



SECOND ITEM ON THE AGENDA

Standing Orders of the Conference

**Proposals regarding representation
of Employers' and Workers' delegates
at the International Labour Conference**

1. During the 303rd Session of the Governing Body, the Committee examined a document¹ presenting the issue of an increasing discrepancy between the number of accredited delegates and those who actually register at the International Labour Conference and the extent to which this discrepancy may have an impact on the proper functioning of the Conference. Following the discussion in the Committee, the Governing Body requested the Office to prepare a document reflecting specific proposals regarding possible amendments to the Standing Orders of the Conference.²

**Introduction of a new type of submission
and draft amendment to the Standing Orders**

2. The Office considers that a new type of submission to the Credentials Committee can be introduced to enable the review by the Committee of cases in which delegates and advisers who had been accredited by their government but prevented from coming to the Conference, allegedly due to an action or omission of that government.
3. To introduce this new type of submission, the Standing Orders of the Conference need to be modified. The Office considers that neither objections nor complaints adequately reflect the nature of this new type of submission. On the one hand, although the attendance of delegates and advisers can be examined in the light of a general duty of member States to ensure the presence of four delegates as set out in article 3, paragraph 1, of the Constitution, objections only deal with the way delegates and advisers are selected and accredited by governments. Complaints, on the other hand, deal with problems of already accredited delegates and advisers, but in the context of allegations that a Member has failed to comply with article 13, paragraph 2(a), of the Constitution, which concerns

¹ GB.303/LILS/1(Rev.).

² GB.303/12, para. 15(c).

payment of expenses. Therefore, it seems appropriate to introduce a new type of submission that could be called “petition”, as the delegate or adviser already accredited requests the Conference to eliminate legal or practical obstacles created by the government to prevent him or her from attending the Conference.

4. Once the petition is lodged, the Credentials Committee could first examine whether the case presented falls within already existing categories of submissions (objections or complaints) and, if so, consider the case in light of the existing procedure. If the Committee considers that there is reasonable doubt that it is the government who prevented the delegate or adviser from attending the Conference, the Committee may offer the government the possibility of commenting on the allegation.
5. Should the Committee not be satisfied with the comment of the government or if the government fails to respond to the request of the Committee, it could forward the matter to the Officers of the Conference. The Officers could either contact the government in writing or organize a meeting. They should then reach a conclusion on each case. Following their intervention, the Officers would report to the Conference plenary. The report could be examined either urgently, if the Officers so request, or in parallel to the presentation of the reports of the Credentials Committee. The Officers could propose that the Credentials Committee further monitor the matter in procedures similar to those already existing for objections and complaints.
6. To achieve this, Standing Orders of the Conference would need to be modified as follows:
 - (i) In article 5, paragraph 2, a new subparagraph (c) would be added and current paragraph (c) would become (d):
 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 petition regarding an act or omission of a Government by which an accredited delegate or adviser has been prevented from attending the Conference;
 - (~~e~~) (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.
 - (ii) A new article would need to be inserted after article 26ter:

ARTICLE 26QUATERPetition

1. A petition alleging that a duly accredited delegate or adviser was prevented from attending the session of the Conference due to an act or omission of a government shall not be receivable in the following cases:

- (a) if the petition is not lodged with the Secretary-General within 72 hours from 10 a.m. of the first day of the Conference, date of publication in the *Provisional Record*, of the provisional list of delegations. If the petition is based on a revised list, the time limit shall be reduced to 48 hours;
- (b) if the petition does not contain an explanation of the alleged obstacles created by the Government;
- (c) if the petition is not signed.

2. The procedure for the determination of whether the petition is receivable shall be as follows:

- (a) the Credentials Committee shall consider in respect of each petition whether on any of the grounds set forth in paragraph 1 the petition is irreceivable;
- (b) if the Credentials Committee reaches a unanimous conclusion concerning the receivability of the petition, its decision shall be final;
- (c) if the Credentials Committee does not reach a unanimous conclusion concerning the receivability of the petition, it shall refer the matter to the Officers of the Conference who shall, on being furnished with a record of the Committee's discussions and with a report setting forth the opinion of the majority and minority of its members, decide without further discussion whether the petition is receivable.

3. The Credentials Committee shall consider whether for a petition deemed to be receivable there is reasonable doubt that it is the government that prevented the delegate or adviser from attending and shall as a matter of urgency contact the government concerned.

4. Should the matter be resolved with the government, the Credentials Committee will record the outcome in its report to the Conference. Should the contacts with the Government not result in a solution satisfactory to the Credentials Committee, it shall refer the matter to the Officers of the Conference.

5. The Officers of the Conference may take any action they deem necessary with a view to permitting the delegate and adviser to attend the Conference.

6. The Officers shall submit a report to the Conference on any petitions received and their outcome. They may also propose to the Conference specific measures, including monitoring. The report shall be examined either urgently, if the Officers so request, or at the time of presentation of a Credentials Committee report.

7. The Conference shall decide without discussion on the proposal of its Officers or of the Credentials Committee.

(iii) article26quater would be renumbered as article 26quinquies.

Practical measures to monitor payment of expenses

7. During the debate in the Committee, an idea was presented about the possible use of technology to obtain immediate information on whether governments have paid the travel and subsistence expenses of the Employers' and Workers' delegates and advisers. While the Office is not in a position to offer an adequate technical solution at this stage, it may be suggested to make available a simple form to be filled in by delegates and advisers that could subsequently be used by the Conference groups in their meetings before or during the Conference. A draft form can be found in the appendix to this document.
8. *The Committee may wish to recommend to the Governing Body that it invite the Conference, to adopt at its 98th Session (June 2009) the amendments proposed in paragraph 6 above.*

Geneva, 26 January 2009.

Point for decision: Paragraph 8.

Appendix

Name:
Delegation of : [member State]
Function within the delegation: Delegate <input type="checkbox"/> Adviser <input type="checkbox"/>
Have your travel expenses been covered by the government? YES – IN FULL <input type="checkbox"/> NO <input type="checkbox"/> IN PART. Please explain:
Have your subsistence expenses been covered by the government for the whole duration of the Conference? YES – IN FULL <input type="checkbox"/> NO <input type="checkbox"/> IN PART. Please explain:
Please provide any further explanation on the above: