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## **Annex I**

### **Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organisation**

#### ***Introductory note***

1. The Standing Orders concerning the procedure for the examination of representations were adopted by the Governing Body at its 57th Session (1932) and amended on some points of form at its 82nd Session (1938). They were revised by the Governing Body at its 212th Session (February–March 1980).

2. In adopting further amendments at its 291st Session (November 2004), the Governing Body decided to precede the Standing Orders with this introductory note, which summarizes the various stages of the procedure while indicating the options open to the Governing Body at the various stages of the procedure in accordance with the Standing Orders and with the guidance that emerges from the preparatory work of the Standing Orders and the decisions and practice of the Governing Body.

3. The Standing Orders comprise six titles, the first five of which correspond to the main stages of the procedure, namely: (i) receipt by the Director-General; (ii) examination of receivability of the representation; (iii) decision on referral to a committee; (iv) examination of the representation by the committee; and (v) examination by the Governing Body. The sixth title of the Standing Orders concerns the application of the procedure in the specific instance of a representation against a non-member State of the Organization.

#### ***General provision***

4. Article 1 of the Standing Orders concerns the receipt of representations by the Director-General of the ILO, who informs the Government against which the representation is made.

#### ***Receivability of the representation***

5. Examining receivability means determining whether the prior conditions that have to be satisfied before the Governing Body can proceed to examine the merits of the representation and formulate recommendations have been met.

6. The examination of receivability is, in the first instance, entrusted to the Officers of the Governing Body, to whom the Director-General transmits all the representations that are received. The Officers of the Governing Body make a proposal with respect to receivability, which is communicated to the Governing Body; the Governing Body then decides whether it deems the representation receivable. Although the Standing Orders specify that the Governing Body must not, at this stage, enter into a discussion of the merits of the representation, the conclusions of its Officers regarding receivability may be the subject of discussions.

7. Pursuant to article 7, paragraph 1, of the Standing Orders, the Office invites the Government concerned to send a representative to take part in these deliberations if that Government is not a member of the Governing Body.

8. The conditions of receivability for representations are set out in article 2, paragraph 2, of the Standing Orders. Four of the conditions simply relate to the form of submission (paragraph 2(a), (c), (d) and (e)), while the remaining two conditions may require examination of the representation in greater depth: these relate to the industrial character of the association that is making the representation, on the one hand (paragraph 2(b)), and, on the other hand, the indication of in what respect the State concerned is alleged to have failed to secure the effective observance of the Convention to which the representation relates (paragraph 2(f)).

The representation must emanate from an industrial association of employers or workers (article 2, paragraph 2(b), of the Standing Orders)

9. The following principles may guide the Governing Body in its application of this provision:

- The right to make a representation to the International Labour Office is granted without restriction to any industrial association of employers or workers. No conditions are laid down in the Constitution as regards the size or nationality of that association. The representation may be made by any industrial association whatever may be the number of its members or in whatever country it may be established. The industrial association may be an entirely local organization or a national or international organization.<sup>1</sup>
- The widest possible discretion should be left to the Governing Body in determining the actual character of the industrial association of employers or workers which makes the representation. The criteria to be applied in this connection by the Governing Body should be those which have up to the present guided the general policy of the Organization and not those laid down by the national legislation of States.<sup>2</sup>
- The Governing Body has the duty of examining objectively whether, in fact, the association making the representation is “an industrial association of employers or workers”, within the meaning of the Constitution and the Standing Orders. It is the duty of the Governing Body to determine in each case, independently of the terminology employed and of the name that may have been imposed upon the association by circumstances or selected by it, whether the association from which the representation emanates is in fact an “industrial association of employers or workers” in the natural meaning of the words. In particular, when considering whether a body is an industrial association, the Governing Body cannot be bound by any national definition of the term “industrial association”.<sup>3</sup>

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<sup>1</sup> See *Proposed Standing Orders concerning the application of articles 409, 410, 411, §§4 and 5, of the Treaty of Peace*, explanatory note of the International Labour Office submitted to the Standing Orders Committee of the Governing Body at its 56th Session (1932).

<sup>2</sup> See *Proposed Standing Orders concerning the application of articles 409, 410, 411, §§4 and 5, of the Treaty of Peace*, op. cit.

<sup>3</sup> See representation submitted by Dr J.M. Curé on behalf of the Labour Party of the Island of Mauritius concerning the application of certain international labour Conventions in the Island, Report of the Committee of the Governing Body (adopted by the Governing Body at its 79th Session), ILO, *Official Bulletin*, Vol. XXII (1937), pp. 71–72, paras 6–7.

10. Moreover, the Governing Body might apply *mutatis mutandis* the principles developed by the Committee on Freedom of Association on receivability as regards a complainant organization that is alleging violations of freedom of association. Those principles are formulated as follows:

At its first meeting in January 1952 (First Report, General observations, paragraph 28), the Committee adopted the principle that it has full freedom to decide whether an organization may be deemed to be an employers' or workers' organization within the meaning of the ILO Constitution, and it does not consider itself bound by any national definition of the term.

The Committee has not regarded any complaint as being irreceivable simply because the Government in question had dissolved, or proposed to dissolve the organization on behalf of which the complaint was made, or because the person or persons making the complaint had taken refuge abroad.

The fact that a trade union has not deposited its by-laws, as may be required by national laws, is not sufficient to make its complaint irreceivable since the principles of freedom of association provide precisely that the workers shall be able, without previous authorization, to establish organizations of their own choosing.

The fact that an organization has not been officially recognized does not justify the rejection of allegations when it is clear from the complaints that this organization has at least a *de facto* existence.

In cases in which the Committee is called upon to examine complaints presented by an organization concerning which no precise information is available, the Director General is authorized to request the organization to furnish information on the size of its membership, its statutes, its national or international affiliations and, in general, any other information calculated, in any examination of the receivability of the complaint, to lead to a better appreciation of the precise nature of the complainant organization.

The Committee will only take cognizance of complaints presented by persons who, through fear of reprisals, request that their names or the origin of the complaints should not be disclosed, if the Director-General, after examining the complaint in question, informs the Committee that it contains allegations of some degree of gravity which have not previously been examined by the Committee. The Committee can then decide what action, if any, should be taken with regard to such complaints.<sup>4</sup>

The representation must indicate in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Convention (article 2, paragraph 2(f), of the Standing Orders)

11. In examining this condition of receivability, particular importance is attached to article 2, paragraph 4, of the Standing Orders, which provides that in reaching a decision concerning receivability on the basis of the report of its Officers, the Governing Body shall not enter into a discussion of the substance of the representation. It is important, however, that the representation be sufficiently precise for the Officers of the Governing Body to be able to legitimately substantiate their proposal to the Governing Body.

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<sup>4</sup> See paras 35–40 of the Procedures of the Fact-Finding and Conciliation Commission and the Committee on Freedom of Association for the examination of complaints alleging violations of freedom of association (*Digest of decisions and principles of the Freedom of Association Committee*, fourth edition, 1996, Annex I).

## **Reference to a committee**

12. If the Governing Body deems, on the basis of the report of its Officers, that a representation is receivable, it shall usually set up a tripartite committee to examine the representation (article 3, paragraph 1). However, depending on the content of the representation, the Governing Body has, under certain conditions, other options:

- (a) if the representation relates to a Convention dealing with trade union rights, the Governing Body may decide to refer it to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution (article 3, paragraph 2);
- (b) if the representation relates to matters and allegations similar to those which have been the subject of a previous representation, the Governing Body may decide to postpone the appointment of the committee to examine the new representation until the Committee of Experts on the Application of Conventions and Recommendations has been able, at its next session, to examine the follow-up to the recommendations that were adopted by the Governing Body in relation to the previous representation (article 3, paragraph 3).

13. It is the practice for the report of the Officers of the Governing Body concerning the receivability of the representation to also include a recommendation concerning reference to a committee. It is for the Governing Body to appoint the members who make up the tripartite committee, taking into account the conditions established in article 3, paragraph 1.

## **Examination of the representation by the committee**

14. Under article 6, the tripartite committee charged with examining a representation must present its conclusions on the issues raised in the representation and formulate its recommendations as to the decisions to be taken by the Governing Body. The committee examines the merits of the allegation made by the author of the representation, that the Member concerned has failed to secure effective observance of the Convention or Conventions ratified by the Member and indicated in the representation.

15. The powers of the tripartite committee during its examination of the representation are laid down in article 4. Article 5 concerns the rights of the Government concerned if the committee invites it to make a statement on the subject of the representation.

16. Moreover, the committee may apply, *mutatis mutandis*, two principles developed by the Committee on Freedom of Association:

- (a) In establishing the matters on which the representation is based, the committee may consider that, while no formal period of prescription has been fixed for the examination of representations, it may be very difficult – if not impossible – for a Government to reply in detail regarding matters which occurred a long time ago.<sup>5</sup>
- (b) In formulating its recommendations as to the decision to be taken by the Governing Body, the committee may take into account the interest that the association making the representation has in taking action with regard to the situation motivating the representation. Such interest exists if the representation emanates from a national association directly interested in the matter, from international workers' or

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<sup>5</sup> See *Digest of decisions and principles of the Freedom of Association Committee*, op. cit., para. 67.

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employers' associations having consultative status with the ILO, or from other international workers' or employers' associations when the representation concerns matters directly affecting their affiliated organizations.<sup>6</sup>

### ***Consideration of the representation by the Governing Body***

17. On the basis of the report of the tripartite committee, the Governing Body considers the issues of substance raised by the representation and what follow-up to undertake. Article 7 determines the modalities for the participation of the Government concerned in the deliberations.

18. The Standing Orders recall and determine two options provided for in the Constitution that are open to the Governing Body if it decides that a representation is substantiated, it being understood that the Governing Body remains free to take or not to take these measures:

- (a) Under the conditions laid down in article 25 of the Constitution, the Governing Body may publish the representation received and, if applicable, the statement made by the Government concerned; in the event that it so decides, the Governing Body also decides the form and date of publication.
- (b) The Governing Body may, at any time, in accordance with article 26, paragraph 4, of the Constitution, adopt, against the Government concerned and with regard to the Convention the effective observance of which is contested, the procedure of complaint provided for in article 26 and the following articles (article 10 of the Standing Orders).

19. Furthermore, the Governing Body may decide to refer issues concerning any follow-up to the recommendations adopted by the Governing Body to be undertaken by the Government concerned to the Committee of Experts on the Application of Conventions and Recommendations. That Committee shall examine the measures taken by the Government to give effect to the provisions of the Conventions to which it is a party and with respect to which recommendations had been adopted by the Governing Body.

### ***Representations against non-Members***

20. Article 11 of the Standing Orders stipulates that a representation against a State which is no longer a Member of the Organization may also be examined in accordance with the Standing Orders, in virtue of article 1, paragraph 5, of the Constitution, which provides that the withdrawal of a Member of the Organization shall not affect the continued validity of obligations arising under or relating to Conventions that it had ratified.

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<sup>6</sup> *ibid.*, para. 34.

## Standing Orders

Adopted by the Governing Body at its 57th Session (8 April 1932), modified at its 82nd Session (5 February 1938), 212th Session (7 March 1980), and 291st Session (18 November 2004).

### GENERAL PROVISION

#### *Article 1*

When a representation is made to the International Labour Office under article 24 of the Constitution of the Organization, the Director-General shall acknowledge its receipt and inform the Government against which the representation is made.

### RECEIVABILITY OF THE REPRESENTATION

#### *Article 2*

1. The Director-General shall immediately bring the representation before the Officers of the Governing Body.

2. The receivability of a representation is subject to the following conditions:

- (a) it must be communicated to the International Labour Office in writing;
- (b) it must emanate from an industrial association of employers or workers;
- (c) it must make specific reference to article 24 of the Constitution of the Organization;
- (d) it must concern a Member of the Organization;
- (e) it must refer to a Convention to which the Member against which it is made is a party; and
- (f) it must indicate in what respect it is alleged that the Member against which it is made has failed to secure the effective observance within its jurisdiction of the said Convention.

3. The Officers shall report to the Governing Body on the receivability of the representation.

4. In reaching a decision concerning receivability on the basis of the report of its Officers, the Governing Body shall not enter into a discussion of the substance of the representation.

### REFERENCE TO A COMMITTEE

#### *Article 3*

1. If the Governing Body decides, on the basis of the report of its Officers, that a representation is receivable, it shall set up a committee for the examination thereof, composed of members of the Governing Body chosen in equal numbers from the

Government, Employers' and Workers' groups. No representative or national of the State against which the representation has been made and no person occupying an official position in the association of employers or workers which has made the representation may be a member of this committee.

2. Notwithstanding the provisions of paragraph 1 of this article, if a representation which the Governing Body decides is receivable relates to a Convention dealing with trade union rights, it may be referred to the Committee on Freedom of Association for examination in accordance with articles 24 and 25 of the Constitution.

3. Notwithstanding the provisions of paragraph 1 of this article, if a representation which the Governing Body decides is receivable relates to facts and allegations similar to those which have been the subject of an earlier representation, the appointment of the committee charged with examining the new representation may be postponed pending the examination by the Committee of Experts on the Application of Conventions and Recommendations at its next session of the follow-up given to the recommendations previously adopted by the Governing Body.

4. The meetings of the committee appointed by the Governing Body pursuant to paragraph 1 of this article shall be held in private and all the steps in the procedure before the committee shall be confidential.

#### EXAMINATION OF THE REPRESENTATION BY THE COMMITTEE

##### *Article 4*

1. During its examination of the representation, the committee may:
  - (a) request the association which has made the representation to furnish further information within the time fixed by the committee;
  - (b) communicate the representation to the Government against which it is made without inviting that Government to make any statement in reply;
  - (c) communicate the representation (including all further information furnished by the association which has made the representation) to the Government against which it is made and invite the latter to make a statement on the subject within the time fixed by the committee;
  - (d) upon receipt of a statement from the Government concerned, request the latter to furnish further information within the time fixed by the committee;
  - (e) invite a representative of the association which has made the representation to appear before the committee to furnish further information orally.

2. The committee may prolong any time limit fixed under the provisions of paragraph 1 of this article, in particular at the request of the association or Government concerned.

##### *Article 5*

1. If the committee invites the Government concerned to make a statement on the subject of the representation or to furnish further information, the Government may:

- (a) communicate such statement or information in writing;
- (b) request the committee to hear a representative of the Government;
- (c) request that a representative of the Director-General visit its country to obtain, through direct contacts with the competent authorities and organizations, information on the subject of the representation, for presentation to the committee.

#### *Article 6*

When the committee has completed its examination of the representation as regards substance, it shall present a report to the Governing Body in which it shall describe the steps taken by it to examine the representation, present its conclusions on the issues raised therein and formulate its recommendations as to the decisions to be taken by the Governing Body.

### CONSIDERATION OF THE REPRESENTATION BY THE GOVERNING BODY

#### *Article 7*

1. When the Governing Body considers the reports of its Officers on the issue of receivability and of the committee on the issues of substance, the Government concerned, if not already represented on the Governing Body, shall be invited to send a representative to take part in its proceedings while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government.

2. Such a representative shall have the right to speak under the same conditions as a member of the Governing Body, but shall not have the right to vote.

3. The meetings of the Governing Body at which questions relating to a representation are considered shall be held in private.

#### *Article 8*

If the Governing Body decides to publish the representation and the statement, if any, made in reply to it, it shall decide the form and date of publication. Such publication shall close the procedure under articles 24 and 25 of the Constitution.

#### *Article 9*

The International Labour Office shall notify the decisions of the Governing Body to the Government concerned and to the association which made the representation.

#### *Article 10*

When a representation within the meaning of article 24 of the Constitution of the Organization is communicated to the Governing Body, the latter may, at any time in accordance with paragraph 4 of article 26 of the Constitution, adopt, against the Government against which the representation is made and concerning the Convention the effective observance of which is contested, the procedure of complaint provided for in article 26 and the following articles.

REPRESENTATIONS AGAINST NON-MEMBERS

*Article 11*

In the case of a representation against a State which is no longer a Member of the Organization, in respect of a Convention to which it remains party, the procedure provided for in these Standing Orders shall apply in virtue of article 1, paragraph 5, of the Constitution.

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## Annex II

### Special procedures for the examination in the International Labour Organization of complaints alleging violations of freedom of association

The outline given below of the current procedure for the examination of complaints alleging infringements of trade union rights is based on the provisions adopted by common consent by the Governing Body of the International Labour Office and the Economic and Social Council of the United Nations in January and February 1950, and also on the decisions taken by the Governing Body at its 117th Session (November 1951), 123rd Session (November 1953), 132nd Session (June 1956), 140th Session (November 1958), 144th Session (March 1960), 175th Session (May 1969), 184th Session (November 1971), 202nd Session (March 1977), 209th Session (May–June 1979) and 283rd Session (March 2002) with respect to the internal procedure for the preliminary examination of complaints, and lastly on certain decisions adopted by the Committee on Freedom of Association itself.<sup>1</sup>

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### Background

1. In January 1950 the Governing Body, following negotiations with the Economic and Social Council of the United Nations, set up a Fact-Finding and Conciliation Commission on Freedom of Association, composed of independent persons, and defined the terms of reference of the Commission and the general lines of its procedure. It also decided to communicate to the Economic and Social Council a certain number of suggestions with a view to formulating a procedure for making the services of the Commission available to the United Nations.

2. The Economic and Social Council, at its Tenth Session, on 17 February 1950, noted the decision of the Governing Body and adopted a resolution in which it formally approved this decision, considering that it corresponded to the intent of the Council's resolution of 2 August 1949 and that it was likely to prove a most effective way of safeguarding trade union rights. It decided to accept, on behalf of the United Nations, the services of the ILO and the Fact-Finding and Conciliation Commission and laid down a procedure, which was supplemented in 1953.

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<sup>1</sup> Most of the procedural rules referred to in this annex are contained under the heading "procedural questions" in the following documents: First Committee Report, paras 6–32, in Sixth Report of the International Labour Organisation to the United Nations (Geneva, ILO, 1952), Appendix V; the Sixth Report in Seventh Report of the International Labour Organisation to the United Nations (Geneva, ILO, 1953), Appendix V, paras 14–21; the Ninth Report in Eighth Report of the International Labour Organisation to the United Nations (Geneva, ILO, 1954), Appendix II, paras 2–40; the 29th and 43rd Reports in the *Official Bulletin*, Vol. XLIII, 1960, No. 3; the 111th Report, *ibid.*, Vol. LII, 1969 No. 4, paras 7–20; the 127th Report, *ibid.*, Vol. LV, 1972, Supplement, paras 9–28; the 164th Report, *ibid.*, Vol. LX, 1977, No. 2, paras 19–28; the 193rd Report, *ibid.*, Vol. LXII, 1979, No. 1; and the 327th Report, *ibid.*, Vol. LXXXV, 2002, paras 17–26.

## **Complaints received by the United Nations**

3. All allegations regarding infringements of trade union rights received by the United Nations from governments or trade union or employers' organizations against ILO member States will be forwarded by the Economic and Social Council to the Governing Body of the International Labour Office, which will consider the question of their referral to the Fact-Finding and Conciliation Commission.

4. Similar allegations received by the United Nations regarding any Member of the United Nations which is not a Member of the ILO will be transmitted to the Commission through the Governing Body of the ILO when the Secretary-General of the United Nations, acting on behalf of the Economic and Social Council, has received the consent of the government concerned, and if the Economic and Social Council considers these allegations suitable for transmission. If the government's consent is not forthcoming, the Economic and Social Council will give consideration to the position created by such refusal, with a view to taking any appropriate alternative action calculated to safeguard the rights relating to freedom of association involved in the case. If the Governing Body has before it allegations regarding infringements of trade union rights that are brought against a Member of the United Nations which is not a Member of the ILO, it will refer such allegations in the first instance to the Economic and Social Council.

## **Bodies competent to examine complaints**

5. In accordance with a decision originally taken by the Governing Body, complaints against member States of the ILO were submitted in the first instance to the Officers of the Governing Body for preliminary examination. Following discussions at its 116th and 117th Sessions, the Governing Body decided to set up a Committee on Freedom of Association to carry out this preliminary examination.

6. At the present time, therefore, there are three bodies which are competent to hear complaints alleging infringements of trade union rights that are lodged with the ILO, viz. the Committee on Freedom of Association set up by the Governing Body, the Governing Body itself, and the Fact-Finding and Conciliation Commission on Freedom of Association.

## **Composition and functioning of the Committee on Freedom of Association**

7. This body is a Governing Body organ reflecting the ILO's own tripartite character. Since its creation in 1951, it has been composed of nine regular members representing in equal proportion the Government, Employer and Worker groups of the Governing Body; each member participates in a personal capacity. Nine substitute members, also appointed by the Governing Body, were originally called upon to participate in the meetings only if, for one reason or another, regular members were not present, so as to maintain the initial composition.

8. The present practice adopted by the Committee in February 1958 and specified in March 2002 gives substitute members the right to participate in the work of the Committee, whether or not all the regular members are present. They have therefore acquired the status of deputy members and must respect the same rules as regular members.

9. At its most recent examination of the procedure in March 2002, the Committee expressed the hope that, in view of the rule that all the members are appointed in their individual capacity, the nominations of Government members would be made in a personal capacity so as to ensure a relative permanence of government representation.

10. No representative or national of the State against which a complaint has been made, or person occupying an official position in the national organization of employers or workers which has made the complaint, may participate in the Committee's deliberations or even be present during the hearing of the complaint in question. Similarly, the documents concerning the case are not supplied to them.

11. The Committee always endeavours to reach unanimous decisions.

### **Mandate and responsibility of the Committee**

12. By virtue of its Constitution, the ILO was established in particular to improve working conditions and to promote freedom of association in the various countries. Consequently, the matters dealt with by the Organization in this connection no longer fall within the exclusive sphere of States and the action taken by the Organization for the purpose cannot be considered to be interference in internal affairs, since it falls within the terms of reference that the ILO has received from its Members with a view to attaining the aims assigned to it.<sup>2</sup>

13. The function of the International Labour Organization in regard to freedom of association and the protection of the individual is to contribute to the effectiveness of the general principles of freedom of association, as one of the primary safeguards of peace and social justice.<sup>3</sup> Its function is to secure and promote the right of association of workers and employers. It does not level charges at, or condemn, governments. In fulfilling its task the Committee takes the utmost care, through the procedures it has developed over many years, to avoid dealing with matters which do not fall within its specific competence.

14. The mandate of the Committee consists in determining whether any given legislation or practice complies with the principles of freedom of association and collective bargaining laid down in the relevant Conventions.<sup>4</sup>

15. It is within the mandate of the Committee to examine whether, and to what extent, satisfactory evidence is presented to support allegations; this appreciation goes to the merits of the case and cannot support a finding of irreceivability.<sup>5</sup>

16. With a view to avoiding the possibility of misunderstanding or misinterpretation, the Committee considers it necessary to make it clear that its task is limited to examining the allegations submitted to it. Its function is not to formulate general conclusions concerning the trade union situation in particular countries on the basis of vague general statements, but simply to evaluate specific allegations.

17. The usual practice of the Committee has been not to make any distinction between allegations levelled against governments and those levelled against persons accused of infringing freedom of association, but to consider whether or not, in each particular case, a government has ensured within its territory the free exercise of trade union rights.

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<sup>2</sup> See *Freedom of Association: Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, fifth (revised) edition, 2006, para. 2.

<sup>3</sup> *ibid*, para. 1.

<sup>4</sup> *ibid*, para. 6.

<sup>5</sup> *ibid*, para. 9.

18. The Committee (after a preliminary examination, and taking account of any observations made by the governments concerned, if received within a reasonable period of time) reports to the Governing Body that a case does not call for further examination if it finds, for example, that the alleged facts, if proved, would not constitute an infringement of the exercise of trade union rights, or that the allegations made are so purely political in character that it is undesirable to pursue the matter further, or that the allegations made are too vague to permit a consideration of the case on its merits, or that the complainant has not offered sufficient evidence to justify reference of the matter to the Fact-Finding and Conciliation Commission.

19. The Committee may recommend that the Governing Body draw the attention of the governments concerned to the anomalies which it has observed and invite them to take appropriate measures to remedy the situation.

### ***The Committee's competence to examine complaints***

20. The Committee has considered that it is not within its competence to reach a decision on violations of ILO Conventions on working conditions since such allegations do not concern freedom of association.

21. The Committee has recalled that questions concerning social security legislation fall outside its competence.

22. The questions raised related to landownership and tenure governed by specific national legislation have nothing to do with the problems of the exercise of trade union rights.

23. It is not within the Committee's terms of reference to give an opinion on the type or characteristics – including the degree of legislative regulation – of the industrial relations system in any particular country.<sup>6</sup>

24. The Committee always takes account of national circumstances, such as the history of labour relations and the social and economic context, but the freedom of association principles apply uniformly and consistently among countries.<sup>7</sup>

25. Where the government concerned considers that the questions raised are purely political in character, the Committee has decided that, even though allegations may be political in origin or present certain political aspects, they should be examined in substance if they raise questions directly concerning the exercise of trade union rights.

26. The question of whether issues raised in a complaint concern penal law or the exercise of trade union rights cannot be decided unilaterally by the government against which a complaint is made. It is for the Committee to rule on the matter after examining all the available information.<sup>8</sup>

27. When it has had to deal with precise and detailed allegations regarding draft legislation, the Committee it has taken the view that the fact that such allegations relate to a text that does not have the force of law should not in itself prevent it from expressing its opinion on the merits of the allegations made. It has considered it desirable that, in such

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<sup>6</sup> See 287th Report, Case No. 1627, para. 32.

<sup>7</sup> See 2006 *Digest*, para. 10.

<sup>8</sup> See 268th Report, Case No. 1500, para. 693.

cases, the government and the complainant should be made aware of the Committee's point of view with regard to the proposed bill before it is enacted, since it is open to the government, on whose initiative such a matter depends, to make any amendments thereto.

28 Where national legislation provides for appeal procedures before the courts or independent tribunals, and these procedures have not been used for the matters on which the complaint is based, the Committee takes this into account when examining the complaint.

29. When a case is being examined by an independent national jurisdiction whose procedures offer appropriate guarantees, and the Committee considers that the decision to be taken could provide additional information, it will suspend its examination of the case for a reasonable time to await this decision, provided that the delay thus encountered does not risk prejudicing the party whose rights have allegedly been infringed.

30. Although the use of internal legal procedures, whatever the outcome, is undoubtedly a factor to be taken into consideration, the Committee has always considered that, in view of its responsibilities, its competence to examine allegations is not subject to the exhaustion of national procedures.

### **Receivability of complaints**

31. Complaints lodged with the ILO, either directly or through the United Nations, must come either from organizations of workers or employers or from governments. Allegations are receivable only if they are submitted by a national organization directly interested in the matter, by international organizations of employers or workers having consultative status with the ILO, or other international organizations of employers or workers where the allegations relate to matters directly affecting their affiliated organizations. Such complaints may be presented whether or not the country concerned has ratified the freedom of association Conventions.

32. The Committee has full freedom to decide whether an organization may be deemed to be an employers' or workers' organization within the meaning of the ILO Constitution, and it does not consider itself bound by any national definition of the term.

33. The Committee has not regarded any complaint as being irreceivable simply because the government in question had dissolved, or proposed to dissolve, the organization on behalf of which the complaint was made, or because the person or persons making the complaint had taken refuge abroad.

34. The fact that a trade union has not deposited its by-laws, as may be required by national laws, is not sufficient to make its complaint irreceivable since the principles of freedom of association provide precisely that the workers shall be able, without previous authorization, to establish organizations of their own choosing.

35. The fact that an organization has not been officially recognized does not justify the rejection of allegations when it is clear from the complaints that this organization has at least a de facto existence.

36. In cases in which the Committee is called upon to examine complaints presented by an organization concerning which no precise information is available, the Director-General is authorized to request the organization to furnish information on the size of its membership, its statutes, its national or international affiliations and, in general, any other information calculated, in any examination of the receivability of the complaint, to lead to a better appreciation of the precise nature of the complainant organization.

37. The Committee will only take cognizance of complaints presented by persons who, through fear of reprisals, request that their names or the origin of the complaints should not be disclosed, if the Director-General, after examining the complaint in question, informs the Committee that it contains allegations of some degree of gravity which have not previously been examined by the Committee. The Committee can then decide what action, if any, should be taken with regard to such complaints.

### ***Repetitive nature of complaints***

38. In any case in which a complaint concerns exactly the same infringements as those on which the Committee has already given a decision, the Director-General may, in the first instance, refer the complaint to the Committee, which will decide whether it is appropriate to take action on it.

39. The Committee has taken the view that it could only reopen a case which it had already examined in substance and in which it had submitted final recommendations to the Governing Body if new evidence is adduced and brought to its notice. Similarly, the Committee does not re-examine allegations on which it has already given an opinion: for example, when a complaint refers to a law that it has already examined and, as such, does not contain new elements.<sup>9</sup>

### ***Form of the complaint***

40. Complaints must be presented in writing, duly signed by a representative of a body entitled to present them, and they must be as fully supported as possible by evidence of specific infringements of trade union rights.

41. When the Committee receives, either directly or through the United Nations, mere copies of communications sent by organizations to third parties, such communications do not constitute formal complaints and do not call for action on its part.

42. Complaints originating from assemblies or gatherings which are not bodies having a permanent existence or even bodies organized as definite entities and with which it is impossible to correspond, either because they have only a temporary existence or because the complaints do not contain any addresses of the complainants, are not receivable.

### ***Rules concerning relations with complainants***

43. Complaints which do not relate to specific infringements of trade union rights are referred by the Director-General to the Committee on Freedom of Association for opinion, and the Committee decides whether or not any action should be taken on them. In cases of this kind, the Director-General is not bound to wait until the Committee meets, but may contact the complainant organization directly to inform it that the Committee's mandate only permits it to deal with questions concerning freedom of association and to ask it to specify, in this connection, the particular points that it wishes to have examined by the Committee.

44. The Director-General, on receiving a new complaint concerning specific cases of infringement of freedom of association, either directly from the complainant organization or through the United Nations, informs the complainant that any information he may wish to furnish in substantiation of the complaint should be communicated to him within a period of one month. In the event that supporting information is sent to the ILO after the

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<sup>9</sup> See 297th Report, para. 13.

expiry of the one month period provided for in the procedures it will be for the Committee to determine whether this information constitutes new evidence which the complainant would not have been in a position to adduce within the appointed period; in the event that the Committee considers that this is not the case, the information in question is regarded as irreceivable. On the other hand, if the complainant does not furnish the necessary information in substantiation of a complaint (where it does not appear to be sufficiently substantiated) within a period of one month from the date of the Director-General's acknowledgement of receipt of the complaint, it is for the Committee to decide whether any further action in the matter is appropriate.

45. In cases in which a considerable number of copies of an identical complaint are received from separate organizations, the Director-General is not required to request each separate complainant to furnish further information; it is normally sufficient for the Director-General to address the request to the central organization in the country to which the bodies presenting the copies of the identical complaint belong or, where the circumstances make this impracticable, to the authors of the first copy received, it being understood that this does not preclude the Director-General from communicating with more than one of the said bodies if this appears to be warranted by any special circumstances of the particular case. The Director-General will transmit to the government concerned the first copy received, but will also inform the government of the names of the other complainants presenting the copies of the identical complaints.

46. When a complaint has been communicated to the government concerned and the latter has presented its observations thereon, and when the statements contained in the complaint and the government's observations merely cancel one another out but do not contain any valid evidence, thereby making it impossible for the Committee to reach an informed opinion, the Committee is authorized to seek further information in writing from the complainant in regard to questions concerning the terms of the complaint requiring further elucidation. In such cases, it has been understood that, on the one hand, the government concerned, as defendant, would have an opportunity to reply in its turn to any additional comments the complainants may make, and, on the other hand, that this method would not be followed automatically in all cases but only in cases where it appears that such a request to the complainants would be helpful in establishing the facts.

47. Subject to the two conditions mentioned in the preceding paragraph, the Committee may, moreover, inform the complainants, in appropriate cases, of the substance of the government's observations and invite them to submit their comments thereon within a given period of time. In addition, the Director-General may ascertain whether, in the light of the observations sent by the government concerned, further information or comments from the complainants are necessary on matters relating to the complaint and, if so, may write directly to the complainants, in the name of the Committee and without waiting for its next session, requesting the desired information or the comments on the government's observations by a given date, the government's right to reply being respected as is pointed out in the preceding paragraph.

48. In order to keep the complainant regularly informed of the principal stages in the procedure, the complainant is notified, after each session of the Committee, that the complaint has been put before the Committee and, if the Committee has not reached a conclusion appearing in its report, that – as appropriate – examination of the case has been adjourned in the absence of a reply from the government or the Committee has asked the government for certain additional information.

### ***Prescription***

49. While no formal rules fixing any particular period of prescription are embodied in the procedure for the examination of complaints, it may be difficult – if not impossible –

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for a government to reply in detail to allegations regarding matters which occurred a long time ago.

### ***Withdrawal of complaints***

50. When the Committee has been confronted with a request submitted to it for the withdrawal of a complaint, it has always considered that the desire expressed by an organization which has submitted a complaint to withdraw this complaint constitutes an element of which full account should be taken, but it is not sufficient in itself for the Committee to automatically cease to proceed further with the case. In such cases, the Committee has decided that it alone is competent to evaluate in full freedom the reasons put forward to explain the withdrawal of a complaint and to endeavour to establish whether these appear to be sufficiently plausible so that it may be concluded that the withdrawal is being made in full independence. In this connection, the Committee has noted that there might be cases in which the withdrawal of a complaint by the organization presenting it was the result not of the fact that the complaint had become without purpose, but of pressure exercised by the government against the complainants, the latter being threatened with an aggravation of the situation if they did not consent to this withdrawal.

### ***Rules for relations with the governments concerned***

51. By membership of the International Labour Organization, each member State is bound to respect a certain number of principles, including the principles of freedom of association which have become customary rules above the Conventions.<sup>10</sup>

52. If the original complaint or any further information received in response to the acknowledgement of the complaint is sufficiently substantiated, the complaint and any such further information are communicated by the Director-General to the government concerned as quickly as possible; at the same time the government is requested to forward to the Director-General, before a given date, fixed in advance with due regard to the date of the next meeting of the Committee, any observations which it may care to make. When communicating allegations to governments, the Director-General draws their attention to the importance which the Governing Body attaches to receiving the governments' replies within the specified period, in order that the Committee may be in a position to examine cases as soon as possible after the occurrence of the events to which the allegations relate. If the Director-General has any difficulty in deciding whether a particular complaint can be regarded as sufficiently substantiated to justify him in communicating it to the government concerned for its observations, it is open to him to consult the Committee before taking a decision on the matter.

53. In cases in which the allegations concern specific enterprises, or in appropriate cases, the letter by which the allegations are transmitted to the government requests it to obtain the views of all the organizations and institutions concerned so that it can provide a reply to the Committee that is as complete as possible. However, the application of this rule of procedure should not result in practice in delay in having recourse to urgent appeals made to governments, nor in the examination of cases.

54. A distinction is drawn between urgent cases, which are addressed on a priority basis, and less urgent cases. Matters involving human life or personal freedom, or new or changing conditions affecting the freedom of action of a trade union movement as a whole, cases arising out of a continuing state of emergency and cases involving the dissolution of

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<sup>10</sup> Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning the situation in Chile, 1975, para. 466.

an organization, are treated as cases of urgency. Priority of treatment is also given to cases on which a report has already been submitted to the Governing Body.

55. In all cases, if the first reply from the government in question is of too general a character, the Committee requests the Director-General to obtain all necessary additional information from the government, on as many occasions as it judges appropriate.

56. The Director-General is further empowered to ascertain without, however, making any appreciation of the substance of a case, whether the observations of governments on the subject matter of a complaint or governments' replies to requests for further information are sufficient to permit the Committee to examine the complaint and, if not, to write directly to the government concerned, in the name of the Committee, and without waiting for its next session, to inform it that it would be desirable if it were to furnish more precise information on the points raised by the Committee or the complainant.

57. The purpose of the whole procedure set up in the ILO for the examination of allegations of violations of freedom of association is to promote respect for trade union rights in law and in fact. If the procedure protects governments against unreasonable accusations, governments on their side should recognize the importance for their own reputation of formulating, so as to allow objective examination, detailed replies to the allegations brought against them. The Committee wishes to stress that, in all the cases presented to it since it was first set up, it has always considered that the replies from governments against whom complaints are made should not be limited to general observations.

58. In cases where governments delay in forwarding their observations on the complaints communicated to them, or the further information requested of them, the Committee mentions these governments in a special introductory paragraph to its reports after the lapse of a reasonable time, which varies according to the degree of urgency of the case and of the questions involved. This paragraph contains an urgent appeal to the governments concerned and, as soon as possible afterwards, special communications are sent to these governments by the Director-General on behalf of the Committee.

59. These governments are warned that at its following session the Committee may submit a report on the substance of the matter, even if the information awaited from the governments in question has still not been received.

60. Cases in respect of which governments continue to fail to cooperate with the Committee, or in which certain difficulties persist, are mentioned in a special paragraph of the introduction to the Committee's report. The governments concerned are then immediately informed that the chairman of the Committee will, on behalf of the Committee, make contact with their representatives attending the session of the Governing Body or the International Labour Conference. The chairman will draw their attention to the particular cases involved and, where appropriate, to the gravity of the difficulties in question, discuss with them the reasons for the delay in transmitting the observations requested by the Committee and examine with them various means of remedying the situation. The chairman then reports to the Committee on the results of such contacts.

61. In appropriate cases, where replies are not forthcoming, ILO external offices may approach governments in order to elicit the information requested of them, either during the examination of the case or in connection with the action to be taken on the Committee's recommendations, approved by the Governing Body. With this end in view the ILO external offices are sent detailed information with regard to complaints concerning their particular area and are requested to approach governments which delay in

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transmitting their replies, in order to draw their attention to the importance of supplying the observations or information requested of them.

62. In cases where the governments implicated are obviously unwilling to cooperate, the Committee may recommend, as an exceptional measure, that wider publicity be given to the allegations, to the recommendations of the Governing Body and to the negative attitude of the governments concerned.

63. The procedure for the examination of complaints of alleged infringements of the exercise of trade union rights provides for the examination of complaints presented against member States of the ILO. Evidently, it is possible for the consequences of events which gave rise to the presentation of the initial complaint to continue after the setting up of a new State which has become a Member of the ILO, but if such a case should arise, the complainants would be able to have recourse, in respect of the new State, to the procedure established for the examination of complaints relating to infringements of the exercise of trade union rights.

64. There exists a link of continuity between successive governments of the same State and, while a government cannot be held responsible for events which took place under a former government, it is clearly responsible for any continuing consequences which these events may have had since its accession to power.

65. Where a change of regime has taken place in a country, the new government should take all necessary steps to remedy any continuing effects which the events on which the complaint is based may have had since its accession to power, even though those events took place under its predecessor.

### ***Requests for the postponement of the examination of cases***

66. With regard to requests for the postponement of the examination of cases by the complainant organization or the government concerned, the practice followed by the Committee consists of deciding the question in full freedom when the reasons given for the request have been evaluated and taking into account the circumstances of the case.<sup>11</sup>

### ***On-the-spot missions***

67. At various stages in the procedure, an ILO representative may be sent to the country concerned, for example in the context of direct contacts, with a view to seeking a solution to the difficulties encountered, either during the examination of the case or at the stage of the action to be taken on the recommendations of the Governing Body. Such contacts, however, can only be established at the invitation of the governments concerned or at least with their consent. In addition, upon the receipt of a complaint containing allegations of a particularly serious nature, and after having received the prior approval of the chairman of the Committee, the Director-General may appoint a representative whose mandate would be to carry out preliminary contacts for the following purposes, viz: to transmit to the competent authorities in the country the concern to which the events described in the complaint have given rise; to explain to these authorities the principles of freedom of association involved; to obtain from the authorities their initial reaction, as well as any comments and information with regard to the matters raised in the complaint; to explain to the authorities the special procedure in cases of alleged infringements of trade union rights and, in particular, the direct contact method which may subsequently be requested by the government in order to facilitate a full appraisal of the situation by the

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<sup>11</sup> See 274th Report, Cases Nos 1455, 1456, 1696 and 1515, para. 10.

Committee and the Governing Body; to request and encourage the authorities to communicate as soon as possible a detailed reply containing the observations of the government on the complaint. The report of the representative of the Director-General is submitted to the Committee at its next meeting for consideration together with all the other information made available. The ILO representative can be an ILO official or an independent person appointed by the Director-General. It goes without saying, however, that the mission of the ILO representative is above all to ascertain the facts and to seek possible solutions on the spot. The Committee and the Governing Body remain fully competent to appraise the situation at the outcome of these direct contacts.

68. The representative of the Director-General charged with an on-the-spot mission will not be able to perform his task properly and therefore be fully and objectively informed on all aspects of the case if he is not able to meet freely with all the parties involved.<sup>12</sup>

### ***Hearing of the parties***

69. The Committee will decide, in the appropriate instances and taking into account all the circumstances of the case, whether it should hear the parties, or one of them, during its sessions so as to obtain more complete information on the matter. It may do this especially: (a) in appropriate cases where the complainants and the governments have submitted contradictory statements on the substance of the matters at issue, and where the Committee might consider it useful for the representatives of the parties to furnish orally more detailed information as requested by the Committee; (b) in cases in which the Committee might consider it useful to have an exchange of views with the governments in question, on the one hand, and with the complainants, on the other, on certain important matters in order to appreciate more fully the factual situation and the eventual developments in the situation which might lead to a solution of the problems involved, and to seek to conciliate on the basis of the principles of freedom of association; (c) in other cases where particular difficulties have arisen in the examination of the questions involved or in the implementation of its recommendations, and where the Committee might consider it appropriate to discuss the matters with the representative of the government concerned.

### ***Effect given to the Committee's recommendations***

70. In all cases where it suggests that the Governing Body should make recommendations to a government, the Committee adds to its conclusions on such cases a paragraph proposing that the government concerned be invited to state, after a reasonable period has elapsed and taking account of the circumstances of the case, what action it has been able to take on the recommendations made to it.

71. A distinction is made between countries which have ratified one or more Conventions on freedom of association and those which have not.

72. In the first case (ratified Conventions) examination of the action taken on the recommendations of the Governing Body is normally entrusted to the Committee of Experts on the Application of Conventions and Recommendations, whose attention is specifically drawn in the concluding paragraph of the Committee's reports to discrepancies between national laws and practice and the terms of the Conventions, or to the incompatibility of a given situation with the provisions of these instruments. Clearly, this possibility is not such as to hinder the Committee from examining, through the procedure outlined below, the effect given to certain recommendations made by it; this can be of use taking into account the nature or urgency of certain questions.

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<sup>12</sup> See 229th Report, Case No. 1097, para. 51.

73. In the second case (non-ratified Conventions), if there is no reply, or if the reply given is partly or entirely unsatisfactory, the matter may be followed up periodically, the Committee instructing the Director-General at suitable intervals, according to the nature of each case, to remind the government concerned of the matter and to request it to supply information as to the action taken on the recommendations approved by the Governing Body. The Committee itself, from time to time, reports on the situation.

74. The Committee may recommend the Governing Body to attempt to secure the consent of the government concerned to the reference of the case to the Fact-Finding and Conciliation Commission. The Committee submits to each session of the Governing Body a progress report on all cases which the Governing Body has determined warrant further examination. In every case in which the government against which the complaint is made has refused to consent to referral to the Fact-Finding and Conciliation Commission or has not within four months replied to a request for such consent, the Committee may include in its report to the Governing Body recommendations as to the “appropriate alternative action” which, in the opinion of the Committee, the Governing Body might take. In certain cases, the Governing Body itself has discussed the measures to be taken where a government has not consented to a referral to the Fact-Finding and Conciliation Commission.

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## **Annex III**

### **Rules governing the appointment of the Director-General<sup>1</sup>**

Adopted by the Governing Body at its 240th Session (May–June 1988) and amended at its 312th Session (November 2011).

#### ***Candidatures***

1. Candidatures for the post of Director-General shall be received in the office of the Governing Body Chairperson on or before a date to be determined by the Governing Body which shall be at least two months prior to the date of the election.

2. In order to be considered these candidatures must be submitted by a member State of the Organization or by a member of the Governing Body.

3. Each candidate shall annex to their candidature a curriculum vitae and a certificate of good health signed by a recognized medical facility.

4. Candidates shall be invited to provide together with their candidature, a statement of no more than 2,000 words describing their vision for the Organization and the strategic direction they would pursue in the event they are appointed. The statement should also address the candidate's commitment to the values and work of the ILO and its tripartite structure; their experience in economic, social and labour issues, international affairs, leadership and organizational management, and their appreciation of cultural, social and political diversities. Candidates should also indicate their language proficiency with regard to the official languages of the ILO.

5. All of the documents mentioned in 2, 3 and 4 above shall be submitted by the candidates in English, French and Spanish, with the exception of the certificate of good health that can be submitted in only one of these three languages or accompanied by an authenticated translation in one of these languages.

6. To be valid, candidatures shall meet the conditions specified in 1, 2, 3 and 5 above.

7. Candidatures submitted in accordance with the abovementioned conditions shall be distributed together with curricula vitae and statements, in the official languages in which they are submitted, to the members of the Governing Body and to the member States not represented on the Governing Body for information, by the Chairperson as soon as practical after the candidature has been received. Only statements received at the same time as the candidatures shall be receivable and distributed.

#### ***Fairness and transparency of the appointment process***

8. Unethical practices such as promises, favours, gifts, etc., provided by, or in support of, candidates for the post of Director-General are prohibited.

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<sup>1</sup> Source: GB.240/205, para. 79; GB.312/PV, para. 251.

9. Appropriate measures shall be taken by the Director-General to remind the staff of the Office of the rules and standards of conduct aimed at ensuring the Office's neutrality with respect to the electoral process, as well as the sanctions that can be imposed on staff in the event these rules are not respected. Appropriate measures shall also be taken by the Director-General to prohibit the use of ILO resources for the purposes of campaigning for, or supporting, any candidate and to regulate the conduct of ILO staff presenting as candidates for the appointment as Director-General.

10. On accepting appointment, the candidate appointed to the post of Director-General shall divest of any earning of any income, gift or allowance, and any financial involvement or interest, where such could have an impact on, or could be perceived to have an impact on, the objectivity or independence of the person appointed; furthermore the appointed candidate shall be required to comply with the procedure for financial disclosure laid down in the ILO's internal rules.

### **Majority**

11. To be elected, a candidate must receive the votes of more than one half of the members of the Governing Body entitled to vote.

### **Election procedure**

12. Hearings shall be conducted with the candidates at a private sitting of the Governing Body held prior to the election. The order of appearance in the hearings shall be drawn randomly by the Governing Body Chairperson and candidates shall be informed of the date and approximate time of their hearing at least one week prior to the hearing. Each candidate shall be heard individually and shall be invited to make a presentation to the Governing Body. Following the presentation the candidate shall receive and respond to questions from the Governing Body. The time allocated to candidates for making their presentation and receiving and responding to questions shall be determined by the Officers. Equal time will be allocated for all candidates.

13. On the date set for the election, as many ballots shall be held as are necessary to determine which of the candidates has obtained the majority required by Rule (11) above.

14. (i) After each ballot the candidate who has obtained the lowest number of votes shall be eliminated.

(ii) If two or more candidates obtain simultaneously the lowest number of votes, they shall be eliminated together.

15. If in the ballot between the remaining candidates they receive the same number of votes and a further ballot still does not produce a majority for one of them, or if one candidate remains but does not obtain the majority required by Rule (11) above in a further ballot in which his or her name is submitted to the Governing Body for a final vote, the Governing Body may postpone the election and freely set a new deadline for the submission of candidatures.

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## **Annex IV**

### **Rules for the payment of travel expenses of members of the Governing Body and of certain committees and other bodies**

#### ***Authority***

1. These Rules were approved by the Governing Body of the International Labour Office on 5 March 1965, pursuant to article 39<sup>1</sup> of the Financial Regulations, to enter into effect on 1 April 1965. The present edition incorporates amendments approved by the Governing Body up to its 292nd Session (March 2005) inclusive.

#### ***Application and interpretation***

2. The application and interpretation of these Rules shall be the responsibility of the Director-General of the International Labour Office, who may issue such instructions for their implementation as he shall deem necessary.

#### ***Amendments***

3. These Rules may be amended by the Director-General subject to the approval of the Governing Body.

#### ***Definition***

4. For the purpose of these Rules, travel expenses shall be deemed to comprise transport expenses (as specified in paragraphs 7–9), miscellaneous expenses (as specified in paragraphs 10 and 11), subsistence allowance (as specified in paragraphs 17–22) and sickness and accident coverage (as specified in paragraphs 25–29).

#### ***Scope***

5. (a) These Rules shall govern the payment by the International Labour Office of the travel expenses incurred on ILO business by Employer and Worker regular and deputy members of the Governing Body, or their substitutes, and of persons serving in an individual capacity on high-level bodies for which the Officers of the Governing Body have agreed to apply the same travel standards as those applicable to Employer and Worker members of the Governing Body.

(b) Pursuant to the provisions of article 13 of the Constitution of the International Labour Organization, the Office:

- does NOT meet the travel expenses of Government representatives of the Governing Body; and
- meets the travel expenses of Employer and Worker members of the Governing Body ONLY when they are not travelling also as delegates or advisers on national delegations to a session of the International Labour Conference, whether appointed to such a delegation before or after their departure.

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<sup>1</sup> Now article 40.

(c) The payment by the Office of travel expenses of Employer and Worker members of the Governing Body on the occasion of meetings held in conjunction with the International Labour Conference is subject to special limits, as set out in paragraphs 30 and 31.

### **Restriction**

6. No payment or reimbursement shall be made by the Office in respect of any expenses or allowances which are covered from other sources.

### **Transport expenses**

7. The transport expenses paid or reimbursed by the Office shall cover the cost of a round trip by the most direct practicable route by commercial land, sea or air transport, or a combination thereof, between the member's place of residence or departure, whichever is closer to the place of the meeting, and the place of the meeting.

8.(a) The normal standard of transport by air is economy class, except for flights where, using the most direct route, the scheduled duration from the airport of departure to the airport of arrival at the place of the meeting is five hours or more, in which case the standard shall be business class. In computing this duration, scheduled waiting periods will be included but not stopovers.

(b) By sea, the entitlement shall be for transport which does not exceed the cost of the air transport entitlement, taking into account also the resulting difference in subsistence allowance.

(c) In the case of commercial land transport, the standard shall be first class; where land transport is by night and lasts for more than six hours, the cost of a single sleeping compartment, if available, is included.

(d) In the case of transport by private automobile for personal convenience, reimbursement shall be based on the cost of the equivalent mode of transportation normally authorized, whether by direct air or commercial land transportation, as set out in subparagraphs 8(a) and (c) above.

9. The cost of the actual transport of a reasonable amount of registered luggage shall normally be covered by the Office, but payment or reimbursement by the Office for luggage transported by air shall not exceed any excess baggage charges required to permit the member to transport up to 35 kilograms of luggage (including the standard baggage entitlement granted by the air carrier) without expense to himself.

### **Miscellaneous expenses**

10. The following miscellaneous expenses are reimbursable by the Office:

- (a) the cost of necessary taxis en route, but not during the stay at the place of the meeting;
- (b) fees for passports, visas and inoculations required for the journey, but not the cost of passport photographs or birth certificates;
- (c) postage and telegraph expenses incurred in connection with official business of the Governing Body or the assimilated high-level body concerned.

11. All other expenses, such as portage, tips, insurance of luggage, hotels and meals, are considered to be covered by the subsistence allowance and are not reimbursable by the Office.

### **Reimbursements to members**

12. If requested, the Office will supply travel tickets. If a member prefers to make his own travel arrangements he shall be reimbursed by the Office ON THE BASIS OF THE MEANS AND CLASS OF TRANSPORT ACTUALLY USED, up to the cost allowable under these Rules, subject in particular to the provisions of paragraph 13. Supporting vouchers are required (see paragraph 16).

13. Reimbursement for air tickets purchased independently shall not normally exceed THE LOWER OF THE FOLLOWING TWO AMOUNTS:

- (a) the actual cost of the member's travel;
- (b) standard air fare, on the basis of the class of air travel provided for in paragraph 8(a) above, for a round trip by the most direct practicable route between his place of residence or departure, whichever is closer to the place of the meeting, and the place of the meeting.

14. If for compelling reasons a member is obliged to exchange tickets provided or for which reimbursement has been received, he should immediately notify the Office of his new travel arrangements and have any resulting refund paid to the Office.

15. Reimbursement in the case of travel by private automobile shall be as set out in paragraph 8(d).

### **Vouchers**

16. Claims for reimbursement must be supported by vouchers, including whichever of the following are appropriate:

- (a) all rail sleeper, steamship and airline tickets or covers thereof;
- (b) receipts for the cost of transport of registered luggage, whenever possible, including receipts for the cost of transport of excess luggage by air;
- (c) receipts for passport and visa fees and the cost of inoculations;
- (d) receipts for official postage and telegraph expenses, whenever possible.

No vouchers are required for the reimbursement of taxi fares.

### **Subsistence allowance**

17. Subject to the special provisions relating to Governing Body meetings held in conjunction with the Conference set out in paragraphs 30 and 31, the Office will pay subsistence allowance in respect of the following periods of time:

- (a) travel time for a round trip by the most direct practicable route by commercial land, sea or air transport, or a combination thereof, between the member's place of residence or departure, whichever is closer to the place of the meeting, and the place of the meeting. Travel by private automobile shall be considered to require the same amount of time as the journey between the points concerned by the route and means

of transport taken as a basis for the reimbursement of transport expenses in accordance with paragraph 8(d); and

- (b) any scheduled waiting periods at points of connection, and any scheduled overnight stopovers lasting for not more than 24 hours, or until the next possible departure time after that period if an earlier departure cannot reasonably be scheduled. Normally, one overnight stopover may be included in each journey by air, or by a combination of air and surface transport, which would last for more than ten hours if uninterrupted; and
- (c) one day rest period on arrival at the place of the meeting, if the travel time of a journey by air exceeds ten hours and provided that an overnight stopover allowed for in paragraph 17(b) above has not been taken; and
- (d) the actual number of days spent in attendance at the meeting, up to a period extending from the day before the opening date to the day after the closing date inclusive, when the extra days are spent on official business of the Governing Body or the assimilated high-level body concerned; and
- (e) any waiting time immediately before or after the period of attendance (as defined in subparagraph (d)), up to a total of not more than six days, if transport involving no waiting time or less waiting time cannot be obtained.

### **Calculation of subsistence allowance**

18. The standard daily rate for the subsistence allowance payable by the Office under paragraph 17 shall be the equivalent of the standard daily rate applicable at the place of the meeting to staff members of the Office plus 15 per cent, the sum being rounded to the nearest US dollar.

19. The Director-General may establish and apply an ad hoc rate in any case where he considers that a rate determined in accordance with paragraph 18 would not be appropriate.

20. For the purpose of computing the allowance, the day shall be defined as the 24-hour period from midnight to midnight. Subject to the provisions of paragraphs 21 and 22, the full subsistence rate shall be paid for each period of 12 hours or more within a day as so defined, and half rate for each such period of less than 12 hours.

21. The full subsistence rate shall be paid in respect of travel by land or air. Twenty per cent of the full rate shall be paid in respect of travel by sea, but days on which embarkation and disembarkation take place shall be regarded as days of travel on land.

22. The allowance shall be paid to a member at half rate in respect of a meeting held in the city where he normally resides.

### **Advances**

23. Advances against estimated travel expenses may be made by the Office on application.

### **Accommodation**

24. Members are advised to secure hotel accommodation as early as possible through their country's diplomatic or consular representatives.

## **Sickness and accidents**

25. Travel expenses of a member who is prevented by sickness or accident during a journey from reaching the place of the meeting shall be paid or reimbursed by the Office for the round trip between his place of residence or departure, whichever is closer to the place of the meeting, and the place where his journey was interrupted.

26. Benefits in the event of sickness or accident are the subject of collective insurance policies contracted by the Office, and will be paid in accordance with the conditions of those policies. The Office will accept no claims for the payment of premiums for insurance policies contracted independently. In general, members are covered by the collective insurance for sickness or accident arising on days for which subsistence allowance is paid by the Office under paragraph 17.

27. The collective sickness insurance policy provides, inter alia, for the payment of medical expenses within established limits (small claims for medical expenses are not accepted). Certain sicknesses are excluded; these include any sickness or condition from which the member suffered when his coverage under the policy became effective. Sicknesses which manifest themselves outside the period for which subsistence allowance is paid by the Office under paragraph 17 are also normally excluded.

28. The collective accident insurance policy provides, inter alia, for the payment of medical expenses within established limits. In addition, benefits are payable in the event of death or long-term disability.

29. A member who is eligible to receive benefits under the collective insurance shall be paid subsistence allowance until he can return to his residence, up to a maximum period of six months from the date on which the sickness manifested itself or the accident occurred. The allowance shall be paid at one-third of the full rate if the member is hospitalized and at the full rate if he is not hospitalized.

## **Governing Body meetings held in conjunction with the Conference**

### **(i) Members attending the Conference as delegates or advisers on national delegations**

30. The following provisions shall normally apply in the case of Employer and Worker members of the Governing Body who attend the Conference as delegates or advisers on national delegations as well as meetings of the Governing Body held in conjunction with it (including meetings held before and immediately after the Conference):

- (a) under article 13 of the Constitution, the government concerned is required to pay the costs of the journey to and from the place of the Conference;
- (b) accordingly, the government concerned shall reimburse to the Office any amounts in respect of travel expenses which the Office has paid, reimbursed, or advanced in excess of the amounts covered by subparagraph (c) below;
- (c) no travel expenses shall be covered by the Office other than subsistence allowance and the cost of sickness and accident insurance as described in paragraphs 26–29 for:
  - days spent in attendance at meetings of the Governing Body, including the day before and the day after pre-Conference and/or post-Conference meetings if these extra days are spent on official business of the Governing Body; and

- intervening days between such periods of attendance and the period of the Conference (for this purpose the Conference period shall be considered as including the day before the opening date, this being the normal day of arrival of delegates).

(ii) **Members not attending the Conference as delegates or advisers on national delegations**

31. The following provisions shall normally apply in the case of Employer and Worker members of the Governing Body who are not delegates or advisers on national delegations to the Conference but attend meetings of the Governing Body held in conjunction with it (including meetings held before and immediately after the Conference):

- (a) transport expenses and subsistence allowance paid by the Office under paragraph 17 shall not include the cost of more than one round trip to the place of the meetings for each member;
- (b) when the member attends both pre-Conference and post-Conference meetings of the Governing Body, the maximum total number of days of waiting time for which the Office pays subsistence allowance under paragraph 17(d), including days between the meetings, shall be six.

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## Annex V

### **Representation of non-governmental international organizations at ILO meetings, including international employers' and workers' organizations**

#### ***Introductory note***

The International Labour Organization distinguishes between several different types of non-governmental international organization:

- organizations which enjoy general consultative status under article 12(3) of the Constitution of the ILO;
- organizations which enjoy regional consultative status, established by the Governing Body at its 160th Session (November 1964);
- organizations included in the “Special List” of non-governmental international organizations, established by the Governing Body at its 132nd Session (June 1956);
- non-governmental international organizations, including international employers' and workers' organizations, other than those enjoying general or regional consultative status or those included in the “Special List”.

A number of texts define the relations between the ILO and non-governmental international organizations, as well as the privileges conferred on them by their respective statutes.

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## **Rules applicable to non-governmental international organizations enjoying general consultative status**

### ***Resolution adopted by the Governing Body at its 105th Session (14 June 1948)***<sup>1</sup>

Whereas paragraph 3 of article 12 of the Constitution of the International Labour Organization provides that:

The International Labour Organization may make suitable arrangements for such consultation as it may think desirable with recognized non-governmental international organizations of employers, workers, agriculturists and cooperators;

And whereas, in order to promote effective coordination of international action in the economic and social field, the Governing Body considers it desirable to make arrangements for such consultation with a view to facilitating the reference to the International Labour Organization by non-governmental organizations of proposals which such organizations may desire to make for official international action upon matters primarily within the competence of the International Labour Organization:

1. The Governing Body decides that representatives of non-governmental international organizations with an important interest in a wide range of ILO activities with which it has decided to establish consultative relationships may attend ILO meetings in accordance with the provisions of the following paragraphs.
2. Such representatives may be invited by the Governing Body to attend a specified meeting of the Governing Body or of one of its committees during the consideration of matters of interest to them. The Chairman may, in agreement with the Vice-Chairmen, permit such representatives to make statements for the information of the meeting upon matters included in its agenda. If such agreement cannot be secured, the question is submitted to the meeting for decision without any discussion. These arrangements do not apply to meetings dealing with administrative or financial matters.
3. Such representatives may attend the meetings of regional conferences, industrial committees and advisory committees appointed by the Governing Body. The Chairman may, in agreement with the Vice-Chairmen, permit such representatives to make statements for the information of the meeting upon matters included in its agenda. If such agreement cannot be secured, the question is submitted to the meeting for decision without any discussion.
4. Any organization applying to the Governing Body for the establishment of consultative relationships shall communicate to the Director-General with its application for the information of the Governing Body the following information: a copy of its constitution; the names and addresses of its officers; particulars of its composition and of the membership of the national organizations affiliated thereto; a copy of its latest annual report.
5. The Governing Body may at any time revoke a decision to establish consultative relationships.

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<sup>1</sup> Source: Minutes of the Governing Body, 105th Session (June 1948), Fourth item on the agenda, pp. 39–42; pp. 92–93 (Appendix IV) (with editorial changes).

6. The Governing Body recommends the Conference to decide that non-governmental international organizations with which consultative relationships have been established in pursuance of paragraph 1 may be represented at meetings of the Conference and its committees and that the President of the Conference or the Chairman of the committee may, in agreement with the Vice-Presidents or Vice-Chairmen, invite the representatives of such organizations to make statements for the information of the Conference or the committee upon matters under discussion by them. If such agreement cannot be secured, the question is submitted to the meeting for decision without any discussion. These arrangements would not apply to meetings dealing with administrative or financial matters or meetings of the Selection Committee, the Credentials Committee and the Drafting Committee.
7. The Director-General of the International Labour Office will make the necessary arrangements for the regular communication of documents to organizations with which standing arrangements have been made.
8. The Governing Body may, from time to time, invite non-governmental international organizations which have a special interest in some particular sector of the work of the ILO to be represented at specified meetings of the Governing Body, regional conferences, industrial committees or at committees appointed by the Governing Body during the consideration of matters of interest to them; the Governing Body draws the attention of the Conference to the possibility of making similar arrangements in appropriate cases; the Director-General will make the necessary arrangements for the communication to such organizations of documents of interest to them.

### **Regional consultative status for non-governmental organizations<sup>2</sup>**

Adopted by the Governing Body at its 160th Session (20 November 1964):

1. The Governing Body, on the recommendation of its Officers, may grant regional consultative status to regional organizations of employers and workers which fulfil the following conditions:
  - (a) the applicant organization must be broadly representative of interests concerned with a wide range of ILO activities in the region concerned and active there;
  - (b) the applicant organization must communicate to the Director-General with its application, for the information of the Governing Body, the following information: a copy of its constitution; the names and addresses of its officers; particulars of its composition and of the membership of the national organizations affiliated to it; and a copy of its latest annual report.
2. Non-governmental organizations granted regional consultative status should be permitted:
  - (a) to attend ILO regional meetings and ILO tripartite meetings of a regional nature in their respective regions;
  - (b) to attend regional advisory committees – e.g. the Asian Advisory Committee, the African Advisory Committee or the Inter-American Advisory Committee –

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<sup>2</sup> Source: *Official Bulletin*, Vol. XLVIII, No. 1, Jan. 1965, p. 29.

appointed by the Governing Body for the regions for which they had been accorded consultative status;

- (c) at any of the above meetings, to make or circulate, with the permission of the President or Chairman in agreement with the Vice-Presidents or Vice-Chairmen, statements upon matters (other than administrative or financial matters) included in the agenda;
- (d) to receive ILO documents regularly.

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## **Note concerning arrangements applicable to non-governmental international organizations included in the Special List <sup>1</sup>**

### ***Introductory note***

In June 1956 the Governing Body of the International Labour Office approved the establishment by the Director-General of a Special List of Non-Governmental International Organizations (NGOs).

Apart from the non-governmental international organizations which have already been granted full consultative status and those with regional consultative status, and apart from the employers' and workers' international organizations which, although not enjoying consultative status, play, under the Constitution, an essential part in the work of the International Labour Organization, there are non-governmental international organizations whose aims and activities are of interest to the International Labour Organization and which are in a position to afford it valuable cooperation. The purpose of the establishment of the Special List was to place the ILO's relations with these organizations on a systematic footing.

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<sup>1</sup> Source: Minutes of the Governing Body, 132nd Session (2 June 1956), Sixth item on the agenda, p. 22; GB.245/PV (1 Mar. 1990), Eighth item on the agenda, p. VII/6, GB.245/8/19, paras 50 and 60; GB.292/PV (Mar. 2005), 17th item on the agenda, para. 256; *Provisional Record* No. 23, International Labour Conference, 95th Session (14 June 2006).

## I. Criteria and procedure for admission to the Special List

1. Only non-governmental international organizations which meet certain conditions are eligible for admission to the Special List.

2. The aims and objectives of organizations requesting admission to the Special List should be in harmony with the spirit, aims and principles of the ILO Constitution and the Declaration of Philadelphia. Length of existence, membership, the geographical coverage of the organization, its practical achievements and the international nature of its activities constitute the main criteria for such admission. A further requirement is that the organization in question should have, by reason of the aims it pursues, an evident interest in at least one of the fields of activity of the ILO. The fact that an organization has already been granted official status with the Economic and Social Council or a specialized agency of the United Nations is relevant, but does not necessarily imply inclusion in the Special List of the ILO.

3. Any non-governmental international organization wishing to be admitted to the Special List is required to forward to the Director-General in one of the working languages of the Organization a copy of its statutes, a list of the names and addresses of its officers, information regarding its composition and the aggregate membership of the national organizations affiliated to it, and a copy of its latest annual report or detailed and verifiable information about its activities.

4. In each case the Director-General decides, on behalf of the Governing Body, whether the organization supplying the information listed above should be admitted to the Special List. The Director-General communicates to the Governing Body at specific intervals the names of the organizations admitted to the Special List. The Director-General reviews the Special List from time to time and makes any necessary recommendations to the Governing Body with a view to the revision of the List.

## II. Privileges of organizations admitted to the Special List

### *Participation in ILO meetings*

5. The mere fact of inclusion in the Special List does not of itself confer on any organization the right to participate in ILO meetings. It does, however, facilitate consideration of the advisability of inviting the organization to a particular meeting, as full information regarding it is deemed to have been made available at the time of its admission to the Special List.

### International Labour Conference

#### *Criteria*

6. Non-governmental international organizations wishing to be invited to be represented at the International Labour Conference should take careful note of the following revised criteria and procedure, which came into force in June 1990, for the issuance of such invitations by the Governing Body.

7. An organization on the Special List wishing to be invited to be represented at the Conference should satisfy the following criteria. It:

- (a) should have formally expressed an interest – clearly defined and supported by its Statutes and by explicit reference to its own activities – in at least one of the items on the agenda of the Conference session to which it requests to be invited; these details should be supplied with the request for an invitation; and
- (b) should have made its request for an invitation in accordance with the procedure set out in the Standing Orders of the Conference.

### *Procedure*

8. The procedure to be followed by NGOs for requesting invitations to the International Labour Conference is contained in article 2(4) of the Standing Orders of the Conference. It reads as follows:

Requests from non-governmental international organizations for an invitation to be represented at the Conference shall be made in writing to the Director-General of the International Labour Office and shall reach him at least one month before the opening of the session of the Governing Body preceding the session of the Conference. Such requests shall be referred to the Governing Body for decision in accordance with criteria established by the Governing Body.

9. The special attention of NGOs is drawn to the fact that, under the new procedure, the Selection Committee of the Conference will no longer deal, as in the past, with requests for invitations to be represented at the Conference which are submitted late. However, requests to be represented on the committees of the Conference (other than those dealing with the agenda item, “Programme and budget proposals and other financial questions”) which are to consider the agenda items in which such international non-governmental organizations have expressed interest will continue to be examined by the Selection Committee of the Conference, once the invitation to the organizations in question to be represented at the Conference has been duly issued by the Governing Body in conformity with the new procedure.

### *Governing Body*

10. Admission to the Special List does not change the present situation in respect of meetings of the Governing Body, to which only the non-governmental international organizations with full consultative status are invited.

### *Regional Meetings*

11. Organizations on the Special List with a special interest in the work of a Regional Meeting may be invited to be represented at the meeting in conformity with article 1, paragraph 7, of the Rules for Regional Meetings. Applications must be received not later than one month before the session of the Governing Body preceding the Regional Meeting in question.

### *Industrial and joint committees and tripartite technical meetings*

12. Upon receipt of duly substantiated requests from organizations on the Special List to participate in meetings of industrial and joint committees and tripartite technical meetings, the Director-General submits to the Governing Body proposals to invite the organizations to be represented by observers at those meetings to which they are in a position to make a significant contribution on account of their special competence. The supporting material accompanying the request from the applicant organization should relate to its interest not only in the subjects to be discussed at the meeting but also in the industry or the branch of economic activity in question. Applications must be received not

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later than one month before the session of the Governing Body preceding the meeting in respect of which a request is made. The provisions of the Standing Orders for such meetings apply to organizations invited to send observers.

#### Committee of experts

13. Organizations on the Special List are not invited to attend meetings of committees of experts (or other meetings that are not tripartite). They may, however, forward to the Director-General documents of a technical nature on agenda items. The Director-General decides whether to place such documents at the experts' disposal.

#### Circulation of statements by international non-governmental organizations

14. Any organization authorized to circulate a statement under the applicable Standing Orders is responsible for the translation and reproduction of the statement.

#### Technical information

15. In addition to the above rules concerning participation in ILO meetings by organizations on the Special List, the Office is ready at any time to take into account information and suggestions of a technical character provided by such an organization if the Director-General considers the information of real value.

#### Documentation for meetings

16. Organizations on the Special List regularly receive a list of ILO meetings giving the date, place and agenda for the meetings. Documents for the meetings at which they are invited to be represented are also forwarded to them.

### **III. Obligations of organizations on the Special List**

17. Organizations on the Special List are expected to cooperate with the International Labour Organization and to further its activities within the nature and scope of their competence.

18. The organizations are requested to transmit to the ILO the agendas of their meetings, congresses, conferences, etc., other than meetings of a purely private or business nature, together with the background reports or documents published for such meetings and the final reports or minutes thereof.

19. Such organizations are also required to send to the ILO either annual reports on their work or documents from which it is possible to obtain detailed information on their activities during each year.

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**Note concerning arrangements applicable to non-governmental international organizations other than those enjoying general or regional consultative status or those included on the Special List<sup>1</sup>**

Adopted by the Governing Body at its 245th Session (1 March 1990).

1. An NGO wishing to be invited to be represented at a session of the International Labour Conference:

- (a) should demonstrate the international nature of its composition and activities; in this connection, it should be represented or have affiliates in a considerable number of countries; and
- (b) should have aims and objectives that are in harmony with the spirit, aims and principles of the Constitution of the ILO and the Declaration of Philadelphia; and
- (c) should have formally expressed an interest – clearly defined and supported by its statutes and by explicit reference to its own activities – in at least one of the items on the agenda of the Conference session to which it requests to be invited; these details should be supplied with the request for an invitation; and
- (d) should have made its request for an invitation in accordance with the procedure set out in the Standing Orders of the Conference.

2. Non-governmental international organizations enjoying general or regional consultative status and non-governmental international organizations on the Special List would already be deemed to have satisfied criteria (a) and (b), which would have been verified when they were admitted to these categories, as would organizations enjoying consultative status with ECOSOC in their categories I and II.

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<sup>1</sup> Source: GB.245/PV, Eighth item on the agenda, p. VII/6, GB.245/8/19, paras 43, 44 and 50. See also paras 8–9 (Procedure) of the preceding Note in this Annex V.

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## Annex VI

### **Procedure for the examination of periodic reports on the absence of tripartite delegations or incomplete tripartite delegations at sessions of the Conference, Regional Meetings or other tripartite meetings<sup>1</sup>**

Decision adopted by the Governing Body at its 183rd Session (24 June 1971), modified by the Governing Body at its 205th Session (3 March 1978).

The Director-General is requested to carry out inquiries concerning the extent of, and the reasons for, failure to send complete tripartite delegations to sessions of the General Conference, Regional Meetings and Industrial Committees, as well as other tripartite meetings of the ILO, and to report to the Governing Body.

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<sup>1</sup> Source: Minutes of the Governing Body, 183rd Session (June 1971), pp. 64–65 and 194; GB.205/PV, 21st item on the agenda, p. IX/9 and GB.205/21/10, paras 3–4.

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## **Annex VII**

### **Procedures for the selection and appointment of the ILO External Auditor <sup>1</sup>**

Adopted by the Governing Body at its 285th Session (March 2002).

#### ***Invitation***

All member States, including the member State of the serving External Auditor, will be invited to submit nominations from Auditors-General (or officers holding the equivalent titles) or other persons of high competence to act as the External Auditor of the ILO for a period of four years. This term of office may be extended for a further period of four years.

The information to be provided by member States when making nominations will include:

- (1) details of the national and international activities of the Auditor, including the range of audit specialities;
- (2) a description of the audit approach, procedures and standards that the Auditor would apply;
- (3) an estimate of the total time and grade-mix of staff that would be required to conduct the audit for a full financial period; and
- (4) the amount of the all-inclusive audit fee.

#### ***Receipt and opening of proposals***

The receipt and opening of proposals will be performed in accordance with ILO tender receipt and opening procedures.

Once opened, a summary of all proposals will be prepared by the Office for submission to the Governing Body for evaluation.

#### ***Appointment***

The Governing Body will decide on the appointment.

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<sup>1</sup> Source: GB.285/205, para. 22; GB.285/10/1, para. 44.

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## Annex VIII

### **Decision concerning the composition of meetings of experts and advisory panels established by the Governing Body<sup>1</sup>**

Adopted by the Governing Body at its 180th Session (May–June 1970).

1. Persons appointed to serve as members of a meeting of experts or advisory panel by the Governing Body serve in their personal capacity as experts and act and speak in their expert capacity, not as representatives of any government, group, or other interest. In informing such persons of their appointment by the Governing Body the Director-General will specifically draw their attention to the expert capacity in which they have been invited to serve.
2. In appointing persons to serve as members of meetings of experts or advisory panels the Governing Body will be guided by the following three criteria which are of the highest importance for ensuring the authoritative character of the conclusions reached by them:
  - (a) securing the highest possible level of qualifications in the meeting or panel as a whole;
  - (b) securing a balanced representation of different parts of the world and different points of view in the composition of the meeting or panel; and
  - (c) securing the fullest and most appropriate use of the expert knowledge and experience available in employers' and workers' circles.
3. (1) Nominations for service as members of meetings of experts or advisory panels will be submitted to the Governing Body by the Director-General.
  - (2) Before seeking proposals or suggestions for such appointments the Director-General will consult the Officers of the Governing Body as to the composition of the meeting of experts or advisory panel.
  - (3) Before submitting such nominations to the Governing Body the Director-General will consult governments and the two non-governmental groups of the Governing Body to obtain their proposals for such appointments; he may also invite other circles having special knowledge or competence of the matters to be considered to make suggestions for such appointments.

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<sup>1</sup> Source: GB.178/4/22 (Mar. 1970), para. 260; GB.180/205 (May 1970), para. 8.