



## Governing Body

328th Session, Geneva, 27 October–10 November 2016

GB.328/WP/GBC/1/2

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Working Party on the Functioning of the Governing Body and the International Labour Conference

WP/GBC

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Date: 17 October 2016

Original: English

### FIRST ITEM ON THE AGENDA

## Improving the functioning of the International Labour Conference

### Comprehensive review of the Standing Orders of the International Labour Conference

#### Introduction: Review of past discussions

1. At its 325th Session (November 2015), the Governing Body decided “to request the Office to undertake a comprehensive review of the Standing Orders of the Conference with a view to submit to the 328th Session (November 2016) draft amendments to the Standing Orders of the International Labour Conference”.<sup>1</sup>
2. The ongoing reflection on possible improvements to the functioning of the Conference was initiated in the wake of the adoption of the implementation plan for the 2008 Social Justice Declaration and the establishment of a working party on the working methods of the Governing Body and the functioning of the Conference to consider how the governance functions of the Governing Body and the Conference could be improved in order to, among other things, respond to the innovation of the scheme of recurrent item discussions at the Conference.<sup>2</sup> After completion of the Governing Body reform process between 2009 and 2011, the Working Party focused its attention on the functioning of the Conference.<sup>3</sup>
3. Consensus was soon reached on the principles to guide the discussions on the Conference reform: it should be constituent-led and consensus-driven; nothing should be finalized until an entire package of reforms was collectively agreed upon; reforms should be implemented as from June 2015; finalized recommendations should be made within the existing constitutional framework; and amendments to the Standing Orders of the Conference should

<sup>1</sup> GB.325/INS/14 and GB.325/PV, para. 279.

<sup>2</sup> GB.305/4.

<sup>3</sup> GB.312/WP/GBC/1; GB.312/INS/13, para. 13.

be made as appropriate.<sup>4</sup> Having analysed the costs and legal implications of the proposed reforms, the Governing Body decided in March 2013 to authorize the Office to implement on a trial basis at the June 2013 Conference changes on which tripartite consensus had been reached and for which amendments to Standing Orders of the Conference were not needed.<sup>5</sup> These included, *inter alia*, a review of the structure of the Conference with a continuous plenary session, the nature and frequency of the Director-General's report on a social theme, the introduction of the World of Work Summit, a better preparation and planning of technical committees and changes in their working methods, as well as the production of records of plenary sessions. At the same time, the Governing Body requested the Office to prepare a first set of proposed amendments to the Standing Orders of the Conference on the issues on which tripartite consensus had been reached but which required for their implementation amendments to the Standing Orders.

4. Accordingly, specific proposals for amendments to the Standing Orders were submitted in October 2013 and related to the following aspects: the suspension of Standing Orders provisions at the opening sitting (article 76); the Director-General's report as well as the possibility of conducting discussions in non-traditional formats (article 12); the deferred publication of the Provisional Records (article 23); and the examination of resolutions by the Selection Committee (articles 4 and 55).<sup>6</sup> However, the Governing Body deferred consideration of the proposed amendments and requested that draft amendments be also prepared on the procedure for the consideration of resolutions not related to the Conference agenda under article 17 of the Standing Orders.<sup>7</sup>
5. Further amendments were submitted to the Governing Body at its following session in March 2014. These were, in part, revising earlier proposals, and in part seeking to modernize and simplify a number of provisions, in particular as regards the Conference composition and admission rights to the Conference and its committees (articles 1, 2, 56 and 62); the procedure for the consideration of resolutions not related to the Conference agenda (article 17); the languages of the Conference and its committees (articles 24, 58 and 59); the Conference agenda setting; the procedures in committees (articles 63, 64 and 65); and the note for maritime sessions of the Conference appended to the Standing Orders.<sup>8</sup> Nevertheless, no decision was taken and the Office was requested to prepare a consolidated set of proposed amendments following agreement on the Conference reform.<sup>9</sup>
6. Subsequently, and in view of the decision to test in June 2015 a reduction of the duration of the Conference from three to two weeks,<sup>10</sup> a decision that was later renewed for the 105th Session of the Conference in 2016,<sup>11</sup> consideration of draft amendments to the Conference Standing Orders was again postponed so as to proceed to a comprehensive review encompassing all aspects of the reform. At the same time, progressive changes to the

<sup>4</sup> GB.316/WP/GBC/1; GB.316/INS/12.

<sup>5</sup> GB.317/WP/GBC/1; GB.317/INS/10.

<sup>6</sup> GB.319/LILS/1(Rev.1).

<sup>7</sup> GB.319/PV, para. 520.

<sup>8</sup> GB.320/LILS/1.

<sup>9</sup> GB.320/PV, para. 559.

<sup>10</sup> GB.323/WP/GBC/1; GB.323/INS/10; GB.323/PV, para. 177.

<sup>11</sup> GB.326/WP/GBC/1(Rev.); GB.326/INS/13; GB.326/PV, para. 211.

Conference structure and duration were implemented on a trial basis at the 102nd (June 2013), 103rd (June 2014), 104th (June 2015) and 105th (June 2016) Sessions of the Conference, through a suspension of the relevant provisions of the Standing Orders in accordance with the procedure set out in article 76 of the Conference Standing Orders.<sup>12</sup>

7. Against this background and following the trialling of various elements of reform in four consecutive sessions of the Conference, the Governing Body is now called upon to consider, as a first step, the consolidation of those changes in the Standing Orders of the Conference which are essential for the effective functioning of the International Labour Conference in its reduced two-week format. As a second step, and in line with the decision taken at its 325th Session, the Governing Body could consider, possibly through an ad hoc technical tripartite group, a series of other amendments aimed at rationalizing and simplifying the Conference Standing Orders as a whole.

## **Amendments of the Standing Orders for the effective functioning of the Conference in its reduced two-week format**

8. The Governing Body may wish to review and recommend to the Conference the adoption of an initial set of amendments to the Standing Orders aimed at adapting the rules of procedure to the two-week format and thus facilitating the effective functioning of the Conference within the new time frame.
9. These amendments address the following issues:
  - *Credentials Committee (articles 26, 26bis, 26ter)*. A reduction of the time limit under article 26bis from 72 to 48 hours for the submission of objections to the provisional list of delegates and from 48 to 24 hours for the submission of objections to the revised list. In addition, the deadline for lodging complaints under article 26ter is shortened from seven to four days. These modifications are necessary to permit the Credentials Committee to fulfil its mandate in a timely and meaningful manner. Moreover, it is proposed to extend the deadline for depositing the credentials of delegates and their advisers with the Office from two to three weeks (21 days) before the opening of the Conference to facilitate the accreditation process, especially in view of longer visa processing requirements of the host country.
  - *Conference Drafting Committee and committee drafting committees (articles 6, 59 and 67)*. Merging the functions of the Conference Drafting Committee and committee drafting committees into a single body responsible for ensuring primarily the concordance of the English and French texts of a draft instrument and preparing the final text of a formal instrument before it is submitted to the Conference plenary for adoption. At present, the committee drafting committee follows closely the work of the technical committee and meets regularly in parallel (in reality immediately after the end of a committee's sitting) to review and polish the two authentic texts in English and French, as they are adopted. As for the Conference drafting committee, which includes the members of the committee drafting committee, it meets only after the text of a draft instrument has been adopted by the technical committee and the Conference plenary and before it is put to a final vote. Therefore, its role consists merely in conducting a final review of the text, and in the case of a Convention, adding the final clauses. In the interest of further streamlining Conference procedures, it is proposed that the distinction between the two committees be eliminated and that the Conference

<sup>12</sup> GB.319/PV, para. 520.

Drafting Committee be henceforth entrusted with the functions previously exercised by the committee drafting committee. The amendments are dictated by the reduced duration of the Conference and the insufficient time between the conclusion of the work of a technical committee and the plenary vote on an instrument. In case of more than one standard-setting items on the Conference agenda, the Conference drafting committee would still be able to follow the work of the different technical committees by meeting on alternate dates with the corresponding composition.

- *Selection Committee (articles 4 and 17)*. Broadening of the mandate of the Selection Committee to allow it to consider any matter which might not warrant the setting up of a separate committee, including the referral of resolutions not related to an agenda item, and abolition of the Resolutions Committee which has been suspended since 2006. The proposed amendments aim at process simplification and business efficiency, which are essential in view of the two-week Conference format.
- *Panel discussions and interactive debates (article 12)*. Arrangement that provisions on time limits for speeches, number and order of speakers, and motions and amendments procedures shall not apply for panel discussions and interactive debates. This has been routinely practiced in recent years not only at International Labour Conference sessions, but also at Regional Meetings through suspensions of the relevant provisions of the Standing Orders.

10. All these amendments appear in the appendix and are accompanied by a commentary.

## **Additional amendments for the modernization and simplification of the Conference Standing Orders**

11. The comprehensive review of the Conference Standing Orders requested by the Governing Body at its 325th Session intends to enhance their relevance and transparency as a whole, and therefore goes beyond the strict needs of the two-week duration of the Conference. As explained above, a number of draft amendments have already been tabled and discussed at the 319th and 320th Sessions (October 2013 and March 2014), principally with a view to simplifying and modernizing the Standing Orders of the Conference, but it was decided not to finalize any of these changes before the completion of the Conference reform process. In most cases, the proposed amendments align the Standing Orders provisions with practices.

12. It is believed that this broader review exercise would promote legal certainty and clarity and would be entirely in line with the Director-General's centenary initiative on governance. The Conference is entrusted with many critical functions, constitutional, political, legislative and others, and its credibility as the supreme policy-making organ of the Organization depends, among other things, on the pertinence of its rules of procedure. Amendments could therefore be introduced with respect to the following: (i) removal or revision of obsolete provisions; (ii) alignment of existing provisions with current practices; (iii) simplification of certain processes; and (iv) rationalization of the document structure. Below are some summary indications of what these four groups of amendments may comprise.

- *Deletion of obsolete provisions*. As they currently read, the Standing Orders contain a number of clearly outdated provisions. A non-exhaustive list would include the appeal of a delegate to the Selection Committee for not having been nominated to a committee (article 9), the printing of verbatim reports signed by the President (article 23), the request by one-fifth of committee members for additional interpretation into another language (article 58), the fixed composition of committees (article 56), and the Note for maritime sessions of the Conference.

- *Codification of current practices.* This could include codifying the current method of weighting of votes (article 65); the review of voting and quorum rules (article 20) with a view, for instance, to reflecting technological changes in the determination of quorum (which can now be calculated in real time before each vote, without the need for the intervention or validation of the Credentials Committee), codifying consensus as the main decision-making method and simplifying complex rules. Alignment with present-day realities would also be needed with respect to the recognition of Spanish as an official language of the Conference (articles 24 and 58) along with the consequential amendments that this implies.
  - *Simplification of processes.* By way of example, the role and functions of the Selection Committee could be reviewed (article 4), possibly through assigning steering functions to the Officers of the Conference. It would also be advisable to review the standard-setting procedure, in particular as regards its preparatory stages (articles 38–40), to make it more effective in the context of a Conference of reduced duration.
  - *Rationalization of structure.* It could be envisaged, for instance, to consolidate all procedural aspects of the plenary and committees (amendments, motions, resolutions, closure, voting) in a single section of the Standing Orders of the Conference, as opposed to the current structure whereby practically identical rules on procedure are duplicated in two separate sections.
13. If the Governing Body agrees with the scope and objectives of the review of the Standing Orders outlined above, it may wish to instruct the Office to prepare additional amendments for further modernization and simplification of the Conference Standing Orders. This second and final set of amendments would be prepared through the usual process and based on the guidance of informal consultations before being submitted to the Governing Body for its consideration at its 331st Session (November 2017).

### **Draft decision**

14. *In light of the discussion on possible improvements to the functioning of the International Labour Conference, especially as regards the confirmation of the two-week duration for future sessions, the Working Party on the functioning of the Governing Body and the International Labour Conference recommends that the Governing Body:*
- (a) *approve the first set of amendments to the Standing Orders of the Conference in the appendix, which are aimed at ensuring the effective functioning of the International Labour Conference in its reduced two-week format and invite the International Labour Conference to adopt them at its 106th Session (June 2017);*
  - (b) *request the Office to prepare additional draft amendments for simplification and modernization of the Standing Orders of the Conference, taking into account the views expressed and guidance provided during the discussion, for its consideration at its 331st Session (November 2017).*



## Appendix

### Draft amendments required to facilitate the functioning of the Conference in its reduced two-week session format

Standing Orders with proposed amendments (struck out = deleted text; underlined = new text)	Commentary
<p style="text-align: center;">Article 4</p> <p style="text-align: center;"><i>Selection Committee</i></p> <p>1. The Conference shall appoint a Selection Committee consisting of twenty-eight members nominated by the Government group, fourteen members nominated by the Employers' group and fourteen members nominated by the Workers' group. In none of these categories shall a country have more than one member.</p> <p>2. It shall be the duty of the Selection Committee to arrange the programme of the Conference, to fix the time and agenda for the plenary sittings, to act on behalf of the Conference with respect to decisions on non-controversial questions of a routine nature and to report to the Conference on any other questions requiring a decision for the proper conduct of its business, in accordance with the Conference Standing Orders. Where appropriate, the Committee may delegate any of these functions to its Officers.</p> <p>3. <u>The Selection Committee shall examine any other question referred to it by the Conference, including any proposed resolution, and shall submit a report, or reports, on the question to the Conference.</u></p> <p style="text-align: center;">[...]</p>	<p>The proposed new paragraph 3 extends the mandate of the Selection Committee by codifying the practice of referring items to it which in view of their nature do not require the creation of a separate committee, including the referral of resolutions not related to an item on the agenda envisaged as part of the Conference reform (see amendments to article 17 below).</p>
<p style="text-align: center;">Article 6</p> <p style="text-align: center;"><i>Conference Drafting Committee</i></p> <p>1. The Conference shall <u>set up</u> <del>appoint on the nomination of the Selection Committee</del> a Conference Drafting Committee <del>consisting of at least three persons who need not be either delegates or advisers</del> <u>which shall be composed as follows:</u></p> <ul style="list-style-type: none"> <li><u>– the President of the Conference or his/her representative;</u></li> <li><u>– one Government delegate or adviser, one Employers' delegate or adviser and one Workers'</u></li> </ul>	<p>As part of the overall aim to streamline Conference procedures, and especially in the context of a two-week format, it is proposed to merge the Conference Drafting Committee under article 6 with the committee drafting committee foreseen in article 59 into a single drafting committee (see also amendments to articles 40 and 67 below) which will discharge the functions of both current drafting</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p> <del>delegate or adviser appointed by the committee which refers the text to be reviewed to the Conference Drafting Committee, or by the Conference if the text is considered in full Conference;</del>  <del>– the Reporter of the Committee which refers the text to be reviewed to the Conference Drafting Committee, where applicable;</del>  <del>– the Secretary-General of the Conference or his/her representative;</del>  <del>– the Legal Adviser of the Conference and his/her deputy;</del>  <del>– the Director of the International Labour Standards Department.</del> </p> <p> <del>2. The Committee Drafting Committee appointed by each committee under article 59(1) of these Standing Orders shall form part of the Conference Drafting Committee when any proposed Convention or Recommendation is submitted to the Conference by the committee concerned.</del> </p> <p> <del>3.</del> <u>2.</u> The Conference Drafting Committee shall have the functions entrusted to it by the rules concerning Convention and Recommendation procedure (Section E) and the rules concerning the procedure for the amendment of the Constitution of the Organisation (Section F), <del>and shall,</del> In general, <u>it shall</u> be responsible for expressing in the form of Conventions and Recommendations the decisions adopted by the Conference and for ensuring agreement between the English and French versions of the texts of <u>all Conventions and Recommendations and other formal instruments as may be decided by the Conference, and of conclusions with a view to the adoption of such instruments,</u> submitted to the Conference for adoption.         </p>	<p>committees. In 2015, following the suspension of the relevant Standing Orders, the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), was adopted on the basis of the work of a single drafting committee.</p> <p>As regards the composition of the proposed single drafting committee, it is proposed to codify the traditional Conference Drafting Committee composition, which has since the origins of the ILO always included the President of the Conference, the Secretary-General of the Conference and the Legal Adviser. The members from the relevant technical committee do not need to be appointed on the first day of the Conference. However, in order for the Drafting Committee to complete its work in time, it has to be able to start working early in parallel with the committee (usually in the evening, after the committee sittings).</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p style="text-align: center;">Article 9</p> <p style="text-align: center;"><i>Adjustments to the membership of committees</i></p> <p>The following rules shall apply to all committees appointed by the Conference with the exception of the Selection Committee, the Credentials Committee, the Finance Committee of Government Representatives and the <u>Conference</u> Drafting Committee:</p> <p style="text-align: center;">[...]</p> <p style="text-align: center;">Article 10</p> <p style="text-align: center;"><i>General provisions concerning committees</i></p> <p>The work of the committees of the Conference, with the exception of the Credentials Committee and the <u>Conference</u> Drafting Committee, shall be governed by the Standing Orders for the committees of the Conference set forth in Section H of Part II.</p> <p style="text-align: center;">Article 12</p> <p style="text-align: center;"><i>Reports of the Chairman of the Governing Body and the Director-General</i></p> <p>1. During the session at the times fixed by the Selection Committee, the Conference shall discuss the report of the Chairperson of the Governing Body on its work and the Report of the Director-General of the International Labour Office on the subjects specified in paragraph 2 below.</p> <p>2. <u>(1) At each session of the Conference in the first year of a biennial financial period, the Director-General shall report on programme implementation and the activities of the Organisation during the preceding financial period, together with proposals for advance planning as well as information on the steps taken by the Governing Body and the Director-General to give effect to the decisions of the Conference at its previous sessions and the results achieved. At each session preceding the beginning of a financial period, t</u><del>The said r</del><u>Report of the Director-General</u> shall be devoted to a social policy theme of current interest chosen by the Director-General, without prejudice to other questions on which the Conference may have requested the Director-General to report to it on an annual basis.</p>	<p>This is a consequential amendment to the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6).</p> <p>This is a consequential amendment to the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6).</p> <p>These proposals were discussed at the 319th and 320th Sessions of the Governing Body (see GB.319/LILS/1(Rev.1), paragraphs 4–5; GB.319/PV, paragraphs 510–520; GB.320/LILS/1 and GB.320/PV, paragraphs 550–559).</p> <p>Paragraph 2, under which the Director-General would report on a social policy theme at each session instead of every second session, has been restructured in two subparagraphs (see GB.320/LILS/1).</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p>(2) <u>In addition, at each session of the Conference in the first year of a biennial financial period, the Director-General shall report on programme implementation and the activities of the Organization during the preceding financial period.</u></p> <p>3. One delegate representing the Government, one delegate representing the Employers and one representing the Workers may participate in the discussion in respect of each member State, provided that a visiting minister may speak in addition to the Government delegate. No speaker may intervene in the discussion more than once.</p> <p>4. <u>If the Conference decides that a part or all of the discussion on the reports referred to in paragraph 1 is to be conducted in the form of interactive debates, the following provisions of these Standing Orders shall not apply to those debates:</u></p> <p><u>(a) paragraph 3 of this article;</u>  <u>(b) paragraphs 2 and 6 of article 14;</u>  <u>(c) article 15, paragraph 1 and paragraphs 3–8; and</u>  <u>(d) article 16.</u></p> <p style="text-align: center;">Article 17</p> <p style="text-align: center;"><i>Resolutions relating to matters not included in an item placed on the agenda</i></p> <p style="text-align: center;">[...]</p> <p>3. Subject to paragraph 2 above, all resolutions relating to matters not included in an item placed on the agenda by the Conference or the Governing Body shall be referred by the Conference for report to <del>a Resolutions</del> <u>the Selection</u> Committee unless the Conference, on the recommendation of the Selection Committee, decides that a particular resolution relates to a matter for which another committee is competent and refers it to that other committee.</p>	<p>Subparagraph 2 has been redrafted taking into account the views expressed at the 322nd Session of the Governing Body (see GB.322/WP/GBC/1, paragraph 4; GB.322/INS/12(Rev.), paragraph 2(2.5)).</p> <p>On paragraphs 4 and 5 (see GB.320/LILS/1).</p> <p>The proposed amendments to article 17(3)–(10) take into account the discussion at the 319th Session of the Governing Body. There was consensus on entrusting the Selection Committee with the examination of the resolutions; there was more opposition than support to any change to the composition or structure of the Selection Committee (including the creation of a subcommittee) in connection with this new mandate, and there was only limited support for keeping the specific Resolutions Committee procedure for the consideration of resolutions by the Selection Committee (see GB.319/LILS/1(Rev.1), paragraphs 14–25 and GB.319/PV, paragraphs 510–520).</p> <p>Under the proposed amendment to paragraph 3, and taking into account the comments made by the Workers at the 320th Session (see GB.320/PV, paragraph 551) resolutions not relating to an agenda item would normally be referred to the Selection Committee, unless referred to a technical committee considered to be competent.</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p>4. The <del>Resolutions</del><u>Selection</u> Committee shall consider in respect of each resolution <u>referred to it</u> whether it satisfies the conditions of receivability set forth in paragraph 1.</p> <p>5. <u>If more than one resolution is referred to the Selection Committee, its Officers</u> <del>The Resolutions Committee</del> shall determine the order in which resolutions which have been declared receivable shall be examined, <del>as follows:</del></p> <p>(a) <del>After having given the author, or one of the authors, of each resolution the possibility of moving it in a speech which shall not exceed ten minutes, the Committee shall, without discussion, determine by ballot the first five resolutions to be considered, in the following manner:</del></p> <p>(i) <del>each member of the Committee shall receive a ballot paper on which the titles of all the resolutions to be considered appear, and shall indicate thereon the five resolutions which the member wishes to be discussed first, the first preference being marked "1", the second "2", and so forth; a ballot paper which does not indicate preferences for five resolutions shall be void;</del></p> <p>(ii) <del>whenever a resolution is indicated as a first preference, it shall be allotted five points, whenever it is indicated as a second preference, four points, and so forth; resolutions for which no preference has been indicated will receive no points;</del></p> <p>(iii) <del>where the Government, Employers' or Workers' members of the Committee are entitled to cast more than one vote, to take account of the unequal representation of the group on the Committee, the total number of points secured by each resolution shall be calculated separately for each group and multiplied by the multiplier applicable to the votes of members of the group;</del></p> <p>(iv) <del>the resolution obtaining the largest number of points, as determined in accordance with clauses (ii) and (iii), shall be discussed first, the resolution obtaining the second largest number of points shall be discussed second, and so forth for five</del></p>	<p>Although it seems unlikely that the Conference could be faced with multiple resolutions not related to the agenda, it is proposed to keep minimal provisions in paragraph 5 dealing with such a situation.</p> <p>The order in which the resolutions would be discussed would be determined by the tripartite Officers of the Selection Committee instead of by the Chairperson alone, and it would expressly remain possible not to act upon resolutions that have not been considered by the date on which it terminates its work according to the approved workplan.</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p>resolutions; if the voting results in an equal number of points for each of two or more of the first five resolutions, priority shall be decided by lot in one or more castings, as appropriate.</p> <p>(b) <del>The Committee shall, at the beginning of its proceedings, set up a Working Party composed of three Government members, three Employers' members and three Workers' members to make recommendations as to the order in which the resolutions which were not included in the first five as a result of the procedure set forth in subparagraph (a) should be examined.</del></p> <p><del>6. The Resolutions Committee shall begin its work as soon as possible after the opening of the session of the Conference, in order to enable it to complete its agenda, and shall terminate its work not later than at 6 p.m. on the last Saturday of the session. If, nevertheless, any resolution referred to the Selection Committee has not been considered by the Committee <u>it</u> by the date on which it terminates its work, the Conference shall not discuss or act upon that resolution.</del></p> <p><del>7. (1) If members of the Resolutions Committee having not less than one quarter of the voting power of the Committee move that the Committee should take the view that a resolution is not within the competence of the Conference, or that its adoption is inexpedient, this preliminary question shall be determined by the Committee after hearing the author, or, where there are several, one of the authors of the resolution, not more than one speaker</del></p> <p><del>(2) A recommendation by the Resolutions Committee that a resolution is not within the competence of the Conference, or that its adoption is inexpedient, shall be accompanied by a report of the discussion in the Committee and shall be put to the vote in the Conference without debate.</del></p> <p><del>8. The Resolutions Committee may, after hearing the author or authors of a resolution, amend it in form or substance in such manner as it may consider desirable.</del></p> <p><u>97.</u> It shall be the special duty of the <u>Resolutions Selection</u> Committee to distinguish, by appropriate drafting, resolutions the adoption of which by the Conference would involve exact legal consequences from resolutions intended for consideration by the Governing Body, governments</p>	<p>Since no drafting committee is provided for resolutions, it is proposed to keep former paragraph 9 (as new paragraph 7), which would now entrust the Selection Committee with the drafting responsibilities that were those of the Resolutions Committee.</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p>or any other body, but not creating any legal obligation.</p> <p><del>10. The Resolutions Committee shall submit a report to the Conference.</del></p> <p style="text-align: center;">Article 18</p> <p style="text-align: center;"><i>Proposals involving expenditure</i></p> <p>1. Any motion or resolution involving expenditure shall in the first instance, or in the case of resolutions referred to the <del>Resolutions</del><u>Selection</u> Committee as soon as that Committee is satisfied that the resolution is receivable and within the competence of the Conference, be referred to the Governing Body which shall communicate its opinion to the Conference.</p> <p style="text-align: center;">[...]</p> <p style="text-align: center;">Article 23</p> <p style="text-align: center;"><del>Verbatim report</del><u>Provisional Records</u></p> <p>1. A <del>verbatim report shall be printed at the conclusion</del><u>Provisional Record</u> of each sitting <del>shall be published</del> by the secretariat. There shall be included in the <del>report</del><u>Provisional Record</u> any texts adopted and the results of any votes taken.</p> <p>2. <del>Any delegate who has made a speech may demand the right to revise any part of the report containing that speech.</del> Speeches or parts of speeches that have not been delivered during the sitting shall not be published in the <del>report</del><u>Provisional Record</u>, with the exception of the <u>Director-General's reply to the discussion of the Report</u> provided for in article 12.</p> <p>3. <u>The Provisional Records shall be published at the conclusion of each sitting. However, the Provisional Records of the discussion on the report of the Chairperson of the Governing Body and on the Report of the Director-General may be published after the closing of the Conference. In that case, the secretariat shall at the conclusion of each sitting provide access to recordings or the text of the speeches made at the sitting.</u></p>	<p>Paragraph 10 could be deleted as the Selection Committee's reporting duty to the Conference would be covered by new article 4(3) relating to the Selection Committee (see above).</p> <p>Proposals as discussed at the 319th and 320th Sessions of the Governing Body and amended as proposed by the GRULAC, IMEC and the Employers' group (see GB.319/LILS/1(Rev.1), paragraphs 11–13; GB.319/PV, paragraphs 510–520; GB.320/LILS/1; GB/320/PV, paragraph 552).</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p><del>34. Any person who has made a speech may propose corrections to that speech in the <i>Provisional Record</i>. The secretariat shall fix a reasonable period following the publication of all <i>Provisional Records</i> within which <del>In order that any proposed corrections may be published, they should be communicated to it the secretariat, in writing, not later than ten days after the close of the Conference.</del></del></p> <p><del>4. The verbatim reports shall be signed by the President of the Conference and the Secretary</del></p> <p style="text-align: center;">Article 26</p> <p style="text-align: center;"><i>Examination of credentials</i></p> <p>1. The credentials of delegates and their advisers shall be deposited with the International Labour Office at least <del>15</del> <u>21</u> days before the date fixed for the opening of the session of the Conference.</p> <p style="text-align: center;">Article 26bis</p> <p style="text-align: center;"><i>Objections</i></p> <p>1. An objection in pursuance of article 5, paragraph 2(a), shall not be receivable in the following cases:</p> <p>(a) if the objection is not lodged with the Secretary-General within <del>72</del> <u>48</u> hours from 10 a.m. of the first day of the Conference, the date of publication in the <i>Provisional Record</i> of the official list of delegations, on the basis of the presence of a person's name or functions on this list, or its absence. If the objection is based on a revised list, the time limit shall be reduced to <del>48</del> <u>24</u> hours. <u>The Credentials Committee may in exceptional cases extend these time-limits by an additional 24 hours;</u></p>	<p>The proposed deadline was introduced on a trial basis in 2015 under the Conference two-week format, mainly as a result of longer visa processing times, but also with a view to increasing transparency in the nomination process and facilitating the processing of credentials. It was again implemented in 2016 and has been considered a positive reform by the Credentials Committee (see ILC104-PR5B, paragraphs 27 and ILC105-PR6B, paragraphs 2–3).</p> <p>The reduced time-limit for the submission of objections (and complaints under article 26ter), implemented on a trial basis in 2015 and 2016, was dictated by the reduction in the duration of the Conference in order to enable the Credentials Committee to examine all objections and complaints in time. It is now proposed to use the words “in exceptional cases” instead of “in justified cases” to highlight the exceptional character of this possible extension of the time-limit.</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p style="text-align: center;">Article 26ter</p> <p style="text-align: center;"><i>Complaints</i></p> <p>3. A complaint shall be receivable if:</p> <p>(a) it is lodged with the Secretary-General of the Conference before 10 a.m. on the <del>seventh</del><u>fourth</u> day following the opening of the Conference or, thereafter, in the case of a complaint referred to in paragraph 2, it is lodged within 48 hours of the alleged act or omission preventing attendance of the delegate or adviser concerned, and if the Committee considers that there is sufficient time to deal with it properly; and</p> <p style="text-align: center;">[...]</p> <p style="text-align: center;">Article 39</p> <p style="text-align: center;"><i>Preparatory stages of double-discussion procedure</i></p> <p style="text-align: center;">[...]</p> <p>4. These reports shall be submitted to a discussion by the Conference either in full sitting or in committee, and if the Conference decides that the matter is suitable to form the subject of Conventions or Recommendations it shall adopt such conclusions as it sees fit, <u>after having referred them to the Conference Drafting Committee</u>, and may either:</p> <p>(a) decide that the question shall be included in the agenda of the following session in accordance</p>	<p>See comment under article 26bis above. While in the two trials in 2015 and 2016 the deadline for the submission of complaints was set on the fifth day following the opening ceremony, i.e. on Saturday morning of the first week, it is proposed to bring that deadline forward to the fourth day, i.e. Friday in order that the Governments concerned can be invited to comment on the substance of the complaint on a working day and to provide their reply to the Credentials Committee on the following Monday. Indeed, practice has shown that an invitation dispatched on a Saturday where public administrations are often closed may not make it possible for governments to get back to the Credentials Committee by Monday, bearing in mind that it is often not possible for the Credentials Committee to process any communication received after the second Monday of the Conference if it is to finalize its report before the Conference closure. For the same reason, the Office proposes to bring forward by 24 hours the publication of the revised list of delegations triggering the second deadline for the submission of objections to the first Friday of the first week at 10 a.m. rather than the Saturday.</p> <p>This amendment is required because of the practice of committees to also refer to their drafting committee conclusions with a view to the adoption of a Convention or Recommendation. After the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6 above), such conclusions will have to be expressly referred to the Conference Drafting Committee.</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p>with article 16, paragraph 3, of the Constitution; or (b) ask the Governing Body to include the question in the agenda of a later session.</p> <p style="text-align: center;">Article 40</p> <p style="text-align: center;"><i>Procedure for the consideration of texts</i></p> <p style="text-align: center;">[...]</p> <p>4. If the Convention or Recommendation be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the Convention or Recommendation <u>subject to the provisions of paragraph 6</u> <del>in accordance with the rules laid down in paragraph 3</del>. The discussions shall not take place before the day following that on which copies of the report have been circulated to the delegates.</p> <p><del>5. During the discussion of the Articles of a Convention or Recommendation, the Conference may refer one or more Articles to a committee.</del></p> <p><del>6. If a Convention contained in the report of a committee is rejected by the Conference, any delegate may ask the Conference to decide forthwith whether the Convention shall be referred back to the committee to consider the transformation of the Convention into a Recommendation. If the Conference decides to refer the matter back, the report of the committee shall be submitted to the approval of the Conference before the end of the session.</del></p> <p><u>57.</u> The provisions of a Convention or Recommendation, <u>after having been considered in full Conference or by a committee, as adopted by the Conference</u> shall be referred to the <u>Conference Drafting Committee for the preparation of a final text. This text shall be circulated to the delegates.</u></p> <p><u>5bis.</u> <u>The text prepared by the Conference Drafting Committee shall be submitted to the Conference.</u></p>	<p>It is suggested to delete paragraphs 5 and 6 as it appears practically unfeasible that there be recourse to these provisions in the context of a Conference of reduced duration.</p> <p>These are consequential amendments to the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6). They further intend to reflect current practice and to adapt the procedure to a Conference of reduced duration. A further review of this article should be envisaged at a later stage to ensure that it better reflects current practice (for instance, the possibility that a Convention or Recommendation be considered and discussed in full Conference does not appear realistic nowadays and unnecessarily complicates the structure and understanding of the provisions of this Section).</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p><del>68.</del> No amendment shall be allowed to this text, but notwithstanding this provision the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed to the secretariat before the final vote is taken.</p> <p><u>79.</u> On receipt of the text prepared by the <u>Conference</u> Drafting Committee and after discussion of amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Convention or Recommendation in accordance with article 19 of the Constitution of the Organization.</p> <p style="text-align: center;">Article 41</p> <p style="text-align: center;"><i>Procedure if a Convention fails to obtain a two-thirds majority</i></p> <p>If a Convention on a final vote fails to obtain the necessary two-thirds majority, but obtains a simple majority, the Conference shall decide forthwith whether the Convention shall be referred to the <u>Conference</u> Drafting Committee to be drafted in the form of a Recommendation. If the Conference approves the reference to the <u>Conference</u> Drafting Committee, the proposals contained in the Convention shall be submitted for the approval of the Conference in the form of a Recommendation before the end of the session.</p> <p style="text-align: center;">Article 44</p> <p style="text-align: center;"><i>Procedure in case of revision of a Convention</i></p> <p style="text-align: center;">[...]</p> <p>9. On receipt of the text prepared by the <u>Conference</u> Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Convention in accordance with article 19 of the Constitution of the Organization.</p> <p style="text-align: center;">[...]</p>	<p>These are consequential amendments to the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6).</p> <p>This is a consequential amendment to the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6).</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p style="text-align: center;">Article 45</p> <p style="text-align: center;"><i>Procedure in case of revision of a Recommendation</i></p> <p style="text-align: center;">[...]</p> <p>8. On receipt of the text prepared by the <u>Conference</u> Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the Recommendation in accordance with article 19 of the Constitution of the Organization.</p> <p style="text-align: center;">[...]</p> <p style="text-align: center;">Article 47</p> <p style="text-align: center;"><i>Procedure for the consideration of proposed amendments to the Constitution by the Conference</i></p> <p style="text-align: center;">[...]</p> <p>7. No amendment shall be allowed to this text, but notwithstanding this provision the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed in to the Secretariat the day after the circulation of the text as revised by the <u>Conference</u> Drafting Committee.</p> <p>8. On receipt of the text prepared by the <u>Conference</u> Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the draft instrument of amendment in accordance with article 36 of the Constitution of the Organization.</p>	<p>This is a consequential amendment to the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6).</p> <p>This is a consequential amendment to the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6).</p>
<p style="text-align: center;"><b>Committees of the Conference</b></p> <p style="text-align: center;">Article 55</p> <p style="text-align: center;"><i>Scope</i></p> <p>1. These Standing Orders apply to all committees appointed by the Conference except the Credentials Committee and the <u>Conference</u> Drafting Committee.</p> <p>2. The following provisions do not apply to the Selection Committee:</p>	<p>This is a consequential amendment to the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6).</p> <p>In paragraph 2(a), it is proposed that when the Selection Committee examines substantive</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p>(a) article 56, paragraphs 6, 8, 9 and 10, <u>except when it considers other questions in accordance with article 4, paragraph 3</u>;</p> <p>(b) the words “in agreement with the Selection Committee” in article 60;</p> <p>(c) article 63, <u>except when it considers other questions in accordance with article 4, paragraph 3</u>;</p> <p>(d) paragraphs 3 and 4 of article 65.</p> <p>3. These Standing Orders apply to the Finance Committee of Government Representatives, except in so far as they are inapplicable because that Committee is not tripartite in character and consists solely of Government representatives.</p> <p>In addition, the following provisions do not apply to the Finance Committee:</p> <p>(a) article 56, paragraphs 6 and 10;</p> <p>(b) article 57, paragraph 2;</p> <p>(c) the words “from each group” in the first sentence of article 64, paragraph 3; and the second sentence in that paragraph;</p> <p>(d) article 65, paragraph 1.</p>	<p>questions under the proposed new article 4(3), including resolutions, the normal rules for committees apply as regards the participation of delegates not members of the Selection Committee, non-member State observers, non-governmental international organizations and liberation movements.</p> <p>As suggested by the Employers’ group at the 320th Session of the Governing Body, this amendment needs not make explicit reference to resolutions, to the extent that the Selection Committee’s role with regard to resolutions is mentioned in its mandate (see article 4(3) above).</p> <p>In subparagraph (c), in the absence of rules applying to the Selection Committee when dealing with substantive matters and, in particular, in the absence of a special procedure as existed for the Resolutions Committee, the provisions of article 63 should apply to the examination of resolutions by the Selection Committee.</p>

Standing Orders with proposed amendments (struck out = deleted text; underlined = new text)	Commentary
<p style="text-align: center;">Article 57 <i>Officers of committees</i> [...]</p> <p>3. Each committee shall then elect from among its members one or more Reporters to present the result of its deliberations to the Conference on its behalf. <del>Before presenting a report to the committee for its approval, the Reporter or Reporters shall submit it to the Officers of the committee.</del></p> <p style="text-align: center;">[...]</p> <p><u>5. Before presenting a report to the committee for its approval, the Reporter or Reporters shall submit it to the Officers of the committee. The committee may delegate the approval of its report to the Officers.</u></p> <p style="text-align: center;">Article 59 <del>Committee drafting committees;</del> <u>Subcommittees</u></p> <p><del>1. Each committee to which the Conference, in accordance with article 40 of the rules of procedure for Conventions and Recommendations, refers as a basis of discussion texts of proposed Conventions or Recommendations shall set up at an early sitting a committee drafting committee consisting of one Government delegate, one Employers' delegate and one Workers' delegate together with the Reporter or Reporters of the committee and the Legal Adviser of the Conference. In so far as may be possible the committee drafting committee shall comprise members conversant with both official languages. The committee drafting committee may be assisted by the officials of the Secretariat of the Conference attached to each committee as experts on the particular item of the agenda concerned. The committee drafting committee shall form part of the Conference Drafting Committee when any Convention or Recommendation is submitted to the Conference by the committee concerned.</del></p> <p><del>2-</del><u>1.</u> Each committee shall have power to set up subcommittees after due notice has been given to the three groups in the committee.</p>	<p>It is proposed to add a new paragraph 5, which would contain the second sentence of the current paragraph 3 and a new sentence clarifying that a committee always has the possibility to delegate the adoption of its report to its Officers. As the report has in any event to be adopted in plenary, such a delegation would allow committees to finish their work earlier while delegates wishing to comment on the report could still do so in plenary.</p> <p>See rationale of the proposed amendment to article 6 above regarding the merger of the Conference Drafting Committee with the committee drafting committees.</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p><del>3-2.</del> The Chairperson <u>and the Reporter</u> of a committee shall be entitled to attend the meetings of the <del>committee drafting committee and</del> of the subcommittees set up by the committee.</p> <p style="text-align: center;">Article 62 <i>Right to address the committee</i></p> <p style="text-align: center;">[...]</p> <p><del>4. In the case of the Resolutions Committee the Chairperson may, after consultation with the two Vice Chairpersons, submit to the Committee for decision without debate a proposal to reduce the time limit for speeches on a specific topic to five minutes.</del></p> <p style="text-align: center;">[...]</p> <p style="text-align: center;">Article 64 <i>Closure</i></p> <p style="text-align: center;">[...]</p> <p><del>4. In the case of the Resolutions Committee only the sponsor of the motion, resolution or amendment under discussion, or one of the sponsors if there were several, shall have the right to speak on the question under discussion after the closure has been voted.</del></p> <p style="text-align: center;">[...]</p> <p style="text-align: center;">Article 67 <i>[Deleted]</i></p> <p style="text-align: center;"><i>Amendments to text submitted by committee drafting committee</i></p> <p><del>Amendments to a text submitted to a committee by its drafting committee may be admitted by the Chairperson after consultation with the Vice Chairpersons.</del></p> <p style="text-align: center;">Article 68 <i>Secretariat</i></p> <p>1. The Secretary-General of the Conference or a representative of the Secretary-General may, with the permission of the Chairperson, address committees, <u>or subcommittees</u> <del>or committee drafting committees.</del></p>	<p>Paragraph 4 would be deleted as a consequence of the abolition of the Resolutions Committee in article 17(3).</p> <p>Paragraph 4 would be deleted as a consequence of the abolition of the Resolutions Committee in article 17(3).</p> <p>This provision is no longer relevant as texts adopted by a committee and reviewed by the Conference Drafting Committee will normally be referred directly to the Conference.</p> <p>This is a consequential amendment to the proposed merger of the committee drafting committees and the Conference Drafting Committee (see commentary on article 6). It reflects the proposed composition of the Conference Drafting Committee, according to</p>

<b>Standing Orders with proposed amendments</b> (struck out = deleted text; underlined = new text)	<b>Commentary</b>
<p style="text-align: center;"><b>SECTION J</b></p> <p style="text-align: center;"><b>Suspension of a provision of the Standing Orders</b></p> <p style="text-align: center;">Article 76</p> <p>Subject to the provisions of the Constitution, the Conference, on the unanimous recommendation of the President and three Vice-Presidents, may exceptionally decide to suspend any provision of the Standing Orders, for the purpose of dealing with a specific non-controversial question before it when this will contribute to the orderly and expeditious functioning of the Conference. <del>A decision may not be taken until the sitting following that at which a proposal to suspend the Standing Orders has been submitted to the Conference.</del></p>	<p>which the Secretary-General of the Conference or his/her representative would be a member ex officio.</p> <p>Proposal discussed at the 319th and 320th Sessions of the Governing Body, slightly modified (see GB.319/LILS/1(Rev.1), paragraphs 4–5, GB.319/PV, paragraphs 510–520; GB.320/LILS/1 and GB.320/PV, paragraphs 550–559. A majority of Governing Body members seemed in favour of this proposal. The proposal has been simplified, taking into account the suggestion of the Employers’ group, it being understood that the Conference could always defer its decision to allow time for consultations if requested.</p>