



Standing Orders questions

Amendments to the Standing Orders of the International Labour Conference

1. Following discussions in November 2008 (303rd Session),¹ March 2009 (304th Session)² and November 2009 (306th Session),³ the Governing Body recommended several amendments to the Standing Orders of the International Labour Conference in order to take action in relation to an act or omission on the part of a government that has prevented a delegate or adviser from attending the Conference. The text of the proposed amendments is contained in the appendix to this document and, if adopted, would become an integral part of the Conference Standing Orders.
2. In summary, the Governing Body recommends introducing in the Standing Orders a new type of complaint under article 26ter of the Standing Orders. While the non-attendance of already accredited delegates or advisers may often be a result of their freely taken decisions, it may sometimes be due to an act or omission of the government concerned. Article 4, paragraph 2, of the Constitution, which deprives a non-Government delegate in incomplete delegations of the right to vote, addresses the failure of the Government concerned to nominate the other non-Government delegate but does not deal with the situation in which a delegate already accredited is prevented from attending the Conference. Thus, to the extent that those delegates are accredited, there is currently no automatic remedial action for their non-attendance caused by government act or omission. Such obstacles to attendance may lie not only in a legal or administrative decision but also in practical impediments, such as withdrawal of a delegate's or adviser's passport.
3. The proposed amendments are intended to create an efficient and impartial procedure to address the problem quickly as it affects the tripartite character, and consequently the proper functioning, of the Conference. The proposed new type of complaint would maintain the essential role of the Credentials Committee in addressing the problem at an early stage. It would also introduce a role for the Officers of the Conference. The action the Officers could take would be limited by the very nature of their functions and, in particular, could not have any self-executing effect in a member State. At this stage, one could envisage that the Officers would use their good offices to find a solution with the

¹ GB.303/12, para. 15, and GB.303/LILS/1(Rev.).

² GB.304/PV, para. 208, and GB.304/9/1, para. 38.

³ GB.306/10/1(Rev.), para. 19, and GB.306/LILS/2.

government concerned. They would certainly establish contact with the government, either by letter or meeting, and might suggest solutions to the problem.

4. The main aim of this new type of complaint is not to blame any government for any act or omission but to examine, together with the government concerned, whether the obstacles to the attendance of an accredited delegate or adviser could be removed during the Conference. No solution could be found without collaboration with the government concerned. The objective remains the achievement of full tripartite representation of all member States at the Conference, as required by article 3, paragraphs 1 and 2, of the Constitution.
5. In the context of recommending the above amendments, the Governing Body used the occasion to propose some editorial changes to the Standing Orders, such as to the receivability requirements expressed in the negative in article 26ter, 2(a) and (b), which are now formulated in the positive in article 26ter, 3(a) and (b). The substance of the existing text is not altered with such changes. These proposed amendments are also contained in the appendix.
6. *In light of the proposal of the Governing Body, the Standing Orders Committee may wish to recommend to the Conference that it adopt the amendments to the text of articles 5 and 26ter of the Standing Orders of the Conference as shown in the appendix to this document.*

Appendix

Proposed amendments to the Standing Orders of the International Labour Conference

ARTICLE 5

Credentials Committee

1. The Conference shall appoint a Credentials Committee consisting of one Government delegate, one Employers' delegate and one Workers' delegate.

2. The Credentials Committee shall examine, in accordance with the provisions of section B of Part II:

- (a) the credentials as well as any objection relating to the credentials of delegates and their advisers or to the failure to deposit credentials of an Employers' or Workers' delegate;
- (b) any complaint of non-observance of paragraph 2(a) of article 13 of the Constitution;
- (c) any complaint regarding an act or omission of a government by which an accredited delegate or adviser has been prevented from attendance at the Conference in line with article 3, paragraphs 1 and 2, of the Constitution;
- (d) the monitoring of any situation with regard to the observance of the provisions of article 3 or article 13, paragraph 2(a), of the Constitution about which the Conference has requested a report.

ARTICLE 26TER

Complaints

1. The Credentials Committee may consider complaints that a Member has failed to comply with paragraph 2(a) of article 13 of the Constitution where:

- (a) the Member is alleged to have failed to pay the travelling and subsistence expenses of one or more of the delegates that it has nominated in accordance with article 3, paragraph 1, of the Constitution; or
- (b) the complaint alleges a serious and manifest imbalance as between the number of Employer or Worker advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates.

2. The Credentials Committee may also consider complaints alleging that an accredited delegate or adviser has been prevented from attending the session of the Conference due to an act or omission of a government.

~~23. A complaint referred to in paragraph 1 shall not be receivable if in the following cases:~~

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- (a) ~~if the complaint it is not~~ lodged with the Secretary-General of the Conference before 10 a.m. on the seventh 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 insufficient time to deal with it properly; or and
- (b) ~~if the complaint it is not~~ lodged by an accredited delegate or adviser alleging the non-payment of travel and subsistence expenses in the circumstances set out under (a) or (b) of paragraph 1, or alleging the act or omission of a government as referred to in paragraph 2, or it is lodged by an organization or person acting on his or her behalf of such delegate or adviser.

34. The Credentials Committee shall, in its report, present to the Conference any conclusions that it has unanimously reached on each complaint considered by it.

5. In the case of a complaint referred to in paragraph 2, if the Credentials Committee has been unable to resolve the matter, the Committee may refer the matter to the Officers of the Conference. The Officers of the Conference, soliciting the collaboration of the government concerned, may take any action they deem necessary and appropriate with a view to facilitating the attendance at the Conference of the delegate or adviser concerned. The Officers will inform the Credentials Committee of the outcome of any such action.

46. When, in the light of the examination of a complaint, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.