



Governing Body

310th Session, Geneva, March 2011

GB.310/LILS/1

Committee on Legal Issues and International Labour Standards

LILS

FOR DECISION

FIRST ITEM ON THE AGENDA

Constitution of the International Labour Organization: Inclusive language in official texts for the purpose of promoting gender equality

Overview

Issues covered

This paper contains revised proposals regarding the adoption of a Conference resolution and an editorial note to the text of the Constitution for the purpose of promoting language in legal texts that is consistent with gender equality.

Policy implications

Greater visibility of the ILO stance on gender equality.

Legal implications

Proposed resolution of the International Labour Conference which would clarify the meaning of the Constitution and normative texts of the ILO.

Financial implications

None.

Decision required

Paragraph 5.

References to other Governing Body documents and ILO instruments

GB.309/LILS/2 and GB.309/12/1(Rev.).

1. At its last meeting, the Committee discussed several non-exclusive proposals aiming at emphasizing that the ILO Constitution and other ILO legal texts are to be read consistently with the ILO's commitment to gender equality:¹
 - (i) amending a number of provisions of the Constitution to make them more gender-inclusive by means of a constitutional amendment in accordance with article 36 of the Constitution;
 - (ii) attaching an editor's note to the Constitution, which would refer to Conference resolutions promoting gender equality in the practice of the Organization; and
 - (iii) inviting the International Labour Conference to adopt a resolution that would demonstrate the will of the Conference to view the Constitution and other ILO legal texts in terms that are consistent with gender equality.
2. The Committee was generally in favour of the use of gender-inclusive language as part of the Organization's approach to gender equality. While some Committee members supported the adoption of amendments to the Constitution or asked that this option at least not be ruled out for the future, the majority had reservations. It was argued that the proposed amendments could have undesirable legal implications for other legal texts of the ILO, that the amendments to the French and Spanish versions of the Constitution would make the text cumbersome, and that the amendment process was long and complex and the results uncertain. In contrast, there was consensus supporting the adoption of a resolution by the International Labour Conference and many were also in favour of the addition of an editor's note to the text of the Constitution, although some changes were requested to both texts, in particular to make them shorter and more focused on the use of language. The Governing Body accordingly requested the Office to prepare revised texts of a draft resolution of the Conference and an editor's note, taking into account the discussion in the Committee.
3. A draft proposed resolution for adoption by the International Labour Conference is attached as Appendix I. As requested by a number of Committee members, it has been refocused so as to address only the question of the use of language in the Constitution and other ILO legal texts. Its title has been changed accordingly.
4. A draft proposed editor's note to be attached to the Constitution follows as Appendix II. As discussed in the Committee, the only resolution which would be quoted in the editor's note is the proposed resolution concerning gender equality and the use of language in ILO legal texts appearing in Appendix I, provided that it will be adopted by the International Labour Conference. It would thus be the principal objective of the note to draw attention to the resolution.
5. *The Committee may wish to recommend to the Governing Body one of two options, namely, that it:*
 - (a) *approve, for submission to the 100th Session of the International Labour Conference, the draft proposed resolution concerning gender equality and the use of language in legal texts of the ILO in Appendix I; or*
 - (b) *approve the draft proposed resolution in Appendix I and, subject to its adoption, request the Office to attach the editor's note in Appendix II to the Constitution of the International Labour Organization.*

Geneva, 14 January 2011

Point for decision: Paragraph 5

¹ GB.309/LILS/2 and GB.309/12/1(Rev.), paras 12–27.

Appendix I

Draft proposed International Labour Conference resolution

Resolution concerning gender equality and the use of language in legal texts of the ILO

The General Conference of the International Labour Organization, meeting at its ...th Session, 20..,

Considering that equality for women and men in the world of work is a core value of the International Labour Organization, which is committed to giving it effect in its own functioning under its Constitution and through its constitutional means of action which include international labour standards,

Noting that the principle of gender equality has been repeatedly affirmed by the International Labour Conference, including in the Declaration on Equality of Opportunity and Treatment for Women Workers and the accompanying resolution concerning a plan of action with a view to promoting equality of opportunity and treatment for women workers, both adopted by the 60th Session (1975), the resolution concerning the participation of women in ILO meetings, adopted by the 67th Session (1981), the resolution on equal opportunities and equal treatment for men and women in employment, adopted by the 71st Session (1985), the resolution concerning ILO action for women workers, adopted by the 78th Session (1991), the resolution concerning the promotion of gender equality, pay equity and maternity protection adopted by the 92nd Session (2004), and the resolution concerning gender equality at the heart of decent work, adopted by the 98th Session (2009),

Affirming the importance of language in promoting gender equality, including by ensuring the equal visibility of women and men,

1. Resolves that gender equality should be reflected through the use of appropriate language in official legal texts of the Organization.
2. Further resolves that in the ILO Constitution and other legal texts of the Organization, in accordance with applicable rules of interpretation, the use of one gender includes in its meaning a reference to the other gender unless the context otherwise requires.
3. Requests the Director-General to reproduce the text of this resolution in the *Official Bulletin*, as well as in the Office publications *Constitution of the International Labour Organisation and selected texts*, the *Manual for drafting ILO instruments* and where appropriate in any subsequent compilation of legal texts of the ILO.

Appendix II

Draft proposed editor's note

Equality for women and men in the world of work is a core value of the International Labour Organization. The resolution concerning gender equality and the use of language in legal texts of the ILO, adopted by the General Conference at its ...th Session (20...), affirms that gender equality should be reflected through the use of appropriate language in official legal texts of the Organization and that, in the ILO Constitution and other legal texts of the Organization, the use of one gender includes in its meaning a reference to the other gender unless the context requires otherwise.