



Governing Body

338th Session, Geneva, 12–26 March 2020

GB.338/LILS/1

Legal Issues and International Labour Standards Section
Legal Issues Segment

LILS

Date: 27 February 2020

Original: English

FIRST ITEM ON THE AGENDA

Comprehensive review of the Standing Orders of the Conference: Progress report

Purpose of the document

This document presents a progress report on the latest consultations held on the comprehensive review of the Standing Orders of the International Labour Conference. The Governing Body is invited to take note of the report and to decide on arrangements for further technical consultations for the submission of a consolidated text of proposed amendments to the 340th Session (October–November 2020) of the Governing Body (see the draft decision in paragraph 9).

Relevant strategic objective: All.

Main relevant outcome: Enabling outcome B: Effective and efficient governance of the Organization.

Policy implications: None at this stage.

Legal implications: None at this stage.

Financial implications: None at this stage.

Follow-up action required: Organization of tripartite consultations.

Author unit: Office of the Legal Adviser (JUR).

Related documents: GB.335/LILS/PV, paras 17–22; GB.335/LILS/2(Rev.); GB.334/INS/12(Rev.); GB.334/WP/GBC/2; GB.332/INS/12; GB.332/WP/GBC/3; GB.331/INS/17; GB.331/PV.

1. At its 331st Session (October–November 2017), the Governing Body examined a document which identified areas for improvements for the purpose of the comprehensive review of the Standing Orders of the Conference. The document proposed a four-strand approach to the review: deletion of obsolete provisions; codification of current practices; simplification of processes and rationalization of the overall structure of the Standing Orders. The document also proposed practical modalities for moving forward, which involved the creation of a small ad hoc tripartite group to undertake the detailed examination of the proposed amendments.
2. While the three groups endorsed the four-strand approach, the Governing Body requested the Director-General to undertake intersessional email and Geneva-based consultations to review proposed amendments to the Standing Orders of the Conference and drafting of any additional amendments as may be necessary. At that time, it was expected that a comprehensive package of amendments could be submitted to the Governing Body for approval at its March 2019 session.¹ As the consultations took more time than expected, the Office suggested that a consolidated text could only be ready for the Governing Body's consideration at its 338th Session (March 2020), it being understood that sufficient time had to be allowed for prior consultations.²
3. The intersessional consultations, which were carried out between December 2017 and September 2019, aimed at soliciting the views of the tripartite constituents on the proposed amendments to the Standing Orders of the Conference in an open, transparent, informed and effective manner, in order to facilitate the decision-making process in the Governing Body. It was clarified that no amendment would be decided until such time as the Governing Body takes a decision on the comprehensive set of amendments.
4. The consultations have involved the circulation of four consultation forms to the Government group of the Governing Body (Chairperson and Regional Coordinators) and the secretariats of the Employers' and Workers' groups, requesting their views on proposed amendments to certain provisions, as well as a round of tripartite Geneva-based consultations, in October 2018. The Governing Body examined progress reports on the intersessional consultations at its 332nd (March 2018), 334th (October–November 2018) and 335th (March 2019) Sessions.³ Throughout the discussions, members of the Governing Body reiterated their support for the in-depth review of the Standing Orders of the Conference and encouraged the Office to pursue intersessional consultations in a transparent and timely manner.
5. The written consultations carried out through the four consultation forms are summarized in the following table:

Consultation form	No. 1	No. 2	No. 3	No. 4
Date of circulation	12 December 2017	25 June 2018	15 January 2019	22 August 2019
Subject of proposed amendments	Obsolete provisions in different parts of the Standing Orders, to be deleted or revised so	Provisions of Part I of the Standing Orders (general provisions) and Part II, section A (procedure in the	Provisions of Part II, section H (Conference Committees).	Provisions of Part II, sections B (verification of credentials), D (disqualification from voting of Members in

¹ [GB.331/INS/17](#) and [GB.331/PV](#), para. 480.

² [GB.335/PV](#), para. 778.

³ [GB.332/WP/GBC/3](#) and [GB.332/INS/12](#); [GB.334/WP/GBC/2](#) and [GB.334/INS/12\(Rev.\)](#), paras 26–30; and [GB.335/LILS/2\(Rev.\)](#).

Consultation form	No. 1	No. 2	No. 3	No. 4
	that they reflect current practice.	plenary of the Conference).		arrears in the payment of contributions), E (Convention and Recommendation procedure) and G (Governing Body elections).
Replies received	Employers' group Workers' group IMEC Algeria Dominican Republic Guatemala Mauritius Namibia Paraguay Poland Sweden Zimbabwe	Employers' group Workers' group IMEC Bosnia and Herzegovina China Finland	Employers' group Workers' group IMEC Algeria Chile Mexico	Workers' group IMEC Chile Cuba Mexico

6. A first draft consolidated text of the proposed amendments presented in the four consultation forms was communicated to the Government group on 23 January 2020, accompanied by a summary of the views expressed by respondents and a way forward proposed by the Office. It also contained proposed amendments that were not included in the consultation forms because they had either already been implemented at several Conference sessions through the suspension of Standing Orders (such as changes to deadlines for objections and complaints to the Credentials Committee – articles 26bis and 26ter) or because the reform proposal they would implement was made after circulation of the relevant consultation form (determination of the provisional quorum and brief report on credentials – articles 20(1)(2) and 26(2)). Consultations with the Government group were held on 26 January and 21 February 2020. The draft consolidated text was also communicated to the secretaries of the Employers' and Workers' groups with whom separate discussions were held.
7. These consultations were useful in that they provided the opportunity to communicate for the first time a consolidated text of the proposed amendments and to focus on critical amendments seeking to respond to the objectives of the comprehensive review. The Office was thus able to make further progress in the review and to clarify some questions brought to its attention by the Government group, as well as by the secretaries of the Employers' and Workers' groups (for instance, the mandate and composition of the Conference Drafting Committee, the transfer of the steering functions of the Conference to its Officers, the renaming of the Selection Committee to General Affairs Committee, the definition of consensus as the principal decision-making method). At the same time, it was generally considered that more time was needed and that adequate arrangements should be made to organize detailed technical consultations with a view to submitting a finalized text of proposed amendments to the Governing Body at its 340th Session (October–November 2020) and ultimately to the Conference at its 110th Session (2021).
8. It is therefore suggested that at least two rounds of detailed technical consultations should be organized, preferably in early May and late June, which would permit to hold a third round of consultations in early September, if needed, to discuss and agree on the final set of amendments which would be submitted to the Governing Body for approval at its 340th Session (October–November 2020).

Draft decision

9. *The Governing Body took note of the progress report on the consultations concerning the comprehensive review of the Standing Orders of the Conference, and requested the Office to organize at least two rounds of tripartite consultations by the end of June 2020 and to prepare a draft consolidated text of amendments for its consideration at the 340th Session (October–November 2020).*