

Additional information

Reduction of posts within the contingency framework for the 2026–27 biennium ([GB.357bis/PFA/1](#))

1. During the tripartite information session of 1 September 2026 on the implementation of the ILO reform process and contingency framework for the 2026-27 biennium, questions were raised in relation to the legal aspects of the item on the agenda of the special session of the Governing Body. This note provides additional information with the intention of facilitating the Governing Body's discussion of document GB.357bis/PFA/1ⁱ.

(a) What is the legal basis for the Governing Body's competence to take the proposed decision?

2. Article 11.5(a) of the Staff Regulations provides that, in order to terminate a without limit of time (WLT) appointment, the necessities of the service must require "a reduction of staff involving a reduction in the number of posts". As set out in paragraphs 9 and 13 of document GB.357bis/PFA/1, this provision, amended by the Governing Body in 1988 and not applied since, does not specify which body has authority to decide on a reduction in the number of posts. The requirement of a reduction in the number of posts, which does not apply to the termination of fixed-term appointments under article 11.4(1)(a), constitutes an additional step and a limitation on the Director-General's authority in relation to WLT officials. The decision must therefore be taken by either the Governing Body or the Conference.
3. Before its amendment in 1988, article 11.5 was applied in 1976 and 1977, when it provided for termination where the necessities of the service required "a reduction of staff involving the abolition of posts tenable without limit of time". The Governing Body then abolished established posts under authority delegated by the International Labour Conference. As set out in paragraphs 9 and 12 of document GB.357bis/PFA/1, posts at that time had both a work and a budgetary content and were individually identified by category, grade and organizational unit in the Programme and Budget adopted by the Conference.
4. The 1988 amendments to the Staff Regulations reflected changes in the management of WLT appointments, the evolution of the notion of "posts" and the budgetary practice of the Organization, as set out in paragraphs 3 to 7 of the Appendix to document GB.357bis/PFA/1. The Director-General was given greater flexibility to manage posts, while the budget came to provide staff resources on the basis of work-months, rather than specific posts. The notion of posts was accordingly retained only in relation to WLT appointments in articles 2.1(1), 4.6 (d) and 11.5(a), with 'posts' thereafter representing the authority to award a WLT appointment.
5. The purpose of the 1988 reform therefore suggests that the authority to reduce the number of posts, as the required first step to the termination of a WLT official's appointment, is not reserved to the Conference and can be exercised by the Governing Body, as explained in the appendix to GB.357bis/PFA/1. By removing the link between individual posts and specific budgetary allocations, the reform recast the function of the post system as one of governance of career staffing, expressly preserving the control of the Conference and the Governing Body over the proportion of career staff to total staff.

6. In the present circumstances, there is an additional basis for the Governing Body's authority. The proposed reduction arises from the exceptional and serious financial circumstances facing the Organization and concerns the implementation of the Programme and Budget for 2026-27. Under article 13(5) of the Constitution, the Director-General, subject to the authority of the Governing Body, is responsible for the proper expenditure of the Organization's funds. As set out in paragraph 14 of document GB.357bis/PFA/1, the Office therefore considers that the Governing Body has authority to approve a circumscribed reduction in the number of posts to address the income shortfall, given that such a reduction would not alter the Programme and Budget adopted by the Conference. The proposed reduction would be reported to the Conference at its June 2027 session as an exceptional contingency measure relating to the implementation of the Programme and Budget for 2026-27.
7. Thus, while it cannot be excluded that the ILO Administrative Tribunal, in considering an individual challenge to a subsequent termination, could consider that the Conference should have decided on a reduction in the number of posts, for the reasons set out above, the Office considers that the Governing Body has the authority to take this decision. The control over the number of posts now principally concerns the governance of career staffing, rather than the allocation of specific budgetary resources to individual posts. This does not exclude the authority of the Conference to take such a decision, however, it reinforces the Governing Body's authority to take the proposed decision in the context of the contingency framework to address the shortfall in income as matter of urgency.

(b) What is the role of the Director-General in the reduction of posts under article 11.5(a)?

8. As set out in paragraph 15 of document GB.357bis/PFA/1, article 11.5(a) of the Staff Regulations places a specific limitation on the Director-General's authority in relation to WLT officials. While article 9(1) of the ILO Constitution provides that the staff of the Office "shall be appointed by the Director-General under regulations approved by the Governing Body", article 11.5 of the Staff Regulations requires a prior decision to reduce the number of posts before the Director-General may consider the termination of a WLT appointment.
9. Accordingly, under the current framework, the Director-General does not have the authority to reduce posts himself. Once that decision has been taken by the ILO's governance organs, responsibility shifts to the Director-General to determine whether terminations are needed and, if so, which officials are terminated, following consultation with the Joint Negotiating Committee.
10. In the context of the contingency framework, the proposed decision accordingly preserves the Governing Body's authority over the reduction in the number of posts, while allowing the Director-General to determine, within the approved ceiling, the number of WLT terminations that may ultimately be necessary.

(c) Could the Staff Regulations be amended to clarify the procedure for terminating WLT appointments?

11. Article 14.7 of the Staff Regulations provides that, subject to the approval of the Governing Body, the Regulations may be amended, without prejudice to the acquired rights of officials, by the Director-General after consultation with the Joint Negotiating Committee. As set out in paragraphs 12 and 13 of the Appendix to document

GB.357bis/PFA/1, amendments to article 11.5(a) were last approved by the Governing Body in 1988 as part of a reform process that had commenced in 1985.

12. Any future amendment to the procedure for terminating WLT appointments would therefore need to be made by the Director-General after consultation with the Joint Negotiating Committee and submitted to the Governing Body for approval. Consideration of such an amendment would extend beyond article 11.5(a) to a full assessment of its broader implications and to any consequential amendments that would be required to other provisions concerning WLT status, including, most importantly, article 2.1(1), which defines “posts”, and article 4.6(d), governing the award of WLT appointments.

(d) What safeguards apply in relation to the proposed decision and what would be the consequences if the ILO Administrative Tribunal found that the Governing Body did not have the authority to reduce the number of posts?

13. As set out in paragraph 15 of document GB.357bis/PFA/1, no WLT appointment may be terminated without a prior decision by the ILO’s governance organs to reduce the number of posts. A decision by the Governing Body in this regard would be reported to the Conference. That decision concerns only the number of posts in the context of contingency measures and does not determine any consequences for individual officials. Any subsequent termination would be decided by the Director-General in accordance with the Staff Regulations, including consultation with the Joint Negotiating Committee, and would be subject to the applicable internal appeal procedures and ultimately review by the ILO Administrative Tribunal.
14. In the context of a challenge to a decision to terminate an individual WLT appointment, the Tribunal may review the procedure that was applied, including the underlying decision of the Governing Body to reduce the number of posts. Should the Tribunal find that article 11.5 of the Staff Regulations was not duly followed, including because the Governing Body did not have authority to take that decision, it may set aside the decision to terminate the appointment of the WLT official concerned and, in the normal course of events, order their reinstatement to the extent possible.¹
15. However, in assessing the circumstances of the particular case, the Tribunal has on occasion declined to order reinstatement, taking into account factors such as the lawfulness of the underlying abolition of the position,² the time elapsed since termination and restructuring of the organization,³ the organization’s financial difficulties,⁴ or the absence of an appropriate position to which the official could be reinstated.⁵ In such cases, the Tribunal has awarded material damages in lieu of reinstatement, assessed in light of the circumstances of the case. In assessing an individual case, the Tribunal may take into account the termination process as a whole, including the Office’s good faith, compliance with the Staff Regulations and the duty of care towards the official concerned.

¹ Judgment No. [3437](#), consideration 12.

² Judgment No. [3010](#), consideration 18.

³ Judgment No. [4004](#), consideration. 8; Judgment No. [3929](#), consideration. 15.

⁴ Judgment No. [4009](#), consideration. 16.

⁵ Judgment No. [4097](#), consideration. 17.

ⁱ The reference to WLT termination in this document relates exclusively to Article 11.5 of the Staff Regulations.