
Appendix V

Communication sent to Governing Body members on 4 June 2020 concerning draft decisions on various items on the agenda of the 338th Session and arising from the deferral of the 109th Session of the International Labour Conference

Dear members of the Governing Body,

Since the Governing Body decided by correspondence on 3 April 2020 to defer the 109th Session of the Conference to June 2021 and to cancel its 338bis and 339th Sessions (initially scheduled in May and June 2020), the tripartite Screening Group has held five meetings on 27 March, 8, 15 and 25 May and 3 June 2020 to ensure that decisions required for the proper functioning of ILO governing and supervisory bodies can continue to be made despite the limitations imposed by the pandemic. The documents considered by the Screening Group and the minutes of its meetings are posted on the [web page](#) of the 338th Session of the Governing Body once they are approved by the Screening Group.

The tripartite Screening Group is still reviewing options for the agenda of the Governing Body in October-November 2020 and of the Conference for its June 2021 Session in the light of developments of the COVID-19 pandemic and its effects on the world of work and the functioning of the Organization. The Screening Group will make proposals in this regard in the coming weeks.

The Screening Group considers, however, that a number of decisions should be made without delay, in particular regarding adjustments to the supervisory system cycle and to the corresponding reporting obligation of Member States.

Paragraphs 46 and 47 of the Introductory Note to the Standing Orders of the Governing Body describe how decisions are normally made by the Governing Body:

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. 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 order for this consultation by correspondence to reproduce as far as possible the decision making process by consensus applied in physical meetings of the Governing Body, the Screening Group requested a slight modification in the manner in which the views of Governing Body members are sought by correspondence. Accordingly, all Governing Body members will be invited to express in respect of each proposed draft decision whether they (a) agree with the proposal, (b) do not agree with the proposal but without seeking to block consensus or (c) do not agree with the proposal and block consensus. Only regular members of the Governing Body will also be invited to indicate whether they agree, disagree or abstain with respect to each proposal in order to enable votes to be counted in the event consensus is not reached.

In both processes (consensus among Governing Body members, and majority vote of regular members), the absence of a response to one or more of the draft decisions will be considered support for the decision, i.e. the equivalent of remaining silent during a discussion in the Governing Body room. In both processes, members may submit an explanation of their response when they wish that such explanation appear on record.

The Chairperson of the Governing Body will assess in respect of each draft decision whether consensus exists on the basis of there not being any response blocking consensus. Only in the absence of consensus will the votes of regular members be counted so as to determine if there is a simple majority in support of the draft decision, and subsequently published

You are therefore kindly invited to reply to this message by indicating your response with respect to each of the following draft decisions recommended by the Screening Group. **To be considered, responses must be received by 18h00 (Geneva time) on Wednesday 10 June 2020.**

Yours sincerely,

The Secretariat of the Governing Body

1. Draft decisions concerning Member States reporting obligations and the work of the CEACR and the CAS as a result of the deferral of the 109th Session of the International Labour Conference to 2021

In light of the deferral of 109th Session of the Conference to June 2021, the Governing Body decided by correspondence:

- a) ***to invite Member States to provide between 15 September and 1 October 2020, should they so wish, supplementary information on the article 19 report submitted in 2019 on employment related instruments (Employment Policy Convention, 1964 (No. 122), the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), the Home Work Convention, 1996 (No. 177), the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168), the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), the Home Work Recommendation, 1996 (No. 184), the Employment Relationship Recommendation, 2006 (No. 198) and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), highlighting relevant developments related to the position of national law and practice in regard to the provisions in the instruments under review that might have occurred since their submission ;***

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

- b) *to request Member States to provide between 15 September and 1 October 2020, in the format of their choosing, supplementary information on the article 22 reports submitted based on the 2019 reporting cycle, highlighting relevant developments, if any, related to the application of the provisions of Conventions under review that might have occurred since their submission;*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

- c) *to invite the Committee of Experts on Conventions and Recommendations to review the supplementary information provided by Member States with respect to developments that occurred in 2020 and to up-date their reports accordingly;*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

- d) *to invite the Committee on the Application of Standards to examine in 2021 both the General Survey entitled “Promoting employment and decent work in a changing landscape” and the 2020 General Report and observations concerning particular countries, as updated by the Committee of Experts on the Application of Convention and Recommendation at its 91st session in December 2020;*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

e) *to defer by one year the subsequent article 22 reporting cycles;*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

f) *to defer by one year the article 19 reports requested and to invite Member States, should they so wish, to provide by 28 February 2021 supplementary information on the article 19 report submitted in 2020 on the Nursing Personnel Convention, 1977 (No. 149), the Domestic Workers Convention, 2011 (No. 189), the Nursing Personnel Recommendation, 1977 (No. 157), and the Domestic Workers Recommendation, 2011 (No. 201) so as to capture recent developments that may have had an impact in Member States ; for those countries not yet having submitted the report, the deadline is extended until 28 February 2021, and*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

g) *to extend until 31 March 2021 the deadline for submitting replies or supplementary information to the questionnaire for the first discussion of the standard setting item on a framework for quality apprenticeships so as to capture recent developments that might have had an impact on the law and practice in Member States .*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

2. Draft decision concerning the composition of the Committee of Experts on the Application of Conventions and Recommendations ([GB.338/INS/16/1](#))

The Governing Body, on the recommendation of its Officers, decided by correspondence to appoint Justice Sandile Ngcobo (South Africa) as a member of the Committee of Experts on the Application of Conventions and Recommendations for a period of three years, in order to fill the current vacancy.

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

3. Draft decision concerning the membership of the subsidiary bodies of the Governing Body and the Board of the International Training Centre of the ILO in Turin pending Governing Body elections

The Governing Body decided by correspondence to maintain the composition of its Committee on Freedom of Association, the Standards Review Mechanism Tripartite Working Group, the ad hoc tripartite committees appointed under article 24 of the Constitution, as well as the Board of the International Training Centre of the ILO in Turin until the Conference can hold Governing Body elections in June 2021.

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

4. Draft decision concerning sectoral meetings to be held in 2020 and 2021(GB.338/POL/3 (Rev.1))

The Governing Body decided by correspondence:

- (a) *to appoint, for each of the technical meetings listed in paragraph 7 of document GB.338/POL/3(Rev.1), one of its members as Chairperson on a rotating basis between the three groups or, in the absence of a candidate one month prior to the meeting, to request the Office to select as Chairperson an independent person with expertise on the matters covered by the agenda and to notify the meeting accordingly; and*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

- (b) *to endorse the proposals contained in Appendix I to document GB.338/POL/3 (Rev.1), relating to the dates, duration, official title, purpose and composition of the meetings listed therein.*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

5. Draft decision concerning the preparations of the V Global Conference on Child Labour (GB.338/POL/4)

The Governing Body decided by correspondence to request the Office:

- (a) *to undertake close engagement with constituents ahead of the V Global Conference on Child Labour, including identifying a suitable host country and working closely with that country, in order to facilitate timely progress;*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

(b) *to convene tripartite consultations before the 340th Session (October–November 2020) of the Governing Body; and*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain

(c) *to inform the Governing Body at its 340th Session (October–November 2020) of any relevant development and to take into account its guidance in the preparation of the V Global Conference.*

All GB members should indicate one of the following, and if they so desire, submit an explanation of response for the record:

Agree Do not agree but without blocking consensus Do not agree and block consensus

Regular GB members should also indicate their vote, to be counted in the event there is no consensus, and if they so desire, submit an explanation of vote for the record:

Agree Do not agree Abstain