



## THIRD ITEM ON THE AGENDA

**Practices for the preparation of  
international labour Conventions:  
Handbook on good drafting practices**

1. At its 283rd Session (March 2002), the Governing Body reviewed the measures taken with a view to making the improvements to standards-related activities made necessary by the major changes that had occurred worldwide from the late 1980s onwards. On that occasion, the Governing Body specified what remained to be done in the light of the issues that had been covered since the start of the review process, and drew up a timetable to examine the points raised. After considering the improvements needed in the preparation of standards, the Governing Body, in its 288th Session (November 2003), approved the preparation of a document on good drafting practice, on condition that an evaluation of the cost of this operation be submitted, that such a document be examined by a tripartite group of experts before being submitted to the Governing Body, and that it be flexible and non-restrictive.<sup>1</sup>
2. At its 290th Session (June 2004), the Governing Body approved the composition formula of the Tripartite Group of Experts, and the experts nominated by each group were the following: for the Governments, Ms. Sandra Markman (Canada) and Mr. Antoine Lyon-Caen (France); for the Employers, Mr. Edward Potter and Ms. Marie-Paule Roiland; and for the Workers, Mr. Lance Compa and Mr. Jacques Vigne.<sup>2</sup>
3. The meeting of the Group of Experts took place from 19 to 21 January 2005. The Experts made numerous improvements to the draft text submitted to them. These improvements have been introduced into the text, which they proposed to call *Manual for drafting ILO instruments*. The Experts also drew attention to the continuous nature of the exercise; the Manual must be capable of evolving so as to reflect good practices because, as the Governing Body emphasized on a previous occasion, the process of improving standards is a continuous process.

<sup>1</sup> GB.286/13/1 (March 2003), para. 43, and GB.288/10/1 (November 2003).

<sup>2</sup> GB.290/8 (June 2004), paras. 10-12, and GB.291/LILS/2 (November 2004).

4. For reasons of economy, it was decided not to distribute a hard copy of the Manual at this stage. In order to enable the members of the Governing Body to examine the text, it has been made available at the following site: <http://www.ilo.org/public/english/bureau/leg/index.htm>. Copies could be made available on CD-ROM for Governing Body members who request them. The introductory note and the table of contents are reproduced in the appendix to this document.

## **Outline of the Manual for drafting ILO instruments**

5. The Manual reflects the drafting practice of the International Labour Organization in its standards-related activity since its beginnings and, on the basis of that prior practice, proposes certain good practices in a non-restrictive way for the future. It includes an introductory note followed by two main sections, the first of which concerns the formal structure of instruments, the second the content. In addition to these, there are also annexes.
6. The non-restrictive observations and recommendations are based on the drafting practice that has generally been followed for developing international labour standards. These observations and recommendations concerning all the topics examined are intended to encourage the follow-up and development of good drafting practices.

## **Potential users and their requirements**

7. The Manual is intended as a work of reference for everyone involved in the process of developing and drafting international labour standards: Government, Employer or Worker members of the Conference technical committees, members of drafting committees, members of the Employers' or Workers' group secretariats, as well as officials in the technical departments and the Office of Legal Services. Its purpose is to facilitate the work of preparation and drafting by indicating how a given question was resolved in the past. It should also help to improve texts in terms of readability, and to ensure that the intentions of those involved in the development of the standards are reflected more faithfully in the texts finally adopted by the International Labour Conference. While the needs of these different users are to a large extent identical, the manner in which they use the Manual may differ, and for this reason, it is possible to envisage different format versions.

## **Possible format versions**

8. In the light of the likely requirements of users, three possible versions of the text can be envisaged. The original version of the document, including its footnotes containing various sources and references together with its annexes, could be made available in hard-copy form, with a limited number of copies in view of Office budget constraints. It could also be made available in electronic form (pdf or html format) on the web site of the Office of Legal Services via a link on the ILO web page, or on optical disk. This would be the reference version, which does not directly meet the requirements of delegates in Conference technical committees and is not intended for wider distribution.
9. The main version would be intended in particular for delegates and consist of a hard copy of the basic information on the process of developing standards, certain other elements contained in the reference Manual, and the observations and recommendations included at the end of each chapter. Link texts would be provided, and "frequently asked questions" could be used to encourage consultation and correct usage. The emphasis should be on

user-friendliness and clarity for people who are not jurists or specialists in drafting international legal texts.

10. Lastly, the third version, in electronic form, would be more interactive, with different levels of entry into the Manual. The basic level would give access to a short presentation on the process of developing international labour standards, intended mainly for use by delegates, and the proposals and recommendations contained in the reference Manual. Users wishing to know more could be invited to open different windows giving access to more detailed information in support of the proposals or to examples drawn from other Conventions. A direct entry at a higher level would give access to all the information contained in the Manual. It must be possible to find the information quickly by means of a detailed table of contents, and care should be taken to ensure alignment between the different working language versions.
11. *In the light of the above, the Committee may wish to recommend that the Governing Body:*
  - (a) *take note of the document entitled Manual for drafting ILO instruments;*
  - (b) *request the Office to adapt the Manual along the lines indicated in paragraphs 8-10 above, financing this work through savings;*
  - (c) *inform the Governing Body of progress in work to adapt the Manual at its 294th Session (November 2005).*

Geneva, 16 February 2005.

*Point for decision:* Paragraph 11.