be held or any information to be submitted involves

simultaneously the secretaries of the Employers' and the Workers' groups, the Government group Chairperson and the regional coordinators.

The Government group

20. The Government group has a practice of designating its own Chairperson and Vice-Chairperson who are, in principle, elected each year by the group. Furthermore, this group coordinates its work through several regional coordinators. The traditional role of the Government group consists essentially of appointing the Government members of the committees and working parties established by the Governing Body, nominating the Government candidate for the position of Chairperson of the Governing Body, and, on an ad hoc basis, the Government members of tripartite meetings. In addition to this traditional role, the group also serves as a forum for governments to seek convergence on certain issues and arbitrate between the demands and expectations of regional government groups or subgroups, through the regional and subregional coordinators. With the 2011 reform package, the role of the Chairperson of the Government group and the regional coordinators comprises furthermore their participation in consultative procedures and, in particular, in a tripartite screening group entrusted with determining the agenda of the Governing Body. The nominations to any function within the Government group (such as its Chairperson, Vice-Chairperson or regional coordinators) are to be communicated in writing to the Chairperson of the Governing Body at the beginning of each new period of office of the Governing Body, or at the occasion of any change during that period.

21. The Chairperson of the Governing Body shall 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, during the session, the Officers on the conduct of any item of the business of the Governing Body.

22. To facilitate and promote by all possible means the full participation of the Government group, a dedicated facility within the Office ensures effective and early consultations of government representatives, provide timely access to documentation and information requested by them, organize briefings and contacts when requested, ensure technical and logistical support to the Government group Chairperson and regional coordinators and facilitate consultations with the two other groups.

The Employers' and Workers' groups

23. It has been a constant practice that the Employer and Worker Vice-Chairpersons of the Governing Body chair their respective groups. Each group may also designate other spokespersons for various sections and segments of the Governing Body. The group secretaries are designated by the groups and traditionally provided by the International Organisation of Employers (IOE) for the Employers and the International Trade Union Confederation (ITUC) for the Workers. These nominations are to be communicated to the Chairperson of the Governing Body at the beginning of each new period of office of the Governing Body, or at the occasion of any change during that period.

Report of the Chairperson of the Governing Body to the Conference

24. The Chairperson of the Governing Body, after consulting the Vice-Chairpersons, reports directly to the Conference on the work of the Governing Body over the previous year.

Procedure and functioning of Governing Body sessions

Frequency and timing of sessions

25. Since 1995 the Governing Body's work has been distributed between a full session in November and another in March, as well as a half-day session in June immediately after the Conference.

26. From November 2011, the Governing Body holds its sessions in continuous plenary, with the exception notably of the Committee on Freedom of Association and certain working parties. This functioning avoids having more than one meeting at any time, meetings of other bodies excepted, in order to allow the participation of Governing Body members in all discussions.

27. The length of sessions is determined by its agenda. The plan of work of the March and November sessions provides for group meetings before and during the proceedings of the Governing Body.

Agenda of each session

28. The agenda of each session is determined by a tripartite screening group composed of the Officers of the Governing Body, the Chairperson of the Government group, the regional coordinators representing the governments, the secretaries of the Employers' and the Workers' groups, or their representative. The decisions of the tripartite screening group are made, to the extent possible, by consensus. If there is no consensus, the issue will be referred to the Officers.

29. The Director-General or senior officials designated by the Director-General attend all meetings of the tripartite screening group.

30. Before each session of the Governing Body, the Office distributes an annotated list of proposed items for the agenda for one or more future sessions of the Governing Body for consideration by the tripartite screening group.

31. The tripartite screening group meets following each full Governing Body session to establish a provisional agenda (in March/April for the next June and November sessions, and in November for the next March session).

32. The provisional agenda may be updated by the Officers following consultations with the other members of the tripartite screening group for any urgent matter arising between sessions.

33. The agenda of each Governing Body session is to be circulated to all members so as to reach them not less than 15 working days before the opening day of the session. It is published at the same time on the ILO website. It includes, as annexes, a tentative order of business with a clear indication of time frames for each section and a list of the documents prepared by the Office for information only. No more than one meeting should be held at the same time.

34. After the agenda has been circulated, items can only be added if the Officers so decide following consultation with the members of the tripartite screening group, or by a decision of the Governing Body.

Governing Body sections and segments

35. The Governing Body holds its sittings in sections, which are composed of segments.

36. The programme, order and allocation of time for each section and segment are determined through the agenda-setting procedure, affording flexibility and taking into account the issues to be discussed, as well as the coordination and participation needs of all groups. The time allocated and order of the sections and segments may therefore vary from session to session. With the possible exception of the strategic policy segment, segments are treated at least once a year. However, there is no requirement to treat all segments of a section at every Governing Body session.

37. The Governing Body currently structures its work through the following sections and segments:

- The **Policy Development Section** (POL), which is organized in four segments:
  - the Employment and Social Protection Segment considers ILO policies and activities in the fields of employment, training, enterprise development and cooperatives, working and employment conditions and environment, social security and promotion of equality between men and women in employment;
  - the Multinational Enterprises Segment examines the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, considers requests for interpretation of the Declaration, and monitors activities of the ILO and other organizations regarding multinational enterprises, it being understood that other aspects of the activities of multinational enterprises may if necessary be examined by other segments;
  - the Social Dialogue Segment considers two sets of issues: social dialogue and industrial relations, such as appertaining to labour law, labour administration and labour inspection; and the planning, preparation and follow-up of the ILO's sectoral committees and meetings, the preparation and follow-up of ILO technical meetings provided for in the programme and budget, the review of the ILO's Sectoral Activities Programme and other policy issues relating to ILO sectoral and technical meetings;
  - the Development Cooperation Segment considers matters relating to ILO development cooperation programmes. In particular, the segment reviews ILO development cooperation programmes and evaluates selected projects; considers strategies, priorities and policies for development cooperation and provides guidance for the ILO's

development cooperation activities; promotes the active participation of employers' and workers' organizations in the preparation, implementation and evaluation of development cooperation programmes and projects; examines action to be taken on Conference decisions concerning development cooperation matters; and monitors ILO development cooperation activities in the different regions.

Discussions in the POL Section integrate the standards dimension of the above matters.

- The Legal Issues and International Labour Standards Section (LILS), which is organized in two segments:
  - the Legal Issues Segment considers matters relating to the ILO Constitution; the different Standing Orders (Conference, Governing Body, regional meetings, sectoral meetings); the status of the ILO in Member States; legal agreements concluded by the ILO with other international organizations involving reciprocal invitations to official meetings; and any legal aspects of institutional issues;
  - the International Labour Standards and Human Rights Segment considers matters relating to the ILO's standards-related activities, including the approval of report forms for ILO Conventions and Recommendations and the selection of instruments for article 19 reporting; action relating to the protection of human rights, with particular reference to the elimination of discrimination on the basis of race and gender; and international legal instruments and judicial decisions affecting the ILO's standards-related work. [9]
- The **Programme, Financial and Administrative Section** (PFA), which is organized in three segments:
  - the Programme, Financial and Administrative Segment makes recommendations on the Director-General's biennial programme and budget proposals; it examines other budgetary estimates and Office expenditure; it reviews Decent Work Country Programmes and financial and administrative matters, including the financial dimensions and

[9] The agenda setting for a particular session determines whether specific legal matters – such as the report of the Committee on Freedom of Association, complaints and representations under article 24 of the Constitution and complaints under article 26 of the Constitution – should be placed in LILS or in INS.

implications of matters discussed in other sections such as development cooperation; and it also examines matters concerning the ILO premises and matters relating to information and communication technology;

- the Personnel Segment, which examines human resources matters and issues relating to the ILO Administrative Tribunal;
- the Audit and Oversight Segment.

The Government members of the Governing Body meet in private sitting to establish the scale of assessment of contributions. Its recommendations are submitted to the PFA Section.

- The **Institutional Section** (INS) handles matters related to the functioning of the Office and of the Organization, including constitutional obligations. It encompasses standing items such as:
  - reporting, including minutes of the previous session, report(s) of the Director-General, report(s) of the Officers, reports of the Committee on Freedom of Association, reports of the Working Party on the Social Dimension of Globalization, reports of the Board of the Turin Centre and reports and conclusions of regional meetings;
  - constitutional obligations, including the annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, the agenda of the Conference, representations under article 24 of the Constitution, and complaints under article 26 of the Constitution; [10]
  - institutional issues relating to ILO organized meetings; and
  - urgent matters arising between or during sessions tabled by the Officers following consultations with the other members of the tripartite screening group referred to in paragraph 3.1.1 of the Standing Orders of the Governing Body.
- The **Strategic Dialogue Section** provides a forum for discussing issues of high strategic importance for the ILO and is convened only after careful consideration of the topic to be addressed through the tripartite agenda-setting mechanism. It is governed by the rules of procedure of the Committee of the Whole set out in paragraph 4.3.1 of the Standing Orders

[10] See footnote 8.

of the Governing Body, which enables representatives of governments that are not members of the Governing Body to express their views with a more flexible approach to conducting the discussion. The Committee of the Whole does not have decision-making power, and any recommended follow-up action shall be submitted to the Governing Body for decision.

Governing Body committees and working parties

38. The Governing Body still has the possibility to organize some of its work through committees or working parties. For example, the Committee on Freedom of Association is established under this authority. It meets at the Governing Body sessions held in March and November and just before the Conference in June. The Committee consists of nine regular members (three representing governments, three for employers and three for workers), nine deputy members and a Chairperson, who is an independent personality appointed by the Governing Body. The procedure for the examination of complaints is reproduced in Annex II of the Standing Orders of the Governing Body.

39. The Governing Body may also appoint committees in the context of the procedure for the examination of representations under articles 24 and 25 of the Constitution, whose Standing Orders are reproduced in Annex I to this Compendium.

40. When creating new committees or working parties the Governing Body establishes their composition in accordance with the rules of article 4.2 of the Standing Orders. 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.

41. The Governing Body may also decide to meet as a Committee of the Whole, in accordance with article 4.3 of the Standing Orders of the Governing Body, to provide representatives of Governments that are not represented on the Governing Body with an opportunity to express their views on matters concerning the situation in their own countries. For example, the Working Party on the Social Dimension of Globalization meets as a Committee of the Whole. Its current mandate focuses on issues directly linked with the social dimension of globalization. [11]

[11] At its 260th Session (June 1994), the Governing Body decided to set up a working party open to all of its members, the Working Party on the Social Dimensions of the Liberalization of

Side events

42. All meetings or initiatives organized or supported by either the Office or the groups, not intrinsic to the business of the session, but involving the participation of Governing Body members, should be an exception and kept to a minimum. They should not in any way coincide with Governing Body meetings. Such side events should be approved by the tripartite screening group.

Functioning of the Governing Body

Time management during discussions

43. Each section determines its own time management procedure so that all the members can express their views. Some sections might wish to use a standard default procedure – such as a time limit or lists of speakers – whose criteria would be set in advance. It should nonetheless be recalled that the person chairing the sitting is responsible for conducting the deliberations, in particular by giving and withdrawing the right to address the Governing Body.

Adoption of decisions

44. In order to prepare the debates of the Governing Body, the Office submits specific documents, including a supplementary report outlining follow-up action taken by the Office on past decisions requiring it. In particular circumstances a document might be replaced by a slide presentation, the text of which must be provided in advance to the Governing Body members. Documents identified as "for information only" are published on the Governing Body website and do not call for a discussion, unless the tripartite screening group decides otherwise upon request by a member of the Governing Body, which has to be made at the latest five working days before the opening of the session.

45. To give effect to paragraph 5.5.1 of the Standing Orders, the documents prepared by the Office specify the financial implications, if any, of

International Trade, to follow up on the debate held at the 81st Session of the International Labour Conference (1994) on the Director-General's Report, *Defending values, promoting change*. At its 277th Session (November 2000), the Governing Body decided to broaden the mandate of the Working Party and consequently renamed it the Working Party on the Social Dimension of Globalization.

the decisions under consideration. For other proposals involving expenditure arising during a session, the Governing Body concludes consideration following the submission by the Office of the financial information required under said paragraph.

46. The Governing Body, whether meeting in plenary or in committees, takes decisions usually by consensus. The term "consensus" refers to an established practice under which every effort is made to reach without vote an agreement that is generally accepted. Those dissenting from the general trend are prepared simply to make their position or reservations known and placed on the record. [12] Consensus is characterized by the absence of any objection presented by a Governing Body member as an impediment to the adoption of the decision in question. It is for the person chairing the sitting, in agreement with the spokespersons of the respective groups to note the existence of a consensus.

47. However, there may be cases in which certain decisions can only be adopted by a vote. In this case, each regular member of the Governing Body or, where the regular member is absent or unable to attend, his or her substitute has one vote. In committees, where a vote is necessary – or unavoidable – the votes available for each registered member need to be weighted to ensure that representatives of governments, employers and workers have an equal number of votes.

Reporting

48. The draft minutes of the sections of the Governing Body are published on the Governing Body website as soon as possible after each section has concluded its work, but at the latest within six weeks.

49. Governing Body members have the possibility of making corrections to the summary of their statements contained in the draft minutes, by presenting these directly to the secretariat, without the need to announce them in the Governing Body. The Office may introduce corrections to the statements of its representatives. A compilation of these corrections is published on the ILO's Governing Body website.

50. The draft minutes of each section, once corrected, are incorporated into the consolidated draft minutes of the Governing Body

[12] *United Nations Juridical Yearbook*, 1987, 174–175.

session. These minutes, covering the entire proceedings of a given Governing Body session, are adopted at the opening of the following session of the Governing Body.

Adoption of the reports of committees

51. Draft reports of committees are prepared under the responsibility of the committee Chairperson. The draft report is communicated to the Governing Body Chairperson and the Employer and Worker Vice-Chairpersons, who must approve it before it is reproduced and submitted to the relevant section of the Governing Body for adoption.

52. With the exception of the reports of the Committee on Freedom of Association, tripartite committees set up by the Governing Body to examine representations under article 24 of the Constitution and working parties, the reports of the committees are adopted by the Governing Body without introduction or other discussion. The person chairing the sitting submits for adoption each point for decision and proposes that the Governing Body take note of the report in its entirety.

Adoption of the reports of regional meetings and reports of other ILO meetings

53. The reports of regional meetings and of other meetings, such as meetings of experts, tripartite meetings and sectoral committees, are considered by the competent Governing Body section, as determined through the agenda-setting procedure.

Procedure for determining the agenda of the Conference

54. The items to be placed on the agenda of the Conference are considered at two successive sessions of the Governing Body, so that the decision is taken two years prior to the opening of the session of the Conference in question.

55. The first stage of the discussion, which takes place at the November session, consists in identifying the subjects from which a choice could be made. For this purpose the Governing Body bases its discussion on a paper containing all the information necessary on the items proposed by the Director-General.

56. The second stage, which takes place at the March session, consists in adopting a definitive decision. The paper serving as the basis for this

discussion covers any additional items proposed by the Governing Body during the first stage of the discussion. If a decision cannot be taken at the March session, it is still possible to adopt a definitive decision at the following November session. However, to allow for full preparation by the Office, such third discussion should remain an exceptional practice.

Effect to be given to resolutions adopted by the Conference

57. Each resolution adopted by the Conference is submitted to the Governing Body.

Purely formal matters

58. When the Governing Body has before it a purely formal or ceremonial matter, the Chairperson may decide to speak alone on behalf of the Governing Body or, following appropriate consultations, appoint another regular or deputy member for this purpose (paragraph 2.2.4 of the Standing Orders).

Standing Orders of the Governing Body

Adopted by the Governing Body on 23 March 1920. Amended by the Governing Body on 12 and 13 October 1922; 2 February, 12 April and 18 October 1923; 13 June 1924; 10 January and 4 April 1925; 27 and 28 April 1928; 5 June 1930; 21 and 22 April and 17 October 1931; 6 April and 26 October 1932; 24 January, 27 April, 1 June and 28 September 1934; 2 February 1935; 2 June 1936; 5 February 1938; 20 June 1947; 19 March, 14 June and 11 December 1948; 4 June 1949; 3 January, 11 March, 16 June and 21 November 1950; 2 June 1951; 12 March 1952; 29 May 1953; 9 March 1954; 2 March 1955; 6 March 1956; 8 March and 14 November 1963; 1 June 1973; 15 November 1974; 5 March and 19 November 1976; 2 March and 27 May 1977; 3 March 1978; 1 June 1979; 18 November 1982; 28 February 1985; 14 November 1989; 3 March and 16 November 1993; 20 November 1997; 27 March 1998; 18 November 1999; 17 November 2005; 20 March 2008; 19 November 2009; 20 June 2011; 18 November 2011; 21 March 2016; and 19 November 2025.

Section 1 – Composition and participation

Article 1.1.

Composition

1.1.1. The Governing Body shall consist of fifty-six regular members, twenty-eight representing governments, fourteen representing the employers, and fourteen representing the workers; and sixty-six deputy members, twenty-eight representing governments, nineteen representing employers and nineteen representing workers.

Article 1.2.

Members of chief industrial importance

1.2.1. Of the twenty-eight regular members representing governments, ten shall be appointed by the Members of chief industrial importance.

Article 1.3.

Selection of Members of chief industrial importance

1.3.1. The Governing Body shall not decide any question relating to the selection of the Members of chief industrial importance unless the question of modification of the list of such Members has been included in the agenda of the session as a specific item and the Governing Body has before it a report by its Officers on the question to be decided.

1.3.2. The Officers of the Governing Body shall, before recommending to the Governing Body any modification of the list of Members of chief industrial importance, take the advice of a committee appointed by the Governing Body and including experts qualified to advise on the most appropriate criteria of industrial importance and on the relative industrial importance of States assessed on the basis of such criteria.

Article 1.4

Period of office of the Governing Body

1.4.1. The period of office of the Governing Body shall be three years, in accordance with article 7 of the Constitution and the provisions of Part 6 of the Standing Orders of the Conference.

1.4.2. Except for the representatives referred to in article 1.2 above, the members of the Governing Body shall be elected by electoral colleges of their respective groups in accordance with the provisions of Part 6 of the Standing Orders of the Conference.

1.4.3. Each member of the Government group electoral college shall appoint, in a secret ballot, eighteen regular members and twenty-eight deputy members.

1.4.4. Each member of the electoral college of the Employers' group and of the electoral college of the Workers' group shall appoint, in a secret ballot, fourteen regular members and nineteen deputy members representing, respectively, the employers and the workers.

1.4.5. The electoral process shall be governed by the Standing Orders of the Conference.

Article 1.5

Deputy members

1.5.1. Deputy members appointed in accordance with paragraph 3 of article 54 and paragraph 2 of article 55 of the Standing Orders of the Conference shall take part in the work of the Governing Body on the conditions laid down in this article.

1.5.2. Deputy members have the right to be present at the sittings of the Governing Body and to speak with the permission of the Chairperson.

1.5.3. Deputy members may vote only on the following conditions:

(a) A Government deputy member may vote:

(i) when so authorized by written notification to the Chairperson from a Government regular member who is not voting and has not been replaced by a substitute;

(ii) when authorized by the Government group of the Governing Body to vote in the place of a Government regular member who is not voting, who has not been replaced by a substitute and who has not appointed another deputy member to act in accordance with subsection (i) above;

(b) Employers' and Workers' deputy members may vote in place of a regular Employers' or Workers' member on the conditions defined by their respective groups; the groups shall inform the Chairperson of all decisions taken in this connection.

1.5.4. Deputy members may be appointed by the Governing Body as titular members of committees and working parties of the Governing Body.

1.5.5. The travelling and subsistence expenses of the Employers' and Workers' deputy members shall be paid out of the funds of the International Labour Organization.

Article 1.6

Substitutes

1.6.1. Each government represented on the Governing Body may furthermore appoint for its regular delegate a substitute of the same

nationality, who will replace the regular delegate should the latter be absent or unable to attend.

1.6.2. The substitute may accompany the regular delegate during the meetings of the Governing Body, but shall not have the right to speak.

1.6.3. In the absence of the regular delegate, the substitute shall enjoy all the rights of the regular delegate.

1.6.4. In the case of the Employers' group and of the Workers' group, full freedom is left to the groups as to the manner of appointing substitutes.

1.6.5. Any substitute is required to submit to the Chairperson credentials of appointment in writing.

Article 1.7

Filling vacancies

1.7.1. If a State ceases, at a time when the Conference is meeting in ordinary session, to occupy one of the elective seats on the Governing Body, the Government electoral college shall meet during the course of the session to appoint, in accordance with Part 6 of the Standing Orders of the Conference, another State to take its place.

1.7.2. If a State ceases, during an interval between sessions of the Conference, to occupy one of the elective seats on the Governing Body, the Government group of the Governing Body shall proceed to replace it. The appointment thus made must be confirmed by the Government electoral college at the next session of the Conference and communicated by it to the Conference. If such appointment is not confirmed by the electoral college in question, a new election shall immediately be held in accordance with the relevant provisions of Part 6 of the Standing Orders of the Conference.

1.7.3. If a vacancy occurs, at any time whatsoever, owing to the death or resignation of a Government representative, but the State concerned retains its seat on the Governing Body, the seat in question shall be occupied by the person appointed by the government to fill the vacancy.

1.7.4. If a vacancy occurs among the Employers' or Workers' members of the Governing Body at a time when the Conference is meeting in ordinary session, the electoral college concerned shall assemble during the course of the session to fill the vacancy, in accordance with the procedure laid down in Part 6 of the Standing Orders of the Conference.

1.7.5. If a vacancy occurs among the Employers' or Workers' members of the Governing Body during an interval between sessions of the Conference, the Governing Body group concerned shall proceed freely to fill the vacancy, without being required to appoint the new member from among the deputy members of the Governing Body. The appointment thus made must be confirmed by the electoral college concerned at the next session of the Conference and communicated by it to the Conference. If such an appointment is not confirmed by the electoral college in question, a new election shall be held immediately, in accordance with the provisions of Part 6 of the Standing Orders of the Conference.

Article 1.8

Representation of States which are not members of the Governing Body

1.8.1. When the Governing Body considers any matter arising out of a representation under article 24 or a complaint under article 26 of the Constitution, the government concerned shall, if not already represented on the Governing Body, be entitled to send a representative to take part, without the right to vote, in its proceedings while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the government.

1.8.2. When the Governing Body considers a report of the Committee on Freedom of Association or of the Fact-Finding and Conciliation Commission on Freedom of Association containing conclusions on a case relating to a government which is not represented on the Governing Body, that government shall be entitled to send a representative to take part, without the right to vote, in the proceedings of the Governing Body while the conclusions on the case in question are under consideration.

1.8.3. A representative of a State that is not a member of the Governing Body will also be able to speak, with the authorization of the Officers, to 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.

Article 1.9

Representation of official international organizations

1.9.1. Representatives of official international organizations which have been invited by the Governing Body to be represented at its meetings shall be entitled to be present at the meetings and may participate without vote in the discussions.

Article 1.10

Representation of non-governmental international organizations

1.10.1. Non-governmental international organizations may be invited by the Governing Body to be represented at any meeting during the discussion of matters of interest to them. The Chairperson may, in agreement with the Vice-Chairpersons, permit such representatives to make or circulate statements for the information of the Governing Body upon matters included in its agenda. If agreement cannot be reached, the matter shall be referred to the meeting for decision without discussion.

1.10.2. This article does not apply to meetings dealing with administrative or financial matters.

Section 2 – Officers of the Governing Body

Article 2.1

Officers

2.1.1. The Officers shall consist of a Chairperson and two Vice-Chairpersons chosen one from each of the three groups. Only regular members of the Governing Body may be elected Officers.

2.1.2. The Officers shall be responsible for the proper conduct of work of the Governing Body.

2.1.3. The Officers shall be elected at a sitting of the Governing Body held at the close of the annual session of the International Labour Conference and shall hold office from their election until the election of their successors.

2.1.4. The Chairperson shall not become re-eligible until three years after ceasing to hold office.

2.1.5. A member elected to fill a vacancy caused by the death or resignation of an Officer shall sit for the unexpired portion of the term of office of the previous incumbent.

2.1.6. The Director-General of the International Labour Office shall undertake the formation of a secretariat for the Governing Body.

Article 2.2

Duties of the Chairperson

2.2.1. The Chairperson shall declare the opening and closure of the session. Before proceeding with the agenda the Chairperson shall bring before the Governing Body any communications which may concern it.

2.2.2. The Chairperson shall direct the debates, maintain order, ensure observance of the Standing Orders, accord or withdraw the right to address the Governing Body, put questions to the vote and announce the result of the vote.

2.2.3. The Chairperson shall have the right to take part in the discussions and to vote, but shall not have a casting vote.

2.2.4. When the Governing Body has before it a matter of a purely ceremonial nature, the Chairperson may decide to speak alone on behalf of the Governing Body or to appoint, following appropriate consultations, another member or deputy member for this purpose.

2.2.5. The Chairperson shall normally preside all sittings. In the absence of the Chairperson, the two Vice-Chairpersons shall preside at alternate sittings. Notwithstanding this, the Chairperson may assign a regular or deputy member the functions necessary for chairing a particular segment, acting on behalf of and under the authority of the Chairperson. In so doing, the designated member may exercise only the functions listed in paragraph 2.2.2. Intended designations will be communicated to the other two Officers in advance and their validity will be limited to one Governing Body session, with the possibility of a renewal for future sessions.

2.2.6. The functions conferred on the Director-General by the Constitution of the Organization being reserved, the Chairperson shall supervise the observance of the provisions of the Constitution and the execution of the decisions of the Governing Body.

2.2.7. For the purpose provided in paragraph 2.2.6, the Chairperson shall, during the interval between the sessions, be invested with such functions as the Governing Body may deem fit to delegate for the joint signature or the visa of certain documents, for the preliminary approval of inquiries, or for the despatch of official representatives of the Office to meetings, conferences or congresses.

2.2.8. The Chairperson shall be informed without delay by the Director-General of significant events in the work of the Office and of any events which may require intervention, in order to take, within the limits of the power granted to the Chairperson, any steps which may be necessary. The Chairperson may consult the Vice-Chairpersons upon any matter submitted for decision under this paragraph.

2.2.9. The Chairperson shall examine the working of the various services of the Office, and shall convoke the Governing Body when necessary.

Article 2.3

Delegation of authority to the Officers

2.3.1. The Governing Body may delegate to its Officers the authority:

(a) to approve the programme of meetings and the dates of symposia, seminars and similar meetings;

(b) to invite Member States or States which are not Members of the Organization;

(c) to invite official international organizations;

(d) to invite non-governmental international organizations;

(e) to carry out the responsibilities of the Governing Body under article 17 of the Standing Orders of the International Labour Conference; any such delegation shall be made only for one specific session of the Conference, and relate only to proposals involving expenditure during a financial period for which a budget has already been adopted.

2.3.2. The decisions of the Officers of the Governing Body shall be communicated to the Governing Body for information. If there is no agreement among the Officers, the question shall be referred to the Governing Body for decision.

Section 3 – Agenda and sessions

Article 3.1

Agenda

3.1.1. The agenda for each session shall be drawn up by a tripartite screening group composed of the Officers of the Governing Body, the Chairperson of the Government group, the regional coordinators representing the governments, the secretaries of the Employers' and the Workers' groups, or their representative. This group will be assisted by the Director-General or other senior officials selected by the Director-General.

3.1.2. Any subject which the Governing Body shall have decided at its last session to include in the agenda shall be included in the agenda for the next session by the tripartite screening group.

3.1.3. A provisional agenda, including an indicative plan of work, will be established as soon as possible after each session for one or more future sessions. The provisional agenda may be updated for any urgent matter arising between sessions by the Officers of the Governing Body following consultations with the others members of the tripartite screening group referred to in paragraph 3.1.1.

3.1.4. The agenda shall be circulated to the members of the Governing Body so as to reach them not less than 15 working days before the opening day of the session.

3.1.5. Matters of urgent importance arising during the session may be added to the agenda of any session in the manner set forth in the second sentence of paragraph 3.1.3.

Article 3.2

Sessions

3.2.1. The Governing Body shall normally hold three ordinary sessions in each year.

3.2.2. Without prejudice to the provisions of article 7 of the Constitution of the Organization, the Chairperson may also convene after consulting the Vice-Chairpersons, a special meeting should it appear necessary to do so, and shall be bound to convene a special meeting on

receipt of a written request to that effect signed by sixteen members of the Government group, or twelve members of the Employers' group, or twelve members of the Workers' group.

3.2.3. At each session, the Governing Body shall decide on the date of the following session. In the event of it becoming necessary in the interval between two sessions to alter the date decided on, the Chairperson may, after consultation with the tripartite screening group referred to in paragraph 3.1.1, make the necessary alteration.

Article 3.3

Place of sessions

3.3.1. The sessions of the Governing Body shall be held at the International Labour Office, unless the Governing Body shall otherwise expressly determine.

Article 3.4

Admission to sittings

3.4.1. As a general rule the sittings are public. Nevertheless, at the request of one Government delegate or of the majority of the Employers' or the Workers' group, the Governing Body shall sit in private.

3.4.2. The Director-General and the members of the staff of the International Labour Office who form the secretariat of the Governing Body shall be present at the sittings.

3.4.3. Members of the Governing Body who do not speak French, English or Spanish are authorized to bring into the Governing Body room interpreters to assist them, on their own responsibility and at their own expense.

Section 4 – Sections, segments, committees and working parties

Article 4.1

Sections and segments

4.1.1. The Governing Body will structure its plenary sessions in sections, which will be composed of segments. The holding of particular sections or segments at a given session, as well as their programme and schedule, will be determined through the agenda setting procedure set out in article 3.1 above.

Article 4.2

Committees and working parties

4.2.1. The Governing Body may appoint a committee, subcommittee or working party to consider specific matters. The Governing Body shall determine the composition, mandate and duration of any such committee, subcommittee or working party.

4.2.2. Subject to specific provisions, each committee, subcommittee or working party shall elect officers comprising a Chairperson, an Employer Vice-Chairperson and a Worker Vice-Chairperson.

4.2.3. The representatives of governments, employers and workers in the committees shall have an equal number of votes, unless the Governing Body shall otherwise expressly determine.

Article 4.3

Committee of the Whole

4.3.1. The Governing Body may decide to meet as a Committee of the Whole in order to hold an exchange of views, in which representatives of governments that are not represented on the Governing Body may, in the manner determined by it, be given an opportunity to express their views. The Committee of the Whole shall report to the Governing Body.

Section 5 – Procedures

Article 5.1

Procedure for placing an item on the agenda of the International Labour Conference

5.1.1. When a proposal to place an item on the agenda of the Conference is discussed for the first time by the Governing Body, the Governing Body cannot, without the unanimous consent of the members present, take a decision until the following session.

5.1.2. When it is proposed to place on the agenda of the International Labour Conference an item which implies a knowledge of the laws in force in the various countries, the Office shall place before the Governing Body a concise statement of the existing laws and practice in the various countries relative to that item. This statement shall be submitted to the Governing Body before it takes its decision.

5.1.3. When considering the desirability of placing a question on the agenda of the Conference, the Governing Body may, if there are special circumstances which make this desirable, decide to refer the question to a preparatory technical conference with a view to such a conference making a report to the Governing Body before the question is placed on the agenda. The Governing Body may, in similar circumstances, decide to convene a preparatory technical conference when placing a question on the agenda of the Conference.

5.1.4. Unless the Governing Body has otherwise decided, a question placed on the agenda of the Conference with a view to the adoption of a Convention or Recommendation shall be regarded as having been referred to the Conference for a double discussion.

5.1.5. In cases of special urgency or where other special circumstances exist, the Governing Body may, by a majority of three fifths of the votes cast, decide to refer a question to the Conference for a single discussion with a view to the adoption of a Convention or Recommendation.

5.1.6. When the Governing Body decides that a question shall be referred to a preparatory technical conference it shall determine the date, composition and terms of reference of the said preparatory conference.

5.1.7. The Governing Body shall be represented at such technical conferences which, as a general rule, shall be of a tripartite character.

5.1.8. Each delegate to such conferences may be accompanied by one or more advisers.

5.1.9. For each preparatory conference convened by the Governing Body, the Office shall prepare a report adequate to facilitate an exchange of views on all the issues referred to the said preparatory conference and, in particular, setting out the law and practice in the different countries.

Article 5.2

Procedure for placing on the agenda of the Conference the question of revising a Convention in whole or in part

5.2.1. When the Governing Body, in accordance with the provisions of a Convention, considers it necessary to present to the Conference a report on the working of the Convention and to examine if it is desirable to place the question of its revision in whole or in part on the agenda of the Conference, the Office shall submit to the Governing Body all the information available to it, particularly on the legislation and practice relating to the Convention in those countries which have ratified it and on the legislation relating to the subject of the Convention and its application in those which have not ratified it. The draft report of the Office shall be communicated to all Members of the Organization for their observations.

5.2.2. After a lapse of six months from the date of circulation to members of the Governing Body and to governments of the draft report of the Office referred to in paragraph 5.2.1, the Governing Body shall fix the terms of the report and shall consider the question of placing the revision, in whole or in part, of the Convention on the agenda of the Conference.

5.2.3. If the Governing Body takes the view that it is not desirable to place the revision in whole or in part of the Convention on the agenda, the Office shall communicate the above-mentioned report to the Conference.

5.2.4. If the Governing Body takes the view that it is desirable that the question of placing the revision in whole or in part of the Convention on the agenda of the Conference should be further pursued, the Office shall send the report to the governments of the Members and shall ask them for their observations, drawing attention to the points which the Governing Body has considered specially worthy of attention.

5.2.5. The Governing Body shall, on the expiry of four months from the date of the despatch of the report to the governments, taking into account the replies of the governments, adopt the final report and define exactly the question or questions which it places on the agenda of the Conference.

5.2.6. If at any time other than a time at which the Governing Body, in accordance with the provisions of a Convention, considers it necessary to present to the Conference a report on the working of the Convention in question, the Governing Body should decide that it is desirable to consider placing on the agenda of the Conference the revision in whole or in part of any Convention, the Office shall notify this decision to the governments of the Members and shall ask them for their observations, drawing attention to the points which the Governing Body has considered specially worthy of attention.

5.2.7. The Governing Body shall, on the expiry of four months from the date of the despatch of this notification to the governments, taking into account the replies of the governments, define exactly the question or questions which it places on the agenda of the Conference.

Article 5.3

Procedure for placing on the agenda of the Conference the question of revising a Recommendation in whole or in part

5.3.1. If the Governing Body considers it to be desirable to consider placing on the agenda of the Conference the revision in whole or in part of any Recommendation, the Office shall notify this decision to the governments of the Members and shall ask them for their observations, drawing attention to the points which the Governing Body has considered specially worthy of attention.

5.3.2. The Governing Body shall, on the expiry of four months from the date of the despatch of this notification to the governments, taking into account the replies of the governments, define exactly the question or questions which it places on the agenda of the Conference.

Article 5.4

Procedure for placing on the agenda of the Conference the abrogation of a Convention in force, or the withdrawal of a Convention which is not in force or of a Recommendation

5.4.1. When an item to be placed on the agenda of the Conference concerns the abrogation of a Convention in force, or the withdrawal of a Convention that is not in force or of a Recommendation, the Office shall place before the Governing Body a report containing all relevant information which the Office possesses on this subject.

5.4.2. The provisions of article 6.2 concerning the fixing of the Conference agenda shall not apply to the decision to place on the agenda of a given session of the Conference an item on such an abrogation or withdrawal. Such a decision shall as far as possible be reached by consensus or, if such a consensus cannot be reached in two successive sessions of the Governing Body, by a four-fifths majority of members of the Governing Body with a right to vote during the second of these sessions.

Article 5.5

Procedure concerning decisions involving expenditure

5.5.1. The Governing Body shall take no decision regarding any proposal involving expenditure without considering its estimated cost and making provision for the necessary expenditure.

Article 5.6

Reports, records, minutes, communiqués and Office documents

5.6.1. The Chairperson shall submit a report to each session of the International Labour Conference on the work of the Governing Body during the preceding year. The Chairperson shall consult the Vice-Chairpersons on the matters to be covered in the report.

5.6.2. A stenographic record of the sittings of the Governing Body shall be kept. It shall not be published or distributed.

5.6.3. The secretariat of the Governing Body shall publish the draft minutes of the sessions on the website of the Organization. At the beginning

of each session the minutes of the previous session shall be approved and made public.

5.6.4. The minutes of the private sittings mentioned in paragraph 3.4.1, shall, however, not be made public; they shall be regarded as confidential. There shall be no release of confidential Governing Body minutes for a minimum period of ten years. After the lapse of ten years, the Director-General, in consultation with the Officers of the Governing Body or, in cases of doubt, with the Governing Body itself, may make confidential minutes available on request in appropriate cases.

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.

5.6.8. The documents prepared may be made public unless the Director-General decides, after consultation with the Officers of the Governing Body, to make them available only after the question with which they deal has been discussed by the Governing Body, and subject to any relevant directions by the latter. The Director-General shall, however, have authority to circulate to the press those documents which he had decided not to make available prior to discussion by the Governing Body, subject to an embargo date before which they should not be published or used. In fixing this date the Director-General shall endeavour to ensure, as far as may be practicable, that the publication of such documents does not take place before the members of the Governing Body have received them. Documents marked “confidential” by their author when communicating them to the Office, or by the Office when communicating them to the members of the

Governing Body, shall not be made public. Documents relating to private sittings shall be confidential and shall not be made public.

5.6.9. The *Official Bulletin* of the Office will publish an account intended particularly for governments and public administrations and containing at least the full texts of resolutions and clear indications as to the conditions in which these resolutions were adopted.

Article 5.7

Resolutions, amendments and motions

5.7.1. Any regular member of the Governing Body, and any substitute or deputy member occupying the seat of a regular member, may move resolutions, amendments or motions in accordance with the following rules.

5.7.2. The text of any resolution, amendment or motion shall be submitted in writing and handed to the Chairperson. Whenever possible, this text shall be distributed before being put to the vote. Distribution shall be compulsory if fourteen members of the Governing Body so request.

5.7.3. If there are several amendments to a motion or resolution, the person chairing the sitting shall determine the order in which they shall be discussed and decided upon subject to the following provisions:

(a) every motion, resolution and amendment shall be decided upon;

(b) amendments may be decided upon either individually or against other amendments, as the person chairing the sitting may decide, but if amendments are decided upon against other amendments the motion or resolution shall be deemed to be amended only after the amendment receiving the largest support has been adopted individually;

(c) if a motion or resolution is amended as the result of a vote, that motion or resolution as amended shall be put to the meeting for a final vote.

5.7.4. A member may withdraw an amendment after moving it, unless an amendment to it is under discussion or has been adopted.

5.7.5. An amendment withdrawn by its author may be moved again by another member. In that case it shall be discussed and decided upon.

5.7.6. In the case of motions as to procedure, no notice in writing needs to be made available to the person chairing the sitting or distributed.

Motions as to procedure include the following: a motion to refer a matter back, a motion to postpone consideration of a question, a motion to adjourn the sitting, a motion to adjourn a debate on a particular question or incident, a motion that the Governing Body should proceed with another item on the agenda of the sitting.

5.7.7. No resolution, motion or amendment shall be discussed unless it has been seconded.

Article 5.8

Right to reply

5.8.1. Any member or group which has been specifically referred to in the discussions may exercise the right to reply at the time decided by the person chairing the sitting.

Article 5.9

Prior consultation in respect of proposals for new activities relating to matters of direct concern to the United Nations or other specialized agencies

5.9.1. Where a proposal submitted to the Governing Body involves new activities to be undertaken by the International Labour Organization relating to matters of direct concern to the United Nations or one or more specialized agencies other than the International Labour Organization, the Director-General shall enter into consultation with the organizations concerned and report to the Governing Body on the means of achieving coordinated use of the resources of the respective organizations. Where a proposal put forward in the course of a meeting for new activities to be undertaken by the International Labour Organization relates to matters of direct concern to the United Nations or one or more specialized agencies other than the International Labour Organization, the Director-General shall, after such consultation as may be possible with the representatives at the meeting of the other organization or organizations concerned attending the meeting, draw the attention of the meeting to these implications of the proposal.

5.9.2. Before deciding on proposals referred to in paragraph 5.9.1, the Governing Body shall satisfy itself that adequate consultations have taken place with the organizations concerned.

Section 6 – Voting and quorum

Article 6.1

Voting

6.1.1. Voting shall be by show of hands except in cases where a ballot is required by these Standing Orders.

6.1.2. In case of doubt as to the result of a vote by show of hands, the person chairing the sitting may retake the vote by calling the roll of members entitled to vote.

6.1.3. A ballot vote is required in the case of the election of the Chairperson and of the Director-General of the International Labour Office, and in any other case where it may be demanded by twenty-three of the members present and entitled to vote.

6.1.4. If the Governing Body has been notified by the Director-General that the amount of the arrears due from a Member of the Organization represented on the Governing Body equals or exceeds the contribution due from that Member for the preceding two years, the representative of that Member and any deputy member of the Governing Body appointed by that Member shall, unless the Conference has decided to permit the Member to vote, in accordance with article 13, paragraph 4, of the Constitution, be disqualified from voting in the Governing Body and its committees until the Governing Body has been notified by the Director-General that the right to vote of the Member concerned is no longer suspended.

6.1.5. Any decision by the Conference permitting a Member in arrears in the payment of its contributions to vote shall be valid for the session of the Conference at which the decision is taken. Any such decision shall be operative in regard to the Governing Body and committees until the opening of the general session of the Conference immediately following that at which it was taken.

6.1.6. Notwithstanding the provisions of paragraph 6.1.5, after the Conference has approved an arrangement under which the arrears of a Member are consolidated and are payable in annual instalments over a period of years, the representative of the Member concerned and any deputy member of the Governing Body appointed by that Member shall be permitted to vote provided that, at the time of the vote concerned, the Member has fully paid all instalments due under the arrangement as well as

all financial contributions under article 13 of the Constitution that were due before the end of the previous year. For any Member which, at the close of a session of the Conference, has not fully paid all such instalments and contributions due before the end of the previous year, the permission to vote shall lapse.

Article 6.2

Method of voting in order to fix the agenda of the Conference

6.2.1. When agreement on the agenda of the Conference has not been reached without vote, the Governing Body shall decide by a first vote whether it will place all the questions proposed on the agenda. If it decides to include all the questions proposed, the agenda of the Conference is considered fixed. If it does not so decide, the procedure shall be as follows.

6.2.2. Each member of the Governing Body entitled to vote shall receive a voting paper with a list of all the questions proposed, and shall indicate a preferred order for inclusion in the agenda by marking a first preference “1”, a second “2”, and so forth; a voting paper which does not indicate the order of preference for all the questions proposed shall be void. Members shall place their voting papers in the ballot box as their names are called.

6.2.3. Whenever a question is indicated as a first preference, it shall be allotted one point, whenever it is indicated as a second preference, two points and so forth. The questions shall then be listed on the basis of the total points obtained, the question with the lowest total being regarded as the first in order of preference. If the voting results in an equal number of points for each of two or more questions, a vote by show of hands shall be taken. If the voting is still equal, the order of preference shall be decided by lot.

6.2.4. The Governing Body shall then decide the number of questions to be placed on the agenda, in the order of priority established in accordance with paragraphs 6.2.2 and 6.2.3. For that purpose, it shall vote first on the total number of questions proposed minus one, second on the total number of questions proposed minus two, and so forth, until a majority is obtained.

Article 6.3

Quorum

6.3.1. No vote shall be valid unless at least thirty-three members entitled to vote are present at the sitting.

Section 7 – General provisions

Article 7.1

Autonomy of groups

7.1.1. Subject to the provisions of these Standing Orders, each group shall control its own procedure.

7.1.2. Any nominations to functions within the group shall be communicated in writing to the Chairperson.

Article 7.2

Suspension of a provision of the Standing Orders

7.2.1. The Governing Body, on the unanimous recommendation of its Officers, may exceptionally, in the interests of its own orderly and expeditious functioning, decide to suspend any provision of these Standing Orders for the purpose of dealing with a specific non-controversial question before it. A decision may not be taken until the sitting following that at which a proposal to suspend a provision of the Standing Orders has been submitted to the Governing Body.

Annex I

Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization

Introductory note

1. The Standing Orders concerning the procedure for the examination of representations were adopted by the Governing Body at its 57th Session (1932) and amended on some points of form at its 82nd Session (1938). They were revised by the Governing Body at its 212th Session (February–March 1980).

2. In adopting further amendments at its 291st Session (November 2004), the Governing Body decided to precede the Standing Orders with this Introductory note, which summarizes the various stages of the procedure while indicating the options open to the Governing Body at the various stages of the procedure in accordance with the Standing Orders and with the guidance that emerges from the preparatory work of the Standing Orders and the decisions and practice of the Governing Body. The Standing Orders were further amended at the 350th Session (March 2024).

3. The Standing Orders comprise six titles, the first five of which correspond to the main stages of the procedure, namely: (i) receipt by the Director-General; (ii) examination of receivability of the representation; (iii) decision on referral to a committee; (iv) examination of the representation by the committee; and (v) examination by the Governing Body. The sixth title of the Standing Orders concerns the application of the procedure in the specific instance of a representation against a non-Member State of the Organization.

General provision

4. Article 1 of the Standing Orders concerns the receipt of representations by the Director-General of the ILO, who informs the Government against which the representation is made.

Receivability of the representation

5. Examining receivability means determining whether the prior conditions that have to be satisfied before the Governing Body can proceed to examine the merits of the representation and formulate recommendations have been met.

6. The examination of receivability is, in the first instance, entrusted to the Officers of the Governing Body, to whom the Director-General transmits all the representations that are received. The Officers of the Governing Body make a proposal with respect to receivability, which is communicated to the Governing Body; the Governing Body then decides whether it deems the representation receivable. Although the Standing Orders specify that the Governing Body must not, at this stage, enter into a discussion of the merits of the representation, the conclusions of its Officers regarding receivability may be the subject of discussions.

7. Pursuant to article 8, paragraph 1, of the Standing Orders, the Office invites the Government concerned to send a representative to take part in these deliberations if that Government is not a member of the Governing Body.

8. The conditions of receivability for representations are set out in article 2, paragraph 2, of the Standing Orders. Four of the conditions simply relate to the form of submission (paragraph 2(a), (c), (d) and (e)), while the remaining two conditions may require examination of the representation in greater depth: these relate to the industrial character of the association that is making the representation, on the one hand (paragraph 2(b)), and, on the other hand, the indication of in what respect the State concerned is alleged to have failed to secure the effective observance of the Convention to which the representation relates (paragraph 2(f)).

The representation must emanate from an industrial association of employers or workers (article 2, paragraph 2(b), of the Standing Orders)

9. The following principles may guide the Governing Body in its application of this provision:

- The right to make a representation to the International Labour Office is granted without restriction to any industrial association of employers or workers. No conditions are laid down in the Constitution as regards the size or nationality of that association. The representation may be made by

any industrial association whatever may be the number of its members or in whatever country it may be established. The industrial association may be an entirely local organization or a national or international organization. [1]

- The widest possible discretion should be left to the Governing Body in determining the actual character of the industrial association of employers or workers which makes the representation. The criteria to be applied in this connection by the Governing Body should be those which have up to the present guided the general policy of the Organization and not those laid down by the national legislation of States. [2]

- The Governing Body has the duty of examining objectively whether, in fact, the association making the representation is "an industrial association of employers or workers", within the meaning of the Constitution and the Standing Orders. It is the duty of the Governing Body to determine in each case, independently of the terminology employed and of the name that may have been imposed upon the association by circumstances or selected by it, whether the association from which the representation emanates is in fact an "industrial association of employers or workers" in the natural meaning of the words. In particular, when considering whether a body is an industrial association, the Governing Body cannot be bound by any national definition of the term "industrial association". [3]

10. Moreover, the Governing Body might apply mutatis mutandis the principles developed by the Committee on Freedom of Association on receivability as regards a complainant organization that is alleging violations of freedom of association. Those principles are formulated as follows:

> At its first meeting in January 1952 (First Report, General observations, paragraph 28), the Committee adopted the principle that it has full freedom to decide whether an organization may be deemed to be an employers' or

[1] *Proposed Standing Orders concerning the application of articles 409, 410, 411, paras 4 and 5, of the Treaty of Peace*, explanatory note of the International Labour Office submitted to the Standing Orders Committee of the Governing Body at its 56th Session (1932).

[2] *Proposed Standing Orders concerning the application of articles 409, 410, 411, paras 4 and 5, of the Treaty of Peace*.

[3] See representation submitted by Dr J.M. Curé on behalf of the Labour Party of the Island of Mauritius concerning the application of certain international labour Conventions in the Island, Report of the Committee of the Governing Body (adopted by the Governing Body at its 79th Session), ILO, *Official Bulletin*, Vol. XXII (1937), 71–72, paras 6–7.

workers' organization within the meaning of the ILO Constitution, and it does not consider itself bound by any national definition of the term.

The Committee has not regarded any complaint as being irreceivable simply because the Government in question had dissolved, or proposed to dissolve the organization on behalf of which the complaint was made, or because the person or persons making the complaint had taken refuge abroad.

The fact that a trade union has not deposited its by-laws, as may be required by national laws, is not sufficient to make its complaint irreceivable since the principles of freedom of association provide precisely that the workers shall be able, without previous authorization, to establish organizations of their own choosing.

The fact that an organization has not been officially recognized does not justify the rejection of allegations when it is clear from the complaints that this organization has at least a de facto existence.

In cases in which the Committee is called upon to examine complaints presented by an organization concerning which no precise information is available, the Director General is authorized to request the organization to furnish information on the size of its membership, its statutes, its national or international affiliations and, in general, any other information calculated, in any examination of the receivability of the complaint, to lead to a better appreciation of the precise nature of the complainant organization.

The Committee will only take cognizance of complaints presented by persons who, through fear of reprisals, request that their names or the origin of the complaints should not be disclosed, if the Director-General, after examining the complaint in question, informs the Committee that it contains allegations of some degree of gravity which have not previously been examined by the Committee. The Committee can then decide what action, if any, should be taken with regard to such complaints. [4]

[4] See paras 35–40 of the Procedures of the Fact-Finding and Conciliation Commission and the Committee on Freedom of Association for the examination of complaints alleging violations of freedom of association (*Digest of decisions and principles of the Freedom of Association Committee*, fourth edition, 1996, Annex I).

The representation must indicate in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Convention (article 2, paragraph 2(f), of the Standing Orders)

11. In examining this condition of receivability, particular importance is attached to article 2, paragraph 4, of the Standing Orders, which provides that in reaching a decision concerning receivability on the basis of the report of its Officers, the Governing Body shall not enter into a discussion of the substance of the representation. It is important, however, that the representation be sufficiently precise for the Officers of the Governing Body to be able to legitimately substantiate their proposal to the Governing Body.

Reference to a committee

12. If the Governing Body deems, on the basis of the report of its Officers, that a representation is receivable, it shall usually set up a tripartite committee to examine the representation (article 3, paragraph 1). However, depending on the content of the representation, the Governing Body has, under certain conditions, other options:

(a) if the representation relates to a Convention dealing with trade union rights, the Governing Body may decide to refer it to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution (article 3, paragraph 2);

(b) if the representation relates to matters and allegations similar to those which have been the subject of a previous representation, the Governing Body may decide to postpone the appointment of the committee to examine the new representation until the Committee of Experts on the Application of Conventions and Recommendations has been able, at its next session, to examine the follow-up to the recommendations that were adopted by the Governing Body in relation to the previous representation (article 3, paragraph 3).

13. It is the practice for the report of the Officers of the Governing Body concerning the receivability of the representation to also include a recommendation concerning reference to a committee.

14. It is for the Governing Body to appoint the members who make up the tripartite committee as soon as possible upon declaring the representation receivable. In appointing the members of the tripartite committee, the Governing Body takes into account the conditions

established in article 3, paragraph 1. It should seek to appoint as Government member of the committee a representative of a Member that has ratified the Convention or Conventions concerned by the representation.

15. To facilitate timely appointment, Employers' and Workers' groups as well as regional groups of governments may transmit to the Office the names of up to six of their members as potential future members of ad hoc tripartite committees, taking into consideration the three ILO official languages.

16. All documents and other relevant information available to the Office will be made available to the members of the committee at least 15 days in advance of the meetings of the committee.

Examination of the representation by the committee

17. Under article 7, the tripartite committee charged with examining a representation must present its conclusions on the issues raised in the representation and formulate its recommendations as to the decisions to be taken by the Governing Body. The committee examines the merits of the allegation made by the author of the representation, that the Member concerned has failed to secure effective observance of the Convention or Conventions ratified by the Member and indicated in the representation.

18. In accordance with article 5 of the Standing Orders, the tripartite committee may at any time suspend its examination of the merits of the representation to enable the association which has made the representation and the Government concerned to seek resolution of their dispute through optional voluntary conciliation or other voluntary measures at the national level. Other measures at national level refer to institutionalized procedures or bodies with a specific mandate to solve labour disputes. The suspension, which always requires the agreement of both parties, may be granted for a maximum duration of six months, and may normally be extended only once for an additional period not exceeding six months, subject to limited exceptions. If a suspension of the procedure is requested before a tripartite committee has been set up to examine the representation, the suspension may be decided by the Governing Body on the recommendation of its Officers. In the absence of a response from the association and the Government on the outcome of the voluntary conciliation process or of other voluntary measures at the national level, the Committee will proceed to examine the merits of the representation on the basis of the elements at its disposal.

19. The powers of the tripartite committee during its examination of the representation are laid down in article 4. Article 6 concerns the rights of the Government concerned if the committee invites it to make a statement on the subject of the representation.

20. Moreover, the committee may apply, mutatis mutandis, two principles developed by the Committee on Freedom of Association:

(a) In establishing the matters on which the representation is based, the committee may consider that, while no formal period of prescription has been fixed for the examination of representations, it may be very difficult – if not impossible – for a Government to reply in detail regarding matters which occurred a long time ago. [5]

(b) In formulating its recommendations as to the decision to be taken by the Governing Body, the committee may take into account the interest that the association making the representation has in taking action with regard to the situation motivating the representation. Such interest exists if the representation emanates from a national association directly interested in the matter, from international workers' or employers' associations having consultative status with the ILO, or from other international workers' or employers' associations when the representation concerns matters directly affecting their affiliated organizations. [6]

Consideration of the representation by the Governing Body

21. On the basis of the report of the tripartite committee, the Governing Body considers the issues of substance raised by the representation and what follow-up to undertake. Article 8 determines the modalities for the participation of the Government concerned in the deliberations.

22. The Standing Orders recall and determine two options provided for in the Constitution that are open to the Governing Body if it decides that a representation is substantiated, it being understood that the Governing Body remains free to take or not to take these measures:

[5] *Digest of decisions*, 1996, para. 67.

[6] *Digest of decisions*, 1996, para. 34.

(a) Under the conditions laid down in article 25 of the Constitution, the Governing Body may publish the representation received and, if applicable, the statement made by the Government concerned; in the event that it so decides, the Governing Body also decides the form and date of publication.

(b) The Governing Body may, at any time, in accordance with article 26, paragraph 4, of the Constitution, adopt, against the Government concerned and with regard to the Convention the effective observance of which is contested, the procedure of complaint provided for in article 26 and the following articles (article 11 of the Standing Orders).

23. Furthermore, the Governing Body may decide to refer issues concerning any follow-up to the recommendations adopted by the Governing Body to be undertaken by the Government concerned to the Committee of Experts on the Application of Conventions and Recommendations. That Committee shall examine the measures taken by the Government to give effect to the provisions of the Conventions to which it is a party and with respect to which recommendations had been adopted by the Governing Body.

24. The Office keeps the Governing Body informed of any pending representations at its March and October–November sessions.

Representations against non-Members

25. Article 12 of the Standing Orders stipulates that a representation against a State which is no longer a Member of the Organization may also be examined in accordance with the Standing Orders, in virtue of article 1, paragraph 5, of the Constitution, which provides that the withdrawal of a Member of the Organization shall not affect the continued validity of obligations arising under or relating to Conventions that it had ratified.

* * *

Standing Orders

Adopted by the Governing Body at its 57th Session (8 April 1932), modified at its 82nd Session (5 February 1938), 212th Session (7 March 1980), 291st Session (18 November 2004), and 350th Session (8 March 2024).

GENERAL PROVISION

Article 1

When a representation is made to the International Labour Office under article 24 of the Constitution of the Organization, the Director-General shall acknowledge its receipt and inform the Government against which the representation is made.

RECEIVABILITY OF THE REPRESENTATION

Article 2

1. The Director-General shall immediately bring the representation before the Officers of the Governing Body.

2. The receivability of a representation is subject to the following conditions:

(a) it must be communicated to the International Labour Office in writing;

(b) it must emanate from an industrial association of employers or workers;

(c) it must make specific reference to article 24 of the Constitution of the Organization;

(d) it must concern a Member of the Organization, subject to the provisions of article 12;

(e) it must refer to a Convention to which the Member against which it is made is a party; and

(f) it must indicate in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Convention.

3. The Officers shall report to the Governing Body on the receivability of the representation.

4. In reaching a decision concerning receivability on the basis of the report of its Officers, the Governing Body shall not enter into a discussion of the substance of the representation.

REFERENCE TO A COMMITTEE

Article 3

1. If the Governing Body decides, on the basis of the report of its Officers, that a representation is receivable, it shall set up a committee for the examination thereof, composed of members of the Governing Body chosen in equal numbers from the Government, Employers' and Workers' groups before the following session of the Governing Body. No representative or national of the State against which the representation has been made and no person occupying an official position in the association of employers or workers which has made the representation may be a member of this committee.

2. Notwithstanding the provisions of paragraph 1 of this article, if a representation which the Governing Body decides is receivable relates to a Convention dealing with trade union rights, it may be referred to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution.

3. Notwithstanding the provisions of paragraph 1 of this article, if a representation which the Governing Body decides is receivable relates to facts and allegations similar to those which have been the subject of an earlier representation, the appointment of the committee charged with examining the new representation may be postponed pending the examination by the Committee of Experts on the Application of Conventions and Recommendations at its next session of the follow-up given to the recommendations previously adopted by the Governing Body.

4. The meetings of the committee appointed by the Governing Body pursuant to paragraph 1 of this article shall be held in private and all the steps in the procedure before the committee shall be confidential.

EXAMINATION OF THE REPRESENTATION BY THE COMMITTEE

Article 4

1. During its examination of the representation, the committee may:

(a) request the association which has made the representation to furnish further information within the time fixed by the committee;

(b) communicate the representation to the Government against which it is made without inviting that Government to make any statement in reply;

(c) communicate the representation (including all further information furnished by the association which has made the representation) to the Government against which it is made and invite the latter to make a statement on the subject within the time fixed by the committee;

(d) upon receipt of a statement from the Government concerned, request the latter to furnish further information within the time fixed by the committee;

(e) invite a representative of the association which has made the representation to appear before the committee to furnish further information orally.

2. The committee may prolong any time limit fixed under the provisions of paragraph 1 of this article, in particular at the request of the association or Government concerned.

Article 5

1. At the request of the association which has made the representation or of the Government against which it is made, and with the agreement of the other, the committee may at any time suspend its examination of the representation for a duration of up to six months to enable the association and the Government to resolve the dispute that is the subject of the representation by mutual agreement through optional voluntary conciliation or other voluntary measures at the national level. The committee may, upon request and with the agreement of the association and the Government concerned, decide to extend the duration of the suspension for up to six more months if, in view of the progress made by them towards the resolution of the dispute, the committee considers that there is a realistic possibility that

the dispute will be resolved within that period. Other than in exceptional cases, no more than one extension shall be granted.

2. If the request to suspend the examination of the representation is made before a committee is set up to examine the representation, the Governing Body may, on the recommendation of its Officers, decide to grant a suspension of the examination of the merits of the representation under the conditions set out in paragraph 1 while proceeding with the appointment of a committee in accordance with article 3, paragraph 1.

Article 6

If the committee invites the Government concerned to make a statement on the subject of the representation or to furnish further information, the Government may:

(a) communicate such statement or information in writing;

(b) request the committee to hear a representative of the Government;

(c) request that a representative of the Director-General visit its country to obtain, through direct contacts with the competent authorities and organizations, information on the subject of the representation, for presentation to the committee.

Article 7

1. When the committee has completed its examination of the representation as regards substance, it shall present a report to the Governing Body in which it shall describe the steps taken by it to examine the representation, present its conclusions on the issues raised therein and formulate its recommendations as to the decisions to be taken by the Governing Body.

2. If, before the committee has completed its examination of the representation, the association which has made the representation notifies the committee that it no longer wishes to pursue the representation, the committee may recommend to the Governing Body to close the procedure under articles 24 and 25 of the Constitution.

CONSIDERATION OF THE REPRESENTATION BY THE GOVERNING BODY

Article 8

1. When the Governing Body considers the reports of its Officers on the issue of receivability and of the committee on the issues of substance, the Government concerned, if not already represented on the Governing Body, shall be invited to send a representative to take part in its proceedings while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government.

2. Such a representative shall have the right to speak under the same conditions as a member of the Governing Body, but shall not have the right to vote.

3. The meetings of the Governing Body at which questions relating to a representation are considered shall be held in private.

Article 9

If the Governing Body decides to publish the representation and the statement, if any, made in reply to it, it shall decide the form and date of publication. Such publication shall close the procedure under articles 24 and 25 of the Constitution.

Article 10

The International Labour Office shall notify the decisions of the Governing Body to the Government concerned and to the association which made the representation.

Article 11

When a representation within the meaning of article 24 of the Constitution of the Organization is communicated to the Governing Body, the latter may, at any time in accordance with paragraph 4 of article 26 of the Constitution, adopt, against the Government against which the representation is made and concerning the Convention the effective

observance of which is contested, the procedure of complaint provided for in article 26 and the following articles.

REPRESENTATIONS AGAINST NON-MEMBERS

Article 12

In the case of a representation against a State which is no longer a Member of the Organization, in respect of a Convention to which it remains party, the procedure provided for in these Standing Orders shall apply in virtue of article 1, paragraph 5, of the Constitution.

Annex II

Special procedures for the examination in the International Labour Organization of complaints alleging violations of freedom of association

The outline given below of the current procedure for the examination of complaints alleging infringements of trade union rights is based on the provisions adopted by common consent by the Governing Body of the International Labour Office and the Economic and Social Council of the United Nations in January and February 1950, and also on the decisions taken by the Governing Body at its 117th Session (November 1951), 123rd Session (November 1953), 132nd Session (June 1956), 140th Session (November 1958), 144th Session (March 1960), 175th Session (May 1969), 184th Session (November 1971), 202nd Session (March 1977), 209th Session (May–June 1979) and 283rd Session (March 2002) with respect to the internal procedure for the preliminary examination of complaints, and lastly on certain decisions adopted by the Committee on Freedom of Association itself. [1]

* * *

Background

1. In January 1950 the Governing Body, following negotiations with the Economic and Social Council of the United Nations, set up a Fact-Finding and Conciliation Commission on Freedom of Association, composed of

[1] Most of the procedural rules referred to in this annex are contained under the heading "procedural questions" in the following documents: First Committee Report, paras 6–32, in *Sixth Report of the International Labour Organisation to the United Nations* (Geneva: ILO, 1952), Appendix V; the Sixth Report in *Seventh Report of the International Labour Organisation to the United Nations* (Geneva: ILO, 1953), Appendix V, paras 14–21; the Ninth Report in *Eighth Report of the International Labour Organisation to the United Nations* (Geneva: ILO, 1954), Appendix II, paras 2–40; the 29th and 43rd Reports in *Official Bulletin*, Vol. XLIII, 1960, No. 3; the 111th Report, in *Official Bulletin*, Vol. LII, 1969 No. 4, paras 7–20; the 127th Report, in *Official Bulletin*, Vol. LV, 1972, Supplement, paras 9–28; the 164th Report, in *Official Bulletin*, Vol. LX, 1977, No. 2, paras 19–28; the 193rd Report, in *Official Bulletin*, Vol. LXII, 1979, No. 1; and the 327th Report, in *Official Bulletin*, Vol. LXXXV, 2002, paras 17–26.

independent persons, and defined the terms of reference of the Commission and the general lines of its procedure. It also decided to communicate to the Economic and Social Council a certain number of suggestions with a view to formulating a procedure for making the services of the Commission available to the United Nations.

2. The Economic and Social Council, at its Tenth Session, on 17 February 1950, noted the decision of the Governing Body and adopted a resolution in which it formally approved this decision, considering that it corresponded to the intent of the Council's resolution of 2 August 1949 and that it was likely to prove a most effective way of safeguarding trade union rights. It decided to accept, on behalf of the United Nations, the services of the ILO and the Fact-Finding and Conciliation Commission and laid down a procedure, which was supplemented in 1953.

Complaints received by the United Nations

3. All allegations regarding infringements of trade union rights received by the United Nations from governments or trade union or employers' organizations against ILO Member States will be forwarded by the Economic and Social Council to the Governing Body of the International Labour Office, which will consider the question of their referral to the Fact-Finding and Conciliation Commission.

4. Similar allegations received by the United Nations regarding any Member of the United Nations which is not a Member of the ILO will be transmitted to the Commission through the Governing Body of the ILO when the Secretary-General of the United Nations, acting on behalf of the Economic and Social Council, has received the consent of the government concerned, and if the Economic and Social Council considers these allegations suitable for transmission. If the government's consent is not forthcoming, the Economic and Social Council will give consideration to the position created by such refusal, with a view to taking any appropriate alternative action calculated to safeguard the rights relating to freedom of association involved in the case. If the Governing Body has before it allegations regarding infringements of trade union rights that are brought against a Member of the United Nations which is not a Member of the ILO, it will refer such allegations in the first instance to the Economic and Social Council.

Bodies competent to examine complaints

5. In accordance with a decision originally taken by the Governing Body, complaints against Member States of the ILO were submitted in the first instance to the Officers of the Governing Body for preliminary examination. Following discussions at its 116th and 117th Sessions, the Governing Body decided to set up a Committee on Freedom of Association to carry out this preliminary examination.

6. At the present time, therefore, there are three bodies which are competent to hear complaints alleging infringements of trade union rights that are lodged with the ILO, viz. the Committee on Freedom of Association set up by the Governing Body, the Governing Body itself, and the Fact-Finding and Conciliation Commission on Freedom of Association.

Composition and functioning of the Committee on Freedom of Association

7. This body is a Governing Body organ reflecting the ILO's own tripartite character. Since its creation in 1951, it has been composed of nine regular members representing in equal proportion the Government, Employer and Worker groups of the Governing Body; each member participates in a personal capacity. Nine substitute members, also appointed by the Governing Body, were originally called upon to participate in the meetings only if, for one reason or another, regular members were not present, so as to maintain the initial composition.

8. The present practice adopted by the Committee in February 1958 and specified in March 2002 gives substitute members the right to participate in the work of the Committee, whether or not all the regular members are present. They have therefore acquired the status of deputy members and must respect the same rules as regular members.

9. At its most recent examination of the procedure in March 2002, the Committee expressed the hope that, in view of the rule that all the members are appointed in their individual capacity, the nominations of Government members would be made in a personal capacity so as to ensure a relative permanence of government representation.

10. No representative or national of the State against which a complaint has been made, or person occupying an official position in the national organization of employers or workers which has made the

complaint, may participate in the Committee's deliberations or even be present during the hearing of the complaint in question. Similarly, the documents concerning the case are not supplied to them.

11. The Committee always endeavours to reach unanimous decisions.

Mandate and responsibility of the Committee

12. By virtue of its Constitution, the ILO was established in particular to improve working conditions and to promote freedom of association in the various countries. Consequently, the matters dealt with by the Organization in this connection no longer fall within the exclusive sphere of States and the action taken by the Organization for the purpose cannot be considered to be interference in internal affairs, since it falls within the terms of reference that the ILO has received from its Members with a view to attaining the aims assigned to it. [2]

13. The function of the International Labour Organization in regard to freedom of association and the protection of the individual is to contribute to the effectiveness of the general principles of freedom of association, as one of the primary safeguards of peace and social justice. [3] Its function is to secure and promote the right of association of workers and employers. It does not level charges at, or condemn, governments. In fulfilling its task the Committee takes the utmost care, through the procedures it has developed over many years, to avoid dealing with matters which do not fall within its specific competence.

14. The mandate of the Committee consists in determining whether any given legislation or practice complies with the principles of freedom of association and collective bargaining laid down in the relevant Conventions. [4]

15. It is within the mandate of the Committee to examine whether, and to what extent, satisfactory evidence is presented to support allegations; this appreciation goes to the merits of the case and cannot support a finding of irreceivability. [5]

[2] *Freedom of Association: Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, fifth (revised) edition, 2006, para. 2.

[3] *Digest of decisions,* 2006, para. 1.

[4] *Digest of decisions*, 2006, para. 6.

[5] *Digest of decisions*, 2006, para. 9.

16. With a view to avoiding the possibility of misunderstanding or misinterpretation, the Committee considers it necessary to make it clear that its task is limited to examining the allegations submitted to it. Its function is not to formulate general conclusions concerning the trade union situation in particular countries on the basis of vague general statements, but simply to evaluate specific allegations.

17. The usual practice of the Committee has been not to make any distinction between allegations levelled against governments and those levelled against persons accused of infringing freedom of association, but to consider whether or not, in each particular case, a government has ensured within its territory the free exercise of trade union rights.

18. The Committee (after a preliminary examination, and taking account of any observations made by the governments concerned, if received within a reasonable period of time) reports to the Governing Body that a case does not call for further examination if it finds, for example, that the alleged facts, if proved, would not constitute an infringement of the exercise of trade union rights, or that the allegations made are so purely political in character that it is undesirable to pursue the matter further, or that the allegations made are too vague to permit a consideration of the case on its merits, or that the complainant has not offered sufficient evidence to justify reference of the matter to the Fact-Finding and Conciliation Commission.

19. The Committee may recommend that the Governing Body draw the attention of the governments concerned to the anomalies which it has observed and invite them to take appropriate measures to remedy the situation.

The Committee's competence to examine complaints

20. The Committee has considered that it is not within its competence to reach a decision on violations of ILO Conventions on working conditions since such allegations do not concern freedom of association.

21. The Committee has recalled that questions concerning social security legislation fall outside its competence.

22. The questions raised related to landownership and tenure governed by specific national legislation have nothing to do with the problems of the exercise of trade union rights.

23. It is not within the Committee's terms of reference to give an opinion on the type or characteristics – including the degree of legislative regulation – of the industrial relations system in any particular country. [6]

24. The Committee always takes account of national circumstances, such as the history of labour relations and the social and economic context, but the freedom of association principles apply uniformly and consistently among countries. [7]

25. Where the government concerned considers that the questions raised are purely political in character, the Committee has decided that, even though allegations may be political in origin or present certain political aspects, they should be examined in substance if they raise questions directly concerning the exercise of trade union rights.

26. The question of whether issues raised in a complaint concern penal law or the exercise of trade union rights cannot be decided unilaterally by the government against which a complaint is made. It is for the Committee to rule on the matter after examining all the available information. [8]

27. When it has had to deal with precise and detailed allegations regarding draft legislation, the Committee it has taken the view that the fact that such allegations relate to a text that does not have the force of law should not in itself prevent it from expressing its opinion on the merits of the allegations made. It has considered it desirable that, in such cases, the government and the complainant should be made aware of the Committee's point of view with regard to the proposed bill before it is enacted, since it is open to the government, on whose initiative such a matter depends, to make any amendments thereto.

28 Where national legislation provides for appeal procedures before the courts or independent tribunals, and these procedures have not been used for the matters on which the complaint is based, the Committee takes this into account when examining the complaint.

29. When a case is being examined by an independent national jurisdiction whose procedures offer appropriate guarantees, and the Committee considers that the decision to be taken could provide additional

[6] 287th Report, Case No. 1627, para. 32.

[7] *Digest of decisions*, 2006, para. 10.

[8] 268th Report, Case No. 1500, para. 693.

information, it will suspend its examination of the case for a reasonable time to await this decision, provided that the delay thus encountered does not risk prejudicing the party whose rights have allegedly been infringed.

30. Although the use of internal legal procedures, whatever the outcome, is undoubtedly a factor to be taken into consideration, the Committee has always considered that, in view of its responsibilities, its competence to examine allegations is not subject to the exhaustion of national procedures.

Receivability of complaints

31. Complaints lodged with the ILO, either directly or through the United Nations, must come either from organizations of workers or employers or from governments. Allegations are receivable only if they are submitted by a national organization directly interested in the matter, by international organizations of employers or workers having consultative status with the ILO, or other international organizations of employers or workers where the allegations relate to matters directly affecting their affiliated organizations. Such complaints may be presented whether or not the country concerned has ratified the freedom of association Conventions.

32. The Committee has full freedom to decide whether an organization may be deemed to be an employers' or workers' organization within the meaning of the ILO Constitution, and it does not consider itself bound by any national definition of the term.

33. The Committee has not regarded any complaint as being irreceivable simply because the government in question had dissolved, or proposed to dissolve, the organization on behalf of which the complaint was made, or because the person or persons making the complaint had taken refuge abroad.

34. The fact that a trade union has not deposited its by-laws, as may be required by national laws, is not sufficient to make its complaint irreceivable since the principles of freedom of association provide precisely that the workers shall be able, without previous authorization, to establish organizations of their own choosing.

35. The fact that an organization has not been officially recognized does not justify the rejection of allegations when it is clear from the complaints that this organization has at least a de facto existence.

36. In cases in which the Committee is called upon to examine complaints presented by an organization concerning which no precise information is available, the Director-General is authorized to request the organization to furnish information on the size of its membership, its statutes, its national or international affiliations and, in general, any other information calculated, in any examination of the receivability of the complaint, to lead to a better appreciation of the precise nature of the complainant organization.

37. The Committee will only take cognizance of complaints presented by persons who, through fear of reprisals, request that their names or the origin of the complaints should not be disclosed, if the Director-General, after examining the complaint in question, informs the Committee that it contains allegations of some degree of gravity which have not previously been examined by the Committee. The Committee can then decide what action, if any, should be taken with regard to such complaints.

Repetitive nature of complaints

38. In any case in which a complaint concerns exactly the same infringements as those on which the Committee has already given a decision, the Director-General may, in the first instance, refer the complaint to the Committee, which will decide whether it is appropriate to take action on it.

39. The Committee has taken the view that it could only reopen a case which it had already examined in substance and in which it had submitted final recommendations to the Governing Body if new evidence is adduced and brought to its notice. Similarly, the Committee does not re-examine allegations on which it has already given an opinion: for example, when a complaint refers to a law that it has already examined and, as such, does not contain new elements. [9]

Form of the complaint

40. Complaints must be presented in writing, duly signed by a representative of a body entitled to present them, and they must be as fully supported as possible by evidence of specific infringements of trade union rights.

[9] 297th Report, para. 13.

41. When the Committee receives, either directly or through the United Nations, mere copies of communications sent by organizations to third parties, such communications do not constitute formal complaints and do not call for action on its part.

42. Complaints originating from assemblies or gatherings which are not bodies having a permanent existence or even bodies organized as definite entities and with which it is impossible to correspond, either because they have only a temporary existence or because the complaints do not contain any addresses of the complainants, are not receivable.

Rules concerning relations with complainants

43. Complaints which do not relate to specific infringements of trade union rights are referred by the Director-General to the Committee on Freedom of Association for opinion, and the Committee decides whether or not any action should be taken on them. In cases of this kind, the Director-General is not bound to wait until the Committee meets, but may contact the complainant organization directly to inform it that the Committee's mandate only permits it to deal with questions concerning freedom of association and to ask it to specify, in this connection, the particular points that it wishes to have examined by the Committee.

44. The Director-General, on receiving a new complaint concerning specific cases of infringement of freedom of association, either directly from the complainant organization or through the United Nations, informs the complainant that any information he may wish to furnish in substantiation of the complaint should be communicated to him within a period of one month. In the event that supporting information is sent to the ILO after the expiry of the one month period provided for in the procedures it will be for the Committee to determine whether this information constitutes new evidence which the complainant would not have been in a position to adduce within the appointed period; in the event that the Committee considers that this is not the case, the information in question is regarded as irreceivable. On the other hand, if the complainant does not furnish the necessary information in substantiation of a complaint (where it does not appear to be sufficiently substantiated) within a period of one month from the date of the Director-General's acknowledgement of receipt of the complaint, it is for the Committee to decide whether any further action in the matter is appropriate.

45. In cases in which a considerable number of copies of an identical complaint are received from separate organizations, the Director-General is

not required to request each separate complainant to furnish further information; it is normally sufficient for the Director-General to address the request to the central organization in the country to which the bodies presenting the copies of the identical complaint belong or, where the circumstances make this impracticable, to the authors of the first copy received, it being understood that this does not preclude the Director-General from communicating with more than one of the said bodies if this appears to be warranted by any special circumstances of the particular case. The Director-General will transmit to the government concerned the first copy received, but will also inform the government of the names of the other complainants presenting the copies of the identical complaints.

46. When a complaint has been communicated to the government concerned and the latter has presented its observations thereon, and when the statements contained in the complaint and the government's observations merely cancel one another out but do not contain any valid evidence, thereby making it impossible for the Committee to reach an informed opinion, the Committee is authorized to seek further information in writing from the complainant in regard to questions concerning the terms of the complaint requiring further elucidation. In such cases, it has been understood that, on the one hand, the government concerned, as defendant, would have an opportunity to reply in its turn to any additional comments the complainants may make, and, on the other hand, that this method would not be followed automatically in all cases but only in cases where it appears that such a request to the complainants would be helpful in establishing the facts.

47. Subject to the two conditions mentioned in the preceding paragraph, the Committee may, moreover, inform the complainants, in appropriate cases, of the substance of the government's observations and invite them to submit their comments thereon within a given period of time. In addition, the Director-General may ascertain whether, in the light of the observations sent by the government concerned, further information or comments from the complainants are necessary on matters relating to the complaint and, if so, may write directly to the complainants, in the name of the Committee and without waiting for its next session, requesting the desired information or the comments on the government's observations by a given date, the government's right to reply being respected as is pointed out in the preceding paragraph.

48. In order to keep the complainant regularly informed of the principal stages in the procedure, the complainant is notified, after each session of the Committee, that the complaint has been put before the Committee and, if the Committee has not reached a conclusion appearing in its report, that – as appropriate – examination of the case has been adjourned in the absence of a reply from the government or the Committee has asked the government for certain additional information.

Prescription

49. While no formal rules fixing any particular period of prescription are embodied in the procedure for the examination of complaints, it may be difficult – if not impossible – for a government to reply in detail to allegations regarding matters which occurred a long time ago.

Withdrawal of complaints

50. When the Committee has been confronted with a request submitted to it for the withdrawal of a complaint, it has always considered that the desire expressed by an organization which has submitted a complaint to withdraw this complaint constitutes an element of which full account should be taken, but it is not sufficient in itself for the Committee to automatically cease to proceed further with the case. In such cases, the Committee has decided that it alone is competent to evaluate in full freedom the reasons put forward to explain the withdrawal of a complaint and to endeavour to establish whether these appear to be sufficiently plausible so that it may be concluded that the withdrawal is being made in full independence. In this connection, the Committee has noted that there might be cases in which the withdrawal of a complaint by the organization presenting it was the result not of the fact that the complaint had become without purpose, but of pressure exercised by the government against the complainants, the latter being threatened with an aggravation of the situation if they did not consent to this withdrawal.

Rules for relations with the governments concerned

51. By membership of the International Labour Organization, each Member State is bound to respect a certain number of principles, including

the principles of freedom of association which have become customary rules above the Conventions. [10]

52. If the original complaint or any further information received in response to the acknowledgement of the complaint is sufficiently substantiated, the complaint and any such further information are communicated by the Director-General to the government concerned as quickly as possible; at the same time the government is requested to forward to the Director-General, before a given date, fixed in advance with due regard to the date of the next meeting of the Committee, any observations which it may care to make. When communicating allegations to governments, the Director-General draws their attention to the importance which the Governing Body attaches to receiving the governments' replies within the specified period, in order that the Committee may be in a position to examine cases as soon as possible after the occurrence of the events to which the allegations relate. If the Director-General has any difficulty in deciding whether a particular complaint can be regarded as sufficiently substantiated to justify him in communicating it to the government concerned for its observations, it is open to him to consult the Committee before taking a decision on the matter.

53. In cases in which the allegations concern specific enterprises, or in appropriate cases, the letter by which the allegations are transmitted to the government requests it to obtain the views of all the organizations and institutions concerned so that it can provide a reply to the Committee that is as complete as possible. However, the application of this rule of procedure should not result in practice in delay in having recourse to urgent appeals made to governments, nor in the examination of cases.

54. A distinction is drawn between urgent cases, which are addressed on a priority basis, and less urgent cases. Matters involving human life or personal freedom, or new or changing conditions affecting the freedom of action of a trade union movement as a whole, cases arising out of a continuing state of emergency and cases involving the dissolution of an organization, are treated as cases of urgency. Priority of treatment is also given to cases on which a report has already been submitted to the Governing Body.

[10] Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning the situation in Chile, 1975, para. 466.

55. In all cases, if the first reply from the government in question is of too general a character, the Committee requests the Director-General to obtain all necessary additional information from the government, on as many occasions as it judges appropriate.

56. The Director-General is further empowered to ascertain without, however, making any appreciation of the substance of a case, whether the observations of governments on the subject matter of a complaint or governments' replies to requests for further information are sufficient to permit the Committee to examine the complaint and, if not, to write directly to the government concerned, in the name of the Committee, and without waiting for its next session, to inform it that it would be desirable if it were to furnish more precise information on the points raised by the Committee or the complainant.

57. The purpose of the whole procedure set up in the ILO for the examination of allegations of violations of freedom of association is to promote respect for trade union rights in law and in fact. If the procedure protects governments against unreasonable accusations, governments on their side should recognize the importance for their own reputation of formulating, so as to allow objective examination, detailed replies to the allegations brought against them. The Committee wishes to stress that, in all the cases presented to it since it was first set up, it has always considered that the replies from governments against whom complaints are made should not be limited to general observations.

58. In cases where governments delay in forwarding their observations on the complaints communicated to them, or the further information requested of them, the Committee mentions these governments in a special introductory paragraph to its reports after the lapse of a reasonable time, which varies according to the degree of urgency of the case and of the questions involved. This paragraph contains an urgent appeal to the governments concerned and, as soon as possible afterwards, special communications are sent to these governments by the Director-General on behalf of the Committee.

59. These governments are warned that at its following session the Committee may submit a report on the substance of the matter, even if the information awaited from the governments in question has still not been received.

60. Cases in respect of which governments continue to fail to cooperate with the Committee, or in which certain difficulties persist, are mentioned in a special paragraph of the introduction to the Committee's report. The governments concerned are then immediately informed that the chairman of the Committee will, on behalf of the Committee, make contact with their representatives attending the session of the Governing Body or the International Labour Conference. The chairman will draw their attention to the particular cases involved and, where appropriate, to the gravity of the difficulties in question, discuss with them the reasons for the delay in transmitting the observations requested by the Committee and examine with them various means of remedying the situation. The chairman then reports to the Committee on the results of such contacts.

61. In appropriate cases, where replies are not forthcoming, ILO external offices may approach governments in order to elicit the information requested of them, either during the examination of the case or in connection with the action to be taken on the Committee's recommendations, approved by the Governing Body. With this end in view the ILO external offices are sent detailed information with regard to complaints concerning their particular area and are requested to approach governments which delay in transmitting their replies, in order to draw their attention to the importance of supplying the observations or information requested of them.

62. In cases where the governments implicated are obviously unwilling to cooperate, the Committee may recommend, as an exceptional measure, that wider publicity be given to the allegations, to the recommendations of the Governing Body and to the negative attitude of the governments concerned.

63. The procedure for the examination of complaints of alleged infringements of the exercise of trade union rights provides for the examination of complaints presented against Member States of the ILO. Evidently, it is possible for the consequences of events which gave rise to the presentation of the initial complaint to continue after the setting up of a new State which has become a Member of the ILO, but if such a case should arise, the complainants would be able to have recourse, in respect of the new State, to the procedure established for the examination of complaints relating to infringements of the exercise of trade union rights.

64. There exists a link of continuity between successive governments of the same State and, while a government cannot be held responsible for

events which took place under a former government, it is clearly responsible for any continuing consequences which these events may have had since its accession to power.

65. Where a change of regime has taken place in a country, the new government should take all necessary steps to remedy any continuing effects which the events on which the complaint is based may have had since its accession to power, even though those events took place under its predecessor.

Requests for the postponement of the examination of cases

66. With regard to requests for the postponement of the examination of cases by the complainant organization or the government concerned, the practice followed by the Committee consists of deciding the question in full freedom when the reasons given for the request have been evaluated and taking into account the circumstances of the case. [11]

On-the-spot missions

67. At various stages in the procedure, an ILO representative may be sent to the country concerned, for example in the context of direct contacts, with a view to seeking a solution to the difficulties encountered, either during the examination of the case or at the stage of the action to be taken on the recommendations of the Governing Body. Such contacts, however, can only be established at the invitation of the governments concerned or at least with their consent. In addition, upon the receipt of a complaint containing allegations of a particularly serious nature, and after having received the prior approval of the chairman of the Committee, the Director-General may appoint a representative whose mandate would be to carry out preliminary contacts for the following purposes, viz. to transmit to the competent authorities in the country the concern to which the events described in the complaint have given rise; to explain to these authorities the principles of freedom of association involved; to obtain from the authorities their initial reaction, as well as any comments and information with regard to the matters raised in the complaint; to explain to the authorities the special procedure in cases of alleged infringements of trade union rights and, in particular, the direct contact method which may subsequently be requested

[11] 274th Report, Cases Nos 1455, 1456, 1696 and 1515, para. 10.

by the government in order to facilitate a full appraisal of the situation by the Committee and the Governing Body; to request and encourage the authorities to communicate as soon as possible a detailed reply containing the observations of the government on the complaint. The report of the representative of the Director-General is submitted to the Committee at its next meeting for consideration together with all the other information made available. The ILO representative can be an ILO official or an independent person appointed by the Director-General. It goes without saying, however, that the mission of the ILO representative is above all to ascertain the facts and to seek possible solutions on the spot. The Committee and the Governing Body remain fully competent to appraise the situation at the outcome of these direct contacts.

68. The representative of the Director-General charged with an on-the-spot mission will not be able to perform his task properly and therefore be fully and objectively informed on all aspects of the case if he is not able to meet freely with all the parties involved. [12]

Hearing of the parties

69. The Committee will decide, in the appropriate instances and taking into account all the circumstances of the case, whether it should hear the parties, or one of them, during its sessions so as to obtain more complete information on the matter. It may do this especially: (a) in appropriate cases where the complainants and the governments have submitted contradictory statements on the substance of the matters at issue, and where the Committee might consider it useful for the representatives of the parties to furnish orally more detailed information as requested by the Committee; (b) in cases in which the Committee might consider it useful to have an exchange of views with the governments in question, on the one hand, and with the complainants, on the other, on certain important matters in order to appreciate more fully the factual situation and the eventual developments in the situation which might lead to a solution of the problems involved, and to seek to conciliate on the basis of the principles of freedom of association; (c) in other cases where particular difficulties have arisen in the examination of the questions involved or in the implementation of its recommendations,

[12] 229th Report, Case No. 1097, para. 51.

and where the Committee might consider it appropriate to discuss the matters with the representative of the government concerned.

Effect given to the Committee's recommendations

70. In all cases where it suggests that the Governing Body should make recommendations to a government, the Committee adds to its conclusions on such cases a paragraph proposing that the government concerned be invited to state, after a reasonable period has elapsed and taking account of the circumstances of the case, what action it has been able to take on the recommendations made to it.

71. A distinction is made between countries which have ratified one or more Conventions on freedom of association and those which have not.

72. In the first case (ratified Conventions) examination of the action taken on the recommendations of the Governing Body is normally entrusted to the Committee of Experts on the Application of Conventions and Recommendations, whose attention is specifically drawn in the concluding paragraph of the Committee's reports to discrepancies between national laws and practice and the terms of the Conventions, or to the incompatibility of a given situation with the provisions of these instruments. Clearly, this possibility is not such as to hinder the Committee from examining, through the procedure outlined below, the effect given to certain recommendations made by it; this can be of use taking into account the nature or urgency of certain questions.

73. In the second case (non-ratified Conventions), if there is no reply, or if the reply given is partly or entirely unsatisfactory, the matter may be followed up periodically, the Committee instructing the Director-General at suitable intervals, according to the nature of each case, to remind the government concerned of the matter and to request it to supply information as to the action taken on the recommendations approved by the Governing Body. The Committee itself, from time to time, reports on the situation.

74. The Committee may recommend the Governing Body to attempt to secure the consent of the government concerned to the reference of the case to the Fact-Finding and Conciliation Commission. The Committee submits to each session of the Governing Body a progress report on all cases which the Governing Body has determined warrant further examination. In every case in which the government against which the complaint is made has refused to consent to referral to the Fact-Finding and Conciliation

Commission or has not within four months replied to a request for such consent, the Committee may include in its report to the Governing Body recommendations as to the “appropriate alternative action” which, in the opinion of the Committee, the Governing Body might take. In certain cases, the Governing Body itself has discussed the measures to be taken where a government has not consented to a referral to the Fact-Finding and Conciliation Commission.

Annex III

Rules governing the appointment of the Director-General

Adopted by the Governing Body at its 240th Session (May–June 1988) and amended at its 312th Session (November 2011) and 347th Session (March 2023).

Candidatures

1. Candidatures for the post of Director-General shall be received in the office of the Governing Body Chairperson on or before a date to be determined by the Governing Body which shall be at least two months prior to the date of the election.

2. In order to be considered these candidatures must be submitted by a Member State of the Organization or by a member of the Governing Body.

3. Each candidate shall annex to their candidature a curriculum vitae and a certificate of good health signed by a recognized medical facility.

4. Candidates shall be invited to provide together with their candidature, a statement of no more than 2,000 words describing their vision for the Organization and the strategic direction they would pursue in the event they are appointed. The statement should also address the candidate's commitment to the values and work of the ILO and its tripartite structure; their experience in economic, social and labour issues, international affairs, leadership and organizational management, and their appreciation of cultural, social and political diversities. Candidates should pledge to observe at all times the ethical principles and standards set out in these Rules. Candidates should also indicate their language proficiency with regard to the official languages of the ILO.

5. All of the documents mentioned in Rules 2, 3 and 4 above shall be submitted by the candidates in English, French and Spanish, with the exception of the certificate of good health that can be submitted in only one of these three languages or accompanied by an authentified translation in one of these languages.

6. To be valid, candidatures shall meet the conditions specified in Rules 1, 2, 3 and 5 above.

7. Candidatures submitted in accordance with the above-mentioned conditions shall be distributed together with curricula vitae and statements, in the official languages in which they are submitted, to the members of the Governing Body and to the Member States not represented on the Governing Body for information, by the Chairperson as soon as practical after the candidature has been received. Only statements received at the same time as the candidatures shall be receivable and distributed.

Election procedure

8. In the three-month period prior to the election, at least one interactive event, such as an interview or panel discussion, shall be organized with a view to providing an opportunity for candidates to make themselves and their vision known to the entire ILO constituency and the general public. The interactive event shall be webcast on the ILO public website in all ILO official languages. The order of appearance shall be determined by lot. Detailed arrangements concerning the date, format and duration of the interactive event shall be decided by the Governing Body at its session preceding the event. Expenses arising out of the candidates' participation in the interactive event shall be borne by the Organization.

9. Hearings shall be conducted with the candidates at a private sitting of the Governing Body held prior to the election. The order of appearance in the hearings shall be drawn randomly by the Governing Body Chairperson and candidates shall be informed of the date and approximate time of their hearing at least one week prior to the hearing. Each candidate shall be heard individually and shall be invited to make a presentation to the Governing Body. Following the presentation, the candidate shall receive and respond to questions from the Governing Body. The time allocated to candidates for making their presentation and receiving and responding to questions shall be determined by the Officers. Equal time will be allocated for all candidates.

10. On the date set for the election, as many ballots shall be held as are necessary to determine which of the candidates has obtained the required majority.

11. To be elected, a candidate must receive the votes of more than one half of the members of the Governing Body entitled to vote.

12. (i) After each ballot, the candidate who has obtained the lowest number of votes shall be eliminated.

(ii) If two or more candidates obtain simultaneously the lowest number of votes, they shall be eliminated together.

13. If in the ballot between the remaining candidates they receive the same number of votes and a further ballot still does not produce a majority for one of them, or if one candidate remains but does not obtain the required majority in a further ballot in which his or her name is submitted to the Governing Body for a final vote, the Governing Body may postpone the election and freely set a new deadline for the submission of candidatures.

Fairness and transparency of the appointment process and ethical conduct

14. Practices that may undermine or improperly influence the integrity of the appointment process, such as promises, favours and gifts provided by, or in support of, candidates for the post of Director-General, are prohibited.

15. Appropriate measures shall be taken by the Director-General to remind the staff of the Office of the rules and standards of conduct aimed at ensuring the Office's strict neutrality and impartiality with respect to the electoral process, as well as the sanctions that can be imposed on staff in the event these rules and standards are not respected.

16. In particular, appropriate measures shall be taken by the Director-General to prohibit the use of ILO resources for the purposes of campaigning as well as any action that amounts to, or may be perceived as, disapproval of, or support for any candidate.

17. Candidates shall promptly disclose their campaign activities (such as the hosting of meetings, workshops and visits) together with the amount and source of all funding for such activities, and communicate this information to the Office. Information so disclosed shall be posted on a dedicated ILO web page.

18. Candidates shall refer to one another with respect. They shall refrain from making any oral or written statement or other representation that could be deemed slanderous or libellous.

19. Allegations of inappropriate behaviour or non-compliance with the ethical principles and standards of the appointment process shall be referred to the Chairperson of the Governing Body for appropriate follow-up action.

20. Candidates may consult the Ethics Officer in case of doubt and seek advice with respect to the applicable ethical principles and standards.

21. On accepting appointment, the candidate appointed to the post of Director-General shall divest of any earning of any income, gift or allowance, and any financial involvement or interest, where such could have an impact on, or could be perceived to have an impact on, the objectivity or independence of the person appointed. Furthermore, the appointed candidate shall be required to comply with the procedure for financial disclosure laid down in the ILO's internal rules.

Status of internal candidates

22. Any ILO officials submitting their candidature for the post of Director-General must observe at all times the highest standards of ethical conduct and strive to avoid any appearance of impropriety. They must clearly separate their ILO functions from their candidature and avoid any overlap, or perception of overlap, between campaign activities and their work for the ILO. They also must avoid any perception of conflict of interest.

23. To this end, ILO officials submitting their candidature for the post of Director-General shall be placed on special leave with half salary, under article 7.7 of the Staff Regulations, for the period between the closure of candidatures and the date of election. They may also use their annual leave entitlement during this period.

24. Rule 23 above does not apply to a Director-General running for reappointment.

Annex IV

Rules for the payment of travel expenses of members of the Governing Body and members of certain committees and other bodies

Authority

1. These Rules were approved by the Governing Body of the International Labour Office on 5 March 1965, pursuant to article 39 [1] of the Financial Regulations, to enter into effect on 1 April 1965. The present edition incorporates amendments approved by the Governing Body up to its 321st Session (June 2014) inclusive.

Application and interpretation

2. The application and interpretation of these Rules shall be the responsibility of the Director-General of the International Labour Office, who may issue such instructions for their implementation as he or she shall deem necessary.

Amendments

3. These Rules may be amended by the Director-General subject to the approval of the Governing Body.

Definition

4. For the purpose of these Rules, travel expenses shall be deemed to comprise transport expenses (as specified in paragraphs 7 to 9), miscellaneous expenses (as specified in paragraphs 10 and 11), subsistence allowance (as specified in paragraphs 17 to 22) and sickness and accident coverage (as specified in paragraphs 25 to 29).

[1] Now article 40.

Scope

5. (a) These Rules shall govern the payment by the International Labour Office of the travel expenses incurred on ILO business by Employer and Worker regular and deputy members of the Governing Body, or their substitutes, and of persons serving in an individual capacity on high-level bodies for which the Officers of the Governing Body have agreed to apply the same travel standards as those applicable to Employer and Worker members of the Governing Body.

(b) Pursuant to the provisions of article 13 of the Constitution of the International Labour Organization, the Office:

(i) does ***not*** meet the travel expenses of Government representatives of the Governing Body; and

(ii) meets the travel expenses of Employer and Worker members of the Governing Body ***only*** when they are ***not*** travelling also as delegates or advisers on national delegations to a session of the International Labour Conference, whether appointed to such a delegation before or after their departure.

(c) The payment by the Office of travel expenses of Employer and Worker members of the Governing Body on the occasion of meetings held in conjunction with the International Labour Conference is subject to special limits, as set out in paragraphs 30 and 31.

Restriction

6. No payment or reimbursement shall be made by the Office in respect of any expenses or allowances which are covered from other sources.

Transport expenses

7. The policy of the Office is to supply travel tickets to members through the Office's travel agent. The transport cost covered will be a round trip by the most direct and economical route by commercial land, sea or air transport, or a combination thereof, between the member's place of residence or departure, whichever is closer to the place of the meeting, and the place of the meeting.

8. (a) The normal standard of transport by air is economy class, except for flights where, using the most direct route the scheduled duration from the airport of departure to the airport of arrival at the place of the

meeting is nine hours or more, in which case the standard shall be business class. In computing this duration, scheduled waiting periods will be included but not stopovers.

(b) By sea, the entitlement shall be for transport which does not exceed the cost of the air transport entitlement, taking into account also the resulting difference in subsistence allowance.

(c) In the case of commercial land transport, the standard shall be first class: where land transport is by night and lasts for more than six hours, the cost of a single sleeping compartment, if available, is included.

(d) In the case of transport by private automobile for personal convenience, reimbursement shall be based on the cost of the equivalent mode of transportation normally authorized, whether by direct air or commercial land transportation, as set out in subparagraphs 8(a) and (c) above.

9. The cost of the actual transport of a reasonable amount of registered luggage shall normally be covered by the Office, including for individuals travelling in economy class, up to 10 kilograms of excess baggage, when the airline applies the weight concept, or one additional piece where the airline applies the piece concept.

Miscellaneous expenses

10. The following miscellaneous expenses are reimbursable by the Office:

(a) the cost of necessary taxis en route, but not during the stay at the place of the meeting;

(b) fees for passports, visas and inoculations required for the journey, but not the cost of passport photographs or birth certificates;

(c) postage expenses incurred in connection with official business of the Governing Body or the assimilated high-level body concerned.

11. All other expenses, such as porterage, tips, insurance of luggage, hotels and meals, are considered to be covered by the subsistence allowance and are not separately reimbursable by the Office.

Reimbursements to members

12. The Office will normally supply travel tickets to members. Exceptionally, members may request in advance to make their own travel arrangements. In that case the member shall be reimbursed by the Office ***on the basis of the means and class of transport actually used***, up to the cost allowable under these Rules, subject in particular to the provisions of paragraph 13. Supporting vouchers are required (see paragraph 16). Reimbursements of tickets purchased independently shall be made by bank transfer.

13. Reimbursement for air tickets purchased independently shall not normally exceed ***the lower of the following two amounts***:

(a) the actual cost of the member's travel;

(b) the air fare, on the basis of the class of air travel provided for in paragraph 8(a) above, for a round trip by the most direct and economical route between the member's place of residence or departure, whichever is closer to the place of the meeting, and the place of the meeting.

14. If for compelling reasons a member is obliged to exchange tickets provided or for which reimbursement has been received, he/she should immediately notify the Office of his/her new travel arrangements and have any resulting refund paid to the Office.

15. Reimbursement in the case of travel by private automobile shall be as set out in paragraph 8(d).

Vouchers

16. Claims for reimbursement must be supported by vouchers, including whichever of the following are appropriate:

(a) receipts for all rail sleeper, boat and airline tickets or covers thereof, and boarding passes indicating the dates of travel;

(b) receipts for the cost of transport of registered luggage, whenever possible, including receipts for the cost of transport of excess luggage by air;

(c) receipts for passport and visa fees and the cost of inoculations;

(d) receipts for official postage expenses, whenever possible.

No vouchers are required for the reimbursement of taxi fares as these are covered within the terminal allowances provided.

Subsistence allowance

17. Subject to the special provisions relating to Governing Body meetings held in conjunction with the Conference set out in paragraphs 30 and 31, the Office will pay subsistence allowance in respect of the following periods of time:

(a) travel time for a round trip by the most direct and economical route by commercial land, sea or air transport, or a combination thereof, between the member's place of residence or departure, whichever is closer to the place of the meeting, and the place of the meeting. Travel by private automobile shall be considered to require the same amount of time as the journey between the points concerned by the route and means of transport taken as a basis for the reimbursement of transport expenses in accordance with paragraph 8(d);

(b) any scheduled waiting periods at points of connection, and any scheduled overnight stopovers lasting for not more than 24 hours, or until the next possible departure time after that period if an earlier departure cannot reasonably be scheduled. Normally, one overnight stopover may be included in each journey by air, or by a combination of air and surface transport, which would last for more than ten hours if uninterrupted;

(c) one day rest period on arrival at the place of the meeting, if the travel time of a journey by air exceeds ten hours and provided that an overnight stopover allowed for in paragraph 17(b) above has not been taken;

(d) the actual number of days spent in attendance at the meeting, up to a period extending from the day before the opening date to the day after the closing date inclusive, when the extra days are spent on official business of the Governing Body or the assimilated high-level body concerned; and

(e) any waiting time immediately before or after the period of attendance (as defined in subparagraph (d)), up to a total of not more than six days, if transport involving no waiting time or less waiting time cannot be obtained.

Calculation of subsistence allowance

18. The standard daily rate for the subsistence allowance payable by the Office under paragraph 17 shall be the equivalent of the standard daily rate applicable at the place of the meeting to staff members of the Office.

19. The Director-General may establish and apply an ad hoc rate in any case where he or she considers that a rate determined in accordance with paragraph 18 would not be appropriate.

20. The subsistence allowance will be payable for the period of authorized travel and stay time at the place of the meeting. The full rate will be paid on the day of departure and no allowance will be paid in respect of the last day of travel. For the purpose of computing the allowance, the day shall be defined as the 24-hour period from midnight to midnight.

21. The full subsistence rate shall be paid in respect of travel by land or air. Twenty per cent of the full rate shall be paid in respect of travel by sea, but days on which embarkation and disembarkation take place shall be regarded as days of travel on land.

22. The allowance shall be paid to a member at half rate in respect of a meeting held in the city where he/she normally resides.

Advance and final settlement

23. An advance against subsistence allowance may be made by the Office on application, for meetings of three days or more. The final travel claim processing will be completed after the conclusion of the meeting, and the related payment will normally be made by bank transfer.

Accommodation

24. Members are advised to secure hotel accommodation as early as possible through their country's diplomatic or consular representatives.

Sickness and accidents

25. Travel expenses of a member who is prevented by sickness or accident during a journey from reaching the place of the meeting shall be paid or reimbursed by the Office for the round trip between the place of residence or departure, whichever is closer to the place of the meeting, and the place where the journey was interrupted.

26. Benefits in the event of sickness or accident are the subject of collective insurance policies contracted by the Office, and will be paid in accordance with the conditions of those policies. The Office will accept no claims for the payment of premiums for insurance policies contracted independently. In general, members are covered by the collective insurance for sickness or accident arising on days for which subsistence allowance is paid by the Office under paragraph 17.

27. The collective sickness insurance policy provides, inter alia, for the payment of medical expenses within established limits (small claims for medical expenses are not accepted). Certain sicknesses are excluded; these include any sickness or condition from which the member suffered when coverage under the policy became effective. Sicknesses which manifest themselves outside the period for which subsistence allowance is paid by the Office under paragraph 17 are also normally excluded.

28. The collective accident insurance policy provides, inter alia, for the payment of medical expenses within established limits. In addition, benefits are payable in the event of death or long-term disability.

29. A member who is eligible to receive benefits under the collective insurance shall be paid subsistence allowance until he/she can return to his/her residence, up to a maximum period of six months from the date on which the sickness manifested itself or the accident occurred. The allowance shall be paid at one third of the full rate if the member is hospitalized and at the full rate if he/she is not hospitalized.

Governing Body meetings held in conjunction with the Conference

I. Members attending the Conference as delegates or advisers on national delegations

30. The following provisions shall normally apply in the case of Employer and Worker members of the Governing Body who attend the Conference as delegates or advisers on national delegations as well as meetings of the Governing Body held in conjunction with it (including meetings held before and immediately after the Conference):

(a) under article 13 of the Constitution, the government concerned is required to pay the costs of the journey to and from the place of the Conference;

(b) accordingly, the government concerned shall reimburse to the Office any amounts in respect of travel expenses which the Office has paid, reimbursed, or advanced in excess of the amounts covered by subparagraph (c) below;

(c) no travel expenses shall be covered by the Office other than subsistence allowance and the cost of sickness and accident insurance as described in paragraphs 26 to 29 for:

(i) days spent in attendance at meetings of the Governing Body, including the day before and the day after pre-Conference and/or post-Conference meetings if these extra days are spent on official business of the Governing Body; and

(ii) intervening days between such periods of attendance and the period of the Conference (for this purpose the Conference period shall be considered as including the day before the opening date, this being the normal day of arrival of delegates).

II. Members not attending the Conference as delegates or advisers on national delegations

31. The following provisions shall normally apply in the case of Employer and Worker members of the Governing Body who are not delegates or advisers on national delegations to the Conference but attend meetings of the Governing Body held in conjunction with it (including meetings held before and immediately after the Conference):

(a) transport expenses and subsistence allowance paid by the Office under paragraph 17 shall not include the cost of more than one round trip to the place of the meetings for each member;

(b) when the member attends both pre-Conference and post-Conference meetings of the Governing Body, the maximum total number of days of waiting time for which the Office pays subsistence allowance under paragraph 17(d), including days between the meetings, shall be six.

Annex V

Representation of non-governmental international organizations at ILO meetings, including international employers' and workers' organizations

Introductory note

The International Labour Organization distinguishes between several different types of non-governmental international organization:

- organizations which enjoy general consultative status under article 12(3) of the Constitution of the ILO;
- organizations which enjoy regional consultative status, established by the Governing Body at its 160th Session (November 1964);
- organizations included in the "Special List" of non-governmental international organizations, established by the Governing Body at its 132nd Session (June 1956);
- non-governmental international organizations, including international employers' and workers' organizations, other than those enjoying general or regional consultative status or those included in the "Special List".

A number of texts define the relations between the ILO and non-governmental international organizations, as well as the privileges conferred on them by their respective statutes.

* * *

Rules applicable to non-governmental international organizations enjoying general consultative status

Resolution adopted by the Governing Body at its 105th Session (14 June 1948) [1]

Whereas paragraph 3 of article 12 of the Constitution of the International Labour Organization provides that:

> The International Labour Organization may make suitable arrangements for such consultation as it may think desirable with recognized non-governmental international organizations of employers, workers, agriculturists and cooperators;

And whereas, in order to promote effective coordination of international action in the economic and social field, the Governing Body considers it desirable to make arrangements for such consultation with a view to facilitating the reference to the International Labour Organization by non-governmental organizations of proposals which such organizations may desire to make for official international action upon matters primarily within the competence of the International Labour Organization:

1. The Governing Body decides that representatives of non-governmental international organizations with an important interest in a wide range of ILO activities with which it has decided to establish consultative relationships may attend ILO meetings in accordance with the provisions of the following paragraphs.

2. Such representatives may be invited by the Governing Body to attend a specified meeting of the Governing Body or of one of its committees during the consideration of matters of interest to them. The Chairman may, in agreement with the Vice-Chairmen, permit such representatives to make statements for the information of the meeting upon matters included in its agenda. If such agreement cannot be secured, the question is submitted to the meeting for decision without any discussion. These arrangements do not apply to meetings dealing with administrative or financial matters.

[1] Minutes of the Governing Body, 105th Session (June 1948), Fourth item on the agenda, 39–42; 92–93 (Appendix IV) (with editorial changes).

3. Such representatives may attend the meetings of regional conferences, industrial committees and advisory committees appointed by the Governing Body. The Chairman may, in agreement with the Vice-Chairmen, permit such representatives to make statements for the information of the meeting upon matters included in its agenda. If such agreement cannot be secured, the question is submitted to the meeting for decision without any discussion.

4. Any organization applying to the Governing Body for the establishment of consultative relationships shall communicate to the Director-General with its application for the information of the Governing Body the following information: a copy of its constitution; the names and addresses of its officers; particulars of its composition and of the membership of the national organizations affiliated thereto; a copy of its latest annual report.

5. The Governing Body may at any time revoke a decision to establish consultative relationships.

6. The Governing Body recommends the Conference to decide that non-governmental international organizations with which consultative relationships have been established in pursuance of paragraph 1 may be represented at meetings of the Conference and its committees and that the President of the Conference or the Chairman of the committee may, in agreement with the Vice-Presidents or Vice-Chairmen, invite the representatives of such organizations to make statements for the information of the Conference or the committee upon matters under discussion by them. If such agreement cannot be secured, the question is submitted to the meeting for decision without any discussion. These arrangements would not apply to meetings dealing with administrative or financial matters or meetings of the Selection Committee, the Credentials Committee and the Drafting Committee.

7. The Director-General of the International Labour Office will make the necessary arrangements for the regular communication of documents to organizations with which standing arrangements have been made.

8. The Governing Body may, from time to time, invite non-governmental international organizations which have a special interest in some particular sector of the work of the ILO to be represented at specified meetings of the Governing Body, regional conferences, industrial committees or at committees appointed by the Governing Body during

the consideration of matters of interest to them; the Governing Body draws the attention of the Conference to the possibility of making similar arrangements in appropriate cases; the Director-General will make the necessary arrangements for the communication to such organizations of documents of interest to them.

Regional consultative status for non-governmental organizations [2]

Adopted by the Governing Body at its 160th Session (20 November 1964):

1. The Governing Body, on the recommendation of its Officers, may grant regional consultative status to regional organizations of employers and workers which fulfil the following conditions:

   (a) the applicant organization must be broadly representative of interests concerned with a wide range of ILO activities in the region concerned and active there;

   (b) the applicant organization must communicate to the Director-General with its application, for the information of the Governing Body, the following information: a copy of its constitution; the names and addresses of its officers; particulars of its composition and of the membership of the national organizations affiliated to it; and a copy of its latest annual report.

2. Non-governmental organizations granted regional consultative status should be permitted:

   (a) to attend ILO regional meetings and ILO tripartite meetings of a regional nature in their respective regions;

   (b) to attend regional advisory committees – e.g. the Asian Advisory Committee, the African Advisory Committee or the Inter-American Advisory Committee – appointed by the Governing Body for the regions for which they had been accorded consultative status;

   (c) at any of the above meetings, to make or circulate, with the permission of the President or Chairman in agreement with the

[2] *Official Bulletin*, XLVIII, No. 1, January 1965, 29.

Vice-Presidents or Vice-Chairmen, statements upon matters (other than administrative or financial matters) included in the agenda;

(d) to receive ILO documents regularly.

* * *

Note concerning arrangements applicable to non-governmental international organizations included in the Special List [1]

Introductory note

In June 1956 the Governing Body of the International Labour Office approved the establishment by the Director-General of a Special List of Non-Governmental International Organizations (NGOs).

Apart from the non-governmental international organizations which have already been granted full consultative status and those with regional consultative status, and apart from the employers' and workers' international organizations which, although not enjoying consultative status, play, under the Constitution, an essential part in the work of the International Labour Organization, there are non-governmental international organizations whose aims and activities are of interest to the International Labour Organization and which are in a position to afford it valuable cooperation. The purpose of the establishment of the Special List was to place the ILO's relations with these organizations on a systematic footing.

* * *

[1] Minutes of the Governing Body, 132nd Session (2 June 1956), Sixth item on the agenda, 22; GB.245/PV (1 March 1990), Eighth item on the agenda, VII/6, GB.245/8/19, paras 50 and 60; GB.292/PV (March 2005), 17th item on the agenda, para. 256; *Provisional Record* No. 23, International Labour Conference, 95th Session (14 June 2006).

I. Criteria and procedure for admission to the Special List

1. Only non-governmental international organizations which meet certain conditions are eligible for admission to the Special List.

2. The aims and objectives of organizations requesting admission to the Special List should be in harmony with the spirit, aims and principles of the ILO Constitution and the Declaration of Philadelphia. Length of existence, membership, the geographical coverage of the organization, its practical achievements and the international nature of its activities constitute the main criteria for such admission. A further requirement is that the organization in question should have, by reason of the aims it pursues, an evident interest in at least one of the fields of activity of the ILO. The fact that an organization has already been granted official status with the Economic and Social Council or a specialized agency of the United Nations is relevant, but does not necessarily imply inclusion in the Special List of the ILO.

3. Any non-governmental international organization wishing to be admitted to the Special List is required to forward to the Director-General in one of the working languages of the Organization a copy of its statutes, a list of the names and addresses of its officers, information regarding its composition and the aggregate membership of the national organizations affiliated to it, and a copy of its latest annual report or detailed and verifiable information about its activities.

4. In each case the Director-General decides, on behalf of the Governing Body, whether the organization supplying the information listed above should be admitted to the Special List. The Director-General communicates to the Governing Body at specific intervals the names of the organizations admitted to the Special List. The Director-General reviews the Special List from time to time and makes any necessary recommendations to the Governing Body with a view to the revision of the List.

II. Privileges of organizations admitted to the Special List

Participation in ILO meetings

5. The mere fact of inclusion in the Special List does not of itself confer on any organization the right to participate in ILO meetings. It does, however,

facilitate consideration of the advisability of inviting the organization to a particular meeting, as full information regarding it is deemed to have been made available at the time of its admission to the Special List.

International Labour Conference

Criteria

6. Non-governmental international organizations wishing to be invited to be represented at the International Labour Conference should take careful note of the following revised criteria and procedure, which came into force in June 1990, for the issuance of such invitations by the Governing Body.

7. An organization on the Special List wishing to be invited to be represented at the Conference should satisfy the following criteria. It:

(a) should have formally expressed an interest – clearly defined and supported by its Statutes and by explicit reference to its own activities – in at least one of the items on the agenda of the Conference session to which it requests to be invited; these details should be supplied with the request for an invitation; and

(b) should have made its request for an invitation in accordance with the procedure set out in the Standing Orders of the Conference.

Procedure

8. The procedure to be followed by NGOs for requesting invitations to the International Labour Conference is contained in article 2, paragraph 4, of the Standing Orders of the Conference. It reads as follows:

> Requests from non-governmental international organizations for an invitation to be represented at the Conference shall be made in writing to the Director-General of the International Labour Office and shall reach him at least one month before the opening of the session of the Governing Body preceding the session of the Conference. Such requests shall be referred to the Governing Body for decision in accordance with criteria established by the Governing Body.

9. The special attention of NGOs is drawn to the fact that, under the new procedure, the Selection Committee of the Conference will no longer deal, as in the past, with requests for invitations to be represented at the Conference which are submitted late. However, requests to be represented on the committees of the Conference (other than those dealing with the

agenda item, “Programme and budget proposals and other financial questions”) which are to consider the agenda items in which such international non-governmental organizations have expressed interest will continue to be examined by the Selection Committee of the Conference, once the invitation to the organizations in question to be represented at the Conference has been duly issued by the Governing Body in conformity with the new procedure.

Governing Body

10. Admission to the Special List does not change the present situation in respect of meetings of the Governing Body, to which only the non-governmental international organizations with full consultative status are invited.

Regional meetings

11. Organizations on the Special List with a special interest in the work of a regional meeting may be invited to be represented at the meeting in conformity with article 1, paragraph 7, of the Rules for Regional meetings. Applications must be received not later than one month before the session of the Governing Body preceding the regional meeting in question.

Industrial and joint committees and tripartite technical meetings

12. Upon receipt of duly substantiated requests from organizations on the Special List to participate in meetings of industrial and joint committees and tripartite technical meetings, the Director-General submits to the Governing Body proposals to invite the organizations to be represented by observers at those meetings to which they are in a position to make a significant contribution on account of their special competence. The supporting material accompanying the request from the applicant organization should relate to its interest not only in the subjects to be discussed at the meeting but also in the industry or the branch of economic activity in question. Applications must be received not later than one month before the session of the Governing Body preceding the meeting in respect of which a request is made. The provisions of the Standing Orders for such meetings apply to organizations invited to send observers.

Committee of experts

13. Organizations on the Special List are not invited to attend meetings of committees of experts (or other meetings that are not tripartite). They

may, however, forward to the Director-General documents of a technical nature on agenda items. The Director-General decides whether to place such documents at the experts' disposal.

Circulation of statements by international non-governmental organizations

14. Any organization authorized to circulate a statement under the applicable Standing Orders is responsible for the translation and reproduction of the statement.

Technical information

15. In addition to the above rules concerning participation in ILO meetings by organizations on the Special List, the Office is ready at any time to take into account information and suggestions of a technical character provided by such an organization if the Director-General considers the information of real value.

Documentation for meetings

16. Organizations on the Special List regularly receive a list of ILO meetings giving the date, place and agenda for the meetings. Documents for the meetings at which they are invited to be represented are also forwarded to them.

III. Obligations of organizations on the Special List

17. Organizations on the Special List are expected to cooperate with the International Labour Organization and to further its activities within the nature and scope of their competence.

18. The organizations are requested to transmit to the ILO the agendas of their meetings, congresses, conferences, etc., other than meetings of a purely private or business nature, together with the background reports or documents published for such meetings and the final reports or minutes thereof.

19. Such organizations are also required to send to the ILO either annual reports on their work or documents from which it is possible to obtain detailed information on their activities during each year.

* * *

Note concerning arrangements applicable to non-governmental international organizations other than those enjoying general or regional consultative status or those included on the Special List [1]

Adopted by the Governing Body at its 245th Session (1 March 1990).

1. An NGO wishing to be invited to be represented at a session of the International Labour Conference:

(a) should demonstrate the international nature of its composition and activities; in this connection, it should be represented or have affiliates in a considerable number of countries; and

(b) should have aims and objectives that are in harmony with the spirit, aims and principles of the Constitution of the ILO and the Declaration of Philadelphia; and

(c) should have formally expressed an interest – clearly defined and supported by its statutes and by explicit reference to its own activities – in at least one of the items on the agenda of the Conference session to which it requests to be invited; these details should be supplied with the request for an invitation; and

(d) should have made its request for an invitation in accordance with the procedure set out in the Standing Orders of the Conference.

2. Non-governmental international organizations enjoying general or regional consultative status and non-governmental international organizations on the Special List would already be deemed to have satisfied criteria (a) and (b), which would have been verified when they were admitted to these categories, as would organizations enjoying consultative status with the United Nations Economic and Social Council in their categories I and II.

[1] GB.245/PV, Eighth item on the agenda, VII/6, GB.245/8/19, paras 43, 44 and 50. See also paras 8–9 (Procedure) of the preceding Note in this Annex V.

Annex VI

Procedure for the examination of periodic reports on the absence of tripartite delegations or incomplete tripartite delegations at sessions of the Conference, regional meetings or other tripartite meetings [1]

Decision adopted by the Governing Body at its 183rd Session (24 June 1971), modified by the Governing Body at its 205th Session (3 March 1978).

The Director-General is requested to carry out inquiries concerning the extent of, and the reasons for, failure to send complete tripartite delegations to sessions of the General Conference, regional meetings and Industrial Committees, as well as other tripartite meetings of the ILO, and to report to the Governing Body.

[1] Minutes of the Governing Body, 183rd Session (June 1971), 64–65 and 194; GB.205/PV, 21st item on the agenda, IX/9 and GB.205/21/10, paras 3–4.

Annex VII

Procedures for the selection and appointment of the ILO External Auditor [1]

Adopted by the Governing Body at its 320th Session (March 2014).

Invitation

All Member States will be invited to submit nominations from Auditors-General (or officers holding the equivalent titles) or other persons of high competence to act as the External Auditor of the ILO for a period of four years. This term of office may be extended for a further period of four years.

Selection criteria

The information to be provided by Member States when making nominations will be sufficient to evaluate the nomination against selection criteria covering, but not limited to:

(1) **independence** – demonstrated autonomy from other institutions of the government, integrity, objectivity in the discharge of duties and responsibilities, ability to self-determine the scope of audit;

(2) **qualifications and competencies of workforce** – conformity to the auditing standards of the United Nations Panel of External Auditors and the code of ethics governing their work; range of professional qualifications and skills, and size and experience of workforce; membership of internationally recognized accounting or auditing bodies such as the International Organization of Supreme Audit Institutions or the International Federation of Accountants; proficiency in English and at least one other ILO official language; existence of a programme for continuing professional education of staff; and a quality improvement programme;

(3) **experience and capacity** – experience in the audit of United Nations organizations or other national or international non-governmental organizations; audit experience with large organizations using

[1] GB.320/PV, para. 700; GB.320/PFA/8, appendix.

enterprise resource planning systems; familiarity with the audit of financial statements prepared in accordance with International Public Sector Accounting Standards; and institutional capacity to undertake annual audits of the ILO;

(4) **audit approach and strategy** – comprehensive workplans to ensure adequate audit coverage of all ILO resources; performance of financial and compliance audits, as well as value-for-money audits; and collaboration with the Office of Internal Audit and Oversight to optimize the use of limited audit resources;

(5) **cost** – competitive all-inclusive fees.

Receipt and opening of proposals

The receipt and opening of proposals will be performed in accordance with ILO tender receipt and opening procedures.

Once opened, a summary of all proposals will be prepared by the Office of Internal Audit and Oversight for submission, together with the detailed proposals, to the Independent Oversight Advisory Committee for technical evaluation and then to a selection panel consisting of four Government representatives and two representatives each for the Workers' and Employers' groups.

Evaluation of proposals

The selection panel will evaluate the proposals and make its recommendation to the Governing Body.

Appointment

The Governing Body will decide on the appointment.

Annex VIII

Rules governing the handling of allegations of misconduct against a Director-General of the ILO

Adopted by the Governing Body at its 356th Session (March–April 2026).

I. Introduction

1. These rules provide the framework for handling allegations of misconduct against a Director-General of the ILO, based on the presumption of innocence, full confidentiality and protection of the reputations of the individuals concerned.

II. Scope of application

2. These rules shall apply to the handling and investigation of all allegations of misconduct against a Director-General while in office.

3. For the purposes of these rules, the term "misconduct" shall have the same definition as that provided under article 12.1(2) of the Staff Regulations and paragraph 8(i) of the Office Directive, *Reporting misconduct and protection from retaliation* (IGDS No. 551).

4. The rules should be read in conjunction with the ILO Constitution, the ILO Staff Regulations, the ILO Financial Regulations and Rules, the Standards of Conduct for the International Civil Service issued by the International Civil Service Commission, the Principles of Conduct for Staff of the International Labour Office, and relevant Office directives, including those on reporting misconduct and protection from retaliation.

5. An investigation under these rules is administrative in nature and a fact-finding exercise that forms part of the ILO's accountability framework, taking into account the constitutional status of the Director-General. It shall be conducted based on the ILO's internal rules and on general principles of international administrative law, as applied by the ILO Administrative Tribunal, as well as the ILO's Standard Operating Procedure for

Investigations [1] and the Uniform Principles and Guidelines for Investigations of the Conference of International Investigators (CII). [2]

6. Unless otherwise provided for under these rules, the provisions of the Staff Regulations and relevant internal rules and procedures shall apply to the investigation of allegations of misconduct against a Director-General, including the principles of due process, protection of whistle-blowers, protection against retaliation and protection against bad faith allegations. At all times, information shall be shared on a strict need-to-know basis and all meetings, including those of the Officers of the Governing Body and the Independent Oversight Advisory Committee (IOAC), shall be private.

7. These rules will be reviewed every five years, or upon request by the Governing Body. The Office, in consultation with the IOAC, will propose amendments in line with best practices and guidance in the UN system. Any amendments will be subject to the approval of the Governing Body.

III. Guiding principles

8. The implementation of the rules for handling allegations of misconduct against a Director-General will be guided by the following principles, which aim to ensure that allegations are effectively addressed, findings are evidence-based, investigations are conducted impartially and with respect for fundamental rights, and the process is completed in a timely manner to maintain trust in the Organization's governance mechanisms:

(a) **Independence, transparency and timeliness:** Investigations into duly reported allegations shall be conducted by an independent body with no real or perceived conflict of interest and with recognized expertise and neutrality. The process shall be independent from the Director-General, transparent within the institutional framework and conducted promptly. Substantiated findings shall lead to appropriate disciplinary measures being imposed. The absence of substantiated findings shall result in the Director-General being exonerated of misconduct.

(b) **Duty of good faith:** The highest standards of conduct are expected from all participants in the process, who are expected to act with honesty, integrity and good faith. Whistle-blowers and witnesses shall be protected from retaliation, and effective mechanisms shall be in

[1] ILO, Office of Internal Audit and Oversight, Standard Operating Procedure Investigations, 2018.

[2] CII, Uniform Principles and Guidelines for Investigations, 2nd edition, 2009.

place to address alleged retaliatory actions. The handling of sensitive information, including responsibilities for its protection, shall be defined to preserve confidentiality and ensure the safety and trust of those involved.

(c) **Due process and confidentiality:** Due process guarantees shall be observed at all stages until allegations are duly substantiated or found to be unsubstantiated through a fair and impartial process. In line with the case law of the Administrative Tribunal of the ILO, appropriate standards of justice and procedural fairness shall apply and all related information shall remain strictly confidential.

IV. Reporting and intake

9. Allegations of misconduct, including workplace harassment, sexual exploitation and abuse, retaliation or abuse of authority, against a Director-General shall be reported to the Office of Internal Audit and Oversight (IAO), either in writing, by email, through the Integrity Hotline or in person. Reports may be anonymous. Allegations that constitute a staff grievance rather than a report of misconduct against a Director-General should be referred to the internal conflict resolution mechanism.

10. All reported allegations shall be registered by the IAO upon receipt. The IAO shall acknowledge in writing the receipt of such reports, indicating any relevant procedural matters.

11. The Director of the IAO shall, in consultation with the Legal Adviser and the Ethics Officer as appropriate, undertake the assessment of each report of misconduct to determine whether it merits, wholly or in part, referral for a formal review. Allegations shall be deemed sufficient to merit referral if they are considered to have been made in good faith. From its receipt, a report of misconduct shall be considered to have been made in good faith unless there are reasonable grounds to determine that it is frivolous or vexatious. Frivolous or vexatious allegations include those that are patently lacking in materiality or credibility.

12. An anonymized report shall be provided by the Director of the IAO to the IOAC each time there are reports of allegations that were considered not to have been made in good faith or not to fall within the scope of these rules. The IOAC will then forward this report to the Officers of the Governing Body, with any comments or advice deemed necessary.

V. Referral of allegations

13. For each report of misconduct meeting the above criteria, the Director of the IAO will prepare a fact-based report documenting the findings, which will include one of the following two recommendations:

(i) a referral recommendation, if the allegations, wholly or in part, warrant referral to an external investigation entity for formal review; or

(ii) a closure recommendation, if the allegations, wholly or in part, do not warrant further review or investigation, and the reasons for such a recommendation.

14. The IOAC shall review the assessment report and may request the Director of the IAO to provide clarification as to the assessment report. Following its review, the IOAC shall submit recommendations, along with the assessment, to the Officers of the Governing Body for their consideration and decision.

15. The Officers of the Governing Body may decide whether to endorse a referral recommendation received from the IOAC and whether there is a need to follow up with interim measures, as set out in section VIII. In the case of a referral recommendation, an external investigation entity shall be identified and approved by the Officers of the Governing Body.

16. The IAO shall notify the person who submitted the allegations of the referral of the matter for investigation where appropriate.

VI. Investigation and reporting by the external investigation entity

17. A referral recommendation endorsed by the Officers of the Governing Body shall be promptly transmitted by the IAO to the external investigation entity with a referral notification letter, enclosing the assessment report(s), terms of reference, a declaration of absence of actual or perceived conflict of interest and a declaration of confidentiality, to the external investigation entity, copying the IOAC.

18. The external investigation entity will conduct an investigation in accordance with the relevant and applicable investigative standards and procedures set forth under the IAO's Standard Operating Procedure for Investigations and the Uniform Principles and Guidelines of the Conference of International Investigators.

19. In accordance with these standards and procedures, the external investigation entity shall inform the Director-General that an investigation has been initiated. The Officers of the Governing Body, the IOAC and the Director of the IAO will be copied on the notification.

20. In conducting an investigation, the external investigation entity will gather all evidence, both inculpatory and exculpatory, and determine whether it is sufficient to substantiate the allegations. The external investigation entity will prepare an investigation report that serves as a complete record of the investigation, including the external investigation entity's findings and the evidence on which these findings were reached.

21. The external investigation entity will endeavour to expeditiously conclude the investigation, normally within six months from the start of their investigation. The Officers of the Governing Body may extend this period, on the basis of an interim report from the external investigation entity detailing the complexity of the investigation and timeline envisaged for its completion.

22. The investigation report will be transmitted through the IOAC, who shall provide their advice to the Officers of the Governing Body. The Officers of the Governing Body shall then decide on the referral of the investigation to the Governing Body, if required.

VII. Post-investigation actions

23. If the external investigation entity concludes that the allegations are unfounded or unsubstantiated, the Officers of the Governing Body shall decide to close the matter and report this in writing to the members of the Governing Body.

24. If the external investigation entity concludes that the allegations are substantiated, either wholly or in part:

(a) The Officers of the Governing Body shall formulate a letter of charges based on the investigation report and transmit this letter and a copy of the investigation report to the Director-General with all the supporting documentation on the basis of which the allegations were found to have been substantiated.

(b) The Director-General shall be requested to respond in writing within 15 working days from receipt of the investigation report, and to identify any perceived factual errors, introduce additional rebuttal or clarificatory information, or provide any other comments on the report and the investigative process.

(c) The Officers of the Governing Body will review the response from the Director-General. The IAO and the external investigation entity may be required to serve as resource persons during the Officers' deliberations. The Officers of the Governing Body will prepare a report that shall include an assessment as to whether misconduct has occurred beyond reasonable doubt, and, if so, its seriousness in light of any aggravating or mitigating circumstances.

(d) The Officers of the Governing Body will transmit the investigation report, the Director-General's replies and their own report to the Governing Body.

25. If the Officers of the Governing Body conclude that a decision of the Governing Body is required on the allegations or on any measure to be imposed, the Officers of the Governing Body shall convene a private sitting of the Governing Body members, with the Director-General, at its next session. The Director-General may be assisted by legal counsel of their choosing or a former or serving staff member of the Office, the United Nations or a specialized agency who is not a party to the proceedings.

26. If the Officers of the Governing Body are of the opinion that the circumstances are sufficiently serious that the Governing Body should be convened urgently before its next regular session, a special session of the Governing Body may be convened for the purpose of reaching a decision on the allegations or on any measure to be imposed.

27. The highest-ranking official of the Office not concerned by the allegations of misconduct shall lead the Office secretariat support to the Governing Body at the private sitting. The members of the secretariat shall be limited to a list endorsed by the Officers of the Governing Body.

28. The Governing Body shall decide on any appropriate measure to impose, based on the investigative findings and taking into account the Director-General's written response to the letter of charges.

29. The Governing Body may impose disciplinary measures against a Director-General who is found to have engaged in misconduct, including early termination of the contract of employment or other measures.

30. A Director-General who is found to have engaged in misconduct may be required to reimburse the Organization for any financial losses suffered by it as a direct result of that misconduct.

31. A Director-General who is found to have engaged in misconduct shall be notified by the Chairperson of the Governing Body of any measure

imposed by the Governing Body under these rules and shall initial and return the notification, adding any observations they may wish to make.

VIII. Interim measures

32. At any time following the assessment stage during the investigation process outlined under these rules, and before a final decision is taken regarding specific allegations, the Governing Body, as advised by the Officers of the Governing Body, may decide to impose on the Director-General any interim measures deemed appropriate under the circumstances, including administrative leave with or without salary. Such action shall be without prejudice to the rights of the Director-General under these rules.

33. The Director-General shall be provided with a written statement containing the reason or reasons for such leave, their status during the leave and the probable duration of the leave. The statement may also specify the conditions under which the Director-General may have access to the Office premises, equipment and documents.

34. Interim measures imposed under these rules shall not be considered as disciplinary measures.

IX. Rights and responsibilities of parties

35. The entire process established by these rules shall be managed under a protocol of strict confidentiality.

36. Unless otherwise provided in these rules, the responsibilities and obligations under the ILO's internal legal framework as well as the rights of parties involved in an investigation process shall be applicable to the Director-General and other parties to an investigation under these rules.

37. The Director-General shall be entitled to file a complaint against any final decision made pursuant to these rules with the Administrative Tribunal of the International Labour Organization.

38. Persons who submit allegations and witnesses shall have a right to be protected against retaliation in any form for having submitted allegations of misconduct against the Director-General or for having cooperated with an investigation under these rules. Allegations of retaliation by a Director-General shall be reported as incidents of misconduct and formally reviewed in accordance with the process outlined under these rules. Allegations of retaliation allegedly committed by a Director-General against the Director of

the IAO or IAO staff members shall be reported directly to the external investigation entity or the IOAC.

39. Malicious or false reports of misconduct by staff members against a Director-General shall be considered misconduct and may lead to the initiation of disciplinary proceedings and the imposition of disciplinary measures.

Annex IX

Rules governing the replacement of a Director-General who is unable to exercise the functions of the office

Adopted by the Governing Body at its 356th Session (March–April 2026).

1. These rules provide the framework for guaranteeing the continuing efficient conduct of the International Labour Office in situations in which a Director-General is incapacitated.

2. For the purposes of these rules the terms “incapacity” and “incapacitated” are understood to cover situations in which a Director-General is unable to exercise their functions, whether temporarily or permanently and for any reason, including suspension.

3. In the event that a Director-General becomes incapacitated, the highest-ranking official of the Office by grade and seniority shall ensure the uninterrupted efficient conduct of the Office. The highest-ranking official shall, without delay, ensure that the Chairperson and Vice-Chairpersons of the Governing Body are informed of the arrangements in place to ensure the uninterrupted efficient conduct of the Office. The Officers of the Governing Body shall ensure that the members of the Governing Body are informed of the Director-General’s incapacity and the measures immediately taken, including the identity of the highest-ranking official who has assumed responsibility for the uninterrupted efficient conduct of the Office.

4. The Governing Body, on the recommendation of the Officers of the Governing Body, shall consider measures to be taken in respect of the Director-General’s incapacity to ensure the continuous efficient conduct of the Office and business continuity of the Organization, notably taking into account the likely length of the incapacity. The Governing Body shall consider the matter in a private sitting at the first session of the Governing Body following the beginning of the incapacity or at a special session of the Governing Body convened for that purpose.

5. Such measures may include the designation by the Governing Body of an official as Acting Director-General, with all the powers and responsibilities of the Director-General, on a temporary basis and for a period of time to be determined by the Governing Body.

6. In cases of permanent incapacity, including in the case of a Director-General's resignation or death, the Governing Body shall initiate the process to appoint a Director-General, during which time it may decide that an Acting Director-General designated under rule 5 of these rules shall carry out the functions of the role.

7. These rules are without prejudice to the inherent authority of a Director-General to designate an Officer-in-Charge in case of routine, short-term or foreseeable absences, such as annual leave, sick leave or official travel.