



International
Labour
Organization

NATIONAL TRIPARTITE SOCIAL DIALOGUE

An ILO guide for improved governance



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List of Abbreviations

ACTRAV	ILO Bureau for Workers' Activities
ACT/EMP	ILO Bureau for Employers' Activities
AICESIS	International Association of Economic and Social Councils and Similar Institutions
ASEAN	Association of Southeast Asian Nations
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEE	Central and Eastern Europe
CEMAC	Central African Economic and Monetary Community
CIS	Commonwealth of Independent States
DWCP	Decent Work Country Programme
ECOSOC	Economic and Social Council of the United Nations
ECOWAS	Economic Community of West African States
EESC	European Economic and Social Committee
EO	Employers' organizations
ESC	Economic and Social Council
ESCWA	Economic and Social Commission for Western Asia
EU	European Union
FPRW	Fundamental Principles and Rights at Work
GJP	Global Jobs Pact
GUF	Global Union Federations
ILC	International Labour Conference
ILO	International Labour Organization
ILS	International Labour Standards
IMF	International Monetary Fund



IOE	International Organization of Employers
IPEC	International Programme on the Elimination of Child Labour
ITUC	International Trade Union Confederation
LGBT	Lesbian, gay, bisexual and transgender
MDG	Millennium Development Goals
MENA	Middle East and North Africa
MERCOSUR	Common Market of the South
NAP	National Action Plan
NEP	National Employment Policy
NTSD	National Tripartite Social Dialogue
SADC	Southern African Development Community
SCE	Standing Committee on Employment (EU)
SME	Small and Medium-Sized Enterprise
TBP	Time-Bound Programme
UEMOA	West African Economic and Monetary Union

Foreword

Social dialogue and tripartite cooperation between public authorities and social partners are increasingly attracting the attention of ILO member States, as well as that of industrial relations practitioners and political economy experts. In the context of a persistent economic and jobs crisis and acceleration of change and reforms, they are viewed as tools of sound governance of the labour market and effective instruments for promoting crisis recovery and facilitating adaptation to change.

Over the past years, there has been a growing demand by constituents for ILO technical support in the field of establishing or strengthening mechanisms for tripartite social dialogue at the policy level. For the *ILO Programme and Budget for the Biennium 2012-13*, a significant number of countries made “strengthening tripartism and social dialogue” a priority and turned to the ILO for guidance and assistance. This guide is part of the ILO’s effort to respond to that demand from member States and, hence, to strengthen social dialogue institutions and mechanisms in line with international labour standards and good comparative practice.

Depending on each country’s traditions, national tripartite social dialogue comes in a variety of forms, such as economic and social councils, labour advisory councils and similar institutions for cooperation at the policy level. Despite the growing number of social dialogue institutions, their public profile is often low. Many are weak and play only a marginal role in policy-making. Their mandate and competencies are often ill-defined and their functioning poorly resourced. This guide aims to provide direction to constituents to address those deficiencies.

The guide is a product of the Social Dialogue and Tripartism Unit (DIALOGUE) of the Governance and Tripartism Department (GOVERNANCE) and is the result of teamwork within the ILO.

We wish to thank Stirling Smith for preparing a first draft of the guide. We also would like to thank Youcef Ghellab and Valérie Van Goethem who coordinated the project with the assistance of Nancy Varela, Sarah Doyle and Paul Middelkoop.



A number of ILO colleagues have provided insightful comments and guidance at different stages of the development of the guide, in particular ACTRAV and ACT/EMP, and the following other departments: Italo Cardona (DWT/CO-Lima); Adolfo Ciudad (DWT/CO-San José); Karen Curtis (NORMES); Minawa Ebisui (GOVERNANCE); Natan Elkin (NORMES); Kamran Fannizadeh (GOVERNANCE); Claire Harasty (EMPLOYMENT); Susan Hayter (WORKQUALITY); Jane Hodges (WORKQUALITY); Jorge Illingworth (RO-Latin America and the Caribbean); Mélanie Jeanroy (GOVERNANCE); Limpho Mandoro (DWT/CO-Pretoria); Cristina Mihes (DWT/CO Budapest); Angelika Muller (GOVERNANCE); Konstantinos Papadakis (GOVERNANCE); Rainer Pritzer (DWT/CO Port-of-Spain); Alvaro Ramirez (DWT/CO San Jose); John Ritchotte (DWT Bangkok); Jules Oni (DWT/CO Dakar); Simon Steyne (GOVERNANCE); Manuela Tomei (WORKQUALITY) and; Humberto Villasmil (GOVERNANCE).

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The guide was reviewed and validated during two workshops that took place at the ILO's International Training Centre (ITC-ILO) in Turin. The first workshop was held in November 2010, in which the draft guide was reviewed by Gagik Makaryan, employer representative from Armenia; Tulsyraj Benydin, trade union representative from Mauritius; Valentin

Mocanu, government representative from Romania. In December 2011, a second draft of the guide was reviewed by tripartite delegations from Albania, Bosnia and Herzegovina, Republic of Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, and Kosovo-UNMIK in a workshop entitled *Strengthening Tripartite Social Dialogue Institutions in the Western Balkans and Moldova*.

The final guide was introduced in November and December 2013 in two workshops on building and strengthening tripartite institutions with the participation of tripartite delegations from countries of Northern and Sub-Saharan Africa, and Eastern Europe and Caucasus/Central Asia.

Moussa OUMAROU

Director

*Governance and Tripartism Department
International Labour Office*

Geneva

September 2013



Introduction

The ILO is based on the principle of tripartism – dialogue and cooperation between government, employers and workers – in formulating and implementing labour standards. Similarly, the ILO encourages tripartite cooperation at the national level in designing and implementing national economic, social and labour policies. There are specific ILO Conventions and Recommendations that promote tripartite consultation; in particular, they set forth the framework for effective national tripartite social dialogue at the national level.

National tripartite social dialogue brings together government, workers and employers to discuss public policies, laws and other decision-making that affect the social partners. Tripartite consultations can ensure greater cooperation among the tripartite partners and build consensus on relevant national policies. Social dialogue is a key instrument in promoting and achieving decent work, inclusive development and social cohesion, and it encourages good governance.

Tripartite social dialogue has an important role to play in areas such as social security governance, the promotion of international labour standards, non-standard forms of employment, gender equality, and the fair transition to low-carbon economies. Besides these issues, social dialogue processes help to ensure smooth political and economic transitions and mitigate the impacts of crises. The role of social dialogue in these issues is further discussed in this guide.

The guide will help the Office respond to the needs expressed by constituents in their Conclusions concerning the recurrent discussion on social dialogue adopted in the 2013 International Labour Conference. Constituents have requested the Office to promote social dialogue and the role of social partners in the design, governance and implementation of economic, employment and social protection policies at the national level.

In addition, constituents have asked the Office to reinforce evidence-based policy advice to build institutions for social dialogue in some countries and improve their effectiveness in others. This guide on

national tripartite social dialogue was developed as a response to these requests and in line with the ILO strategic objective on social dialogue. It is a global tool for establishing or strengthening tripartite mechanisms and institutions. Ultimately, stronger social dialogue institutions will enhance the capacity of tripartite constituents to engage in effective dialogue and negotiations at all levels of policy-making.



Objectives and audience of the guide

The International Labour Organization (ILO) exists to serve its tripartite constituents: government, employers' organizations and workers' organizations. It is devoted to promoting social justice and internationally recognized human and labour rights, pursuing its founding mission that labour peace is essential to prosperity. The ILO relies not only on tripartite social dialogue in its operations on a daily basis. Its obligation to promote tripartism and social dialogue in the member States stems from its Constitution and from the Declaration Concerning the Aims and Purposes of the International Labour Organization ("Declaration of Philadelphia" adopted by the ILC in 1944) which forms part of it.

Constituents have asked the ILO for support to establish a framework within which member States can promote tripartite social dialogue at the national level. Indeed, the overall picture is mixed. In some countries, no framework for national tripartite social dialogue (NTSD) currently exists. In others, structures and procedures are in place but they need to be revised or reinforced. In both cases, an adequate framework for NTSD is needed to engage constituents in consultations and negotiations on economic and social matters. As explained extensively in this guide, the potential benefits of NTSD are significant, especially in terms of the democratization of decision-making, social peace and stability, and conflict prevention.

A. Purpose of this guide

This guide is a response to requests from ILO constituents. It is meant to offer them a range of options when establishing a mechanism for NTSD or when reinforcing the existing system. However, the guide is not meant to be a normative document. It draws on the stipulations of international labour standards and on the lessons learned and experience gained by the ILO over the years in promoting social dialogue and providing policy advice, capacity building and practical guidance to tripartite constituents in all regions of the world.

Social dialogue is a pressing issue for many ILO member States. Every year, the International Labour Office receives numerous requests from member States seeking advice on strengthening social dialogue institutions and mechanisms according to international labour standards and good international practices, to create an effective framework for NTSD.

Questions addressed in this guide

This guide attempts to answer questions frequently posed to the ILO, such as:

1. Why are institutions for tripartite social dialogue needed at the national level?
2. What are the preconditions for genuine NTSD?
3. Where they already exist, how can these institutions' operations be regulated? What are the advantages and disadvantages of the various options?
4. What are the possible mandates of these institutions?
5. What are their appropriate composition and size?
6. Should they be independent of government or form part of the government structure? How can they be funded?
7. Who should participate in tripartite social dialogue at the national level?

- 
8. What decision-making process could be followed?
 9. What issues could be discussed in these institutions?
 10. Should these institutions operate confidentially or publicly?
 11. How could their work be organized and what supporting logistics are needed?
 12. What relevant ILO standards exist in this area and what do they stipulate?
 13. How can the capacity of the existing institutions be reinforced?

B. Who is this guide for?

Consultation and cooperation between public authorities and social partners, in one form or another, are deemed desirable, and even essential, by most ILO member States. Increasingly, social dialogue is perceived as a sound and credible alternative to state unilateralism on the one hand and “laissez-faire” policies on the other.

In some countries, the practice of consultation and cooperation is long-standing; in others, it is developing or just emerging. In some places, NTSD is under threat or declining.

This guide is designed for those who are new to social dialogue, and for those involved in established national councils and other tripartite mechanisms who wish to review their operation and increase their impact in policy-making.

Potential users of this guide

- ▶ Tripartite constituents: members/staff of workers' organizations and employers' organizations, and staff of public authorities (in particular, labour and employment ministries);
- ▶ Members and staff of existing national tripartite bodies, and other social dialogue institutions;
- ▶ Members and staff of institutions and organizations involved in promoting social dialogue (including academic, research institutions, non-governmental organizations);
- ▶ Interested parties in regional and subregional economic groupings (e.g. the Economic Community of West African States (ECOWAS), MERCOSUR, the Southern African Development Community (SADC));
- ▶ Members of the International Association of Economic and Social Councils and Similar Institutions (AICESIS);
- ▶ Parliamentarians, community leaders, civil society and other stakeholders in society (e.g. development banks, international financial institutions);
- ▶ ILO staff.

The focus of this guide is **national level tripartite social dialogue**. It does not deal with other levels of social dialogue or with collective bargaining, which other guides cover, including “How to promote collective bargaining: A handbook for practitioners” (forthcoming).

However, at the end of Part I of this guide (see the Annex), the issue of tripartite social dialogue at the regional level is briefly examined because of the links it can have to discussions at the national level and because many governments are devolving socio-economic and labour relation issues to regional and provincial governments.

C. How can this guide be used?

This guide can be used when establishing or revising the framework for NTSD. The discussion can be initiated either by the government or by social partners. The guide is designed to be read in its entirety or to select the topics needed for capacity building. It is divided into two parts, comprising chapters that can be read independently.

Part I addresses the process and the institutional framework for NTSD. Part II focuses on certain major thematic issues that can be discussed on a tripartite basis. The purpose of Part II is not to examine all the issues in detail, but to provide an overall picture of the salient points concerning each subject matter. Text boxes offering country examples as well as references and links to further reading provide additional guidance.

As in any complex process, social dialogue can take various forms. No single one-size-fits-all structure and process can readily be exported from one country to another. Developing a framework for NTSD in line with the national context and needs is therefore key to ensuring local ownership of the process.

This guide aims to help constituents develop their own route towards the promotion of an effective tripartite social dialogue at the national level.

PART 1

National tripartite social dialogue: Processes and institutions

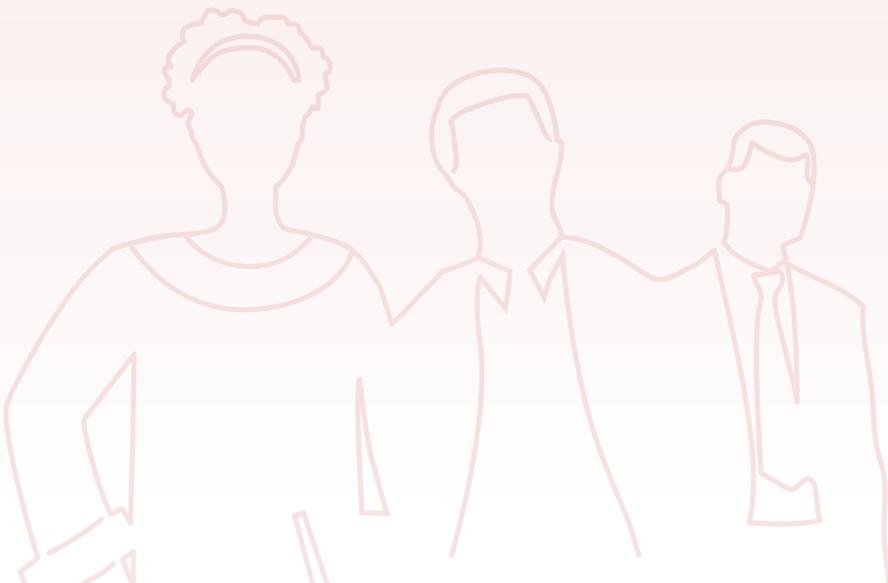
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SECTION I

Definitions

This section clarifies what is meant by national tripartite social dialogue (NTSD). Various definitions are proposed and discussed.

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A. Social dialogue

No universally agreed definition of social dialogue exists. Social dialogue can take place at different levels and in various forms, depending on national contexts.

According to ILO's broad working definition, which reflects the wide range of processes and practices that are found worldwide, social dialogue includes *all types of negotiation, consultation or information sharing among representatives of governments, employers and workers or between those of employers and workers on issues of common interest relating to economic and social policy.*

Social dialogue is both a means to achieve social and economic goals and an objective in itself, as it gives people a voice and stake in their societies and workplaces. It can be bipartite, between workers and employers (referred to by the ILO as “the social partners”) or tripartite, including government.

Social dialogue can improve the design of policy measures; it can contribute to their effective implementation and it can improve the quality of the outcomes.

B. Tripartism

Tripartism is one of the main forms of social dialogue. It is a foundational principle and fundamental value of the ILO that is at the very heart of the organization's work.

Tripartism can be defined as “the interaction of government, employers and workers (through their representatives) as equal and independent partners to seek solutions to issues of common concern” (*ILO Thesaurus*).

In other words, tripartism refers to the involvement of employers' and workers' organizations, alongside the government, on an equal footing, in decision-making.

This does not mean that employers' and workers' organizations and the government should systematically have equal numbers of representatives, but it does require that the views of each side be given equal consideration. It also does not mean that the responsibilities of the three parties are the same. Each side has a clear role and function to fulfil.



Tripartism – The three keys of the ILO



The creation of the ILO in 1919 unlocked the gates to tripartite collaboration between governments, workers and employers to improve labour laws and standards worldwide. The architects commissioned three keys and a triple lock for the gate of the ILO's new office in Geneva. The three keys have remained a symbol of the organization ever since.

Source: ILO. 2003. "Tripartism in the 21st century: Building on bedrock".



Singapore – Tripartism: "A key competitive advantage"

"Tripartism is a key competitive advantage for Singapore, underpinning its economic competitiveness, harmonious labour-management relations and overall progress of the nation."

Source: Singapore Tripartism Forum: <http://www.tripartism.sg/>.



The Philippines – Tripartism: "A state policy"

Section 275 of the 1974 Labour Code (*consolidated in 2011*) of the Philippines provides:

1. "Tripartism in labor relations is hereby declared a State policy. Towards this end, workers and employers shall, as far as practicable, be represented in decision and policy-making bodies of the government.
2. The Secretary of Labor and Employment or his duly authorized representatives may, from time to time, call a national, regional, or industrial tripartite conference of representatives of government, workers and employers for the consideration and adoption of voluntary codes of principles designed to promote industrial peace based on social justice or to align labor movement relations with established priorities in economic and social development. (...)."

C. Other meanings of “tripartism”

According to the ILO, *tripartism* fully involves the government as one of the three partners in the consultations/negotiations. Tripartism in this sense should therefore not be mixed with another form of dialogue between three partners often referred to as “civil dialogue”.

Civil dialogue involves representatives of workers’ and employers’ organizations along with a selection of civic and social interest groups (i.e. not with the government). This kind of model is reflected in many countries at the national level. It is most fully embodied in the European Economic and Social Committee (EESC), a consultative body of the European Union (EU). Three membership groups make up the EESC:

- ▶ employers
- ▶ workers
- ▶ “various interests” (*such as associations representing the family, women’s and gender equality issues, youth, minority and underprivileged groups, persons with disabilities, farmers’ organizations, small businesses, the crafts sector, consumer organizations and environmental organizations*)

In this guide, *tripartism* is used only as defined by the ILO.

D. Tripartism “plus”

As already mentioned, the three traditional, core actors of NTSD are the social partners and the government, since social dialogue has its origins in issues related to the “world of work”.

Yet, the term “tripartism ‘plus’” is gaining popularity in situations where the traditional tripartite partners choose to open up the dialogue and engage with other civil society groups, to gain a wider perspective and consensus on issues beyond the world of work (such as the protection of the environment or the needs of specific or vulnerable groups). The 2002 ILO resolution concerning tripartism and social dialogue acknowledges the potential of collaborating with civil society:

Emphasizing that the social partners are open to dialogue and that they work in the field with NGOs that share the same values and objectives and pursue them in a constructive manner; recognizing the potential for the International Labour Office to collaborate with civil society following appropriate consultations with the tripartite constituents (...).

Moreover, some ILO instruments request the involvement of specific civil society groups beyond the social partners. For example, this is the case for the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), and the HIV and AIDS Recommendation, 2010 (No. 200).

Nonetheless, employers' and workers' organizations are distinct from other civil society groups in that they represent the actors of the "real economy" and draw their legitimacy from their membership.

Therefore, it is clear that, in any case, the purpose of involvement with other "advocacy groups" is to strengthen tripartism, not to weaken or dilute it.

Report of the Director-General to the International Labour Conference 2013

(...) with the guarantees provided by improved tripartite governance processes in the ILO, it should be possible to involve non-tripartite constituents appropriately in the Organization's work, on the basis of clearly demonstrated advantage and well-defined roles. They can and do provide added value in terms of expertise and knowledge, and it serves no purpose to deny it or to forgo their contribution. (...) That said, the capacity-building responsibilities of the ILO are towards its tripartite constituents, and to them alone.

Source: ILO. 2013. Towards the ILO centenary: Realities, renewal and tripartite commitment, paras 98 and 99.

E. Bipartism and collective bargaining

Bipartite social dialogue is when two parties – one or more employers and/or one or more employers' organizations, and one or more workers' organizations – exchange information, consult each other or negotiate together, without government intervention. This could, for instance, pertain to wages, working conditions or health and safety at work, but it could also address broader policy issues.

While the government is not a partner in the bipartite process, it may provide assistance to the social partners in their bipartite negotiations. The government may also offer conciliation and mediation services should a dispute arise between the social partners. The type and degree of government involvement in the bipartite process is determined by the system of industrial relations in place. Because of this contribution, the borders between tripartite and bipartite social dialogue can sometimes be difficult to define precisely.

A particular form of bipartite social dialogue is *collective bargaining*. The ILO Collective Bargaining Convention, 1981 (No. 154), defines collective bargaining as:

all negotiations which take place between an employer, a group of employers or one or more employers' organizations, on the one hand, and one or more workers' organizations on the other, for one or more of the following purposes:

- 1. determining working conditions and terms of employment*
- 2. regulating relations between employers and workers*
- 3. regulating relations between employers or their organizations and a workers' organization or workers' organizations*

Collective bargaining can help to create a culture of dialogue between trade unions and employers and/or their organizations. A culture of dialogue between the social partners over the terms and conditions of employment and employment relations can provide foundations for tripartite social dialogue at the national level.



Belgium – Government assisting bipartite social dialogue

The autonomy of the social partners and bipartite concertation characterize the social dialogue model at the national (interprofessional), sectoral and enterprise levels in Belgium. Labour relations are largely governed by collective labour agreements, although the government also plays a role. Bipartite social dialogue in Belgium is supported by the public authorities, in particular through the following measures:

- *Consistent regulatory framework:* The legal framework and the establishment of bodies for social dialogue are decided upon after consultation and in agreement with the representative organizations of workers and employers.
- *Freedom of bargaining and the right of initiative:* At every level, the social partners can freely undertake negotiations, and social legislation allows setting or adjusting the implementing measures through collective labour agreements.
- *Promotion and support – selected examples:* Interprofessional and sectoral social dialogue is facilitated by the government; a free system of voluntary social conciliation is made available; more than 90 per cent of the intersectoral collective agreements are made compulsory (which implies that their infringement can constitute a penal offense); and sectoral concertation is supported logistically (including the work of the secretariat, meeting rooms, etc.).
- *Monitoring:* The administration monitors and analyses the outcomes of the intense sectoral social dialogue (over 1,000 conventions per year) and reports to the cross-industry social partners represented in the National Labour Council and the Central Economic Council.

Source: Belgian Federal Public Service Employment, Labour and Social Dialogue: <http://www.emploi.belgique.be>.

In other words, tripartism builds on sound and effective industrial relations, and the two processes can be seen as the two sides of the same coin – one reinforcing the other. Bipartite discussions can influence tripartism and vice versa.

F. *Specific case: The public sector – the government as employer*

Another specific situation is when the government is involved in social dialogue in its capacity as employer. This is the case in the public sector. Article 7 of the ILO Labour Relations (Public Service) Convention, 1978 (No. 151), promotes collective bargaining and other forms of social dialogue in the public services.

The involvement of the government in the negotiations of terms and conditions of employment in the public sector should not be considered as a form of tripartism. The government in this case only acts in its capacity as employer.



Further reading

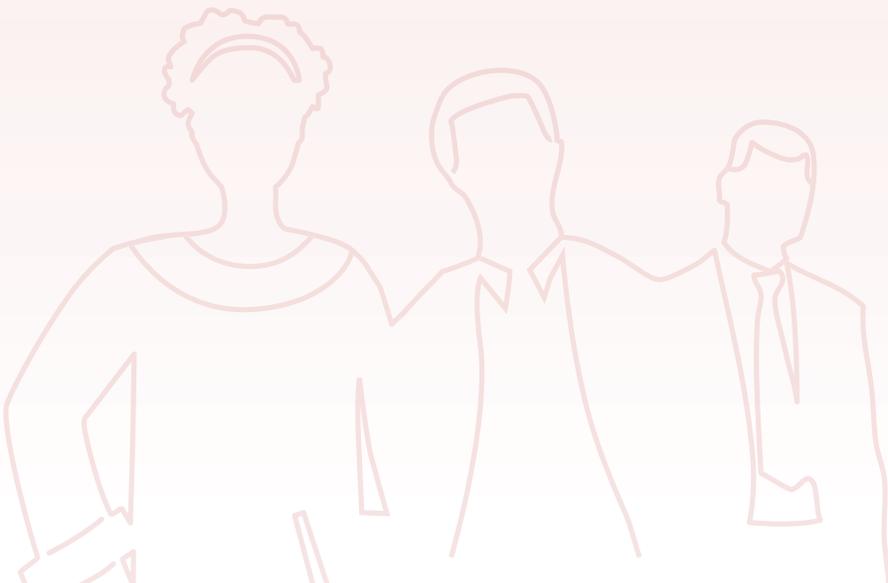
- ▶ ILO. 1960. *Observations regarding consultation and cooperation between public authorities and employers' and workers' organizations at the industrial and national levels*, International Labour Conference, 44th Session, Geneva, 1960.
- ▶ ILO. 1996. *Tripartite consultation at the national level on economic and social policy*, Report VI, International Labour Conference, 83rd Session, Geneva, 1996.
- ▶ ILO. 2000. *General survey concerning the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976 (No. 152)*, Report III (Part 1B), International Labour Conference, 88th Session, Geneva, 2000.
- ▶ ILO. 2003. "Tripartism in the 21st century: Building on bedrock", in *World of Work, The magazine of the ILO*, No. 46, March 2003 (Geneva).
- ▶ ILO. 2011. *Promoting Collective Bargaining Convention No. 154*.
- ▶ ILO. 2013. *Towards the ILO centenary: Realities, renewal and tripartite commitment*, Report of the Director General to the International Labour Conference, 102nd Session (Geneva).
- ▶ ILO. 2013. *Recurrent discussion on the strategic objective of social dialogue under the ILO Declaration on Social Justice for a Fair Globalization*, International Labour Conference, 102nd Session, Geneva, 2013.
- ▶ ILO. Forthcoming. *How to promote collective bargaining: A handbook for practitioners* (Geneva).
- ▶ Hayter, S. (ed.). 2011. *The role of collective bargaining in the global economy: Negotiating for Social Justice* (Cheltenham and Geneva, Edward Elgar Publishing and ILO).
- ▶ Trebilcock, A. 1994. *Towards social dialogue: Tripartite cooperation in national economic and social policy making* (Geneva, ILO).

SECTION II

Mandate and possible outcomes of national tripartite social dialogue

This section discusses the nature, mandate and possible outcomes of NTSD on the basis of three options: negotiation, consultation and/or exchange of information processes.

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A. Introduction

For government, workers' and employers' organizations, there is a need to consider the mandate of the NTSD institution or the purpose of the tripartite social dialogue process at the national level. *Is it to consult or to negotiate? What is the status of its outputs?*

In shaping the framework of NTSD, the government and workers' and employers' organizations – and possible other stakeholders – have three options:

- ▶ **A forum for exchange of information**, which is the simplest form of social dialogue. It only implies a certain degree of confidence between the parties;
- ▶ **A forum for consultation**, which implies an exchange of views to discuss a proposal or to test a policy option; it may result in one party reconsidering its position. Consultation is asking others for their opinions and offering them the opportunity to respond; it also implies giving careful consideration to the views expressed;
- ▶ **A forum for negotiation**, which implies discussions between parties with differing or conflicting interests, with a view to reaching an agreement. Negotiation is the most formal and binding form of social dialogue, and is mostly institutionalized.

National circumstances may include domestic customs and practices in the field of industrial relations; availability and expertness of administrative resources; the country's stage of development; and the strengths of employers' and workers' organizations.

Any of these processes of social dialogue can be either informal and ad hoc, or formal and institutionalized. No one or more approaches can be predicated as suitable for any particular country. The precise process to be selected will depend on the subject matter, the degree of urgency and other national circumstances.

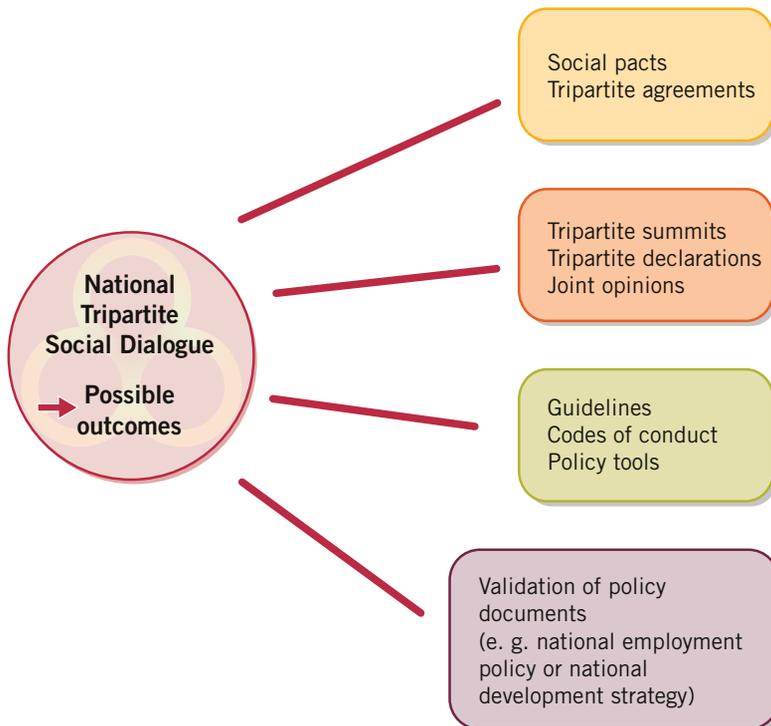
Informal processes are often as important as formal ones.

It is possible for an NTDS process to include all three options, at different times. However, if a process starts at one level – such as *consultation* – it should not move to another level – such as *negotiation* – without the agreement of all parties.

This raises an important principle: tripartism and social dialogue are voluntary processes. In no case can they be imposed.

There are various means of involving workers and employers and their organizations. In accordance with national custom or practice, consultation and cooperation can take place through *voluntary action* on the part of the employers' and workers' organizations; *promotional action* on the part of public authorities; *laws or regulations*; or through a *combination* of any of these methods (see Recommendation No. 113 concerning Consultation at the Industrial and National Levels (1960), para. 3).

National tripartite social dialogue - Possible outcomes



B. Exchange of information



Exchange of information is the most basic process of social dialogue. It implies no real discussion or action on the issues concerned, but is an essential starting point of more substantive debates and discussions.

There is often the assumption that an exchange of information is not as valuable as other forms of social dialogue. However, it can be a beneficial process. Organized exchange of information in a relaxed atmosphere may help the parties begin to see the rationale of other groups, which may lead to informal consultations.

Nevertheless, an exchange of information can take place without being followed up by either formal consultations or negotiations.

C. Consultations



Consultation is the most widespread practice of national social dialogue. It is a means by which the social partners not only share information but also engage in more in-depth dialogue on the issues raised. While consultation itself does not carry decision-making power, it can take place as part of such a process.

Consultation is asking others for their views and involving them openly in discussion.

Consultations provide government with information on possible social reactions to draft public policy measures or draft legislation, without relinquishing its decision-making powers. At the same time, consultations provide the social partners with direct information on the government's intentions and with an opportunity to express their position, without sharing full responsibility with the government for its policies.

Consultations are not supposed to lead to agreements, but may lead to common understanding or declarations, or to joint statements, opinions or reports.

In any case, the government should provide feedback to the workers' and employers' organizations on the follow-up. Indeed, if consultation is seen only as a "talking exercise" without any serious commitment by the government, it will lose credibility and eventually support from the social partners.

Has the government an obligation to respond to the opinions expressed by the social partners?

In some countries, there is an obligation for the government to react to the opinions expressed by the social partners. Elsewhere, the government is obliged to provide information to parliament on the views expressed by the tripartite institution on the envisaged policy measures or legislation. Such types of obligations have certain advantages:

- ▶ it is a positive signal to workers, employers and civil society;
- ▶ it reinforces the feeling on the part of the social partners that they and their contributions are being taken seriously, enhancing their interest and motivation to be engaged in consultations;
- ▶ it ensures that governments take into consideration the different viewpoints on the issues that were discussed;
- ▶ it promotes transparency.



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***Obligation to respond?* – The situation in the former Yugoslav Republic of Macedonia**

In the former Yugoslav Republic of Macedonia, a tripartite agreement of August 2010, concluded with the support of the ILO, established the Economic and Social Council (ESC). This agreement, which represented a significant advance in NTSD, granted the tripartite Council greater autonomy in policy-making.

It is now mandatory to consider the opinion of the ESC on laws in labour relations, employment, pensions and disability insurance, and occupational safety and health. Government ministries are also obliged to provide feedback on the ESC's opinions, recommendations and proposals. In October 2011, the ESC agreed on the country's first minimum wage, after years of lengthy discussions between the social partners. Subsequently, the Law on Minimum Wage was adopted by Parliament.

Sources:

- ♦ ILO. 2010. "*New Economic and Social Council in the former Yugoslav Republic of Macedonia*, 25 August 2010 press release.
- ♦ Federation of Trade Unions of Macedonia, *Amount of Minimum Wage Determined*: <http://www.ssm.org.mk>.



Obligation to respond? – The situation in the Netherlands

In the Netherlands, the government is not obliged to ask the Economic and Social Council's advice on all important social and economic matters. This obligation was repealed in 1995, but there has been no fall in the number of requests received by the Council. If the government does not ask the Council for its advice on a matter that the latter regards as important, the Council may decide to issue an advisory report on its own initiative. As a rule, it will only do so if it believes that its advice will have the unanimous backing of all its members.

The government is free to decide whether or not to follow the Economic and Social Council's advice. However, if an advisory report is unanimously supported by the full Council, the message for the government is clear. According to the 1997 Framework Act Governing Advisory Bodies, the government should respond to the Council's advice within three months of it being issued. The agreement is that, if the government does not follow the Council's advice, it must explain why.

Source: Economic and Social Council of the Netherlands: <http://www.ser.nl>.

D. Negotiations leading to agreements



Negotiation is the most formal and binding form of social dialogue, which in most cases is institutionalized.

Tripartite negotiations aim at achieving *agreements* between the government and the social partners. This will call for trade-offs.

Tripartite negotiation at the national level usually addresses major national economic and social policy issues. It can be ad hoc or take place on a regular basis where agreements have a defined length. The results of successful NTSD are sometimes manifested in national tripartite agreements, or so-called “social pacts”.



Latin America and the Caribbean – Recent examples of tripartite outcomes

Uruguay	Tripartite Agreement on the Reform of the Social Security System (2008)
Chile	Tripartite Agreement on the National Decent Work Programme (2008)
Dominican Republic	Tripartite Declaration on Freedom of Association (2009)
Costa Rica	Amendments to the draft reform of the Labour Procedure Act (2010)
Honduras	New mechanism for setting the minimum wage (2011)

Social pacts

Social pacts are one of the most visible outcomes of successful NTSD.

Strictly defined, social pacts exist in widely publicized tripartite agreements between government and the social partners in the area of employment and incomes, the labour market, or economic or social policies, containing a detailed list of policy measures and methods for action through social dialogue (i.e. commitments from each of the parties, concrete targets and precise time frame for their implementation). In general, social pacts seek to facilitate the adjustment of national economies to external shocks such as loss of competitiveness or economic/monetary integration.

Once such agreements are made, the parties involved should be able to deliver on what has been agreed.

Broadly defined, social pacts can also cover tripartite declarations of a more general nature, adopted at the national level, mostly aiming at recalling a number of fundamental rights and principles at work (e.g. freedom of association, right to collective bargaining) and engagements, for example concerning the importance of promoting social dialogue as a tool for reconciling the requirements of economic development and the need for social progress.

In many European countries, social pacts (strictly defined) became an important instrument in dealing with the economic and social challenges of globalization, economic restructuring and monetary integration. However, countries without a tradition of policy concertation have also managed to agree on social pacts, representing consensus among the tripartite (or tripartite plus) stakeholders, as a result of national social dialogue.

In fact, in politically unstable or transition countries, it is sometimes considered an achievement in itself if one can gather social partners and the government around the negotiation table to achieve social consensus, even if it is no more than a declaration of intent.

Sources:

- ♦ Avdagic, S.; Rhodes, M.; Visser, J. (eds): *Social Pacts in Europe: Emergence, Evolution and Institutionalisation* (Oxford: Oxford University Press).
- ♦ Ishikawa, J. 2003. *Key Features of National Social Dialogue: a Social Dialogue Resource Book* (Geneva, ILO).
- ♦ Pochet, P. et al. (eds). 2010. *After the euro and enlargement: social pacts in the EU* (Brussels, European Trade Union Institute).



Spain – Social pacts and political transition

After the Franco regime, in October 1977, the social partners signed several agreements to consolidate the political transition to democracy and to reform the economy. These agreements, known as the “Pactos de la Moncloa”, facilitated the adoption of a new Constitution in 1978 which established in its Article 37(1) that the law shall guarantee the right to collective labour bargaining between workers’ and employers’ representatives, as well as the binding force of the agreements. The role of workers’ and employers’ organizations was therefore recognized in the 1978 Constitution.

By 1981, the social partners agreed on the urgency to restore economic confidence for fear of a political reversal. The Government initiated negotiations culminated in the *Acuerdo Nacional sobre el Empleo* (ANE), signed by the employers’ organization *Confederación Española de Organizaciones Empresariales* (CEOE) and two trade union confederations, *Unión General de Trabajadores* (UGT) and *Confederación Sindical de Comisiones Obreras* (CC.OO.). Initial reservations about reduced militancy (CC.OO.), wage moderation and legitimatizing state policies (both unions) were appeased through the signing of parallel agreements which institutionalized the role of the social partners in various regulatory bodies and provided financial incentives for unions to cooperate. In 1984, the *Acuerdo Económico y Social* (AES) was signed within the context of democratic institutionalization and a deep economic crisis. The pact secured wage moderation, fiscal consolidation and the use of temporary contracts.

No further social pacts were discussed until 1997. However, shared concerns over the persistence of a low value-added, low-productivity economy led to new collaborative efforts. Most importantly, the parties believed that their bargaining power was stronger, which redressed concerns over adverse outcomes. Negotiations were spread across seven different negotiating tables, and resulted in an exchange on collective bargaining and labour market reforms. A second novel feature was the bipartite negotiation style, and consequent codification by the Government. This process was repeated upon the request of the 2000–04 Socialist majority government, which provided a stick for the social partners as it could also act unilaterally upon non-agreement.

The institutionalization over the next decade of the 2001 bipartite incomes policy agreements and the 2002 *Acuerdo para la Negociación Colectiva*

(ANC) transformed Spanish social pacts from ad hoc redistributive policy formulations to nationally negotiated pacts. The new pacts provide the procedures and content for consequent decentralized negotiations in a country characterized for its sectoral and regional diversity. However, since 2009, social dialogue is strained due to the adjustment measures that were adopted to mitigate the impact of the crisis in the labour market.

Source: Molina, O.; Rhodes, M. 2011. "Spain: From Tripartite to Bipartite Pacts", in S. Avdagic, M. Rhodes and J. Visser (eds): *Social Pacts in Europe: Emergence, Evolution and Institutionalisation* (Oxford: Oxford University Press), pp. 174–202.



Tunisia – 2013 Tripartite Social Contract

In Tunisia, a tripartite "Social Contract" was concluded on 14 January 2013. This agreement, which benefited from strong support from the ILO, was signed on the day of the second anniversary of the events that led to the Arab Spring uprisings, first in Tunisia and then in the region.

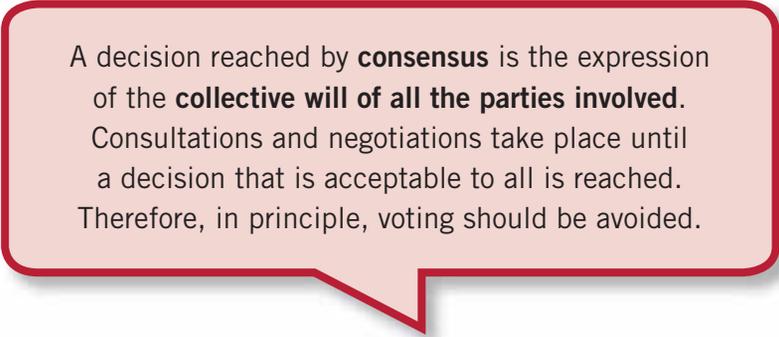
The Social Contract is the result of long and difficult negotiations between the most representative organizations of workers and employers, and the government. In the context of the political transition in Tunisia, the Social Contract aims at paving the way for improvements in areas such as labour legislation and industrial relations, employment policies, social protection and vocational training, as well as balanced regional development. It also calls for the establishment of a National Council for Social Dialogue to ensure its implementation.

The ILO Director-General hailed the adoption of this contract in Tunisia as "a major and historic initiative on governance" whose effects will reach beyond the country's borders. However, he also stressed that the signing of the contract was not an end in itself, but the start of a process whose success will depend on the strengthening of key conditions for continued social dialogue in the country, including the rule of law that guarantees freedom of association and all civil liberties.

Other countries in the region have concluded tripartite agreements in recent years, including **Algeria** (2006 *Social Pact*), **Mali** (2001 *Solidarity Pact*), **Senegal** (2002 *Social Dialogue Charter*), **South Africa** (2009 *Framework Agreement*) and **Togo** (2006 "*Protocole d'accord*").

1. How are decisions made?

To lead to agreements, tripartite negotiations involve choices and compromises between all parties. The golden rule is consensus-building. There must be a conducive atmosphere of willingness to give and take, and strike a win-win bargain. Both parties need to concede.



A decision reached by **consensus** is the expression of the **collective will of all the parties involved**. Consultations and negotiations take place until a decision that is acceptable to all is reached. Therefore, in principle, voting should be avoided.

By its very nature, social dialogue involves voluntary participation. If there is any element of compulsion, social dialogue is unlikely to succeed.

Seen in this way, tripartite agreements constitute contingent institutional constructions. They depend on the political and social situation of the country, the state of the economy, the distribution of powers between the social partners and the government, and the various interests and negotiation strategies of each of them. They are also equally dependent on accurate information, good information exchange, trust between parties and common goals, among other things.

Strong negotiation skills, technical competence and a sense of responsibility of all parties involved are therefore key for effective social dialogue and balanced and viable agreements.

The negotiation process

Prepare	Prior to any negotiation, a decision must be taken on when and where the meeting will take place and who will participate. Setting a limited timescale can help to prevent disagreement from continuing unnecessarily.
Discuss the issues	During the discussion, it is important to understand the concerns of the other parties. This is necessary to propose constructive solutions and create conditions for a balanced negotiation.
Clarify the goals	From the discussion, the goals and interests of all sides need to be clarified. It is helpful to list these in order of priority. Through this clarification, it is often possible to establish common ground.
Negotiate an agreement	It is important to reach an outcome where all sides believe they have gained something positive and their point of view has been taken into consideration. However, this may not always be possible; alternative strategies and compromises must also be considered.
Implement a course of action	From the agreement, a course of action must be implemented to carry through the decision. If the process of negotiation breaks down and agreement cannot be reached, then re-scheduling a further meeting is necessary. This avoids all parties becoming embroiled in heated discussion or argument.

*Source: BIT/PRODIAF. 2007. *Processus et techniques de médiation: manuel de formation à l'intention des partenaires sociaux d'Afrique francophone* (Dakar).*



Negotiation skills	Technical competencies
<ul style="list-style-type: none"> • Planning • Thinking clearly under pressure • Practical intelligence • Verbal ability • Personal integrity • Ability to perceive and use power • Reliability • Ability to listen • Initiative • Persistence • Team leadership • Open-mindedness 	<p>The availability of technical expertise (in-house or external) and the ability to understand and analyse complex issues on the agenda of social dialogue (e.g. pension, wages and income policy, employment dynamics and the like); the capacity to analyse and use statistics and to understand the other sides' positions and priorities; and a mandate and the authority to enter into an agreement are essential prerequisites for efficient participation in tripartite discussions and negotiations.</p>
<p><i>Further information:</i> Training courses on negotiation skills are provided regularly by the International Training Centre of the ILO (ITC/ILO): http://www.itcilo.org.</p>	

The path to negotiation may be easier if it is accepted that voting procedures will be avoided. This is not to say that there is no place for voting. If in particular circumstances voting should be provided for – e.g. because no agreement can be found and a decision needs to be taken – its purpose and the circumstances in which it will be resorted to should be understood and accepted by all.

2. Implementation and monitoring of agreements

If the parties enter into a commitment during tripartite negotiations, they must be confident that they can “deliver”.

Ability to deliver and compliance with commitments undertaken are essential components of the necessary trust that should prevail between the parties. They constitute fundamental preconditions for successful and lasting tripartism.

Without proper implementation, social dialogue might be perceived as just a “talking exercise” that does not lead to any concrete outcomes. The implementation itself should also be monitored and evaluated. Evaluations should feed the next cycle of negotiation, and lessons learned from previous agreements should be taken into account for the next round of negotiations.

In most countries, the responsibility for implementing agreements rests with the relevant government ministries. It is therefore important that the country builds its capacity to translate agreements into concrete policies and action programmes, and to monitor their implementation. However, even if the government has the overall responsibility of facilitating the negotiation and implementation of agreements, the social partners also have a role to play in ensuring that the agreements are properly implemented.

In the **Philippines**, the functions of the Tripartite Industrial Peace Council (TIPC) – i.e. the main consultative and advisory mechanism lodged with the Department of Labor and Employment – include “to **monitor the full implementation and compliance** by concerned sectors with provisions of all tripartite instruments, including international conventions, codes of conduct, and social accords”.





Ireland – Various systems to monitor agreements

A tripartite body, the Central Review Committee (CRC), was established to monitor and review the implementation of the Program for National Recovery (PNR), 1987–90. The PNR involved an agreement between employers, trade unions, farming interests and the Government on wage levels in both the private and public sectors for a three-year period. As part of its mandate, the CRC ensured that commitments were being met and that each party was adhering to the terms of the agreement. An important component of the CRC's responsibilities was to maintain an ongoing dialogue between the Government and the social partners on key economic and social policy issues and to issue recommendations when deemed appropriate. The CRC continued to operate under subsequent agreements:

- ▶ Programme for Economic and Social Progress (PESP), 1991–94
- ▶ Programme for Competitiveness and Work (PCW), 1994–96
- ▶ Partnership 2000, 1997–2000 (The Partnership 2000 Monitoring Committee replaced the CRC)

Later, under the Programme for Prosperity and Fairness (PPF) and the Sustaining Progress (2003–05), the Government established a range of working groups in addition to a quarterly meeting of a Steering Committee on which the social partners were represented. The idea of working groups reflected the wish to tackle a range of complex social and economic problems. It is generally agreed that these working groups were less successful than was hoped.

Under the Towards 2016 (T16) (2006–16) and the Towards 2016: Review and Transitional Agreement 2008–09, there was a Steering Group through which government and the social partners took overall responsibility for the management and implementation of the framework agreement. However, the system of social partnership was suspended in early 2009 when negotiations on a new pact failed. Consequently, none of the arrangements are now in place. However, under the Europe 2020 Strategy, the Government must consult each of the social partners in preparation of its National Reform Programme.

Source: O'Donnell, R.; Thomas, D. 2002. "Ireland in the 1990s: Policy Concertation Triumphant" in S. Berger and H. Compston (eds): *Policy Concertation and Social Partnership in Western Europe: Lessons for the 21st Century* (New York, Berghahn Books), pp. 167–186.

3. Agree to disagree

While it is the intention of negotiations to reach an agreement, sometimes this may not be possible. The parties' views may be too conflicting. In such cases, it is important to at least adopt a statement which sets out the issues, the positions of the different parties, the areas of agreement, and the points of disagreement which make a negotiated settlement impossible.

In other words, parties may “agree to disagree”, which holds open the possibility of renewed negotiations at a later stage.

In some countries, when the social partners disagree on a few issues in the process of a negotiation, they can decide to adopt a “Protocol of disagreements” for potential re-examination in the future.



Further reading

- ▶ ILO. 1960. Record of Proceedings, International Labour Conference, 44th Session, Geneva, 1960 [see *discussions related to the adoption of the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)*].
- ▶ ILO. 2010. *Social dialogue in Africa: practices and experiences* (Dakar).
- ▶ Ishikawa, J. 2003. *Key Features of National Social Dialogue: a Social Dialogue Resource Book* (Geneva, ILO).



In some countries, a set of rules has been defined to guide tripartite actors in their conduct in the social dialogue process.



Senegal – Rules of conduct for each of the social partners

National Charter on Social Dialogue, 2002
Part C Code of conduct for social dialogue
(excerpts)

Article 7

Rules of Conduct for the employers

- commit to establishing an institutional framework for social dialogue;
- promote the sharing of information of economic, financial and social nature;
- promote the social protection of workers;
- implement a training policy for workers;
- commit to not making decisions that jeopardize hygiene, health and safety;
- comply with wage regulations;
- prohibit all forms of discrimination;
- commit to consulting with union representatives and/ or staff representatives to develop plans and training budgets;
- commit to negotiating at previously defined periods, wages, actual working hours, work time arrangements and occupational classifications.

Article 8

Rules of Conduct for the government

- serve users in accordance with the following requirements: proximity and accessibility of services, participation, consultation and mediation
- serve users in accordance with the following requirements: proximity and accessibility of services, participation, consultation and mediation, quality and efficiency, services evaluation, transparency and information, speed, reliability and confidentiality of information;
- commit to promoting a social justice policy and not to infringe the right to strike;
- commit to taking, within a reasonable time frame, all necessary laws and regulations to implement or supplement social security and labour legislations;
- ensure regular consultations within the framework of ILO Convention No. 144.

Article 9

Rules of Conduct for the workers and their organizations

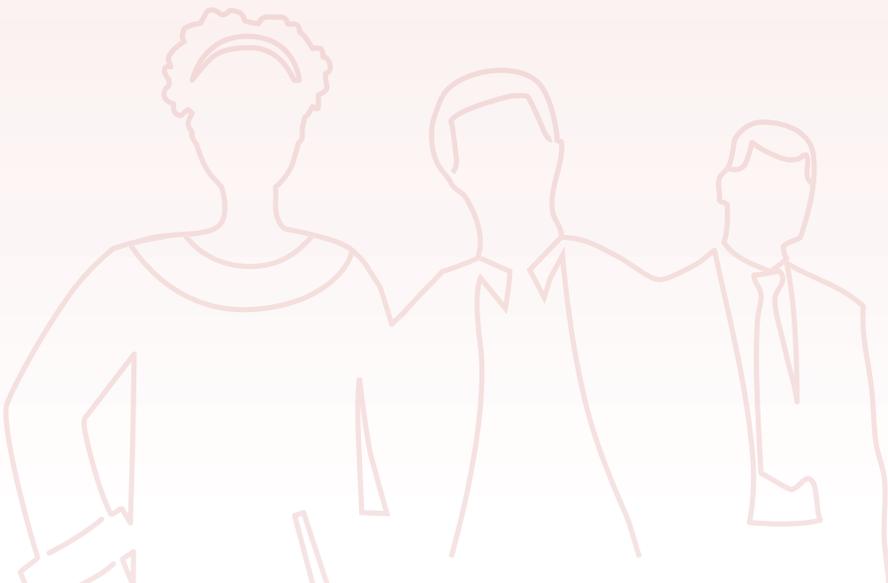
- comply with legal, regulatory and conventional procedures concerning strikes and not to resort to violence and assault;
- contribute to improving the working environment and working conditions and the social climate;
- trigger alert to the employer when they are aware of facts or grave and imminent danger;
- contribute to finding appropriate solutions to prevent the problems that hinder the smooth functioning of the enterprise, i.e. absenteeism, laxity, low productivity and incompetence;
- contribute to the elimination of all the damages that can lead to a decline in sales: customer losses resulting from defective or badly presented products, machines breakdowns, poorly controlled supplies, absences and accidents, lack of hygiene and cleanliness, etc.

SECTION III

Preconditions for successful national tripartite social dialogue

This section discusses the factors needed to make NTSD successful and the factors that may inhibit it.

- A. Democratic foundations and freedom of association 44
- B. Strong, independent and representative social partners 47
- C. Political will and commitment to engage in social dialogue..... 49
- D. Appropriate institutional support 52



What can make NTSD particularly effective? The following factors are important:

- ▶ Democratic foundations and freedom of association;
- ▶ Strong, legitimate, independent and representative workers' and employers' organizations;
- ▶ Political will, a sense of responsibility and commitment of all parties to engage in social dialogue;
- ▶ Appropriate institutional support;
- ▶ Practice and experience.

“The path to effective consultation and co-operation may be long and much **patience, tact, perseverance and persuasion** needed before the end is reached.”

(Observations regarding consultation and cooperation, ILC, 44th session, Geneva, 1960, p. 673)

A. Democratic foundations and freedom of association

NTSD cannot operate effectively in a country in the absence of democratic foundations. Respect for fundamental rights and freedoms are essential. First and foremost, social dialogue is built on respect for, and implementation of, freedom of association. It requires a climate free from violence, pressure and threats of any kind against the leaders and members of workers' and employers' organizations. If workers and employers cannot organize freely, then they cannot discuss freely.

Freedom of association and the right to collective bargaining are set out in most of the national constitutions of ILO member States. They are of vital importance for the social partners, as they provide the basis

for interest representation. They enable the partners to establish rules in the field of working conditions, to pursue more general claims and to reconcile their respective interests with a view to ensuring lasting economic and social development.

In practice, freedom of association requires a climate of respect for the rule of law and for the principle of separation of powers, where the human rights of all citizens are protected, and which is free from violence, pressure or threats of any kind against leaders and members of workers' and employers' organizations by any party.

Freedom of association and the effective recognition of the right to collective bargaining are recognized as fundamental principles and rights in the ILO's 1998 Declaration on the Fundamental Principles and Rights at Work.

Freedom of association and the right to collective bargaining include:

- ▶ the right of workers and employers to form and join organizations of their own choosing, and to do so without prior authorization;
- ▶ the free functioning of those organizations;
- ▶ the right to elect representatives in full freedom;
- ▶ the right of organizations to organize their internal administration;
- ▶ the right of organizations to freely organize their activities and to formulate their programmes;
- ▶ the right to strike;
- ▶ the right to form federations and confederations and affiliate to international organizations of workers and employers;
- ▶ protection against anti-union discrimination;
- ▶ protection against acts of interference;
- ▶ the right to bargain collectively.

These rights are universal and apply irrespective of race, religion, sex, occupation, nationality or political opinion. They apply to all workers and employers, including those in the informal economy.

The role of the government in providing an enabling environment for social dialogue is of paramount importance. Public authorities are responsible for enacting appropriate laws and regulations for the protection and enforcement of the freedom of association.

Ratification and implementation of the two major ILO instruments in this area should therefore constitute primary objectives for all member States, namely: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Moreover, once established, tripartite social dialogue can help *strengthen democracy* (see Chapter IV on the benefits of NTSD).



Further reading

- ▶ ILO. 1998. *ILO Declaration on Fundamental Principles and Rights at Work* (Geneva).
- ▶ ILO 2006. *Freedom of association – Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO*, Fifth (revised) edition (Geneva).
- ▶ ILO. 2008. *Freedom of association in practice: Lessons learned*, Report of the Director-General – Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 97th Session, Geneva, 2008; and Record of Proceedings.
- ▶ ILO. 2012. *Giving Globalization a Human Face: General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, 2008*, International Labour Conference, 101st Session, Geneva, 2012; and Record of Proceedings.
- ▶ Tajzman, D.; Curtis, K. 2000. *Freedom of association: A user's guide – Standards, principles and procedures of the International Labour Organization* (Geneva, ILO).

B. Strong, independent and representative social partners

Employers' and workers' organizations need to be representative and reflect the interests of their members. Dialogue with weak, unrepresentative organizations will not be effective. Social partner organizations that are not independent of the government and its policies can also potentially weaken dialogue.

To participate in national social dialogue constructively, social partners must have the technical capacity to negotiate with the government on an equal footing, and to deliver and implement agreements once concluded. Nothing is more detrimental to effective consultation and cooperation than the participation of parties who are inadequately prepared or who have insufficient authority to discuss matters under review.

Therefore, attention should be paid to the technical resources of the social partners, especially the availability of experts in management techniques, economists, statisticians and lawyers. When necessary, capacity-building training should be provided.

All sections of the membership of these organizations need to be heard. As far as trade unions are concerned, special attention should be paid to the participation of women, as well as groups that often find themselves on the periphery of membership organizations – such as workers in the informal economy; young women and men; rural and migrant workers; people living with HIV; workers with disabilities; lesbian, gay, bisexual and transgender (LGBT) workers; and workers from ethnic minorities. Attention should also be given to the unemployed.

Finally, as explained later in this guide, pre-established, precise and objective criteria are needed for the determination of the representativity of workers' and employers' organizations, with a view to clarify which organizations are entitled to participate in social dialogue at the national level.

Freedom from interference – The views of ILO supervisory bodies

According to ILO supervisory bodies, protection from interference for employers' and workers' organizations in their internal administration includes inter alia the following points:

- Public authorities shall not determine the composition of the congress of members or presiding officers of workers' and employers' organizations;
- It should not be necessary to transmit to the authorities copies of decisions taken by the organizations or to inform the public authorities in advance of important decisions;
- Internal matters such as internal disputes and issues relating to membership shall be matters for employers' and workers' organizations themselves;
- Organizations should enjoy inviolability of their premises, correspondence and communications. Searches by police should only be possible when a warrant has been issued for that purpose by the regular judicial authority;
- Public authorities should refrain from any interference which would restrict freedom of assembly or impede the lawful exercise thereof, provided that the exercise of these rights will not cause a serious and imminent threat to public order.

C. Political will and commitment to engage in social dialogue

Government and workers' and employers' organizations should enter the social dialogue with a common understanding of its purpose. They should have a certain level of trust in each other and the "political will" to engage in the process.

Despite divergent views and goals, the social partners should be able to identify common objectives and priorities. Representatives negotiating together should be recognized by each other as equal partners.

Commitment cannot be forced or compelled.



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Long-term commitment

Tripartite social dialogue at the national level takes time. On certain issues, it can even last for years. It therefore requires long-term commitment and patience, especially from the part of government.

While social dialogue can be an effective means to ease economic and social tensions, the effort of the social partners and the government to engage in social dialogue should be maintained once the country is out of the severe economic adjustment phase, to ensure the sustainability of the positive outcomes adopted during the crisis.

Social dialogue is a unique proactive tool, which can help conclude agreements in anticipation of economic or social changes, notably on skills development, productivity, migration, occupational safety and health, gender equality and non-discrimination-related issues, or with respect to the application of ratified international labour standards in a country.

Further, in countries in which social dialogue may not result in an agreement, tripartite actors must not interrupt their dialogue but rather make efforts to continue talking with each other to build trust and restore confidence. There is no credible and viable alternative to social dialogue, as several country examples have shown.

If there is no full commitment from all parties for negotiations, more limited forms of social dialogue may be explored. Beginning the process with an exchange of information and informal contacts may help to build confidence and move social dialogue forward.

In **Sweden**, the pension reform in 1990-2000 took almost a decade to finalize, and reaching consensus was often difficult. It required long-term commitment and strong will from the tripartite partners to reach consensus.

Building trust

Social partners and the government need to build and maintain mutual trust. This might not be easy if there has been a history of conflict, suspicion and mistrust.

However much a party may be convinced of the correctness of its own position, there should be a preparedness to recognize that rights also involve obligations, and the need to understand the point of view of others.

Confidence building measures – Examples

- ▶ Improving communication and information-sharing among government and the social partners about the proposed procedure, limits and outcomes of the tripartite process;
- ▶ Ensuring commitment to the process at the highest level, and organizing preliminary meetings with high-level representatives of each of the parties;
- ▶ Creating a strong institutional basis for NTSD, with clear rules and guarantees about the process, outcomes and independence of the parties; as some parties may wish discussions to be private, reaching agreement in advance about confidentiality of discussions may also be necessary;
- ▶ Securing the services of an independent person who is highly respected by all parties to serve as neutral and even-handed chair;
- ▶ Securing the services of an independent secretariat;
- ▶ Encourage academic studies, research and debate on NTSD, and the sharing of good practices;
- ▶ Ensuring the regularity of meetings to better get to know each other; the mere act of meeting may provide a basis for closer personal contacts. Employers' and workers' organizations, through experience in the consultation process, are better able to communicate and advocate their members' views and to cooperate with the government;
- ▶ Ensuring that the decisions made (i.e. agreements) are followed through and effectively implemented.

D. Appropriate institutional support

While tripartite consultations can be informal and ad hoc (e.g. as in Germany), creating NTSD institutions can often be helpful to firmly establish social dialogue as part of the decision-making process of a country. In this case, the government, in cooperation with the social partners, should ensure that the institutions established are effective, properly resourced and sustainable.

A properly resourced institutional framework is a long-term commitment.

In most ILO member States (80 per cent), NTSD is institutionalized in one way or another. However, the fact that an institution exists does not provide any guarantee that tripartite social dialogue will work efficiently. The strengthening of the legal and institutional framework for NTSD, and the increase of its impact in policy-making, remains an acute need in many countries.

A basic requirement for an appropriate institutional support is a sound legislative framework for tripartite social dialogue at the national level that provides a solid foundation for a practice, which otherwise would be vulnerable to changing political attitudes. The legislation should provide the necessary guarantees and protection, and should define the forms of cooperation between the social partners, as well as the principles, procedures and functions of tripartite bodies.

In addition, the institutional framework for social dialogue could foresee: i) support by a strong and efficient labour administration; ii) labour dispute prevention and resolution mechanisms; iii) institutions that facilitate collective bargaining; and iv) institutions that produce statistics and other needed information.

In most countries, **social dialogue has a basis in the legislation**, including in some cases the national constitution.

Social dialogue in national constitutions

Certain national constitutions explicitly refer to social dialogue, tripartism or tripartite bodies*:

Constitution of Angola (2010)

Article 49(1). “All members of the liberal or independent professions and, in general, all self-employed workers shall be guaranteed freedom of professional association in order to defend their rights and interests and to regulate the ethics of each profession.”

Article 50 (2). “It shall be recognized that trade union associations have the right to defend the rights and interests of workers and to exercise the right to social dialogue, which must duly take into account the fundamental human rights of individuals and communities and the actual capacity of the economy, under the terms of the law.”

Constitution of Colombia (1991)

Article 56. “(...) A permanent commission composed of the government, the representatives of employers and of workers, will promote sound labour relations, contribute to the settlement of collective labour disputes, and coordinate wage and labour policies. The law will regulate its membership and functioning.”

Constitution of Mexico (1917)

Article 123. “General minimum wage shall be established by a National Commission integrated by workers’ representatives, employers’ representatives and the government. Such a national commission shall be authorized to create as many auxiliary commissions as necessary in order to improve its performance.”

Constitution of Montenegro (2007)

Article 65. “The social position of the employed shall be adjusted in the Social Council. The Social council shall consist of representatives of trade unions, employers and the Government.”

Constitution of Poland (1997)

Preamble

“Having concern of existence and future of our Motherland (...) we, the Polish Nation – all the citizens of the Republic (...) we set up the Constitution of the Republic of Poland as basic laws for the state based on respect for freedom and justice, cooperation of authorities, social dialogue and rule of subsidiarity consolidating the rights of citizens and their communities.”

Article 20. “A social market economy, based on the freedom of economic activity, private ownership, and solidarity, dialogue and cooperation between social partners, shall be the basis of the economic system of the Republic of Poland.”

Constitution of Thailand (2007)

Section 84. “The State shall act in compliance with the economic policy as follows:

(...)(7) promoting people of working age to obtain employment, protecting child and women labour, promoting labour relations and a tripartite system under which workers have the right to elect their representatives, providing social security and ensuring equal work equal pay, benefits and welfare for workers without discrimination; (...).”

Constitution of the Philippines (1987)

Section 3. “The State (...) shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. (...) They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace (...).”

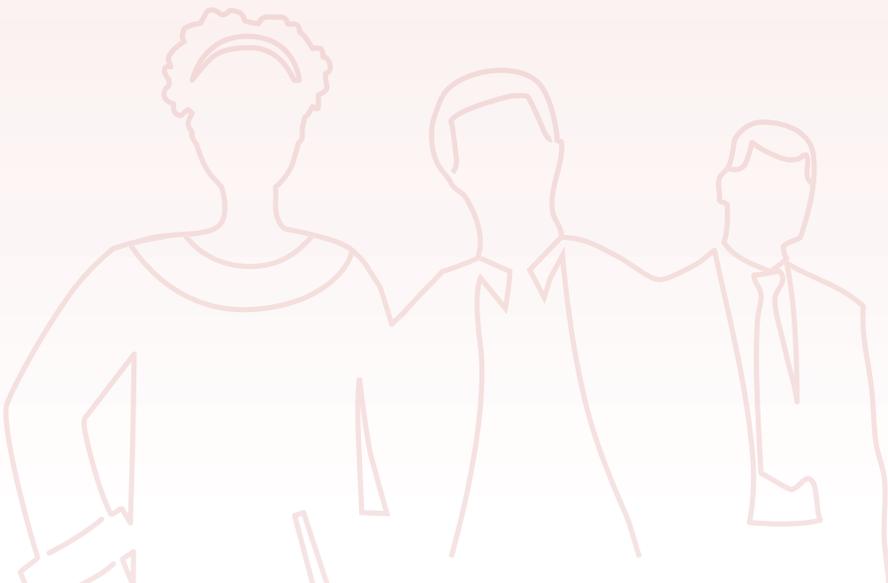
** Underlining added by the authors.*

SECTION IV

Benefits of national tripartite social dialogue

This section examines the possible benefits of NTSD, including those associated with both the process and the results of social dialogue.

A. Democracy, decent work and national development.....	59
B. Legitimacy and ownership of public policies.....	62
C. Quality of public policies' formulation and implementation	62
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In promoting NTSD, an obvious question to answer is:
Why do it?

The transaction costs can be seen as too high. The process can be seen as slowing down decision-making and as interfering with the market.

This is a question which government, workers' and employers' organizations and others frequently ask.

Social dialogue is not without risks (see Chapter V on Possible Objections to NTSD).

Two possible answers to the question of why to conduct tripartite social dialogue

1. It works – In many countries, social dialogue has delivered prosperity, a level of industrial and social peace, and real benefits for the society and the people. While governments and employers' and workers' organizations may hold divergent views on some matters, tripartite social dialogue at the national level is the recognition that there is a common interest in the well-being of enterprises, and of the workers in the labour market.

Three reasons make social dialogue essential: i) it provides policy-makers with the necessary information for effective policy design; ii) it improves the chances of buy-in (ownership) and therefore effective implementation of such policies; and iii) it improves the chances of maintaining balance in such policies by mitigating their adverse effects on the most vulnerable groups.

2. The alternatives are unproductive – Evidence shows that, in a globalized economy, adversarial industrial relations do not produce long-term economic and social benefits. The absence of social dialogue may carry the risk that government policies are not soundly grounded and may face resistance in the implementation stage.

This is not to say that social dialogue is a panacea. Social dialogue provides a policy tool for dealing with new challenges, divergences and disagreements and for seeking solutions, but it is in itself not a guarantee for successful outcomes. Moreover, social dialogue needs to be accompanied by sound public policies aimed at achieving sustainable solutions to national economic and social challenges.

A. Democracy, decent work and national development

Public participation is one of the core principles of democracy, as it helps to ensure that government policy and programmes are fair, inclusive and meet the needs of intended beneficiaries. Tripartism and social dialogue can contribute to inclusive and democratic ways of decision-making.

The main functions of social dialogue are rooted in participative mechanisms: information-sharing, consultation, negotiation and joint decision-making are all important ingredients of good governance and democracy. Good governance fosters stability and social cohesion, which are needed for economic and social development.

The aim of inclusive policy-making is not only to facilitate agreements on socio-economic policies, but also to ensure that such policies are equitable and balanced.

To support member States and the social partners to reach the objective, the ILO pursues a Decent Work Agenda, which comprises four interrelated objectives that are mutually reinforcing: creating jobs, guaranteeing rights at work, extending social protection and *promoting social dialogue*.

ILO Director-General's report to the 2003 International Labour Conference

“Participation and empowerment are increasingly recognized as vital to poverty reduction. Trade unions, employers’ organizations and government departments, public agencies and local authorities, as well as community organizations, play a central role in creating an environment in which increasing opportunities for decent work lead to social inclusion and improved livelihoods. (...)

A strong commitment by the ILO's tripartite constituents can make an enormous difference for those women and men striving to find opportunities to work out of poverty.”

IV

Decent work is now recognized as part of the Millennium Development Goals (MDG1), the international community's blueprint for development.

Strengthening social dialogue, as a means to achieve the Decent Work objectives, can contribute to sound governance, inclusive growth and sustainable development.



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Kenya – Social dialogue contributes to the shaping of development strategies

The National Economic and Social Council (NESC) was set up under the Office of the President through Gazette notice No. 7699 of September, 2004. It is Kenya's top advisory body to the government on policies required *to accelerate social and economic development of the country*. The NESC is comprised of experts and members drawn from key government departments, organised business, organised labour and community/civil society organisations. Some of the pillars of the Decent Work Agenda are covered in the work of the NESC, namely the promotion of sustained economic growth, employment generation, equity and social protection, all of which are critical to the national goal of poverty reduction and elimination of all forms of inequality.

For example, the NESC has advised the government on integrated employment creation policy, which has led to the establishment of the Youth Enterprise Development Fund, Women Development Fund, and *Kazi Kwa Vijana* programme. The latter was launched in March 2009 and facilitates income earning opportunities among the youth.

According to the Ministry of Labour, in 2011, a total of over 298,999 young people benefitted from the *Kazi Kwa Vijana* initiative. Other policy areas where the NESC has provided the Government with advice include: agriculture, textile industry, health care, infrastructure, and monetary policy. In addition, important research studies have been undertaken by the NESC. Among its recent achievements, the NESC has published *Growth, Poverty and Income Inequality in Kenya: Suggested Policy Option*, a report that reviews the poverty and income inequality situation in Kenya, and the strategies and initiatives aimed at poverty reduction.

Sources:

- ◆ NESC website: <http://www.nesc.go.ke/>
- ◆ Fashoyin, T. 2010. Collective bargaining and employment relations in Kenya, Working Paper No. 13 (Geneva, ILO).
- ◆ Ministry of Labour of Kenya: <http://www.labour.go.ke>.
- ◆ National Economic and Social Council of Kenya: <http://www.nesc.go.ke>.
- ◆ Omolo, J. 2010. The Dynamics and Trends of Employment in Kenya, Institute of Economic Affairs – Kenya. IEA Research Paper, Series No.1/2010 (Nairobi).

B. Legitimacy and ownership of public policies

In a democratic society, unilateral action by the state can be met by resistance including strikes, protests, boycotts or quests for judicial review of the constitutionality of the measures imposed.

Accordingly, it is important that employers' and workers' organizations feel satisfied that public authorities are genuinely willing to obtain their views and intend to take heed of them. Listening to and having dialogue with representatives of workers and employers demonstrate the government's willingness to take into account the needs of those concerned by its decisions. Thereafter, workers and employers feel more empowered in the political process. This is essential to improving the chances of buy-in (ownership) and therefore effective implementation of the measures and policies by both the government and the social partners.

C. Quality of public policies' formulation and implementation

NTSD can help the three parties to find solutions that may have each been eluded individually. By involving the social partners in the preparation of its decisions, the government has a wider range of information and policy options. It is more aware of the needs and interests of employers' and workers' organizations and the potential impact of its policy decisions, and is thus more likely to reflect them in decision-making.

Employers' and workers' organizations, as actors in the "real economy", can bring to the table their experience of the day-to-day practice of labour relations and other labour market-related matters.

D. Conflict prevention and social peace

Successful social dialogue processes have the potential to resolve important economic and social issues and advance social and industrial peace and stability. Through social dialogue, misunderstandings between the groups can be minimized and tensions are easier to manage. Social dialogue can play a central role in mediating social conflicts and in finding trade-offs between diverging economic and social interests.



The contribution of tripartism to social peace – Hungary in the 1990s

In Central and Eastern Europe, Hungary was among the first to establish tripartite bodies at the national level. In particular, the Interest Reconciliation Council was established on 1st August 1990. This Council was especially elevated to the focus of public interest in autumn 1990 when it negotiated a settlement, in a one-day sitting transmitted directly by Hungarian Television, to the taxi and lorry drivers' blockade, which had paralysed the whole country.

*Source: Lajos, H. 2001. "Social dialogue in Hungary: its rise and decline", in *South-East Europe Review for Labour and Social Affairs*, 01 special/2001.*



Bulgaria in the 1990s

The year 1989 marked the collapse of socialism in Bulgaria. During the initial years of political transition, the country faced major social and economic issues. The collapse of the production and social protection systems combined with liberalization of prices and privatization led to dramatic increases in unemployment (a feature unknown under the communist regime) and poverty, and a huge decline in real wages and incomes. As a result, the country had to face strikes and demonstrations by workers in protest against the deterioration of working and living conditions and privatization, which further paralysed the country. The government understood that only through an inclusive social dialogue could the country overcome its difficulties.

As a consequence of the transition, as well as due to the need to guarantee the legitimacy of the emerging new actors and reforming old ones, this led to the mushrooming of corporatist-like tripartite institutions. Most stakeholders had access to tripartite forums, as no specific criteria for representation were adopted. A premature selection of the social partners would have hindered their organizational restructuring, development and consolidation. Moreover, sharing the burden of political and economic transition with all the social partners increased the chances that social peace would be preserved. Later on, criteria for representativeness in tripartite bodies were jointly agreed by the social partners. Agreements were concluded, which ended strikes in several sectors, especially transport.

Source: Markova, P. 2012. "The case of Bulgaria", in I. Guardiancich (ed.): Recovering from the crisis through social dialogue in the new EU Member States: the case of Bulgaria, the Czech Republic, Poland and Slovenia, Decent Work Technical Support Team and Country Office for Central and Eastern Europe (Budapest, ILO).

Ghana – National Tripartite Committee to achieve social peace

The National Tripartite Committee (NTC) established by the 2003 Labour Act 651 (Part XXIII) is a macro-level national dialogue institution in Ghana, which acts as a forum for tripartite cooperation between workers, employers' representatives and the government. It is composed of 15 members. The Minister of Manpower, Youth and Employment (MMYE) chairs the body. The NTC provides an institutional framework for the tripartite partners' negotiations and national agreements on draft economic, social, employment and other labour-related laws, as well as the underlying policies and priorities. An important function of the NTC is, among other things, to promote "employment development and peace in the labour sector".



As highlighted by a NORAD 2011 report, “with the reintroduction of democratic rule after the period of military rule from 1981 to 1996 Ghana has become one of the more democratic countries in Africa with relatively little political turmoil. (...) Ghana has enjoyed social dialogue processes based on established unions, employers’ associations and a responsible government backed by a high-level National Tripartite Committee for almost 20 years. (...) The Ghana example of successful social dialogue could well serve as a model for other African countries, especially on integrating the informal sector into the social dialogue process.”

Source: Norwegian Agency for Development Cooperation (NORAD). 2011. *Social Dialogue in Developing Countries –A Desk Study prepared for Norad* (Oslo).



Further reading

- ▶ ILO. 2011. *Freedom of Association and Development (Guidebook)* (Geneva).
- ▶ Fashoyin, T. 2004. “Tripartite cooperation, social dialogue and national development”, in *International Labour Review*, Vol. 143, No. 4.
- ▶ Fraile, L. (ed.). 2010. *Blunting neoliberalism: Tripartism and economic reforms in the developing world* (Basingstoke and Geneva, Palgrave Macmillan and ILO).

E. Special benefits for workers and employers

NTSD can provide employers’ and workers’ organizations with information otherwise unavailable to them, which may be helpful to the formulation of their own policies and attitudes and to the conduct of their everyday affairs.

Workers’ and employers’ organizations have the opportunity to provide input to public policy formulation and implementation as well as legislation, and in doing so to draw attention to the needs and concerns of their members. They are better and more regularly informed about government views and plans.

All of these aspects may improve the public image of these organizations and, in turn, reinforce their strength and legitimacy.

OPINIONS OF MEMBERS OF THE ILO GOVERNING BODY ON TRIPARTITE SOCIAL DIALOGUE

(collected in 2012)

Workers' Group

Ms Eulogia FAMILIA (Dominican Republic)
Vice-Presidenta, Enc. De Depto. Equidad de Genero
Executive Member of National Trade Union Unity Confederation (CNUS)

Main advantages of national tripartite social dialogue

1. It creates a political framework that provides solutions in situations of ongoing or situational conflict. Dialogue facilitates governance, peace, and sound and proactive labour relations, as well as collective bargaining. When regulatory laws do not exist, or if existing ones are inadequate, the implementation of agreements creates the foundation of an environment conducive for exercising rights. I would say that tripartite social dialogue is a tool to address labour law loopholes.
2. It promotes and strengthens tolerance and understanding between the partners. It assigns responsibilities and commits the unions, employers and governments as representative entities who bear an array of decisions for an effective leadership towards national development, taking into account that they are the actors involved in the production.
3. When the government acts as head, facilitator and enforcer, the outcomes of dialogue become public policies that govern the behaviour of those represented for a better coexistence and fulfilment of needs; it boosts intra-sectoral unity, social integration and institutional and democratic strengthening.
4. It establishes a capacity-building platform for the sectors, which strengthens the quality of representation of the actors. The goodwill overrides the interests of the partners and their commitment establishes a guarantee to foster a culture of compliance.

Main lessons learned

1. For dialogue to have effective results, the tripartite partners, starting with the government, must supplement themselves with information and increase their technical capacity; it is important to recognize and respect the actors involved in tripartite decisions, so that credibility remains emphasized in the implementation.
2. In the dialogue process, we have learned that the outcomes could be beneficial, or not, for each partner, depending on their internal capacity and willingness to address challenges. A sector cannot impose on the other, and in particular, the monitoring of agreements should not only take place during a conflict, but throughout the process.

Possible risks and disadvantages

The possible risks and disadvantages that may arise in tripartite dialogue, in my view are:

1. For one of the partners to not have the necessary legitimacy from the industry it is representing in order to produce proposals on policy issue.
2. The product of dialogue does not necessarily have to result in the adoption of a law; however, due to the partners' intention, will and common objectives, the results of dialogue become principles that require mandatory compliance and is used as a mechanism to overcome challenges. If it is not respected by the partners involved, then it is prone to weaken the law, it discredits the mechanism of social dialogue as a suitable tool, and rejects participatory solutions, ultimately impacting the construction of democracy

Employers' Group

Ms Loes VAN EMBDEN ANDRES (the Netherlands)
Confederation of Netherlands Industry and Employers (VNO-NCW)

During the last century, social dialogue played an important role in the Netherlands. It helped us realize a balanced social and economic development resulting in a competitive economy, prosperity and a relatively harmonious society.

Globalization results in increasing interdependence of economies. The consequences of positive and negative developments in other parts of the world often immediately impact on the developments in your own country. This increases unpredictability and that needs adequate and quick answers. So I am convinced that constructive social dialogue is even more important now and for the future than in the past.

Main advantages of national tripartite social dialogue

1. Major reforms often need a longer perspective than politicians can take into account if they would operate in isolation given the fact that they want to be re-elected. Agreements with and by social partners can solve this problem.
2. Tripartite social dialogue usually results in better results in the long term. Extreme positions are prevented and thought will be given to the position of potential victims of reforms.
3. Agreements with social partners create public support and that results in a better and quicker implementation. The time lost in the decision-making process, due to more consultation, often is easily compensated during the implementation phase.

There can also be **disadvantages of national tripartite social dialogue**, although they can often be removed by creating the right preconditions.

1. Decision-making takes more time, but as indicated above, it will often be paid back in the implementation phase. In a few cases, urgency requires an immediate decision and doesn't allow consultation and time for reaching an agreement.
2. Reaching an agreement will usually result in watering down your position. That needs a sound and solid explanation to the respective constituencies of the representatives negotiating in order to get final approval.

Tripartite social dialogue is not always successful. The following **preconditions** will increase successful results:

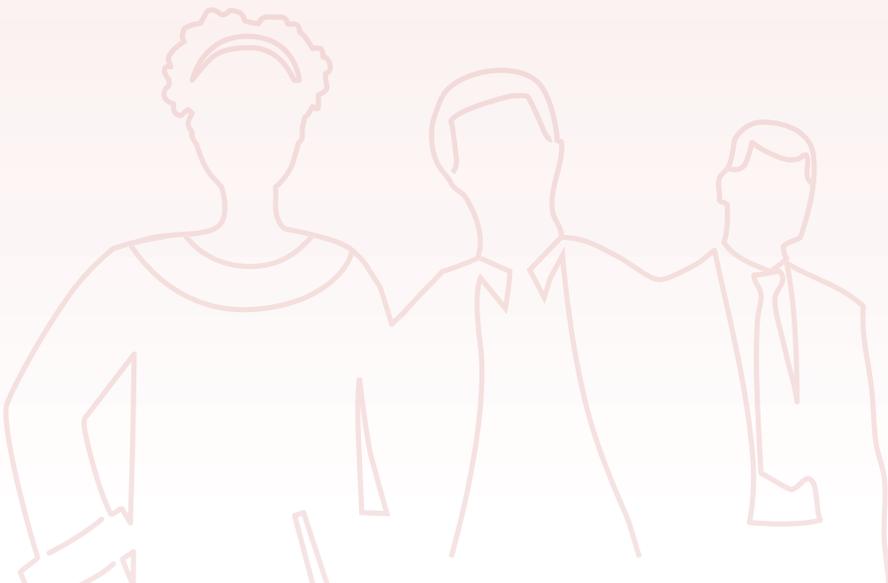
- good interpersonal relations by the actors and mutual trust;
- all parties concerned should have an open mind to other views and be prepared to compromise;
- adaptability and willingness to change structures and procedures to speed up decision-making.

SECTION V

Possible objections to national tripartite social dialogue

This section examines certain objections to the process of NTSD that may be raised and proposes possible answers.

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C. Creation of internal tensions within government.....	74
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E. Decline in the representativity of workers' and employers' organizations.....	76



A. Loss of freedom of action

Objection	Response
<p>Tripartism may be said to be a self-limitation by government and the other players. It may be thought to compromise their ability to pursue what they believe to be in the best interest of the country, or their members.</p> <p>Workers' and employers' organizations may have the difficult task of asking their members to accept results from NTSD that may be hard to accept – such as pay restraint, the obligation to observe social peace or new taxes.</p> <p>These organizations may also face criticism from smaller groups that have not been included in the social dialogue process.</p>	<p>Tripartism does not involve a loss of action by any party. It is a forum for dialogue providing insight into the different needs of parties involved. It can inform joint decisions and policies, which enable parties to take coordinated action in their respective spheres.</p> <p>Governments and workers' and employer's organizations keep their respective decision-making power and do not give these up. Social dialogue is a voluntary process. Participating in social dialogue is also a pragmatic and strategic decision aiming at better influencing policy-making. No organization should be compelled to take part.</p> <p>To reduce internal criticism, workers' and employers' organizations should closely involve their members and report back regularly. They should also explain the costs of absence of social dialogue and consensus-building.</p>



B. Dilution of parliament's role

Objection	Response
<p>Tripartism is sometimes seen as a factor limiting democracy because it places part of the decision-making process in the hands of organizations of employers and workers which do not carry the same political responsibility as the parliament, whose members are elected by the people.</p> <p>Members of parliament may object that the place to debate a course of action should be the parliament.</p>	<p>This argument was embraced by many in the distant past. However, it has now lost most of its proponents. Today, it is widely recognized that workers' and employers' organizations gain legitimacy from their mandate, which is reinforced through their broad-based membership.</p> <p>Parliament should be kept informed of the NTSD process by, for instance:</p> <ul style="list-style-type: none"> • Ensuring that the tripartite body tables regular reports to the parliament; in some countries, policy documents and draft laws submitted by the government to the parliament are accompanied by opinions issued by ESCs or tripartite bodies; • Ensuring that a representative of the tripartite institute give verbal reports to the committees of parliament (e.g. Labour Affairs Committee); • Ensuring that some members of parliament (e.g. the chairs of the relevant committees) participate in the tripartite body's activities. • Organization of joint sessions.

C. Creation of internal tensions within government

Objection	Response
<p>Tripartism may impact internal power structures, particularly if the structure is seen as strong. Government members and agencies involved in the process, such as the Ministry of Labour, may be viewed as gaining power at the expense of other ministries.</p>	<p>This objection is unlikely to be openly raised. But in a properly functioning NTSD process, the inputs from government will be coordinated and all relevant ministries involved.</p>



D. Work-loading and time-consuming process

Objection	Response
<p>Tripartite social dialogue is sometimes seen as a work-loading and time-consuming process.</p> <p>While major inputs may come from the secretariat of the tripartite body and the government, the social partners will also be required to provide opinions and participate in the process, especially during crisis situations when the workload may increase.</p>	<p>For these reasons, NTSD structures and processes should be well resourced (and the resources should be well used), with both financial and staffing resources, particularly with a well-functioning secretariat for support.</p> <p>A lack of social dialogue can lead to costly delays in policy adjustments that may be needed to re-establish macroeconomic balance. Time spent on social dialogue is well invested when it results in broad social and political support of the necessary reforms and reduces opposition. Time saved by the swift and smooth implementation of reforms brings substantial economic and competitive benefits.</p> <p>See Ghellab, Y. et al. 2011. “<i>Social dialogue and social security governance: A topical ILO perspective</i>”, in <i>International Social Security Review</i>, Vol. 64, No. 4, p. 55.</p>

E. Decline in the representativity of workers' and employers' organizations

Objection	Response
<p>Trade union membership has decreased in some countries in the past two decades. Parallel to this, the informal economy is growing worldwide.</p> <p>A vast and growing proportion of workers in the informal economy, as well as other specific types of workers (e.g. women, teleworkers/homeworkers, unemployed, etc.) are excluded from, or under-represented, in social dialogue institutions and processes.</p> <p>In certain countries, employers' organizations also experience a loss of representativity.</p> <p>Due to the decline in trade union membership in some countries, and the inability of traditional forms of social dialogue to include certain types of workers, it is sometimes argued that tripartite social dialogue loses its relevance and its efficiency in reaching the real actors of the world of work.</p>	<p>These issues constitute significant challenges for governments, social partners and societies as a whole.</p> <p>However, investing in NTSD can bring about a "virtuous cycle", in which the work of social partners gains public recognition, which gives them more visibility and more influence in social policy-making. This, in turn, can make them more attractive to potential members and increase their membership and representativity.</p> <p>In any case, addressing these challenges requires an innovative and adequate legal and governance framework.</p> <p>Governments can play a key role in supporting social dialogue in the informal economy, for example by expanding the scope of existing national tripartite bodies. Trade unions and employers' organizations could also rethink their structures, policies and strategies to better organize and represent informal economy interests.</p> <p>See ILO. 2002. <i>Decent work and the informal economy</i>, Report VI, International Labour Conference, 90th Session, Geneva, 2002.</p>

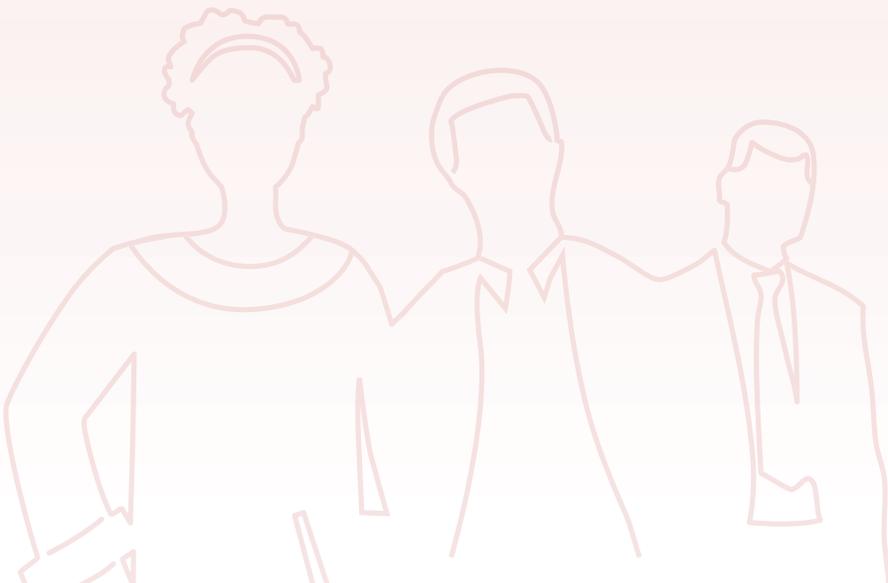


SECTION VI

Issues for tripartite social dialogue and work-planning process

This section examines the issues that can be included in the scope of NTSD and the methodology of placing items on the agenda.

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While the sphere of tripartite consultation traditionally has been labour relations and social policy, the scope of tripartite social dialogue has significantly expanded since the end of the 1990s.

In an increasing number of countries, tripartite institutions for social dialogue have started to address a broad array of issues ranging from labour relations to social and economic policies and wider macroeconomic subject matters (e.g. fiscal and monetary policies, trade and industry). This is in line with the stipulations of the ILO Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), which promotes a broad scope of consultations.

ILO Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)

The ILO Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), aims at fostering a broad scope of consultation between governments and the social partners. According to the recommendation, consultation and cooperation should aim, in particular:

- a) at joint consideration by employers' and workers' organizations of matters of mutual concern with a view to arriving, to the fullest possible extent, at agreed solutions; and
- b) at ensuring that the competent public authorities seek the views, advice and assistance of employers' and workers' organizations in an appropriate manner, in respect of such matters as:
 - i) *the preparation and implementation of laws and regulations affecting their interests;*
 - ii) *the establishment and functioning of national bodies, such as those responsible for organization of employment, vocational training and retraining, labour protection, industrial health and safety, productivity, social security and welfare;*
 - iii) *the elaboration and implementation of plans of economic and social development.*

In practice, the range of topics that will be addressed in the framework of tripartite discussions will depend on the needs of the people, the balance of power between the social partners and the government, the international environment, the political situation of the country, the culture of social dialogue, etc.

Some subjects might also be dealt with by specialized bodies such as occupational safety and health. Examples:

Turkey: 2004 Regulation on the working procedures and principles of the Tripartite Advisory Board concerning Working Life

Uruguay: 1996 Decree 83/96 establishes the tripartite National Council for Health and Safety at Work



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Colombia – Broad competences of the tripartite Commission for Wage and Labour Policies

The mandate of tripartite institutions can be wide. For example, in the case of Colombia, Law No. 278 of 1996 empowers the tripartite Permanent Commission for Wage and Labour Policies inter alia to promote good industrial relations in order to accomplish justice in an environment of economic coordination and social balance; to contribute to the resolution of collective labour conflicts; to establish, in a concerted way, wage policies and labour policies about various issues (e.g. well-being of workers; minimal wage; employment creation; workers participation in the management of companies...).

The Commission is also entitled to follow the fulfilment of the adopted measures and policies and to develop bills in its areas of competences, which are then referred to the Congress by the government. Moreover, it can address any questions formulated by the government in relation to ILO Convention No. 144.

Source: Ley núm. 278, por la cual se reglamenta la composición y el funcionamiento de la comisión permanente de concertación de políticas salariales y laborales, creada por el art. 56 de la Constitución Política Nacional.



A. A checklist of topics for tripartite social dialogue

1. Possible issues of tripartite discussion at the national level

The following checklist is not intended to be comprehensive, but offers some examples of the range of issues amenable to tripartite social dialogue at the national level.

- i) *Labour and employment relations***
 - ▶ labour legislation and labour law compliance
 - ▶ wage setting, including minimum wage determination
 - ▶ settlement of labour disputes of national importance
 - ▶ freedom of association
 - ▶ procedures of collective bargaining
- ii) *Economic policy issues***
 - ▶ macroeconomic policy framework and economic growth
 - ▶ structural change and transformation of the economy
 - ▶ monetary policy
 - ▶ productivity and economic competitiveness
 - ▶ taxation and fiscal policy
 - ▶ transition to a market economy
 - ▶ regional integration
 - ▶ structural adjustment programmes
 - ▶ poverty reduction strategy processes
 - ▶ trade policy

Engaging the actors in the real economy in social dialogue on economic and social policies is critical in the formulation and implementation of a job-rich growth strategy.

Source: ILO. 2013. Jobs, growth and social justice - Report of the Director-General, 9th European Regional Meeting, (Oslo, April 2013).

✓ iii) **Employment creation**

- ▶ labour market policy (also as an integral part of wider socio-economic policy issues)
- ▶ job creation in small and medium-sized enterprises
- ▶ sustainable enterprises
- ▶ employment policy
- ▶ education and training policy
- ▶ migration policy

✓ iv) **Gender equality**

- ▶ elimination of gender discrimination in employment (including gender pay gap)
- ▶ sexual harassment and gender-based violence in the workplace

✓ v) **Social security and social protection**

- ▶ HIV and AIDS and the world of work
- ▶ social welfare and pension reforms
- ▶ social protection
- ▶ maternity protection

**vi) Working conditions**

- ▶ occupational safety and health
- ▶ hours of work
- ▶ working time
- ▶ work-family measures
- ▶ parental leave

**vii) International labour standards and ILO programmes**

Any topic which is the subject of international labour standards (ILS) should be suitable as a subject for NTSD.

For those countries that have ratified the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) – i.e. 133 member States as of May 2013 – procedures should be in place to discuss matters related to ILS (see Chapter IX on International Labour Standards and Social Dialogue).

Most prominently, Decent Work Country Programmes (DWCPs) – i.e. the programmes of work and cooperation of the ILO in a country – are an appropriate topic for tripartite social dialogue. DWCPs should be subject to tripartite discussion at the national level at all stages: formulation, implementation and evaluation. Once adopted, DWCPs also constitute a channel through which a country can receive technical cooperation in establishing or strengthening processes and institutions for tripartite social dialogue.



Japan – 2009 Tripartite agreement on job stability and employment

In 2009, in the context of the global economic and job crisis, the social partners and the Government engaged in tripartite consultation with a view to promoting employment stability. Work-sharing and support for small and medium-sized enterprises were considered among the key means of achieving this objective.

Following heated discussions – there was a divergence of views regarding the definition and scope of work-sharing arrangements between employers' and workers' organizations, and even among the latter – the tripartite partners reached an *Agreement on Job Stability and Employment Creation* in March 2009. This agreement contains various measures aimed at maintaining employment through work-sharing arrangements subsidized by the Government, to be implemented at the enterprise level based on consultation between labour and management. Such measures include: (a) temporary unemployment in lieu of layoffs, (b) reduction in working hours, (c) education and training, and (d) temporary transfer of workers between companies.

Source: Ghellab, Y. 2009. *Recovering from the crisis through social dialogue*, Dialogue in Brief No. 1 (Geneva, ILO).

ILO Decent Work Country Programmes

The ILO is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. At the country level, the ILO aims to promote these principles through the framework of Decent Work Country Programmes (DWCPs).

DWCPs provide a platform from which to communicate how the ILO and its constituents will address decent work deficits and contribute to positive changes in policies and the livelihoods of women and men in a country. They are designed and implemented with the full involvement of tripartite constituents. Governments, employers' and workers' organizations are major partners and beneficiaries of DWCPs, and their roles should be clearly defined. Their views should be reflected in the document.

At the implementation level, the active participation of tripartite constituents should also be ensured. Constituents should commit to regularly monitoring and tracking progress. In some countries, this process is institutionalized through national tripartite steering committees or similar forums. Where there are weaknesses, adequate capacity-building measures should be identified.

A key strategy element is institutional capacity building for tripartite constituents to design and implement DWCPs. This would help them in turn to participate more broadly in national development planning, and to play an effective role in the shaping of national economic and social policy.

Source: ILO. 2011. *ILO Decent Work Country Programmes – A Guidebook, Version No. 3* (Geneva, ILO).

2. Matters of purely regional or sectoral nature

It is also important to consider which areas are *not* covered by NTSD. Though matters of a purely regional or sectoral nature should be the responsibility of regional or sectoral tripartite bodies, in some cases, tripartite social dialogue at the national level can contribute to assisting regions, provinces or sectors where there are acute problems. Moreover, if a problem at the regional, provincial or sectoral level has implications for the whole country, it would need to be discussed in a national forum.

The issue of tripartite social dialogue at the *regional level* is addressed in more detail at the end of Part I of this guide (Annex).

At the *sectoral level*, several times per year, representatives of governments and employers' and workers' organizations from different countries and regions meet at the ILO in Geneva, to participate in tripartite sectoral international meetings and global dialogue forums. Consensus reached during such meetings results in recommendations for policy and action in the sectors. For example, in 2013, sectoral meetings took place in the ILO to address the Work in Fishing Convention, 2007 (No. 188), or the effects of the economic crisis in the civil aviation industry.

European Union – The principle of subsidiarity

In order to decide on the most appropriate level of decision-making in a particular area, the European Union follows the *principle of subsidiarity*. This principle does not apply specifically to tripartite discussions, but to the functioning of the EU in general. However, it can serve as an inspiration to tripartite constituents. According to Article 5 of the Treaty on the European Union:

(...) the Union shall act only in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

In other words, nothing should be done by a larger and more complex organization which can be done equally well by a smaller and simpler organization.



B. Setting the agenda



Setting the agenda for social dialogue is an essential part of the governance of the tripartite process.

Once again, there are a number of options.

The most frequent options are listed below. Regardless of the solution chosen, how items are placed on the agenda should be fully understood by all parties concerned.

- a. Any partner** – Any partner can place an item on the agenda. This approach can be seen as “democratic”. However, it may also overload the agenda, rendering it ineffective.
- b. Rule of majority** – A majority of groups represented on the tripartite body can place an item on the agenda. However, if one of the groups believes that a subject is being discussed against its wishes, then its participation may be very limited.
- c. Consensus** – Government and the social partners jointly agree upon the agenda. This is the potentially more effective and preferable method.

Setting an agenda means setting priorities. Social dialogue should be central to this exercise in setting policy priorities.

Ideally, the agenda of the NTSD process should be planned over a period of time. This gives social partners and the government enough time to undertake background research and ascertain each other’s views. In general, an agenda fixed in advance provides ground for more stable and systematic work.

However, flexibility must also exist to take up urgent issues at short notice. Moreover, once the agenda is set, it should be distributed to the participants, or published, to ensure the continuity of the sessions.

In the case of a tripartite institution, the executive body working closely with the secretariat should draw up the agenda and place it before the plenary session for approval.

Setting the agenda - some practical guidance

To provide a relevant agenda for a planned meeting, the secretariat of a tripartite body should make a collection of:

- draft laws that call for an opinion from the tripartite body and which are under preparation (therefore, ongoing contact with ministers with social portfolios and the office of the prime minister is needed);
- government's priorities, particularly in the sphere of national labour policy and labour administration;
- social partners' priorities (joint or separate);
- other important issues and trends in the labour and social-economic area.

With this information in mind, a realistic schedule can be drawn up and a projected agenda prepared for the sessions on an annual basis. This schedule will facilitate the timely preparation of the matters to be dealt with and the planning of the required resources. It is particularly at this stage where the secretariat of a tripartite body can show a proactive role and inject new impetus into tripartite discussions and social dialogue in general.

Source: Lecuyer, N. 2003. Guide for Secretariats of National Tripartite Consultation Bodies in English-speaking African Countries (R. Pritzer ed.), InFocus Programme on Social Dialogue, Labour Law and Labour Administration, African Regional Labour Administration Centre (Harare, ILO).

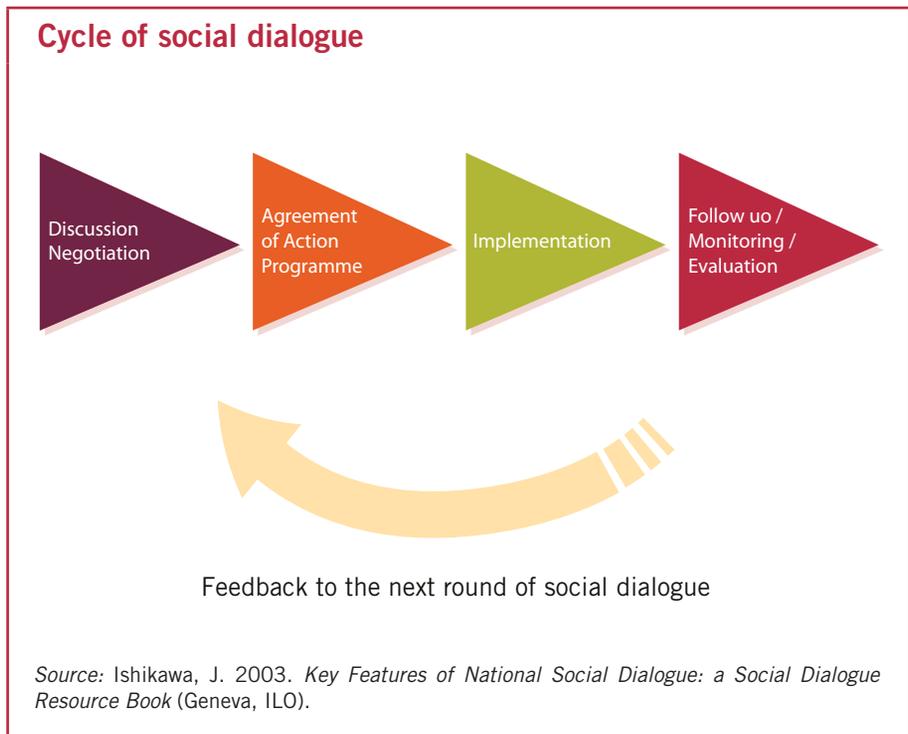
C. The cycle of social dialogue

Social dialogue is a continuous process.

Setting the agenda of tripartite meetings also implies taking into account what has been discussed in previous tripartite discussions or negotiations. Therefore, for national social dialogue to be sustainable, a proper cycle of social dialogue must be in place. This cycle should consist of a mechanism based on various stages, namely: i) regular consultation; ii) decisions and agreements; iii) implementation of agreements; and iv) monitoring/evaluation.

Social partners should be actively involved in all of these stages.

Keeping a detailed record of discussions as well as making an agreed memorandum of conclusions available to all participants may avoid later misunderstandings.



Tripartite social dialogue at the national level – Possible indicators of intensity

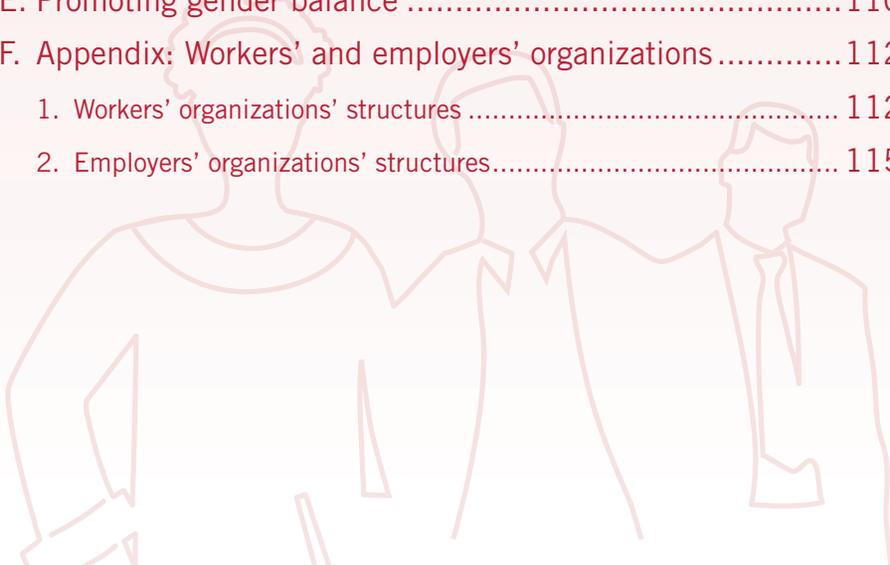
<p>Level 1</p> <p><i>highest intensity</i></p>	<p>There is evidence of regular meetings and cooperation between the social partners, and there is clear and documented evidence of participation in key macroeconomic decisions:</p> <ul style="list-style-type: none"> → Data on the regularity of tripartite meetings is available → Concrete examples of national decisions can be provided (this could also involve wages)
<p>Level 2</p>	<p>There is no regular interaction between the social partners, but they come together when occasion demands:</p> <ul style="list-style-type: none"> → Decisions regarding national economic and social issues emerge from tripartite discussion
<p>Level 3</p>	<p>There are occasional meetings between the social partners, primarily for information and consultation:</p> <ul style="list-style-type: none"> → The social partners make recommendations, which may or may not be accepted by the government
<p>Level 4</p>	<p>Social partners meet but not to discuss substantial issues (<i>pseudo-tripartism</i>).</p>
<p>Level 5</p>	<p>No participation in any issue at the national level.</p>
<p><i>Source: Kuruvilla, S. 2006. "Social dialogue for decent work", in D. Ghai (ed.): Decent Work: Objectives and Strategies, (Geneva, IILS-ILO).</i></p>	

SECTION VII

Participants in national tripartite social dialogue

This section discusses which organizations and ministries should participate in NTSD and how they should be selected.

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Q: *Who should take part in tripartite social dialogue?*

A: Those who are most directly involved in the world of work.

A. The government

Government plays a critical role in the advancement of NTSD. When the government has the willingness to recognize workers' and employers' organizations as fully-fledged legitimate partners capable of making valuable contributions to policy-making – and when it shows persistent commitment to the process – successful outcomes of social dialogue are more likely to be attained.

1. Main responsibilities

Four main government responsibilities can be identified with respect to NTSD:

- a. *Provide support*** – The government should establish the appropriate institutional and legal frameworks for NTSD; in particular, it should ensure respect of the rule of law, freedom of association and the right to collective bargaining;
- b. *Promote*** – Under ILO international labour standards, governments are responsible for promoting NTSD by taking appropriate measures for regular and effective consultation with the social partners (see Chapter IX on International Labour Standards and Social Dialogue);
- c. *Participate*** – As one of the three parties in the process, the government should engage in active consultations or negotiations on an equal basis with the social partners, with the aim of reaching consensus-based decisions; it should encourage exchanges of information and try to find support for its policies; and it should be open to the challenge of sharing parts of decision-making with key stakeholders in society;

- d. Implement** – The government should ensure, when necessary, that the outcomes of NTSD are translated into concrete public policies and programmes; this also requires the government to put adequate monitoring mechanisms in place to guarantee compliance with these agreements.



More limited and indirect role for the government in NTSD – Examples

The Netherlands

Government is represented in the Economic and Social Council (SER) by independent experts. These experts are appointed by the King, but they do not represent the government. They are not obliged to consult with the government or act in accordance with the government's instructions. Crown members include representatives of the Dutch Central Bank and the CPB Netherlands Bureau for Economic Policy Analysis. One of the Crown members also serves as the chair. The duty of these experts is to serve the public interest and to seek compromises when employers and employees are unable to reach consensus.

Japan

Japan has an established practice of tripartite consultations in various labour and employment policy areas through a tripartite Labour Policy Council, which is organized with the participation of academic experts and/or practitioners (as those who represent public interests), and workers' and employers' representatives. The Ministry of Health, Labour and Welfare serves as a secretariat.

2. Which ministry should represent the government?

i) Introduction

In most cases, the *Ministry of Labour* has the leading role in the promotion and the conduct of NTSD processes, involving other ministries as and when necessary.

More rarely, this role is assigned to the *President's* or *Prime Minister's Office*.

Whichever option is followed, the lead ministry should in principle also be the one responsible for providing the resources to support the NTSD process – such as the costs of the meetings and of the secretariat.

In any case, when topics touching upon several ministries are on the agenda of tripartite discussions, the government's negotiating group should involve representatives of all the ministries concerned, who should attempt to coordinate their positions.



Examples of national ministries' involvement in NTSD institutions

<p>Costa Rica</p>	<p>Government representation in the Consejo Superior de Trabajo includes the Ministry of Economy and the Ministry of Justice so that, if the discussions address legal or economic issues, the government delegation is able to partake and reach consensus on matters that go beyond the sole Ministry of Labour.</p>
<p>Albania</p>	<p>Government is represented by seven ministries in the National Labour Council: Minister of Labour, Social Affairs and Equal Opportunities (MLSAEO); Minister of Education and Sciences; Minister of Economy and Energy; Minister of Justice; Minister of Health; Minister of Public Works and Telecommunications; and Minister of Finance. Ministers rarely participate in the meetings of the NLC, but deputies are always present. The MLSAEO chairs the NLC and coordinates the position of government members.</p>

ii) Ministry of Labour has the leading role in NTSD

The advantage when the ministry in charge of labour affairs has the leading role in NTSD is that the staff of this ministry often have experience in dealing with the social partners and in creating consensus.

This would be the most appropriate solution in particular when NTSD is taking place on issues most directly linked to the world of work, such as employment policy, the framework for industrial relations, labour law reforms, vocational training, etc.

Promotion of tripartism is one of the labour administration's key functions. At the same time, many labour administrations throughout the world involve representatives of employers and workers' organizations in their own structures and management systems. Thus, it can be said that tripartism is part of the labour administration's governance in many countries.

Strong labour administrations are, therefore, crucial for effective social dialogue. In some countries, labour ministries and labour inspectorates suffer from a lack of visibility within the government or from governance problems that prevent them from performing their functions effectively (e.g. lack of capacities, insufficient funding, inefficient management of human resources, etc.). Capacity building in this field is essential.

In **Vietnam**, the leading role of the **Ministry of Labour, Invalids and Social Affairs** is set out in the Decree No. 145/2004/ND-CP of 14 July 2004, detailing and guiding the implementation of a number of the labour code articles on the involvement of the workers' and employers' organization in policy-making, legal and labour-related issue consultation.



The role of the President's or the Prime Minister's Office in NTSD institutions – Examples

<p>Niger</p>	<p>The National Social Dialogue Commission is attached to the Prime Minister's Office. The Prime Minister's Office provides the budget for the functioning of the institution, while the permanent secretariat of the body is ensured by the Labour Ministry that provides the Secretary (a high-level civil servant) and the support staff. The President and Vice-President of the Commission are appointed by the Prime Minister on the basis of a list of candidates proposed by the members of the Commission.</p>
<p>Ireland</p>	<p>The Department of the Taoiseach (Prime Minister) is responsible for facilitating the overall negotiation and implementation of the social partnership agreements, the main form of national social dialogue.</p>
<p>Ukraine</p>	<p>The administration of the President of the Republic is directly in charge of the functioning of the National Tripartite Social and Economic Council. It establishes the secretariat and appoints its chief upon consultation with the Council's members. It also drives the overall process of social dialogue.</p>

VII



Further reading

- ▶ Rychly, L. 2013. *Ministries of Labour: Comparative Overview – Database, Organograms*, ILO Action, LAB/ADMIN Working Document No. 27 (Geneva, ILO).

OPINIONS OF MEMBERS OF THE ILO GOVERNING BODY ON TRIPARTITE SOCIAL DIALOGUE

(collected in 2012)

Governments' Group

Mr Gilles DE ROBIEN (France)

Chairperson of the Governing Body of the ILO

Social dialogue in the ILO sense includes dialogue within the enterprise and beyond. It implies a genuine involvement of the social partners in decision-making processes on economic and social issues at the local, national and international levels.

In fact, countries with best practices of social dialogue are often the ones that deliver exceptional economic results, while the opposite is also true in many cases. When policies are based on strong tripartite consensus – where everyone has had a say – the chances of economic and industrial success are much greater than in the absence of social dialogue.

The key to success of these practices lies less in their relatively complete or binding nature than in the credibility of the social dialogue mechanisms and actors themselves.

During my role as Minister of Transport and subsequently Minister of Education – two sectors in which, in France, social dialogue is not just a word – I have always been conscious of a prerequisite, namely, that the State shall fully ensure its dual role both as a facilitator of social dialogue and a guarantor of the concluded agreements. This requires – in addition to a fundamental understanding of the economic and social implications of its actions – openness, respect and good faith, as well as the support of a strong labour administration, including labour inspection services.

Moreover, social dialogue should be equally concerned with the enterprise and the workers involved – one is not possible without the other. This may seem obvious, but has not always been the case.

Most importantly, the decisive criterion is trust. Creating a genuine social consensus must be built over time, which can often be a difficult and risky negotiation process. In any case, social dialogue should be rooted in an appropriate and fertile ground, contingent upon the culture, the union's traditions, and the industrial and social fabric of a country. A one-size-fits-all approach does not work.

Social dialogue is a practice that constantly needs to be improved and reinvented. Firstly, it is a human, living practice.

Secondly, social dialogue is a responsive process, taking different shapes, producing different results and evolving, depending on current issues and concerns. Similarly, the content of social dialogue has evolved and should continue to evolve. It should cover all economic and social issues and promote not only the well-being of workers, but also an overall development and competitiveness in general. Finally, social dialogue forms part of professional life, of economic development, of technological change and, ultimately, of the changing world of work.

Governments' Group

Mr Hamadou SIDDO (Niger)

General Secretary, Labour and Civil Service Ministry

Main advantages of national tripartite social dialogue

1. Improved communication between the actors of the world of work, leading to a better understanding of the decisions concerning their relations.
2. Improved implementation of standards by employers and workers.
3. Improved support from workers of the values and objectives of the enterprise, leading to improved productivity.
4. Guarantee of a social peace that will favour better economic and social progresses, from the level of the enterprise to the national level, also for the families of workers.

Main lessons learned

1. Communication is an important element for the success of social dialogue: the parties need to be informed about the agreements that are implemented as well as of the difficulties encountered in their implementation.
2. Trust is the basis for the success of social dialogue. There is a need to make the necessary efforts to build trust between the parties in the framework of all social dialogue-related projects.

B. Social partners: Workers' and employers' organizations



Workers' and employers' organizations are key actors for the governance of the labour market and for the development of industrial relations, which in turn promote stability, social justice and peace.

If there is a single national trade union confederation and a single national employers' confederation, then selection of the organizations to take part in NTSD is straightforward.

However, in many cases, there will be more than one organization. Sometimes these organizations may make conflicting claims. In other cases, they may work together and agree that they should all be represented in tripartite dialogue.

1. Representativity criteria

One of the main challenges of social dialogue relates to the determination of the workers' and employers' organizations that will take part in the consultation or negotiation process. This selection raises the issue of the "representativity" of workers' and employers' organizations.

According to ILO supervisory bodies, the determination of the "most representative organizations" – for the purpose of participation in tripartite concertation processes and in collective bargaining – should be based on *precise, objective and pre-established criteria* to avoid any opportunity for partiality or abuse. The lack of a clear procedure for the determination of representativity criteria involves the risk of political bias.

In other words, such a determination should not be left to the discretion of governments. In most cases, the representativity criteria are set in the law following consultations with the workers' and employers' organizations concerned. However, in some other cases (more limited) such criteria are defined by a tripartite agreement (e.g. in the Czech Republic).

The prior determination of precise and objective criteria used to determine the representativity of employers' and workers' organizations can help to clarify the framework under which the social partners act and to avoid disputes related to the legitimacy of any concluded agreement, or decisions taken by tripartite partners.

Finally, in cases where there are disputes over representativity among the social partners, which might disturb the process of social dialogue, a settlement must be made by an impartial and independent body.



Belgium – Representativity criteria in the law on the national tripartite institution

The members representing the most representative employers' organizations in industry, services, agriculture, commerce, crafts and non-profit sectors are selected on the basis of a double list of candidates presented by these organizations, provided that a number of the candidates represent small and medium-sized enterprises and family businesses. The 13 mandates of the most representative employers' organizations are distributed as follows:

- Eight mandates for the most representative employers' organization established at the national level –representing the employers of the absolute majority of the following sectors: industry, trade and services– provided that the majority of workers are also represented;
- Three mandates upon presentation by the High Council for the self-employed and small and medium-sized enterprises;
- One mandate for the most representative employers' organization representing agricultural employers;
- One mandate for the most representative employers' organization that is established at the national level and which represents the employers of the non-profit sector.

The members representing the most representative workers' organizations are selected on the basis of a double list of candidates presented by these organizations. To be considered as the most representative workers' organizations, they should meet all the following criteria:

1. be established at the national level and have an interprofessional functioning;

2. represent the absolute majority of sectors and categories of staff in the private and public sectors, provided that the majority of workers are also represented;
3. during the four-year period preceding the appointments [of the representatives], have on average a minimum of 125,000 paying members, including members of affiliated or associated organizations;
4. have the protection of workers' interests as a statutory purpose.

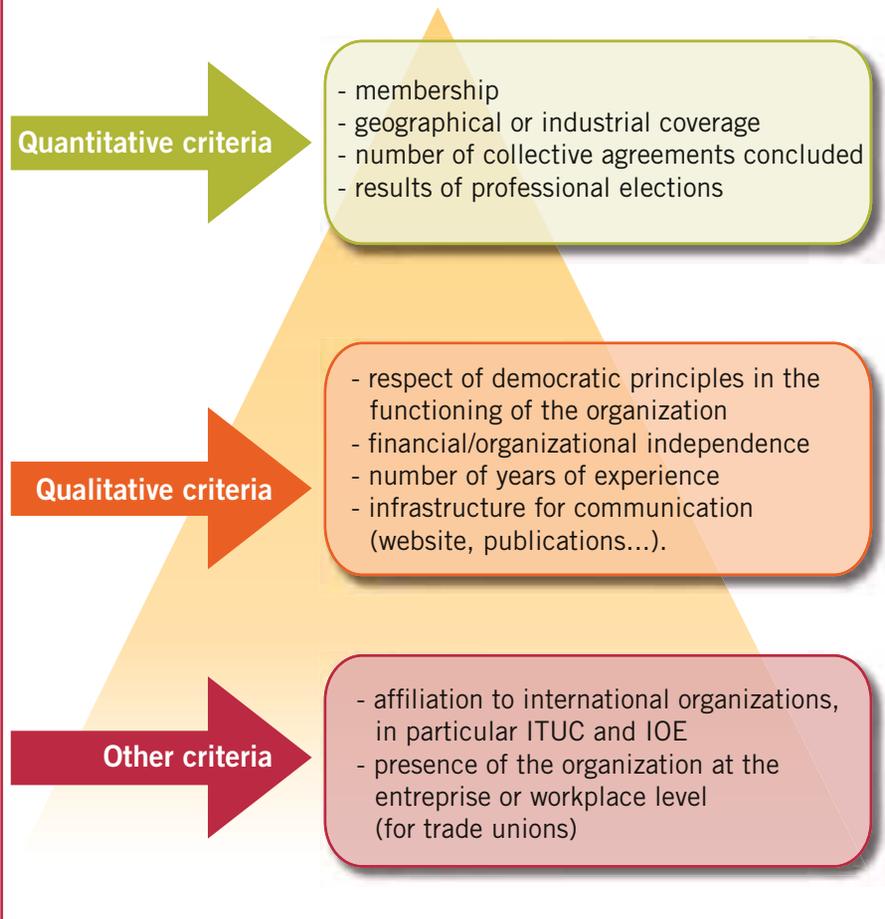
Source: Law of 29 May 1952 on the National Labour Council (Article 2, paras 3 and 4 (excerpts)) as modified notably by the Law of 30 December 2009.



Further reading

- ▶ ILO. 2002. *La représentativité des organisations de travailleurs et d'employeurs en Afrique francophone dans un contexte comparatif* (Dakar).
- ▶ Casale, G. 1996. *Union Representativeness in a Comparative Perspective*, ILO-CEET Working Paper No. 1 (Geneva, ILO).

Representativity criteria for workers' and employers' organizations to participate in tripartite consultations at the national level used in several countries (Selected examples)



2. Legitimacy and “equal footing”

Representative workers' and employers' organizations should participate in NTSD processes “on an equal footing”. This does not always require equal numbers of representatives – even though this is often the most frequently chosen option – but does require that the views of each side be given equal consideration.

Workers' and employers' organizations must be free to choose who will represent them in the consultations. Trade unions cannot veto employers from sending a particular delegate to a tripartite meeting, or vice versa. Government cannot select the representative or demand that a particular employer or worker does, or does not, speak on behalf of his or her organization.

Moreover, effective tripartism depends on the legitimacy of the social partners. This means that the leadership of workers' and employers' organizations should be trustworthy. The leadership should share information with the members. The members should also be able to voice their concerns, and their interests should be represented. Special attention should be paid to the representation of women, as well as of specific groups – such as workers in the informal economy, young women and men, rural and migrant workers, people living with HIV, workers with disabilities, LGBT workers and workers from ethnic minorities.

Rights of minority organizations – The position of ILO supervisory bodies

According to ILO supervisory bodies, the distinction between the most representative organizations and other organizations should be limited to the recognition of certain preferential rights, for example for such purposes as collective bargaining, consultation by the authorities or the designation of delegates to international organizations.

In other words, this distinction should not have the effect of depriving trade union organizations that are not recognized as being among the most representative (*minority organizations*) of the essential means for defending the occupational interests of their members, for organizing their administration and activities and formulating their programmes, as provided for in ILO Convention No. 87.

Sources:

- ♦ ILO. 2006. *Freedom of association – Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO* (Geneva), paras 346–359.
- ♦ ILO. 2012. *Giving Globalization a Human Face: General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, 2008*, International Labour Conference, 101st Session, Geneva, 2012, paras 96–98.

C. Other experts

Consultation and negotiation processes may in some cases call for the presence of persons other than those drawn from public authorities and social partners.

Given the complexity of many of the issues addressed in tripartite processes, especially when technical and legal matters are involved, input and preparation of evidence-based research by experts is of key importance for an informed social dialogue and viable outcomes. External expertise to be provided by independent experts or academics can also help to reach more informed decisions and effective responses to the questions addressed by the tripartite partners.

How do tripartite institutions rely on internal and external expertise? – Selected examples

<p>Ireland</p>	<p>The members of the National Economic and Social Council (NESC) of Ireland are representatives of employers' organizations, trade unions, agricultural and farming organizations, community and voluntary organizations, and environmental organizations, as well as heads of Government departments. It also has independent experts.</p> <p>NESC work is primarily carried out by a small technical Secretariat. On an ongoing basis, the Secretariat engages with the Council's eight independent members, each of whom has strong technical expertise in the areas of economics, social policy and environment. These experts bring to bear the research and expertise of wider networks in which all are active. In particular, the experts help to ensure that the work prepared by the Secretariat draws from available research and expertise relevant to specific topics under review. In addition, the Council has in the past engaged outside consultancy, for example in relation to housing policy. However, in NESC, this type of contracting of research has been used on a limited basis. http://www.nesc.ie.</p>
<p>The Netherlands</p>	<p>In the Social and Economic Council of the Netherlands (SER), the government is represented by independent experts who are selected because they represent the most important political movements and relevant scholarly or scientific disciplines. These experts are not employed by the institution; they usually work at a university. The time they spend on work for the institution varies significantly per person and also varies in different periods. On average, it amounts to approximately four hours per week. http://www.ser.nl.</p>

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Chile

The *Consejo Asesor Presidencial para el Trabajo y la Equidad social* was created on an ad hoc basis during the Government of President Bachelet in order to elaborate policy recommendations to improve social equity. The commission was headed by an academic and the Government appointed its members, most of them experts in the different technical areas, as well as some politicians and social partners.

This commission worked during a certain time (approximately one year), produced a number of recommendations in areas where there was some consensus, and left aside those areas where it was not possible to reach consensus. Subsequently, the commission was dissolved.

D. Who should represent their organizations?



In order for social dialogue to be effective, the social partners and the government should appoint persons with the appropriate skills and ability to speak on behalf of the organization, as delegates to the consultation or negotiation processes.

On occasion, it is necessary to have the most senior person present – Minister, President or General Secretary – particularly during opening and closing sessions, or where discussions have reached a stalemate.

When organizations are represented by professional staff, there could be a danger that they may seek to reach a compromise that looks acceptable, but may miss a crucial point that a democratically elected leader would not accept.

Hence, it is important that all constituents carefully select a team to represent them; this should include authoritative senior representatives as well as technical and professional staff. All members of the team should be thoroughly conversant with their mandate.

The team should also meet regularly to prepare the discussions on each of the issues on the agenda in order to avoid dispersion or improvisation. They should also review the results of social dialogue.

E. Promoting gender balance



Women are often under-represented at all levels of social dialogue. This is one of the direct consequences of the under-representation of women within government departments, trade unions and employers' organization structures.

NTSD and collective bargaining can be essential policy tools to advance gender equality in the world of work. However, meaningful discussions and initiatives on gender equality issues are still scarce in national social dialogue councils as well as in collective agreements at sectoral and enterprise levels.

Accordingly, in establishing NTSD institutions, the government and the social partners should consider a policy on gender equality and non-discrimination in general. Organizations should be invited to achieve better gender balance within the membership of the structures.

The promotion of gender equality and well-functioning social dialogue is inextricably linked and mutually beneficial. This issue is examined in more detail in Part II of this guide.

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United Republic of Tanzania (Zanzibar) – 2012 Labour Advisory Board Regulations

Article 4: “When appointing members to the Board, the Minister and where appropriate, the employers’ organizations and trade unions shall take into consideration the requirement to have both *gender equity* and people with disability to be represented in the Board.”

**Underlining added by the authors.*



Nepal – Gender Equality and Social Dialogue

In Nepal, a Trade Union Committee for Gender Equality and Promotion (TUC-GEP) was created in December 2000, to act as a common forum for the women’s departments of the country’s three national trade union confederations – the General Federation of Nepalese Trade Unions

(GEFONT), the Nepal Trade Union Congress (NTUC), and the Democratic Confederation of Nepalese Trade Unions (DECONT).

Through a series of cross-organizational consultations, the unions reached a consensus on ten common priority gender issues in the realm of work on which to base their gender policies and strategies, which were presented to and discussed with the Nepalese Chambers of Commerce and Industry (FNCCI). Three of these issues formed the start of the dialogue process between them (sexual harassment, maternity benefits, and HIV and AIDS) and were later endorsed by the Ministry of Labour and Transport Management.

In December 2002, the three social partners signed a Joint Declaration affirming their commitment to engage in social dialogue with the purpose of advancing gender equality in Nepal.

Source: ILO. 2005. Gender Equality and Decent Work: Good Practices at the Workplace, Bureau for Gender Equality (Geneva).



Employers' and Workers' Representation – CHECKLIST

What is needed for effective employers' and workers' representation?

- Representative and legitimate organizations, which ensure the participation of women and of all categories of workers – especially, as far as trade unions are concerned, workers in the informal sector, young women and men, rural and migrant workers, people living with HIV, workers with disabilities, LGBT workers, workers from ethnic minorities and public sector workers;
- Independent, strong and stable organizations;
- A single voice, if possible. Where there is a multiplicity of organizations, they should be encouraged to cooperate and, if possible, to agree among themselves;
- Technically competent representatives, with good training, backed by proper research facilities;
- Preparedness to respect the rights and views of all parties;
- Preparedness to reach consensus.

F. Appendix: Workers' and employers' organizations

1. Workers' organizations' structures



Workers' organizations have existed worldwide for a long time. They developed during the time of the Industrial Revolution.

Wherever and whenever workers come together, in a variety of workplaces – such as mines, factories, offices, markets or ships – they have tried to form organizations to protect their interests.

A workers' organization can be defined as an organization based on membership of employees in various trades, occupations and professions, whose major focus is the representation of its members in the workplace and in the wider society. It particularly seeks to advance its interest through the process of rule-making and collective bargaining.

Workers come together into organizations because, alone, they cannot negotiate on a basis of equality with an employer. Throughout their history and across the world, workers' organizations vary enormously in size, composition, aims, coverage, etc. Some unions have millions of members. Some have less than 100.

i. Branch and workplace level

The basic building block of a workers' organization is a branch or workplace unit. Branches are based on an area where members live or work. A branch or workplace unit will run its own affairs and have its own leaders, and may negotiate with an employer or an employers' organization. It can deal with issues such as health and safety in the workplace, or transport for the workers to get to and from work.

Workers themselves run organizations in the workplace or local branches. Members take up positions that have many different names such as “shop steward”, “union representative” or “branch secretary”. The key point is that they are elected by the members of the workers'

organizations and represent the members in meetings with employers, the government and various agencies.

ii. National level

A national trade union may cover an industry or several industries, for example a mining trade union would cover all miners. A sector transport union might cover transport workers in different forms of transport, or there might be separate unions for dock workers, railway workers and road transport workers.

An individual union will usually belong to a “national union centre” in its country, which will then affiliate to a world body such as the International Trade Union Confederation (ITUC). The same individual union can also affiliate to a Global Union Federation relevant to the industry where it has members.

iii. National confederation

Unions come together to form a “national centre” body (national confederation). In some cases, there is only one per country. In others, there can be several national centres. National centres are important for presenting the case to government and employers on behalf of all workers, unionized and non-unionized, in the formal and informal economy, on a full range of economic and social policy issues.

iv. International organizations

There are two types of international trade union organizations: those that bring together national centres and those that bring together industry-based unions.

International Trade Union Confederation (ITUC)

The International Trade Union Confederation (ITUC) is the world’s largest trade union federation.

It was formed in 2006 out of the merger of the International Confederation of Free Trade Unions and the World Confederation of Labour.

The ITUC represents 175 million workers through 308 affiliated organizations within 153 countries and territories (year: 2012).

The ITUC’s primary mission is the promotion and defence of workers’ rights and interests, through international cooperation between trade unions, global campaigning and advocacy within the major global institutions, especially the ILO.

An organization that is a member of the ITUC would normally be automatically invited to take part in tripartite social dialogue at the national level.

Global Union Federations (GUFs)

Global Union Federations (GUFs) link national unions from a particular trade or industry at the international level.

Some of these have wide coverage of several sectors. Often, unions with members in many different industries will belong to more than one GUF.

Examples of GUF:

BWI: Building and Woodworkers International

EI: Global Union for Teachers and other Education Workers

IAEA: International Arts and Entertainment Alliance

IFJ: Global Voice Of Journalists

IndustriALL: Mining, Energy and Manufacturing Sectors

ITF: International Transport Workers’ Federation

IUF: International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations

PSI: Public Services International

UNI Global Union: Service Sector Workers

Source: <http://www.ituc-csi.org>.

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Further reading

- ▶ ILO. 2001. “Approaches to Trade Union Administration”, in *Tools for the High Road*, PROMALCO, ILO Decent Work Team and Office for the Caribbean.
- ▶ ILO Bureau for Workers’ Activities (ACTRAV). 2010. *ACTRAV Presentation: Mission, Goals, Team, Actions* (Geneva, ILO): <http://www.ilo.org/actrav>.

2. Employers' organizations' structures



Employers' organizations (EOs) are entities that promote the collective interests of business, across sectors, irrespective of enterprise size. Given that the range and content of such collective interests vary from one country to another, the structure, membership basis and functions of EOs differ widely between countries.

In line with the freedom of association principles, affiliation of enterprises and organizations to employers' associations should be voluntary.

The core business of representative EOs is to advocate, on behalf of the business community, for policy and regulatory change that will ensure an economic environment conducive to enterprise creation and development.

This role is becoming increasingly important, because in countries that need to improve the enabling environment for sustainable enterprises, the impetus for reforms must ultimately take place through national political processes that require national actors. National representative EOs are such actors.

Employers are usually grouped by geography and industry. For example, there may be state or provincial employers' organizations, or a national federation of engineering employers or textile employers, or a cross-sectoral national confederation.

A national level EO is normally a federal structure of sectoral and local employers' associations, although some may also have larger companies as direct members. A national level EO will concentrate on lobbying government on a full range of economic and social policy issues that impact on members, such as employers' contributions to social security schemes, taxation or labour legislation. They will therefore participate in NTSD to influence public policies and government plans.

International Organization of Employers (IOE)

At the international level, there is only one organization of employers. Since its creation in 1920, the International Organization of Employers (IOE) has been recognized as the organization at the international level which represents the interests of business in the labour and social policy fields. It consists of 151 national employers' organizations from 144 countries from all over the world (*year: 2012*).

The mission of the IOE is to promote and defend the interests of employers in international forums, particularly in the ILO. To this end, the IOE works to ensure that international labour and social policy promotes the viability of enterprises and creates an environment favourable to enterprise development and job creation.

An organization that is a member of the IOE would normally be automatically invited to take part in tripartite social dialogue at the national level as the most representative organization of employers.

Source: <http://www.ioe-emp.org>.

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Further reading

- ▶ ILO Bureau for Employers' Activities (ACT/EMP): <http://www.ilo.org/actemp>.
- ▶ ILO. 2010. *The role of employers' organizations in growth and sustainable enterprise promotion*, Working Paper No. 4, ACT/EMP (Geneva).
- ▶ ILO. 2012. *Services by Employers' Organizations – A strategic approach to service development: Developing, agreeing and delivering a sustainable service strategy*, ACT/EMP (Geneva).

SECTION VIII

Legal and institutional framework for tripartite social dialogue

This section discusses the different possibilities for NTSD institutions. It is up to each country to make its own arrangements, in accordance with its legal systems and national circumstances.

However, it is important to stress that all constituents should be involved in the discussions on these issues. The government may have to make the final decision, but it should consult with workers' and employers' organizations.

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A. Founding instruments of tripartite institutions



To make national social dialogue a sustainable feature of labour market governance in a country, its basis must be strong and grounded on a wide consensus.

However, there is no single template that should be followed. Once again, there are different possibilities. The only crucial element is an agreement among the parties on the main parameters of the institution, especially the mandate and competencies, the composition and the financing. Thereafter, the tripartite body must adopt its own rules and standing orders.

1. National constitution and legislation

In many countries, NTSD institutions find their basis in the legislation. Sometimes, it may also be referred to tripartite bodies in national constitutions.

For example, the Constitution of **Montenegro** (2007) provides that the “social position of the employed shall be adjusted in the Social Council. The Social Council shall consist of representatives of trade unions, employers and the Government” (Article 65).

The process of adopting a law or an appropriate regulation may take time, but will ultimately have enormous benefits, paving the way for NTSD as an important element in policy-making. Moreover, a strong legal basis for the tripartite structure will help to ensure that it is not dissolved as a short-term reaction during a situation of hardship, for example during times of economic crisis.

However, creating institutions through legislation is no guarantee that national social dialogue will succeed. Commitment, sense of responsibility and trust are also essential.

2. Government regulation

Another option is that the government establishes the tripartite institution through a governmental or ministerial regulation (e.g. decree), following consultations with the social partners.

Government regulations have the advantage of providing for the rapid establishment of the institution.

3. Agreement between the parties

The foundation of NTSD could also be an agreement between the parties.

In the **Czech Republic**, the Council of Economic and Social Agreement is a voluntary body made up of representatives of trade unions, employers and the government, which engages in joint tripartite negotiations. It is based on a negotiated tripartite agreement (1990) and not an Act of Parliament.

Social dialogue institutions – Examples of founding instruments

Country/Institution	Founding instrument
Antigua and Barbuda – National Economic and Social Council	Act No. 18 of 2004
Brazil – Social and Economic Development Council	Law No. 10.683 of 28 May 2003
South Africa – National Economic, Development and Labour Council	NEDLAC Act No. 35 of 1994
Dominican Republic – Labour Advisory Councils (Consejos Consultivos de Trabajo)	Decree No. 47–99 of 17 February 1999
Niger – National Social Dialogue Commission	Decree No. 2000/159 of 23 May 2000
Uruguay – Tripartite Advisory Commission	Decree No. 558/008 of 21 November 2008
Czech Republic – Council of Economic and Social Agreement	1990 Tripartite agreement
FYROM – Economic and Social Council	Tripartite agreement for the establishment of 25 August 2010
Senegal – National Tripartite Social Dialogue Committee.	Tripartite agreement: The National Charter on Social Dialogue adopted on 22 November 2002 established the NTSDC
Singapore – Various tripartite commissions	Various agreements – not embodied in the legislation

B. Missions and mandate of tripartite institutions

1. Core competencies



The missions and mandate of NTSD institutions vary greatly. Depending on the economic and social situation of the country, the history, the culture and the type of industrial relations, tripartite institutions can fulfil different functions.

The rules of procedure of NTSD institutions should specify both the missions the tripartite institution may undertake on its own initiative and the ones that should only be fulfilled on request.

In most cases, the mandate of tripartite institutions will include some or all of the following options:

- ▶ advice to government on policy issues:
 - *analysis and development of policy initiatives*
 - *consultations on policy formulation and implementation*
 - *recommendations on economic, social and labour-related issues*
- ▶ analysis and discussion of existing laws and programmes;
- ▶ negotiation of tripartite agreements, and supervision of their implementation;
- ▶ administration of established policies;
- ▶ public information sharing.

2. Body with general competence or specialized institution?

Some countries have both specialized and general NTSD institutions. Others have only one type. It is up to each country to decide.

For simplicity – even if this distinction does not reflect all the specificities that can be found in practice – tripartite institutions can be grouped into three types: i) economic and social councils (ESCs); ii) tripartite labour advisory councils; and iii) national tripartite social dialogue commissions. However, in some cases, the missions and competences of these types of bodies overlap to a certain extent.

In most cases, ESCs or NTSD institutions were born out of situations of hardship and economic crises, or political and democratic transitions. Today, most countries have an ESC or another type of national tripartite institution.



Tripartism in Brazil

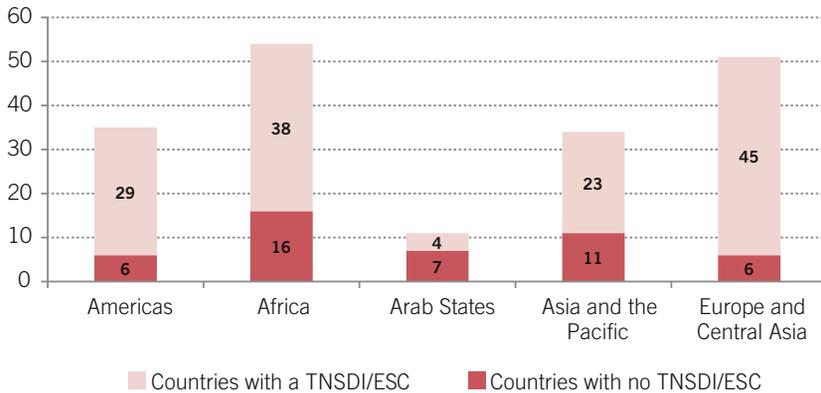
Tripartite (and tripartite plus) institutions in Brazil include:

- Economic and Social Development Council (CDES)
- Tripartite Commission on International Relations (CTRI)
- National Commission for the Eradication of Child Labour (CONAETI) – *quadripartite*
- Tripartite Commission for Equal Opportunity and Treatment of Gender and Race at the Workplace (CTIO)
- Quadripartite Commission for Strengthening the Minimum Wage
- Tripartite Commission of Permanent and Equal Representation (Safety and Health)
- National Council on Immigration (CNIg)
- National Council on Social Security
- National and Permanent Commission on Ports (CNPP)
- National Commission for the Eradication of Slave Labour (CONATRAE)

In addition, there are State, District and Municipal Commissions on Employment (with tripartite and equal representation), established and recognized by resolutions of the Deliberative Council of the Workers' Support Fund (CODEFAT).

Source: ILO. 2009. Decent Work Country Profile: Brazil (Geneva and Brasilia).

ILO member States with a tripartite national social dialogue institution (TNSDI) and/or an economic and social council (ESC) (as of 2012)



Source: ILO database, Governance and Tripartism Department.

i. Economic and Social Councils

Since the mid-1990s, there has been growing interest in the role of economic and social councils as instruments of democratic involvement of civil society groups, especially the social partners, in the governance of public affairs.

While not necessarily attached to the government, ESCs are established as high-level advisory bodies, representing the legitimate interests of a wide range of constituencies. Their main responsibilities are generally twofold:

1. at the request of the government or the parliament, ESCs provide opinions, advice or recommendations on economic and social policies, draft laws and proposed national development strategies;
2. on their own initiative, ESCs formulate opinions on economic and social matters under their competence, and draw the attention of policy-makers to some crucial policy issues.

ESCs come in varying sizes and composition of membership. The size of the institution affects the way in which ESCs operate. The bigger the institution, the more formalized their procedures tend to be.

However, ESCs do not always reflect tripartism as defined by the ILO, namely with a “government group” as one of the three main groups of representatives. Sometimes the government is not represented in the institution, or its role is limited to chairing the meetings or providing secretariat support only. Many ESCs gather stakeholders from business and trade unions, together with “other interests” (e.g. civil society organizations other than social partners: consumers, youth, cooperatives, farmers, disabled organizations, etc.), without representation of public authorities. In doing so, these institutions reflect the composition of the European Economic and Social Committee where governments are not represented.

Quite often, the institution is also “tripartite plus” (see Chapter I on Definitions).

The scope of involvement of ESCs is generally fairly wide. Prominent issues are: social security, health care and pensions; wages, prices and taxes; industrial relations; collective bargaining; and labour relations. In recent years, many ESCs were brought to deal with issues related to the labour market and the social consequences of the financial and economic crisis. Moreover, in many countries, the ESCs have embraced the concept of decent work in their deliberations.

While the recommendations of the ESCs are generally not binding on government, they often hold significant moral authority. As a reflection of broad consultation and agreement among a wide spectrum of interests and groups, they influence government policy, parliament and public opinion.

In **Ireland**, the reports and strategies recommended by the National Economic and Social Council often have a direct influence on the Social Policy Unit located in the Prime Minister’s Office.

In the **Netherlands**, the Social and Economic Council’s reports are often used by Parliament in its debates with the Government and in framing legislation on a wide range of social issues.

AICESIS – International Association of Economic and Social Councils and Similar Institutions

The International Association of Economic and Social Councils and Similar Institutions (AICESIS) was founded in 1999 in Mauritius. Currently consisting of 71 members (*in 2013*), the AICESIS is in charge of the following missions:

- encourage and promote dialogue and exchange of good practices between its members, and between social partners around the world;
- help the development of participatory democracy and the role of social partners and civil society;
- encourage the creation of ESCs through the popularization of the added value of these advisory bodies;
- organize contributions of its members to international organizations such as the ILO and the Economic and Social Council of the United Nations (ECOSOC), where it acts with a permanent observer status.

In support of these aims, the AICESIS is also active on the global stage by organizing contributions of its members and representing them in international organizations. The AICESIS has a permanent observer status at the ECOSOC. In 2012, the ILO and AICESIS signed a cooperation agreement, stating that both parties will collaborate in achieving their shared objectives of promoting social dialogue and participatory democracy through organizing joint conferences at regional and subregional levels, and through training of ESC members.

Decisions on the course and operations of the AICESIS are made by the Board, which meets twice a year. The Board consists of 15 to 18 members, representing four continents, and is appointed by the General Assembly. The Board is chaired by the President of the AICESIS, who serves a term of two years. A rotation system based on geography is applied.

Source: <http://www.aicesis.org>.

ii. Tripartite labour advisory councils/boards

Labour advisory councils/boards are established with the more specific aim of allowing consultations between the government represented by the labour administration and employers' and workers' representatives on issues related to national labour and employment policy (e.g. conditions of work, employment, vocational guidance and training, social insurance and protection, measures to promote and facilitate free and voluntary collective bargaining, minimum wage, occupational safety and health, etc.). In most cases, they are reliant upon, and established within, the labour/employment ministry.



Sri Lanka – National Labour Advisory Council

The National Labour Advisory Council (NLAC) is the national tripartite consultative mechanism established to provide for consultation and cooperation between the government and the organizations of workers and employers at the national level on matters relating to social and labour policies and international labour standards.

The objectives of the NLAC are:

- To promote social dialogue between the government and the organizations of workers and employers on social and labour issues;
- To provide a forum for the government to seek the views, advice and assistance of organizations of workers and employers on matters relating to social and labour policies, labour legislation and matters concerning the ratification, application and implementation of international labour standards;
- To promote mutual understanding and good relations and foster closer cooperation between the government and organizations of workers and employers with a view to developing the economy, improving conditions of work and raising standards of living.

Composition

The Minister of Labour and Labour Relations acts as the chairman of the NLAC. The organizations and institutions represented in the NLAC are selected by the Minister among the “most representative” organizations of employers and workers in the different sectors of the economy.

There may also be appointed tripartite industrial committees and ad hoc committees to discuss special issues for study and report to the NLAC, with expert assistance whenever necessary.

Source: Sri Lanka Ministry of Labour and Labour Relations. *National Labour Advisory Council*. Available at: http://www.labourmin.gov.lk/web/index.php?option=com_content&view=article&id=173&Itemid=176&lang=en



Tripartite institutions in Latin America and the Caribbean

Many countries in Latin America and the Caribbean have tripartite consultative councils and/or labour advisory boards. This is the case for instance in **Colombia** (*Comisión Permanente de Concertación de Políticas Salariales y Laborales*), **Costa Rica** (*Consejo Superior de Trabajo*), **Dominican Republic** (*Consejo Consultivo de Trabajo*), **El Salvador** (*Consejo Superior del Trabajo*), **Guatemala** (*Comisión Tripartita sobre Asuntos Internacionales de Trabajo* and *Consejo Económico y Social*), **Honduras** (*Consejo Económico Social*), **Nicaragua** (*Consejo Nacional del Trabajo*) and **Peru** (*Consejo Nacional del Trabajo y Promoción del Empleo*).

The issues of how to represent the interests of those other than workers and employers in social dialogue institutions have been discussed at the regional level. Particular attention was given to workers from cooperatives, small and micro-enterprises and the self-employed.

There were two responses to this issue across the region:

Firstly, workers' and employers' organizations have agreed to become more inclusive of these social actors among their members to ensure their representation. Secondly, other bodies for social dialogue have emerged, namely economic and social councils (e.g. in **El Salvador**, **Dominican Republic** and **Guatemala**). These councils have larger delegations, allowing for the cover of all stakeholder interests. It should be noted that in **Honduras**, the Economic and Social Council is a type of tripartite consultative council, which differs from other ESCs in the region.

The optimum solution is to define the policy areas of both types of social dialogue institutions in a complementary manner, in consultation with the social partners and other social actors.

For example, in the **Dominican Republic**, the Economic, Social and Institutional Council (created in 2005) addresses issues at the national level, whereas the Labour Advisory Council (1999) focuses exclusively on the relationship between capital and labour. In the case of **El Salvador**, the relationship between both institutions is complementary: the ESC defines the general aspects of public policy on social and labour matters, while the Supreme Labour Council implements and develops these issues.

For further information, see the website of the ILO Regional Office for Latin America and the Caribbean: <http://www.ilo.org/americas>.

iii. National tripartite social dialogue commissions/councils

National social dialogue commissions/councils are another type of tripartite institution that can be found in some countries. These commissions are usually established to promote effective and genuine social dialogue between the government and the social partners, as well as to prevent and resolve collective labour conflicts of national importance or to monitor the implementation of certain instruments/agreements.

One of their key characteristics is the broad representation of the government by several ministries of national importance (e.g. labour, finance, economics, etc.).

These institutions are generally smaller in size than ESCs and often have a purely tripartite composition.



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NTSD Commissions or Councils – Examples

Bulgaria	The main body overseeing national-level social dialogue is the <i>National Council for Tripartite Cooperation</i> (NCTC). Established in 1993, the NCTC promotes cooperation and consultation over issues concerning labour, social security and living standards. It has standing commissions on a number of matters.
Poland	The <i>Tripartite Commission for Socio-Economic Issues</i> was established in 2001. The Commission has competencies in two areas only: setting of the pay increase indicators in companies and in the state budget sector, which has direct impact on wages in the wider public sector; and participation in the preliminary phase of drawing up the state budget. In addition, the Commission has the right to express opinions on every matter of significant importance to the economy or social affairs if it presumes that resolving the matter would be important to preserving social peace. A total of ten thematic teams function within the Council. Source: EUROOnline.
Senegal	The <i>National Tripartite Social Dialogue Committee</i> was established by the Government and the social partners through the 2002 National Charter on Social Dialogue, to ensure that it was monitored and well-managed. The combined effect of the enactment of the Charter and Committee activity influenced government processes and led to the drafting of a Social Stability and Economic Growth Pact as an implementing tool for national policies.
Tunisia	The 2013 Tripartite Social Contract calls for the establishment of a National Council for Social Dialogue to guarantee an efficient and continuous NTSD in the country. This Council would have a tripartite composition and would benefit from financial and administrative autonomy. It should be consulted inter alia on draft legislation linked to social and economic issues.

iv. Specialized tripartite committees

Specialized tripartite committees are sometimes established to examine specific issues related to the world of work and beyond (e.g. health and safety at work, promotion of gender equality, or wages and minimum wages).

Specialized tripartite committees can be stand-alone bodies or sub-units of the main national tripartite institution. They can be established in an ad hoc manner, for a short duration, or a longer term.



Singapore – Specialized tripartite bodies (selection)

Although there is no legislative foundation to institutionalize the mechanisms in Singapore, tripartism functions through them in a unique way that is practical and operational in terms of addressing various issues as well as actually achieving the objectives. A number of tripartite committees were formed over the years. Some of the bodies are still in place, others have been dissolved. When consensus is reached on an issue, whether in the form of advisories, guidelines or other means chosen to give effect to the will of the tripartite partners, each party is responsible for ensuring that they are implemented in practice.

1972	National Wages Council – <i>ongoing</i>
1981	Committee on Productivity – <i>dissolved</i>
1983	Steering Committee on Labour Management Cooperation – <i>dissolved</i>
1986	Tripartite NWC Sub-Committee on Wage Reform – <i>dissolved</i>
1993	Tripartite Review Committee on Flexible Wage System – <i>dissolved</i>
1994	Tripartite Review Committee on the Employment Act – <i>dissolved</i>
1997	Sub-Committee on Manpower & Productivity (in the Committee on Singapore’s Competitiveness) – <i>dissolved</i>
1998	Tripartite Panel on Retrenched Workers – <i>dissolved</i>
2000	Tripartite Committee on Work-Life Strategy – <i>ongoing</i>
2001	Sub-Committee Dealing with the Impact of Economic Restructuring; Wages Working Group (in the Economic Review Committee) – <i>dissolved</i>
2004	Tripartite Review Team on Section 18A of Employment Act on Company Restructuring – <i>dissolved</i>
2004	Tripartite Work Group on Flexible Work Schedules – <i>dissolved</i>
2004	National Tripartite Initiative on Corporate Social Responsibility – <i>dissolved</i>

2005	Tripartite Committee on the Employability of Older Workers – <i>ongoing</i>
2006	Tripartite Panel on Community Engagement At Workplaces – <i>ongoing</i>
2006	Tripartite Alliance for Fair Employment Practices – <i>ongoing</i>
2007	Tripartite Committee on CPF and Work Related Benefits for Low-Wage Workers – <i>Reconstituted as Tripartite Committee for Low-wage Workers and Inclusive Growth in 2010</i>
2007	Tripartite Workgroup on Enhancing Employment Choices for Women – <i>dissolved</i>
2008	Tripartite Workgroup on Employment Act Review – <i>dissolved</i>
2008	Tripartite Taskforce on Managing Economic Downturn – <i>dissolved</i>
2009	Tripartite Workgroup For Flu Pandemic Preparedness – <i>dissolved</i>
2009	Tripartite Upturn Strategy Teams (TRUST Teams) – <i>dissolved</i>
2010	National Productivity and Continuing Education Council – <i>ongoing</i>
2010	Tripartite Workgroup on ICT-Enabled Home-Based Jobs – <i>dissolved</i>
2010	Tripartite Committee for Low-wage Workers and Inclusive Growth – <i>ongoing</i>
2012	Tripartite Workgroup on Employment Act Review – <i>ongoing</i>
2013	Haze Tripartite Taskforce – <i>ongoing</i>
<p><i>Sources:</i></p> <ul style="list-style-type: none"> ♦ ILO. 2010. <i>ILO Study Mission on Singapore's Tripartism Framework</i> (Geneva). ♦ Fashoyin T. 2010. <i>Tripartite cooperation, labour market reform and economic upturn in Singapore</i>, DIALOGUE Working Paper No. 20 (Geneva, ILO): http://www.ilo.org. 	

C. Relationship with the government

NTSD institutions cannot operate effectively without close contact with the government as a key stakeholder. On the other hand, if they are to make genuine contributions, social partners need independence in formulating their opinion.

Tripartite institutions may be directly linked to a ministry or operate as an independent body. Yet, even if from an administrative perspective an institution is linked to a ministry, it can still work independently, without undue interference from public authorities in its programme or work. In other words, independence is predominantly a matter of fact and practice.

However, structural indicators of an independent tripartite institution could be, for instance, that:

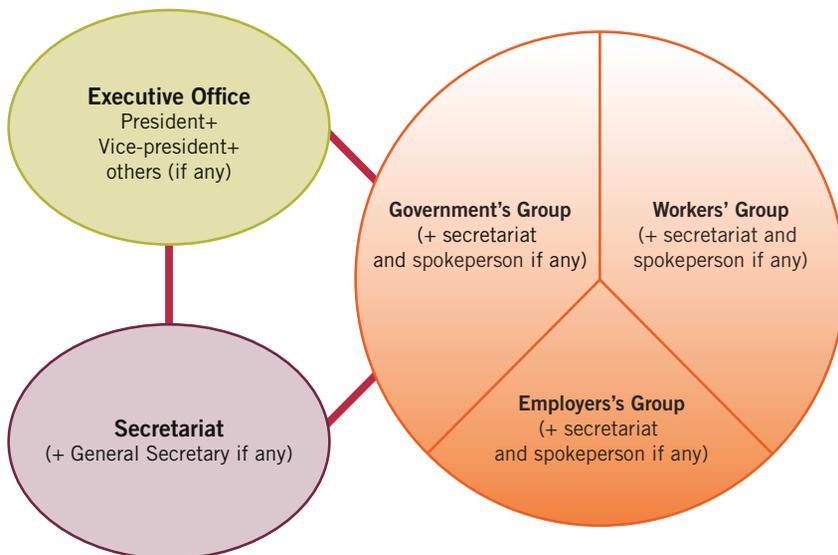
- ▶ the institution has a specific budget line that is independent of other budget allocations within the labour administration system or any other ministry;
- ▶ its management board and secretariat is not part of state administration.

D. Components of the structure

The NTSD institution should have a structure that ensures its proper operation, depending on its functions and operational needs. It should be headed in a dynamic and proactive manner in order to facilitate the performance of all its parts. There is no one-size-fits-all model. Nevertheless, in many countries the institution is structured around the following components:

- ▶ **Groups** (i.e. constituents: government and workers' and employers' organizations)
- ▶ **President** (and vice-presidents, if needed)
- ▶ **Executive office**
- ▶ **Plenary body** (i.e. plenary conference or general assembly)
- ▶ **Specialized commissions or chambers**
- ▶ **Secretariat**

Structure of a tripartite social dialogue institution – Overview of the possible main components



+ specialized chambers or committees if any

1. Groups of constituents

An important mechanism for the operation of NTSD is the existence of independent “groups” within the institution, namely: government, workers’ organizations and employers’ organizations.

If other economic and social forces are to be represented on the tripartite body, they also need to be constituted into a group, or groups.

Groups are supposed to work on a common platform, based on their common interest, having their own spokesperson. This approach is commonly called the “one voice” system. It saves time and helps to overcome divergences of views within the negotiating groups before the start of negotiations. It can be of special importance when workers and/or employers are represented by several organizations whose approaches may differ.

Each group needs to have the capacity to meet independently before and after meetings to discuss the agenda, make proposals and decide on the course of action. Groups may need to call for an adjournment in meetings to jointly determine their position on a question, or seek a more direct and private discussion with one of the other groups.

Groups would normally elect their own president or spokesperson and secretary. The president and secretaries can communicate with their counterparts in the other groups and with the secretariat of the tripartite body.

“Groups” in Economic and Social Councils – Examples

Lebanon

Decree No. 2012 of August 2000

The Economic and Social Council is composed of 65 members divided into seven groups:

1. *Business representatives*
2. *Liberal professions*
3. *Trade unions*
4. *Cooperatives*
5. *Social institutions*
6. *Intellectuals and specialists*
7. *Expatriated Lebanese*

There is thus no government group per se.

Source: <http://www.ces.gov.lb>.

Montenegro

The Social Council of Montenegro exists at the national level as a tripartite forum bringing together 33 representatives:

1. *11 from the Government*
2. *11 from employers' organizations*
3. *11 from trade union confederations*

It is headed by the Minister of Labour and Social Affairs.

Source: <http://www.eurofound.europa.eu>.

Morocco

The Economic, Social and Environmental Council has 99 members (plus the president) divided into five groups:

1. *Experts* (in the areas of social development, training, culture, employment, environment, sustainable development, economic and social fields, local and regional development and digital economy)
2. *Most representative trade unions* (public and private sectors)
3. *Professional organizations* (representing enterprises and employers in various sectors)
4. *Civil society organizations* (in the areas of social economy, environment protection, fight against poverty, human development, etc.)
5. *High-level representatives from selected national institutions* (Wali Bank Al Maghrib, High Commissioner for Planning, High Education Board, Human Rights Advisory Board, Council for the Moroccan Community Abroad, Moroccan Banks Professional Group, National Social Security Fund, Moroccan Retirement Fund, Moroccan Interprofessional Pension Fund, National Health Insurance Agency and National Observatory for Human Development).

Source: <http://www.ces.ma>.

2. President

As for presidency, once again there are various options. If a president is necessary, it is important that he or she commands the respect of all parties. In any event, the tripartite institution should not be run according to the sole requirements of the president; it must incorporate the interests of all members. Moreover, the president may also need support staff.

The options are:

i. Permanent president

- ▶ *Government member* – The president of the tripartite institution can be a government member delegated by the government (prime minister, minister, state secretary, etc.) depending on the status of the institution. The presidency's period of time can be identical with the government's duration in office.
- ▶ *Independent person* – An independent, politically neutral person (e.g. academic expert) could be selected by the members of the tripartite body, appointed by the head of state or prime minister, or elected by parliament (if parliament is involved in establishing the tripartite body), depending on the rules of procedure.

If the option of an independent neutral chair has been selected, it is important to ensure that the person's independence is guaranteed by a fixed term of office, which could be ended earlier only in the most exceptional circumstances.

ii. President and vice-presidents

If the president is selected from one of the groups in the institution, it is common for the other groups to provide vice-presidents.

iii. Co-presidency

Under this system, there are co-presidents of equal rights, one each representing the employers' and workers' organizations.

iv. Rotating presidency

In this case, the presidency rotates between each of the members every x months. The presidents are designated by the groups within the institution for short periods of time (usually no longer than one year). They are generally the heads of their groups.

v. No permanent president

When no permanent president is appointed, there may be ad hoc elections or appointment by agreement of the three groups of a person to chair a sitting.

vi. Presiding officer

The president or vice-president does not need to preside over every meeting. Particular sittings could choose their own presiding officer. A panel of presiding officers could be elected from the membership at regular intervals.

It is even possible that a person from outside the tripartite body could act as presiding officer, e.g. the director of the labour conciliation and arbitration service.

In the **Republic of Moldova**, the National Commission for Collective Consultations and Negotiation is a tripartite body established on the basis of the law No. 245 of 2006. The Commission is chaired by the First Vice-Prime Minister and the secretariat support is provided by the State Chancellery.

3. Executive office

An executive office is helpful to ensure that the tripartite body functions in accordance with its legal mandate. It would also issue instructions to the secretariat. One of the key functions of the executive office is to prepare the yearly programme of work for approval, and to monitor its implementation. It may also decide on the items that will be placed on the agenda.

The executive office could be composed of the presidents and secretaries of the three groups. This may be too small in some cases, and additional members could be required, in which case the three groups should still be represented in equal proportions. Decisions are normally taken on the basis of consensus. Where this is not possible, decisions could be taken through voting.

In cases where specialized commissions have been established, the officers of the commissions might also be members of the executive office.

4. Conference, general assembly or plenary body

Much of the work of the tripartite institution may take place in a secretariat or smaller commissions.

However, conference or plenary meetings with all the constituents are essential. Ultimately, the discussions involving matters of principle and vital interest to the government and workers' and employers' organizations need to be considered properly by those who are close to them and have practical experience and deep knowledge of their workings.

Full plenary meetings offer the opportunity to formally agree the final text of an agreement or statement, for formal signature.

However, full conference or plenary meetings should only take place after thorough preparatory work within each of the groups and possibly also within tripartite subgroups. They may be presided over by the president, including the co-presidents of the groups.

5. Specialized chambers or committees

A more advanced tripartite structure may have specialized chambers or committees as standing committees or ad hoc committees, with the function to prepare the discussion of a definite topic for the plenary sitting or assembly. These committees should comprise an equal number of members representing employers' and workers' interests and the government. The opinions and decisions of such committees should be presented to the Board for final decision.

In the case of specialized commissions or chambers, these give more flexibility to set up working groups that involve non-members of the main body who can provide expert opinions. They will allow for more time to consider issues, and to come up with informed decisions or conclusions.



South Africa – NEDLAC chambers

At the National Economic Development and Labour Council (NEDLAC) of South Africa, negotiations are conducted in four chambers which correspond to work streams:

1. *Public Finance and Monetary Policy Chamber*
2. *Trade and Industry Chamber*
3. *Labour Market Chamber*
4. *Development Chamber*

The Chamber where the issue has been tabled agrees on a process and time frame to consider the matter. For example, a specific negotiating committee may be established or the Chamber may consider the matter itself. The Chamber must agree at the outset whether the issue is being tabled only for consultation, for negotiations or for both. The Chamber Convenors must clarify what kind of work is needed on each issue.

In cases where the issue falls within the terms of reference of more than one Chamber, a joint negotiation committee or Task Team may be established. There may be instances where the intervention of the relevant Minister(s) may be required. In this case, the Government Overall Convenor will take the responsibility to facilitate the Minister's attendance.

The Chamber or Task Team may require technical assistance on issues. In this case, the Constituency will be able to bring experts into the negotiating team processes.

Once the process of engagement on the policy has been finalized, a NEDLAC report will be prepared for ratification by the relevant NEDLAC structures.

In the event that the Government indicates that giving effect to the policy requires legislation, the Government will table the draft Bill at NEDLAC for consideration. Once the engagement on the draft Bill has been finalized, a NEDLAC report will be prepared for sign-off by the relevant structures. The NEDLAC report, after sign-off by the relevant NEDLAC structures, will be sent to the Minister of Labour and the relevant Minister who will in turn table the Bill in Parliament.

Source: <http://www.nedlac.org.za>.

6. Secretariat

Permanent secretariats are established to ensure the sustainability as well as the efficient and effective functioning of the NTSD institutions.

The secretariat provides administrative assistance to the functioning of the institution. It facilitates formal contacts, encourages informal contacts and acts as the focal point for all relevant information. At the request of the authority responsible for the tripartite body (the president or the secretary-general), the secretariat organizes, convenes and prepares the meetings, drafts the minutes and other records of decisions taken, and undertakes follow-up.

The organization of the secretariat will depend on the legal status of the tripartite body.

In many cases, the secretariat is part of the administrative unit of the ministry responsible for labour administration, and the secretariat's staff members are mainly civil servants. However, in some cases, the tripartite institution is more autonomous and has an independent secretariat to support its functioning.

E. Frequency of the meetings



Once again, there are various possibilities.

The frequency of the meetings and consultations organized by the NTSD institution will differ from one country to another, depending on national circumstances. There are no specific guidelines.

Whatever the solution chosen, it is important to ensure that the frequency of the meetings is sufficient to give the social partners proper understanding and oversight of the proposed policies and programmes, so that the meetings have substantial agendas and add value to the reform process. Moreover, it is clear that if tripartite meetings are organized regularly, social partners and government representatives will be able to know each other better. The mere fact of meeting may provide a basis for closer personal contacts, building trust and leading to more constructive work.

For example, the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), states that – with respect to the matters that it addresses – “consultation shall be undertaken at *appropriate intervals* fixed by agreement, but *at least once a year*”.

The frequency of the meetings will depend on the issues arising throughout the year. In many cases, more frequent meetings (more than once a year) are advisable. Flexibility must also exist to take up urgent issues at short notice.

F. Financing tripartism

Financing of tripartism mostly stems from the state budget, as social dialogue is looked upon, in general, as a public activity related to the functioning of the government and the state. The running costs of tripartite institutions (venue, secretariat, etc.) are usually paid for from the budget of the relevant ministries with which they cooperate. For example, in the case where a tripartite institution is affiliated with the Ministry of Labour, the budget may be financed from that Ministry's resources.

Generally, it is desirable for the tripartite institution to have a clearly separate budget line for its activities, to confer it certain stability and autonomy.

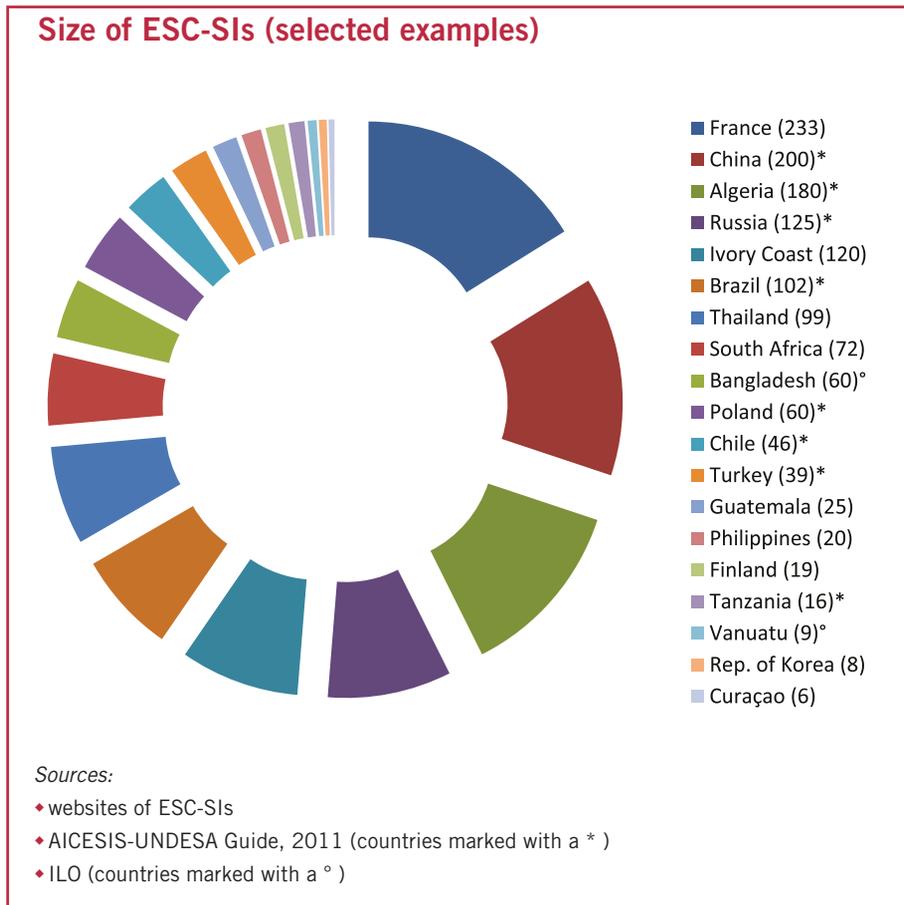
In some cases, the costs of workers' and employers' participation are covered, partly or wholly, by their organizations.

The Economic, Social and Environmental Council of **Morocco** – an institution with a constitutional basis – has a specific budget line in the general budget of the State, as provided by its Organic Law (Section 32).

G. Size

There is no optimum size for tripartite institutions.

Existing national social dialogue institutions are diverse in this respect. The box below provides some examples:



H. Communication and confidentiality

1. Communication

External communication and appearance in media are important for all participants of national social dialogue, as they help to transmit its message to society. It benefits the process for all if documentation is publicly available. The tripartite institution may consider appointing an official spokesperson.

The information that could be made available to the media and the public includes:

- ▶ Constitution and rules of procedure of the tripartite institution;
- ▶ Membership;
- ▶ Work agenda and minutes of the meetings;
- ▶ Information on open sessions and how the public can attend;
- ▶ Text of adopted agreements, recommendations and conclusions;
- ▶ How to contact the secretariat.

Sensitive research and background documents (e.g. information related to current negotiations) should not be shared.

An annual report and audited accounts of the tripartite institution are also usually furnished to the government and the parliament at the end of each year.

For example, the Economic and Social Council of **Serbia** publishes comprehensive annual reports translated into English (see <http://www.socijalnoekonomskisavet.rs/en/>).

The Internet is a good way to disseminate this information. A dedicated website can provide all the documentation and information listed. Information about the work of the tripartite institution should also be distributed through the networks of workers' and employers' organizations.



Singapore – Website of the Singapore Tripartism Forum



2. Confidentiality

At the same time, publicity can be an obstacle to successful negotiations and even consultations, as participants may prefer to keep their views and “offers” of compromise confidential.

For this reason, the principle of confidentiality may need to be introduced for certain meetings. The best approach is to establish rules as to which meetings are open, which are closed and at which the confidentiality principle may apply.

Both public and non-public activities may be needed. Possible options include:

- ▶ Formal sittings, open to the public and press;
- ▶ Closed sittings (especially important when negotiations are taking place) and, in these cases, communication to the public of the results via joint press conferences or joint statements.



Further reading

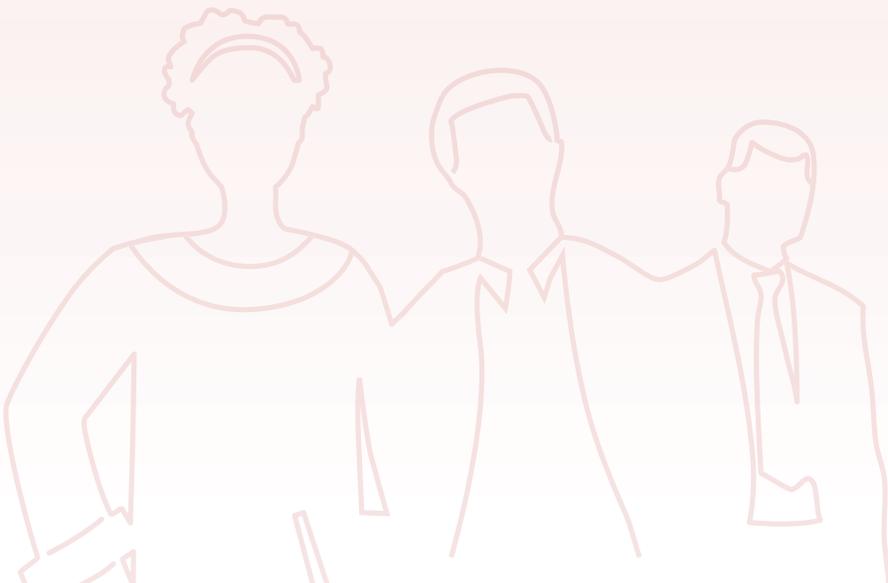
- ▶ ILO. 2011. *Challenges and Solutions for Economic and Social Councils in the Western Balkans and Moldova at a time of crisis: Report on the Sub-Regional Tripartite Conference on the Role of Economic and Social Councils in the Western Balkans and Moldova at a Time of Crisis*, ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe (Budapest).
- ▶ ILO Governance and Tripartism Department. *Comparative table on Economic and Social Councils and Tripartite Institutions* (work in progress).
- ▶ Economic and Social Commission for Western Asia (ESCWA). 2008. *Economic and Social Councils – Information Kit*.
- ▶ Lecuyer, N. 2003. *Guide for Secretariats of National Tripartite Consultation Bodies in English-speaking African Countries* (R. Pritzer ed.), InFocus Programme on Social Dialogue, Labour Law and Labour Administration, African Regional Labour Administration Centre (Harare, ILO).

SECTION IX

International labour standards and social dialogue

This section briefly presents the major international labour standards that deal with tripartite consultations and social dialogue. Special attention is given to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

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A. Promotion of tripartite consultations in major ILO instruments



Social dialogue and tripartism are fundamental values of the ILO. Almost all ILO Conventions and Recommendations promote tripartite social dialogue as a mechanism to address a wide variety of issues.

In most cases, these instruments explicitly require consultations with the most representative workers' and employers' organizations in order to ensure a proper implementation of their provisions.

First and foremost, effective tripartite consultation is only possible if workers' and employers' representatives enjoy freedom of association. Core elements and conditions of social dialogue are included in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Labour Relations (Public Service) Convention, 1978 (No. 151), the Collective Bargaining Convention, 1981 (No. 154), and the Workers Representatives Convention, 1971 (No. 135).

Additional guidance is provided by the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), the Workers' Representatives Recommendation, 1971 (No. 143), and the 2002 Resolution concerning tripartism and social dialogue.



Colombia – Special Tripartite Committee for the Handling of Conflicts referred to the ILO (CETCOIT)

Established in 2000, the CETCOIT is a tripartite body responsible for addressing labour disputes related to freedom of association rights in Colombia. In 2008, the ILO started to work with the CETCOIT to enhance its operational capacity. Starting with an assessment of the institutional capacity of the CETCOIT, the Office then facilitated tripartite agreements for the adoption of practical measures aimed at improving the functioning and impact of the CETCOIT.

The positive impact of these measures was rapidly seen with the settlement of three major and long-standing cases in less than a month. In 2012, an independent evaluation of the project considered the support given to the CETCOIT as one of the project's key achievements in building trust and tripartite dialogue in the country. In November 2012, the ILO Governing Body underlined the project's results as part of the implementation of the Tripartite Agreement on Freedom of Association and Democracy in Colombia.

Source: ILO. 2013. Recurrent discussion on social dialogue under the ILO Declaration on Social Justice for a Fair Globalization, International Labour Conference, 102nd Session, Geneva, 2013, box 3.1.

Furthermore, instruments related to labour administration also play a key role for the creation of an enabling environment for sound and well-functioning tripartite social dialogue. The Labour Administration Convention, 1978 (No. 150), provides in this respect that each ratifying member State “shall make arrangements appropriate to national conditions to secure, within the system of labour administration, consultation, co-operation and negotiation between the public authorities and the most representative organisations of employers and workers, or – where appropriate – employers’ and workers’ representatives”. It adds that “to the extent compatible with national laws and regulations, and national practice”, such arrangements shall be made notably at the national level.

Other ILO instruments refer to tripartite social dialogue in specific areas. They provide that representatives of employers and workers shall be consulted on the following issues:

- ▶ formulation and implementation of employment policies (*Employment Policy Convention, 1964 (No. 122)*);
- ▶ fixation and adjustment of minimum wages, where they exist (*Minimum Wage Fixing Convention, 1970 (No. 131)*);
- ▶ formulation and implementation of policies and programmes of vocational guidance and vocational training (*Human Resources Development Convention, 1975 (No. 142)*);
- ▶ items on the ILO International Labour Conference (ILC) agenda, and matters related to the adoption, ratification, supervision and denunciation of international labour standards (*Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)*);
- ▶ formulation, implementation and review of national policies on occupational safety, occupational health and the working environment (*Occupational Safety and Health Convention, 1981 (No. 155)*);
- ▶ devising and applying measures designed to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities (*Workers with Family Responsibilities Convention, 1981 (No. 156)*);
- ▶ promotion of sustainable social security systems, formulation and implementation of national social security extension strategies (*Social Protection Floors Recommendation, 2012 (No. 202)*).

Member States are required to report regularly to the ILO on the implementation of ratified Conventions, indicating not only whether national laws are in conformity with the Convention in question, but also informing the ILO regarding what has been done to make sure the Convention has had an impact on a practical level.



Further reading

- ▶ ILO. 2009. *Rules of the Game: A brief introduction to International Labour Standards* (Geneva).
- ▶ ILO. 2012. *Handbook of procedures relating to international labour Conventions and Recommendations* (Geneva).
- ▶ ILO. 2013. *Recurrent discussion on social dialogue under the ILO Declaration on Social Justice for a Fair Globalization*, International Labour Conference, 102nd Session, Geneva, 2013; *Report of the Committee for the Recurrent Discussion on Social Dialogue*, International Labour Conference, 102nd Session, Geneva, 2013.
- ▶ Casale, G.; Sivananthiran, A. 2011. *The fundamentals of labour administration*, Labour Administration and Inspection Programme (LAB/ADMIN) (Geneva, ILO).

Further information

- ▶ ILO Helpdesk for Business on International Labour Standards: <http://www.ilo.org/business>.
- ▶ ILO Information System on International Labour Standards (NORMLEX): <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0>.
- ▶ ILO Labour Administration and Inspection Programme (LAB/ADMIN): <http://www.ilo.org/labadmin/lang--en/index.htm>

B. The Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

1. Introduction to ILO Convention No. 144

The Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), is one of the four ILO “governance conventions” as defined by the Declaration on Social Justice for a Fair Globalization (2008). It is a key instrument for the promotion of tripartism at the national level. Convention No. 144 should be read in conjunction with the Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976 (No. 152).

Convention No. 144 requires that effective consultation between the representatives of the government and of employers’ and workers’ organizations

it requires that consultation with workers’ and employers’ organizations take place on five specific matters, which correspond to each stage of the ILO’s standards-related activities:

1. **Items on the ILO Conference agenda.** These include governments’ replies to questionnaires on standard-setting agenda items and their comments on draft texts instruments. The final content of the replies and comments remains the responsibility of governments.
2. **Submission to the national parliaments of newly adopted ILO Conventions and Recommendations so that they can be considered for ratification, enactment of legislation or other action.** This is required under the ILO Constitution and is to be undertaken in consultation with employers’ and workers’ organizations.
3. **Re-examination of unratified Conventions and of Recommendations** to promote their ratification and application. This re-examination is to take place at “appropriate intervals”, which is determined by national practice. It provides an opportunity to assess whether developments may have improved prospects for ratification and application.

4. **Reports to the ILO on ratified Conventions.** Upon ratification of a Convention, member States must report on its implementation in law and practice on a regular basis. Employers' and workers' organizations should be consulted before each report on ratified Conventions is finalized and forwarded to the ILO.
5. **Proposals for the denunciation of ratified Conventions.** Should denunciation of a ratified Convention be considered (to end a member State's obligations under the Convention), the Government should consult the representative organizations of workers and employers before reaching a final decision.

In addition, Recommendation No. 152 suggests that other linked issues could be the subject of consultations, such as ILO technical cooperation activities; resolutions and conclusions of ILO Conferences and meetings; and the promotion of better knowledge of ILO activities.

Convention No. 144

Even if, at first sight, the focus of Convention No. 144 might seem to be relatively restricted, in many countries **this instrument has triggered successful social dialogue on a range of matters beyond those set out in the Convention**, and demonstrated its potential to strengthen social dialogue at the national level.

2. How is tripartite consultation carried out?

The aim of Convention No. 144 is to ensure that the views of those concerned, namely all workers' and employers' organizations, are well taken into account by the government before decisions are taken.

Convention No. 144 requires that consultations are held with "representative organizations". Criteria for selecting which organizations are consulted should be pre-established, precise and objective. Workers' and employers' organizations shall freely choose their representatives. Moreover employers and workers shall be represented on equal footing on any competent bodies.

Consultations shall take place at agreed intervals, which should be held at least once a year. When appropriate, the competent authority should issue an annual report on the working of these procedures.

Following consultation, the government takes the final decision if a consensus is not reached. The workers' and employers' organizations are not obliged to support the final decision or position of the government, and can communicate their views and comments directly to the ILO.

3. What consultation procedures are needed?

The choice is left to each country. Convention No. 144 leaves considerable room for governments to determine the most appropriate forms of consultation. It is not necessary to set up any particular institutional arrangement. The nature of any procedures shall be determined in accordance with national practice after consultation with the representative organizations of employers and workers. A number of countries have requested support from the ILO to provide advice and training to facilitate the implementation of the Convention.

In practice, many countries have established formal committees to deal with the matters covered by Convention No. 144. This is often through a body established with a specific competence for ILO matters. Another option is for ILO activities and international labour standards to be discussed within a body with a wider competence in the economic, social or labour field.

Should a consensus necessarily be the outcome of tripartite consultation processes? – *The opinion of ILO supervisory bodies in one specific case*

The issue of whether consensus necessarily should be the goal of tripartite consultations has been examined by ILO supervisory bodies in the context of a representation alleging non-observance by Guatemala of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), presented by two trade unions under article 24 of the Constitution of the ILO in 2003. Although this case refers to matters linked to the interpretation of Convention No. 144, the conclusions reached by the Committee – appointed by the ILO Governing Body to examine the representation – could apply to other tripartite processes as well.

The Committee considered that for the consultations to be meaningful, they should not be merely a token gesture, but should be given serious consideration by the competent authority. Although the public authorities must undertake consultations in good faith, they are not bound by any of the opinions expressed and remain entirely responsible for the final decision. The Committee adds that the requirement of absolute consensus could lead to a reduction in the effectiveness of the consultations required by the Convention. In this respect, it recalls that the Convention does not require that an agreement should necessarily be the goal of the consultation; the principal aim of the consultations is to assist the competent authority in taking a decision.

Source: ILO NORMLEX: <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0>.



Trinidad and Tobago – ILO 144 Tripartite Consultations Committee

In 1996, the Government of Trinidad and Tobago established the “ILO 144 Tripartite Consultations Committee”. Its members comprise individuals with expertise in economic, social and labour issues.

Through its regular monthly and subcommittee meetings, this Committee undertakes thorough technical examination of national law and practice in light of conventions being considered for ratification. Examples include Conventions Nos. 138 and 182 on child labour. More recently, the Committee agreed to recommend the ratification of the Employment

Policy Convention, 1964 (No. 122), and the Occupational Safety and Health Convention, 1981 (No. 155).

In its deliberations, the Committee consults with the relevant stakeholders to obtain their views on the ratification and implementation of conventions. The Committee also liaises with experts and resource persons relevant to its discussions.

See ILO. 2011. *Direct Request (CEACR)*, adopted 2010, International Labour Conference, 100th Session, Geneva, 2011.



Norway –Tripartite ILO Committee

The Norwegian Tripartite ILO Committee was established in 1947 as a result of the ILO Convention No. 144. The Committee meets five times a year, primarily before meetings of the ILO Governing Body to preview the agenda and compare opinions. It also meets every year before and after the ILO's International Labour Conference (ILC), to establish each member's role and the content of views on items of the agenda. The Committee then follows up on the ratification of Conventions and Recommendations established at the ILC.

The Committee also goes through the National Decent Work Agenda and discusses the Norwegian contribution to the ILO. Any matters relating to the ILO are discussed in this forum.



Further reading

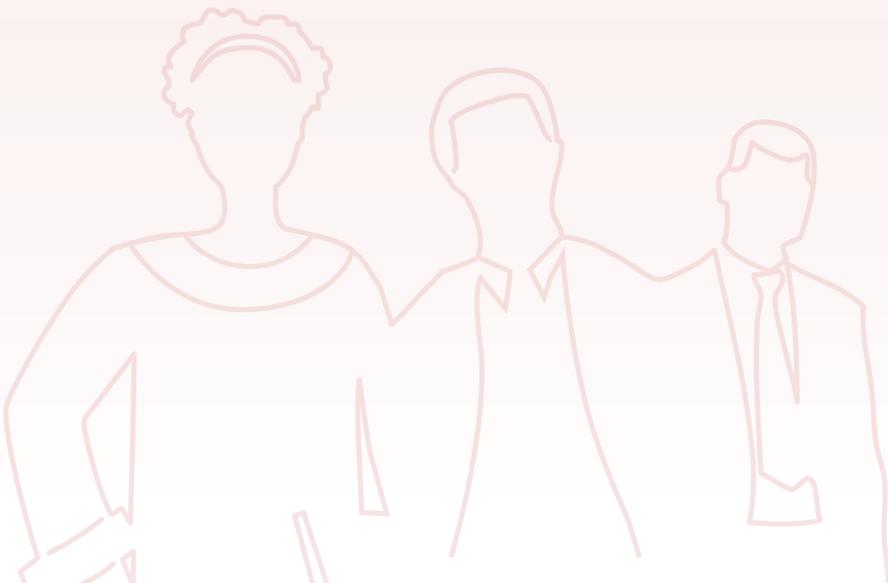
- ▶ ILO. 2009. *Towards widespread ratification and effective implementation of the governance Conventions – Plan of action (2010–2016)* adopted by the Governing Body of the International Labour Organization, 306th Session, Geneva, 2009.
- ▶ ILO. 2011. *Promote tripartite consultation: Ratify and apply Convention No. 144*, Industrial and Employment Relations Department (DIALOGUE) and International Labour Standards Department (NORMES) (Geneva).

SECTION X

How can the International Labour Office help?

This section explains the role of the International Labour Office in supporting tripartite social dialogue at the national level.

- A. ILO, tripartism and social dialogue 164
- B. Technical assistance, capacity building and training activities 165
- C. Technical assistance regarding ILO Convention No. 144 .. 169



A. ILO, tripartism and social dialogue

Since the ILO's creation in 1919, tripartite social dialogue has been one of the founding principles of the organization. Its basic structure and functions are built on tripartism. The ILO is the only "tripartite" agency of the United Nations. It is today the most advanced and institutionalized global forum for social dialogue, providing a unique platform for tripartite cooperation between the representatives of governments and those of workers' and employers' organizations.

The importance of social dialogue and tripartism for the ILO was established by the 1944 Declaration of Philadelphia. It has been reaffirmed since on a number of occasions, notably in the 2002 Resolution concerning tripartism and social dialogue, the 2008 Declaration on Social Justice for a Fair Globalization and the 2009 Global Jobs Pact.

It is included in the four strategic objectives of the ILO:

- ▶ Promote and realize standards and fundamental principles and rights at work;
- ▶ Create greater opportunities for women and men to secure decent employment and income;
- ▶ Enhance the coverage and effectiveness of social protection for all;
- ▶ Strengthen tripartism and social dialogue.

These four objectives reinforce each other and underpin ILO's paradigm of Decent Work.

Tripartism in the structure and functioning of the ILO

It is worth noting that both the ILC and the ILO Governing Body are tripartite in composition, but the International Labour Office is not. ILO staff are international civil servants who are independent from their governments and from any other constituents.

Nonetheless, the Office has two *Bureaux*, for Workers' (ACTRAV) and Employers' organizations (ACT/EMP), which are predominantly staffed by experts drawn from workers' and employers' organizations. The role of ACT/EMP and ACTRAV is reaffirmed in the 2002 resolution concerning tripartism and social dialogue, where the Office is requested to "recognize the unique functions and roles of the *Bureaux* of Workers' and Employers' Activities in the Office and strengthen their abilities to provide services to employers' and workers' organizations".

B. Technical assistance, capacity building and training activities



Social dialogue and tripartite consultations are proven methods for conflict resolution, effective policy development and sustainable reforms. Reinforcing the capacity of constituents and tripartism to act on national, regional and global debates is therefore key to the continued relevance of ILO's mandate.

The ILO can help governments and employers' and workers' organizations to start and improve NTSD, mainly through capacity building and standard-setting activities, technical cooperation and policy advice, as well as through compiling and sharing successful practices and lessons learned regarding NTSD.

Technical assistance in this field focuses on building strong and functional institutions and processes for social dialogue and reinforcing the capacities of workers' and employers' organizations.

Other components of technical cooperation are also essential for establishing and reinforcing tripartism and social dialogue at the national level, in particular:

- ▶ promote the ratification and implementation of **international labour standards**;
- ▶ support **labour administrations** so that labour ministries and other relevant government agencies can better facilitate and participate in social dialogue;
- ▶ support the modernization and reform of **labour legislations**.

In some countries, for example in Afghanistan, Namibia, South Africa or Sri Lanka, the ILO helped to launch discussions on the best ways of institutionalizing tripartite dialogue on enforcement of labour standards through national tripartite bodies, their specialized sub-committees or specialized labour inspection or safety and health tripartite bodies at the national or local level.

Source: Rychly, L. 2013. Ministries of Labour: Comparative Overview – Database, Organograms, ILO Action, LAB/ADMIN Working Document No. 27 (Geneva, ILO).

Promoting NTSD as a tool in formulating and achieving national and international development goals is a priority for the ILO Governance and Tripartism Department. The role of ACTRAV and ACT/EMP through their programmes of cooperation aimed at building the capacities of workers' and employers' organizations respectively is crucial for achieving these objectives.

PRODIAF

The ILO PRODIAF programme (*Programme de Promotion du Dialogue Social en Afrique*) lasted from 1998 to 2010. It was funded by the Belgian and French governments and covered 22 countries, as well as subregional institutions in West Africa (UEMOA), in Central Africa (CEMAC) and in the countries of the Great Lakes.

The primary objective of PRODIAF consisted of assisting French-speaking African countries to strengthen tripartite cooperation structures at the national and subregional level. It also enabled governments and social partners to evaluate their social dialogue and tripartite cooperation systems and together analyse improvements, changes and reinforcements, where necessary.

Lessons learned from PRODIAF

1. The real challenge of social dialogue and its development is much more of a human one than a technical one.
2. Support for social dialogue requires political leadership which is capable of engaging political leaders on fundamental questions.
3. The development of social dialogue, and consequently its programming, management and evaluation, should be supported by a clear, explicit and shared theoretical and conceptual frame of reference.
4. Necessary conditions for the sustainability of well-performing social dialogue institutions are training and continuous learning.
5. There is no one-size-fits-all model of social dialogue.
6. Social dialogue is not an end in itself but a means to develop tripartism, to improve governance as well as social and economic development.

Sources:

- ♦ ILO. 2010. *Promotion of a social dialogue programme in Africa (PRODIAF III) (Final Evaluation Summary)* (Geneva).
- ♦ ILO. 2011. *Compilation of African experiences on social dialogue, DIALOGUE* (Geneva).

ILO Decent Work Country Programmes Selected objectives concerning social dialogue and tripartism (between 2010 and 2015)		
Africa	Botswana	Establish an effective national social dialogue institution and enhance the capacity of the social partners to effectively influence social and economic policies.
	South Africa	Strengthen social dialogue and labour market institutions to function in line with international labour standards (ILS).
	Mauritius	Set up a national tripartite forum; reduce the number of labour disputes by 10 per cent by 2014, through increased dialogue among the social partners; and increase the number of collective agreements.
Americas	Bahamas	Ensure institutionalized tripartite dialogue at sectoral and national levels with respect to policy-making; implement training programmes responsive to the changing needs of the labour market; ensure that intersectoral and multistakeholder policy dialogue takes place on economic and social development issues with involvement of the tripartite constituents.
	Belize	Convene training activities for key personnel in concepts and practices of social dialogue and tripartism; develop a public information campaign on decent work and social dialogue to reach the widest audience possible.
	Guyana	Hold training workshops for tripartite constituents on priority issues (e.g. occupational safety and health, child labour, HIV and AIDS, industrial relations, trust and confidence building, national legislation and international labour standards).
Arab States	Oman	Establish a national consultative tripartite committee and put independent trade union structures in place at enterprise level.
Asia and the Pacific	Afghanistan	Create a national tripartite commission with at least 20 per cent female representation, ensuring the Commission meets a minimum of three times by 2015.
	Cambodia	Devise training for Labour Ministry (MOLVT) officials on how to effectively conduct collective bargaining; conduct capacity building with the tripartite advisory committee on effective implementation of its mandate.
	Pakistan	Conduct research, promotion and advocacy to enhance a gender-responsive knowledge base and capacities of the employers' and representative organizations; enhance the capacity of male and female employers' on social dialogue.

Europe and Central Asia	Republic of Moldova	Strengthen the legal and institutional environment to enable a functioning social dialogue by enhancing the capacity of tripartite policy-makers to promote effective collective bargaining mechanisms.
	Ukraine	Strengthen regional social dialogue and coordination between national and territorial social dialogue institutions.
	Bosnia and Herzegovina	Strengthen social dialogue through the establishment of a functioning economic and social council at state level.

C. Technical assistance regarding ILO Convention No. 144

The ILO can help constituents interested in the ratification and application of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in a number of ways. In particular, the ILO can:

- ▶ provide promotional materials and facilitate seminars and discussions to help employers' and workers' organizations and governments to better understand the substance of Convention No. 144;
- ▶ give technical support to government officials for the purpose of ratification of Convention No. 144;
- ▶ provide technical assistance in the establishment of the consultation mechanism;
- ▶ help the government in meeting the reporting requirement under the ILO Constitution;
- ▶ assist the employers' and workers' organizations and government officials in the provision of training that would allow them to participate fully in the tripartite consultation process;
- ▶ provide information and training on making tripartite mechanisms and processes more gender responsive;
- ▶ share with the member States the ILO's international experience on the implementation of Convention No.144.

Impact of ILO Convention No. 144

New bodies aimed at ensuring tripartite consultation have been formed in many regions of the world, including recently in **Bangladesh, Colombia, Jordan, Kenya and Kuwait**.

On top of discussions on ILO standards-related matters, these bodies have addressed issues pertaining to minimum wages and fundamental principles and rights at work. In countries where tripartite bodies were already in place, Convention No. 144 helped to improve the effectiveness of social dialogue procedures by inviting the social partners to comment on ILO reports (as in **Armenia** and the **Czech Republic**); by involving representatives of the social partners to participate even at early stages of the decision process (**South Africa**); by triggering the creation of new units and committees within ministries of labour aimed to prepare for tripartite consultation on international labour standards (**Togo**); or by discussing specific issues confronting their labour markets, such as a national minimum wage and responses to the global crisis (**India, Indonesia, Peru and Turkey**).

As a result of tripartite consultations, some countries, including **Albania, Benin, Slovakia** and the **United States**, were able to register, ratify or prepare the ground for ratifying additional ILO Conventions.

Source: ILO. 2013. Recurrent discussion on social dialogue under the ILO Declaration on Social Justice for a Fair Globalization, International Labour Conference, 102nd Session, Geneva, 2013.



CHECKLIST



SOME STRATEGIES FOR SUCCESSFUL TRIPARTISM

- ▶ Effective recognition of freedom of association and of the right to collective bargaining (including ratification and implementation of ILO Conventions Nos. 87 and 98);
- ▶ Workers' and employers' organizations should be free from political domination and undue interference from public authorities;
- ▶ Recommendations and agreements made by tripartite institutions should be observed and implemented;
- ▶ Workers' and employers' organizations should aim to be as representative as possible (e.g. employers bodies should include small enterprises and cooperatives; trade unions should strive to include workers from the informal economy, ethnic minorities and youth; and consideration should be given to gender balance);
- ▶ Technical and organizational competences of government, workers' and employers' representatives should be improved with appropriate training and capacity-building programmes;
- ▶ Mutual confidence built by frequent interaction with the social partners;
- ▶ An efficient support structure, including research capacity, for NTSD should be put in place, as appropriate;
- ▶ At each meeting, there should be a quorum of no less than half the representatives of each of the partners;
- ▶ Avoid voting and seek consensus;
- ▶ Get help and advice from the ILO when needed.



WHAT CAN HINDER SUCCESSFUL TRIPARTISM?

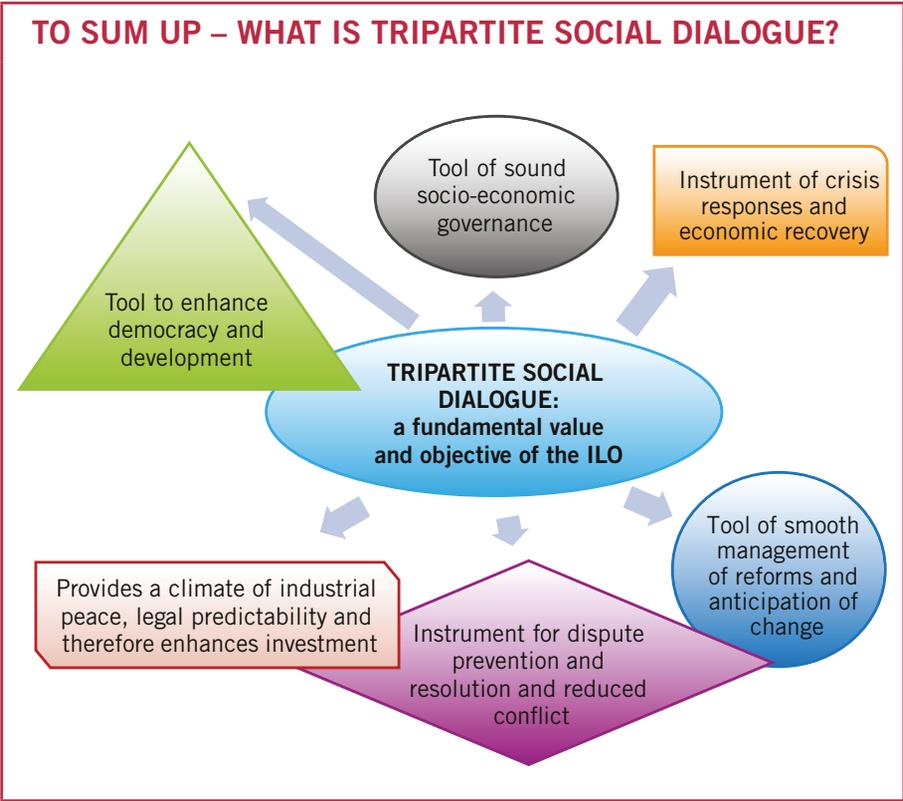
In general

- ▶ Violations of freedom of association and of the right to collective bargaining;
- ▶ Lack of understanding of what social dialogue means – including compromise;
- ▶ Lack of coordination, so that decisions made at the national level cannot be properly implemented at lower levels (plant/workplace, regional or sectoral level);
- ▶ Lack of coordination within government between the various ministries involved in social dialogue processes;
- ▶ Weak and unrepresentative workers' and employers' organizations;
- ▶ Lack of an adequately financed, professionally staffed support structure for the NTSD institution;
- ▶ Lack of clear outlines of duties, authority and parameters of the NTSD institution;
- ▶ Inhibiting laws;
- ▶ Meetings called at very short notice;
- ▶ Changes of government or committee in mid-negotiation, which disrupt the continuation of a process;
- ▶ Lack of preparation and lack of reliable data/statistics on important parameters for the economic and social situation of the country;
- ▶ Attempt to achieve an agreement too quickly or over-insistence on getting unanimity, which can cause log-jams;
- ▶ “Cosmetic” rather than real consensus agreements;
- ▶ Lack of adequate meaningful consultation, and failure to adhere to agreements to consult and negotiate;
- ▶ Lack of statutory recognition or authority for national tripartite mechanisms;
- ▶ Lack of capacity to implement and monitor the agreements reached.



WITH RESPECT TO WORKERS' AND EMPLOYERS'REPRESENTATIVES

- ▶ Lack of commitment by one or more partners, and inadequate training or knowledge level on the issues concerned;
- ▶ Lack of trust and respect between the social partners;
- ▶ Social partners trying to preserve their benefits and privileges rather than seeking ways to define and solve problems together;
- ▶ Representatives thinking in terms of their own industry or company and not taking a wider view;
- ▶ Representatives being too constrained by their jobs and other activities to pay full attention to the tripartite body, and poor training on how tripartism operates;
- ▶ Lack of participation of small-scale employers and enterprises and representatives of the informal sector;
- ▶ Lack of finance and technical assistance to organizations, including inadequate research facilities.



Tripartite social dialogue at the regional level

Social dialogue may also take place at levels other than the national one, including the regional level. The regional level can be understood as both the *sub-national level* – as in the case of federal systems where a large degree of autonomy exists – and the *international level*.

Although the focus of this guide is national tripartite social dialogue, social dialogue at the regional level will be briefly examined below, as it can influence tripartite consultations and negotiations at the national level and vice versa.

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A. Subnational level (*provincial, state, local levels*)

Tripartite social dialogue at the sub-national/regional level takes place in various parts of the world. Depending on the national legislation, the way the State is constitutionally organized and the division of powers between the central authority and the regions, tripartite social dialogue at the regional level can take different forms.

1. Poland¹

In Poland, regional social dialogue was institutionalized in July 2001 by the “Act on Tripartite Commission for Social and Economic Affairs and on *voivodship* social dialogue commissions”.² This Act established regional social dialogue commissions (*Wojewódzkich Komisji Dialogu Spoecznego, WKDS*) involving representatives of regional structures of the most representative workers’ and employers’ organizations, regional government (*Marshall Office*) and the representative of the central government in the *voivodship* (i.e. the region). Representatives of districts and municipalities from across the region are also invited to attend the meetings of regional commissions in accordance with Cabinet ordinance of 22 February 2002. The ordinance specifies that WKDS sessions must be held at least once per quarter.

WKDS have been assigned by legislation of the right to formulate opinions with respect to all issues within the ambit of workers’ and employers’ organizations, insofar as they were included in the authority of the state administration and local government within the region. Accordingly, potential topics for discussion by the WKDS are wide and varied, relating to all economic and social matters connected with regional development (e.g. employment and business promotion, social assistance, infrastructure, and the like). In practice, WKDS are consulted on policies and instruments related to regional and local developments before they are adopted by the State administration and the regional

¹ This text draws considerably from the following two sources: Sroka, J. 2005. Rules on regional social dialogue amended, EIROnline; and Gardawski, J. 2003. Regional social dialogue develops, EIROnline: <http://www.eurofound.europa.eu>.

² Journal of Law No. 100, item 1080, as amended.

government. This includes development programmes financed by EU structural funds.

Since 2003, WKDS saw the scope of their competencies expand in the area of industrial relations. It now also includes the monitoring of company agreements concluded between an employer and a representative of employees (in the absence of trade unions) in derogation of the law, and justified by the poor financial situation of the company.

In delivering their assessment of policies and instruments presented by the regional public authorities, WKDS aim to reconcile the social and economic interests of employers, employees and the public good. As such, they bear the fundamental responsibility of promoting peace and social cohesion at regional and local levels, which is a precondition for a harmonious regional development. WKDS have been able to solve conflicts in many regions to date; however, the culture of social dialogue is still not well rooted in every *voivodship* in Poland.

On top of their role in the promotion of a culture of participation and policy concertation at sub-national levels, WKDS have also contributed to the fight against corruption, hence enhancing transparency in the governance of public affairs at regional and local levels. The role of the 16 commissions is formally a consultative one. Their work is highly regarded by the social partners and by the regional authorities.

2. Peru

In Peru, the Ministry of Labour and Employment Promotion aims at fostering national and regional spaces for tripartism and social dialogue. One of its bodies, the National Council for Labour and Employment Promotion (*Consejo Nacional de Trabajo y Promoción del Empleo*), is in charge of promoting and reinforcing tripartite social dialogue in each region of the country – following the example of the model implemented at the national level.

In the last ten years, the institutionalization of social dialogue at the regional level has obtained important results, with the establishment of 16 Regional Tripartite Councils for Labour and Employment Promotion. In most cases, in addition to government, workers' and employers'

organizations, these regional councils gather representatives of “other interests” (academics, civil society organizations, etc.).

Since 2005, these developments take place within the framework of the Plan for Continuous Training and Strengthening of the Social Actors (*Plan de Capacitación Continua y Fortalecimiento de los Actores Sociales*), the aim of which is to encourage reflection on the need to establish a culture of efficient and timely dialogue as the foundation of democratic governance and stability.

The Labour Ministry of Peru is looking into ways to generate synergies and enable coordinated actions between the National Council for Labour and Employment Promotion and its 16 regional counterparts. A number of programmes and activities were therefore implemented in each region, with a view to address in particular the following issues:

- ▶ raise awareness among social actors on the pivotal role of tripartite social dialogue in addressing labour-related issues at the regional level;
- ▶ address legal and technical issues related to the establishment of a social dialogue forum in a region;
- ▶ identify the reasons that possibly prevent the development of social dialogue at the regional level;
- ▶ strengthen social actors on the methodology and strategies for social dialogue;
- ▶ identify training needs;
- ▶ establish levels of coordination between the technical secretariat of the National Council for Labour and Employment Promotion and regional authorities.

Regional social partners have identified mechanisms which could help to better coordinate the work of regional councils with the National Council for Labour and Employment Promotion, for example:

- ▶ establishment of a consultative coordination committee for the various levels of social dialogue;

- ▶ selection of three regional representatives to participate in the work of the National Council;
- ▶ establishment of sectoral working committees;
- ▶ regular reporting between the institutions;
- ▶ participation of regional representatives in the sessions of the National Council through videoconferences.



Region of Ucayali (Peru) – Regional Tripartite Council for Labour and Employment Promotion

The Regional Tripartite Council for Labour and Employment Promotion established in the region of Ucayali in 2001 is the first forum for tripartite social dialogue at the regional level in Peru. It has six technical committees: *labour, employment, vocational training, social security, regulatory policies, and forced labour in the logging sector.*

The Regional Council is called on to address the following issues: problems in the forestry and port sectors; forced labour in logging industry; non-respect of salary schemes in the civil construction system; health and safety at work; child labour issues; violation of labour rights in the agricultural and transport sectors; informal economy; low levels of productivity in various economic activities in the region; better coordination of educational opportunities with productive needs in the region; differentiated minimum remuneration, etc.



Sources and further reading

- ▶ Ministerio de Trabajo y Promoción del Empleo. 2010. *Diálogo socio laboral a nivel regional (2001–09)*, Peru (Lima).
- ▶ Ministerio de Trabajo y Promoción del Empleo. 2011. *Institucionalización del diálogo socio laboral regional (2008–2010)*, Peru (Lima).

3. India

India has a long history of tripartite social dialogue, which has been shaped in accordance with the ILO model. Major decisions on employment, labour, industrial relations and legislation are adopted after tripartite negotiations held at various forums. As of 2013, India has 44 tripartite bodies/committees at the national level, including the Indian Labour Conference, the Standing Labour Committee, the Special Tripartite Committee (which was set up in 1991 for consultation on structural reforms), Industrial Committees and the Advisory Committee on Welfare Funds.

At the state level, tripartite bodies such as the State Labour Advisory Board (SLAB) as well as Tripartite Commissions on Minimum Wage are in place. Some states, such as Kerala, have Tripartite Committees for individual industries of chief importance. The state of Maharashtra and Tamil Nadu have committees for employment, wages and working conditions, and more, in selected sweated industries, such as head loaders (mathadi).

The SLAB is the main tripartite body operating in the state of West Bengal, which discusses issues that have defied solution in other forums, and suggests possible methods for solution. This body was established many years ago for the purpose of maintaining industrial peace and harmony, particularly *“to advise the state government on all matters pertaining to labour as may be placed before it by the Labour Minister”*. The tripartite body is composed of 35 members, which includes the Minister of Labour as Chairman. In practice, its principal function is to hold the annual meeting on establishing guidelines for bonuses that need to be paid by various industrial establishments. Although bonuses are statutory, employers tend to agree only to the minimum of 8.33 per cent of the annual salary. The maximum permissible under the Act is 20 per cent. Hence, the Government suggests employers to pay *“not less than what they paid the year before”* and that the payment should be made within a certain date.

The State Government refers to all government intervention in dispute settlement as *tripartism*, which is supposed to include individual industry agreements, such as for engineering and tea. Non-statutory

initiatives in dialogue are taken by the various Chambers of Commerce, which convene discussions and interactions among themselves and the representatives of Government and trade unions on various issues, from time to time. A list of some such discussions related to labour indicates both their concerns as well as their support for new developments.



Sources and further reading

- ▶ Sen, R. 2010. *Industrial Relations: Text and Cases*, MacMillan India;
- ▶ Sen, R. 2009. *The Evolution of Industrial Relations in West Bengal*, ILO Asia-Pacific Working Paper Series, South Asia Office (New Delhi, ILO);
- ▶ Venkata Ratnam, C. S. 2006. *Industrial Relations* (Delhi, Oxford University Press).



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B. International level

1. The European Union

Social dialogue is an integral part of the *European Social Model* and a central component of EU “good governance”. It is enshrined in the Treaty on the Functioning of the European Union (Articles 151–155) and features across many areas of EU policy and action.

In the EU context, social dialogue involves a set of processes and arrangements whereby European-level organizations, representing employers and workers, conduct discussions and negotiations, undertake other joint work, and are jointly involved in EU decision- and policy-making. EU-level social dialogue takes two basic forms and occurs at two main levels. Its form can be either:

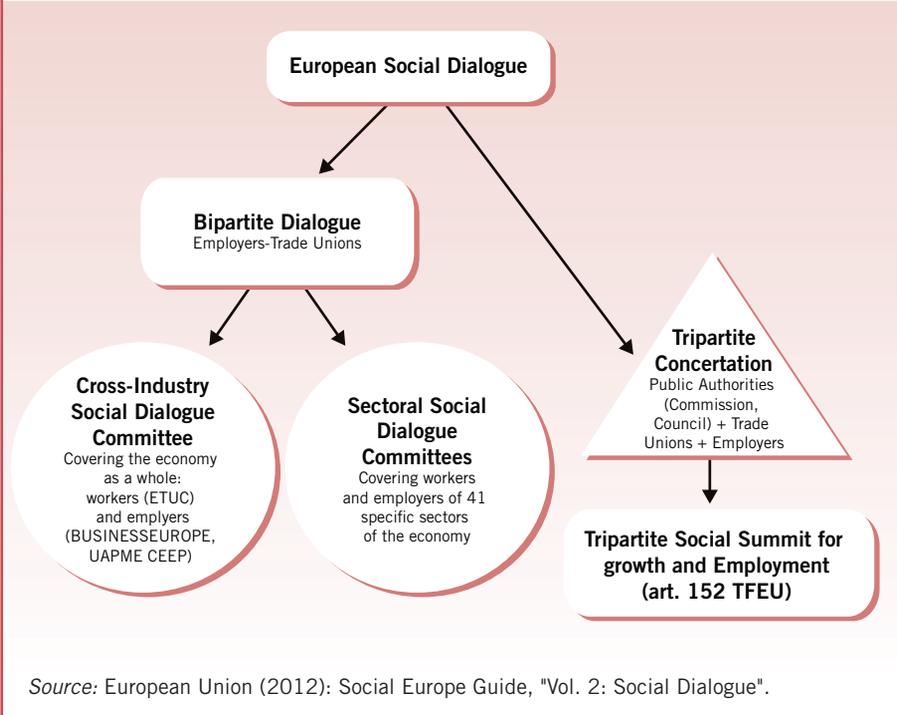
- ▶ **Bipartite**, involving only the social partners (organizations representing employers and workers); or
- ▶ **Tripartite**, involving both the social partners and the EU authorities (EU Council, European Commission).

The two main levels of bipartite social dialogue in the European Union are:

- ▶ **Cross-industry**, which means a dialogue whose scope covers the whole EU economy and labour market, and all sectors;
- ▶ **Sectoral**, covering one specific industry across the EU.



European Union – Types of European social dialogue



Tripartite Dialogue

Tripartite dialogue – also referred to as concertation – among the social partners and the EU authorities plays an important role. In 1970, following a request from the social partners, the Council set up a Standing Committee on Employment (SCE) to ensure continuous dialogue, joint action and consultation on employment policy between the EU authorities, national governments and the social partners. The SCE served as a forum for tripartite dialogue until the early 2000s, which was consequently reformed and streamlined in 1999 and integrated into the European Employment Strategy.

The Treaty on the Functioning of the European Union reinforced the importance of the Tripartite Social Summit by stating in Article 152 that “the Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their

autonomy. The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue”.³

However, these reforms did not lead to significant improvements, and in 2001 the SCE was replaced by a tripartite committee for concertation on the Lisbon growth and jobs strategy (as was already happening in practice). A Tripartite Social Summit was formally established by a Council Decision in 2003 (replacing the SCE), with the role of ensuring continuous dialogue among the Council, Commission and social partners on the Union’s economic and social strategy.

Tripartite dialogue on specific EU policy areas also began in the mid-1990s, and today the cross-industry partners are involved in structured debate and consultations with the EU authorities and national governments, on both political and technical levels, over a range of issues. These include macroeconomic affairs, employment policy, social protection and education/training. In 2011, the Commission organized the first *tripartite social forum* to discuss matters relevant to its flagship “Agenda for new skills and jobs” and, more generally, to the overall Europe 2020 strategy.



Sources and further reading

- ▶ Eurofound, *European Industrial Relations Dictionary*: <http://www.eurofound.europa.eu/areas/industrialrelations/dictionary>.
- ▶ European Commission. 2002. *The European social dialogue: A force for innovation and change*, COM(2002) 341 final (Brussels).
- ▶ European Commission. 2012. *Social Europe guide (Vol. 2) – Social Dialogue*, Directorate-General for Employment, Social Affairs and Inclusion (Luxembourg).

³ See <http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/tripartitesocialsummit.htm>.

2. Latin America and the Caribbean

The commitment to regional integration in Latin America and the Caribbean has gone beyond trade liberalization to include finance, macroeconomics and social and political integration. At the level of the Common Market of the South (MERCOSUR), social dialogue is playing an increasing role.

Since the establishment of MERCOSUR, social issues have been included in the agenda of various organs, in particular the *Working Sub-Group No. 10 on labour, employment and social security issues (SGT10)*. In the late 1990s, the MERCOSUR member States decided to prioritize, at the level of SGT10, the adoption of a framework of minimum rights for workers in the region and the creation of a database for the exchange of experience on labour policies. This led to the adoption of two instruments which should be considered as the most significant developments regarding the social dimension of integration: the 1998 MERCOSUR Social and Labour Declaration, and the Labour Market Observatory. The Declaration enshrines the commitment of the four founding member States to encourage social dialogue at the national and regional level – including through appropriate consultation mechanisms.

This Declaration led to the creation of two social dialogue institutions, the *Social and Labour Commission* and the *Economic and Social Consultative Forum*.

The *Social and Labour Commission* is an auxiliary tripartite body of the Common Market Group of MERCOSUR endowed with national and regional bodies. It was created with the mandate to promote and support the implementation of MERCOSUR Social and Labour Declaration. The regional Social and Labour Commission is in charge, inter alia, of drafting reports on the development of each of the rights enshrined in the Declaration. The procedure followed by MERCOSUR is inspired by the ILO monitoring system for the examination of compliance with international labour standards.

The *Economic and Social Consultative Forum* is the representative body of the economic and social sectors of the member States of MERCOSUR. Unlike the SGT10 and the Social and Labour Commission, the operation of the Economic and Social Consultative Forum excludes government representatives. The Forum deals primarily with business and trade

union representatives, together with non-governmental organizations, research centres and other social organizations. For instance, the Forum was consulted in the framework of the drafting of the 1997 Social Security Multilateral Agreement. In addition, “Social Summits” are also held regularly to give a new impulse to the participation of civil society within the framework of MERCOSUR.



MERCOSUR Social and Labour Declaration

Article 20

“The States parties undertake to respect the fundamental rights in this Declaration and to promote their implementation in accordance with national law and practice, collective accords and collective agreements. In order to achieve this it is recommended to establish, as an integral part of this Declaration, a *Social and Labour Commission* – an auxiliary *tripartite body* within the Common Market Group – which shall play a promotional role rather than involving sanctions, and shall have national and regional centres for promoting and following up on the application of the instrument. The Regional Social and Labour Commission will operate on the basis of consensus among the three sectors and have the following functions and responsibilities (...)”.

Sources: <http://www.mercosur.int>; <http://www.iniciativamercosur.org>.

3. Africa

In Africa, regional economic integration is seen as an important route to social peace and stability, and to more effective participation in the global economy. African leaders clearly signalled their commitment to this process with the launch of the African Union in 2001. At the request of the Pan African Employers’ Confederation and the Organization of African Trade Unions, the Organization of African Unity converted its labour commission into a tripartite body in 1992. The tripartite Labour and Social Affairs Commission is a unique forum for workers, employers and government to interact and seek common ground. In April 2013, it held its ninth Ordinary Session in Addis Ababa, where it reaffirmed its mission to build an integrated, prosperous and peaceful Africa, using the best of the continent’s human and material resources.

In 2009, the Economic Community of West African States (ECOWAS) adopted a Labour and Employment Policy that posits social dialogue at the centre of its implementation. To this effect, it created a *Social Dialogue Tripartite Forum* and adopted a *Social Dialogue Charter* in 2010. The forum, which started to operate in 2011, acts as a platform for consultations between ECOWAS public authorities and the social partners on labour, employment and social security-related issues in the subregion. Its mandate also includes ways of improving the implementation of different policies adopted by the member States in the field of migration, social security and integration of labour markets.

Moreover, as a way of strengthening regional integration, the Southern African Development Community (SADC) established a *Standing Committee for Tripartite Social Dialogue* which has produced a number of Codes of Conduct addressing inter alia the safe use of chemicals, fundamental social rights, social security, HIV and AIDS and child labour. This tripartite structure is made up of representatives of governments and social partners (the SADC Employers Group and the Southern Africa Trade Union Coordinating Council).

Finally, the West African Economic and Monetary Union (UEMOA) established in 2009 the *Tripartite Council for Labour and Social Dialogue* to deepen economic and monetary integration and to overcome the difficulties encountered in implementing reform measures. This high-level UEMOA institution is seen today as a key milestone in the process of setting up subregional consultation frameworks and further proof of member States' commitment to strengthen their own social dialogue structures.



Sources and further reading

- ▶ ILO. 2010. *Social dialogue in Africa: practices and experiences* (Dakar).
- ▶ ILO. 2011. *Compilation of African experiences on social dialogue, DIALOGUE* (Geneva).

4. Other regions: Tripartism as an emerging trend

i) Asia

Regional integration in Asia tends to focus on trade and economic cooperation, and peace and security. Even though there are no tripartite social dialogue structures at the regional level – for example, at the level of the Association of Southeast Asian Nations (ASEAN) – sound industrial relations, industrial harmony, higher productivity and decent work are promoted and are considered to be forward-looking strategies.

ASEAN adopted the 2010 *ASEAN Guidelines on Good Industrial Relations Practices*, which includes “tripartite partnership and social dialogue” as a priority. The Guidelines state that “tripartism and social dialogue involving government, employers and workers can be a key competitive advantage underpinning economic competitiveness, harmonious industrial relations and overall national progress”.⁴

ii) Arab States

As a response to the economic, social, political and demographic challenges (i.e. lack of effective institutional frameworks, high unemployment rates, low productivity, political instability, etc.), the Arab States have endorsed a regional agenda for joint action. In October 2009, the governments and social partners from 22 Arab countries gathered at the first *Arab Employment Forum* and adopted the *Arab Action Agenda for Employment*. The Agenda identified the promotion of national and regional social dialogue as a priority area for action. Furthermore, the Agenda encouraged Arab states to establish economic and social councils, and encouraged governments to ratify and implement ILO conventions related to social dialogue – confirming that effective social dialogue is linked to all public freedoms, especially to freedom of expression.

⁴ Association of Southeast Asian Nations (ASEAN). 2012. *ASEAN Guidelines on Good Industrial Relations Practices*, ASEAN Secretariat (Jakarta).



Sources and further reading

- ▶ ILO. 2011. *Building a sustainable future with decent work in Asia and the Pacific*, 15th Asia and the Pacific Regional Meeting, Report of the Director-General, Kyoto, Japan, April, 2011.
- ▶ ILO/UNDP. 2012. *Rethinking Economic Growth: Towards Productive and Inclusive Arab Societies* (Beirut).

PART 2

National tripartite social dialogue: Thematic issues

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SECTION I

The role of social dialogue in times of economic crisis

Economic and financial crises are recurrent phenomena. They present a serious challenge for governments and social partners throughout the world. Their economic and social consequences are dramatic for both employers and workers and can threaten social cohesion of societies. They cannot be addressed by public authorities alone engaged in unilateral decision-making; on the contrary, they call for collective responses based on genuine cooperation between tripartite partners.

The participation of the social partners in the design and implementation of anti-crisis measures and reforms is critical in finding the necessary balance between macroeconomic stability on the one hand, and employment growth and protection of the most vulnerable segments of the population on the other. In critical circumstances of economic shocks and hardships, dialogue has proved irreplaceable as a tool of balanced crisis management and a key governance instrument with regard to change. It can facilitate the necessary adjustment and reforms needed during crisis time but in a fair and equitable manner.

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1. ILO instruments

In response to the global financial and economic crisis that unfolded in 2008, the ILC adopted the **Global Jobs Pact (GJP)** at its 100th Session in Geneva in June 2009. The GJP is a global policy instrument that addresses the social and employment impact of the crisis.

Adopted unanimously following tripartite debate and discussion, the GJP calls on ILO member States to put decent work opportunities at the core of their crisis responses. It proposes job-centred policies for countries to adopt according to their national needs. It stresses that *“in particular in times of heightened social tension, social dialogue at all level is important and necessary”*. At the same time, it emphasizes that *“social dialogue is a strong basis for building the commitment of employers and workers to the joint action with governments needed to overcome the crisis and for a sustainable recovery”*. International institutions endorsed the GJP, in particular ECOSOC.

The Economic and Social Council of the UN (ECOSOC) endorsed the Global Jobs Pact at its 2009 High-Level Substantive Session by adopting the UN Resolution E/2009/L.24 and calling upon member States to make full use of the Pact in post-crisis plans. At the G20 summit in Pittsburgh (USA) in November 2009, world leaders welcomed it as an “an employment-oriented framework for future economic growth”.

At the national level, government and social partners in several member States engaged in negotiations to reach an agreement on measures to mitigate the consequences of the crisis on employers and workers and to promote economic recovery, as shown by the example of Bulgaria (below).



Bulgaria – National Jobs Pact

In February 2010, the Bulgarian Ministry of Labour and Social Policy, employers' and workers' organizations and the ILO agreed on cooperation to deal with the employment consequences of the economic crisis as a follow-up to the Global Jobs Pact.

In the short term, the ILO supported the Bulgarian tripartite constituents to review their crisis responses and recovery measures on the basis of the principles and policies of the Pact. In the long term, the ILO's technical support focused on the following areas: vocational education and training policies and measures; pension policy and reform; informal economy undeclared and temporary work; teleworking; sectoral and local-level tripartite cooperation; the application of ratified Conventions by Bulgaria; and other issues identified by the Government and the social partners.

On 30 March 2010, a tripartite agreement in the National Council for Tripartite Cooperation was reached on an anti-crisis package containing 59 agreed-upon measures. The package contained measures aimed at promoting employment and enterprise sustainability, supporting household income, and consolidating the state budget through reduction of expenditure and the generation of new income.

Source: ILO. 2011. Global Jobs Pact Country Scan: Bulgaria.

The inventory made by the ILO on country responses to the 2008–09 global crisis shows that countries with well-established traditions and tripartite institutions of social dialogue have demonstrated their remarkable resilience in difficult circumstances and their capacity to navigate the economic and financial storms rather successfully. By contrast, countries lacking effective frameworks for tripartite social dialogue faced difficulties in mobilizing the social partners and other stakeholders to respond to the crisis in a quick and effective way.

2. Lessons learned from past experiences

Past experiences demonstrate that governments can neither tackle the causes and consequences of the crisis nor ensure social stability and economic recovery through unilateral action. To find sustainable solutions to economic crisis and to accelerate recovery, tripartite consensus is needed on both the nature and the focus of the anti-crisis measures. Social dialogue mechanisms have demonstrated added value in helping member States to address difficult economic and social challenges, such as labour market imbalances and social protection gaps, in a smoother and more constructive way.

Several national experiences demonstrate the value of social dialogue in times of economic hardship and its enormous potential in helping tripartite partners to act in a concerted way to address the challenges facing them.



Contribution of social dialogue in times of crisis – Examples

1970s–1980s industrialized economies	Combating recession in industrialized countries
1997–98 Asia	Address the financial crisis in Asia
1970s and 1980s Latin America	Helping Latin American countries to address the economic crisis
Early 1990s Central Europe	Ease the transition from a centrally-planned to a market economy
2008 global financial crisis	Mitigate the impact of the crisis and accelerating economic recovery

Source: Rychly, L. 2009. *Social dialogue in times of crisis: Finding better solutions* (Geneva, ILO).

The 2008 Global economic crisis

The 2008 global economic downturn re-emphasized the role of tripartite social dialogue between governments and workers' and employers' organizations as a key component of crisis recovery strategies through which the social partners craft responses to the challenges of maintaining employment and promoting enterprise sustainability.

In many countries, tripartite consultations on ways and means of addressing the crisis have led to national tripartite agreements and other collective arrangements. The measures deployed based on these agreements and arrangements have helped the countries concerned to mitigate the consequences of the crisis and to accelerate recovery. Creative collective agreements have enabled social partners to retain jobs and workers' income while at the same time promoting enterprise sustainability.

In some countries, social dialogue faces challenges with regard to bridging the differences between the tripartite partners. However, where there has been political will and engagement, the tripartite partners have managed to overcome their divergences and move the dialogue forward.

Sources: ILO. 2010. Employment and social protection policies from crisis to recovery and beyond: A review of experience, and Statement of the Director-General at the ninth European Regional Meeting in Oslo, Norway, 8-11 April 2013.

3. Policy options

At times in the past, saving jobs and protecting workers' income while securing enterprise sustainability has been at the core of anti-crisis packages. It is important that anti-crisis packages include a balanced set of policies to ensure cohesion, effectiveness and sustainability. Some of the measures that have been included in anti-crisis packages are:

- ▶ National economic stimulus measures;
- ▶ Promotion of work-sharing arrangements;
- ▶ Training opportunities;
- ▶ Enhanced social protection;

- ▶ Extension of social safety nets;
- ▶ Protection of workers in atypical employment relationships;
- ▶ Financial support for enterprise sustainability and skills development programmes;
- ▶ Infrastructure programmes.

It is vital to set up, in a tripartite-manner, effective mechanisms to monitor crisis-related developments on the labour market as well as their social impacts. Such monitoring mechanisms are essential to ensure policies are implemented as agreed and to regularly evaluate the efficiency of the measures. National tripartite institutions, such as economic and social councils and labour advisory councils, could be used both to identify necessary national policies in response to crises and to follow up on the implementation of such policies. These institutions can be used to draw lessons from past crises and to take preventive measures to ensure that all actors are better prepared for future crisis and thus will be in a better situation to overcome them, as shown by the Korean example below.



Republic of Korea – The two crises

Faced with the severe consequences of the Asian Financial Crisis in 1997 and the requirements of the stand-by agreement with the IMF, the social partners and the government engaged in long and difficult negotiations to find a solution to the problems at hand, especially rising unemployment associated with the collapse of the financial system. In 1998, the government launched the Korea Tripartite Commission (now known as the Economic and Social Development Commission, ESDC), which was legally established as an advisory agency under the Office of the President.

Its most well-known achievement is the social pact announced in February 1998, “Social Contract for Overcoming the Economic Crisis”, with 90 clauses. The outcome of the consultations led to a compromise on the IMF programme, thereby avoiding social unrest and further deterioration of the situation in the country.

The Social Pact of 1998 dealt with a wide range of labour, social and economic issues. This included workers organizations' acceptance of wage reduction and a relaxation of the rules regarding the employment relationship.

Employers also made efforts in terms of job protection and the recognition of workers' rights. The social pact was extensive and covered all of the national reform agenda and action programmes for crisis management. This compromise, made in the midst of the deep economic crisis, became the turning point towards economic recovery of the country. The tripartite dialogue at the national level facilitated the adoption of a set of economic and social measures to cope with the Asian crisis as well as maintaining social stability in a situation of severe economic downturn.

An important lesson can be learned from the experience in the Republic of Korea. The tripartite social dialogue institution was established in a period of crisis and had some success. Later relationships between social partners became more fractious and the role of the tripartite institution was less important. It could have been written off as a failure. But when severe crisis conditions returned, the social partners were able to build on their previous experience and to use the institution that had remained in place as a forum for social dialogue.

Source: Korean Labor Foundation: <http://www.koilaf.net/KFeng/engMain/main.php>.



Chile – Tripartite crisis response

In response to the global economic crisis, the Government, the Confederation of Production and Trade, the Confederation of Small and Medium-Sized Enterprises and the Confederation of Workers (CUT) concluded a national tripartite agreement on employment, training and labour in May 2009. The agreement sets out a number of measures, valid for a period of 12 months, which were aimed to:

- Facilitate the retention of workers within enterprises;
- Improve workers' skills;
- Protect unemployed persons and help them to find new jobs in the labour market;
- Boost public spending on infrastructure;

- Support enterprises – especially small and medium-sized enterprises – through tax relief and access to credits and guarantees.

The agreement also provided for a grants programme for women. The speed with which these measures have been adopted and started to be implemented has been attributed to the rapid consensus between the Chilean Government, workers and employers on ways and means to mitigate the impact of the global economic crisis.

Participation of workers and enterprises in the different schemes under the Tripartite Pact

	Participating workers	Enterprise
Training permissions	944	31
Retention of workers	2 659	210
Pre-contract training	8 440	325
Scholarships for women heads of households	19 001 plans approved	N/A
Subsidized youth employment	160 267	4 506

Sources:

- ♦ ILO. 2010. *Employment and social protection policies from crisis to recovery and beyond: A review of experience*, Report to the G20 Labour and Employment Ministers Meeting, Washington, DC, April 2010, p. 58.
- ♦ Ghellab, Y. 2009. *Recovering from the crisis through social dialogue*, Dialogue in Brief No. 1 (Geneva, ILO).



Further reading

- ▶ Ghellab, Y. 2009. *Recovering from the crisis through social dialogue*, Dialogue in Brief No. 1 (Geneva, ILO).
- ▶ Ghellab, Y.; Papadakis, K. 2011. “The politics of economic adjustment in Europe: State unilateralism or social dialogue”, in *The Global Crisis: Causes, responses and challenges* (Geneva, ILO).
- ▶ Rychly, L. 2009. *Social dialogue in times of crisis: Finding better solutions*, Working Paper No.1, Industrial and Employment Relations Department (Geneva, ILO).

SECTION II

Social dialogue and political transition

Political transition implies multifaceted changes ranging from building new institutions to undertaking deep socio-economic and political reforms, as well as dealing with numerous and often conflicting demands from various interest groups. While some countries have resisted change, there are a number of good examples of how social dialogue and tripartism have helped member States to deal with the various social, economic and political challenges in the critical period of transformation, thus securing a peaceful transition towards democracy and rules-based market economy.

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1. Defining “transition”

The term “transition economy” has often been used to describe the process of change in economies which are passing from a socialist economic system to a free market system. However, transition also implies a shift from authoritarian regimes including military rule towards political pluralism and a rules-based market system.

In the 1990s, a number of countries in Central and Eastern Europe, which have now joined the European Union, were classified as countries in transition. Similarly, in Latin America, throughout the end of the 1980s and 1990s, countries such as Argentina, Chile, Panama and Uruguay transitioned from military regimes towards democratic systems.

Political transition implies multifaceted changes ranging from building new institutions to undertaking deep socio-economic and political reforms, as well as dealing with numerous and often conflicting demands from various interest groups. While some countries have resisted change, there are a number of good examples of how social dialogue and tripartism have helped member States to deal with the various social, economic and political challenges in the critical period of transformation, thus securing a peaceful transition towards democracy and rules-based market economy.

2. Building tripartism in Central and Eastern Europe

Ten countries in Central and Eastern Europe (CEE) made an overall successful transition first from centrally planned economies towards democracy and market economy and then to membership of the European Union with little conflict. In these countries, tripartite bodies were set up right after the collapse of the Communist system to reconcile divergent interests, which had not been recognized under that system. These bodies played a stabilizing role in a difficult economic environment characterized by the collapse of production system and social protection structures, a huge increase in unemployment, a dramatic decline of real income and wages, and consequently widespread poverty. At the same time, they enabled the newly emerging workers’ and employers’ organizations to influence the reform process, thus enhancing their

legitimacy and visibility as social partners. All in all, they proved quite useful as instruments of governance.⁵

Later on, during the EU enlargement process, the tripartite institutions for social dialogue proved to be useful instruments of governance as well. They enabled the social partners to be involved first in the shaping of the accession process to the EU and then in the preparation of the convergence programme to join the Economic and Monetary Union.⁶

The ILO played a key role in advising CEE countries on labour market and social reforms, assisting in the establishment of workers' and employers' organizations, building the capacity of labour administrations and setting up tripartite institutions for social dialogue. The European Union played an even bigger role in shaping labour and social policy of CEE countries, mainly due to greater financial resources. This point has been made strongly by social partners in the region.⁷

3. Latin America: Social dialogue and social partners' historical role in the transition towards democracy (end 1980s and 1990s)

In this region, tripartism was a basic instrument for accommodating new economic conditions at a time when social cohesion had been strained by the structural adjustment policies and the passage from dictatorship to democracy.⁸

In **Chile**, a tripartite framework agreement entitled “Chile, a historic opportunity” (*Chile, una oportunidad histórica*) was concluded between the new democratic Government and central employers' and workers' organizations in April 1990, just after the end of the military regime. The political significance of this agreement was undoubtedly huge, since it meant labour management endorsement of the transition from autocratic governance to political pluralism. As a consequence,

⁵ Neumann, L. 2012. Social dialogue and political transitions in Central and Eastern Europe, Report submitted to the ILO, unpublished (Geneva).

⁶ Ibid.

⁷ ILO. 2005. Independent Evaluation of the InFocus Programme on Social Dialogue, Labour Law and Labour Administration (IFP/DIALOGUE) (Geneva).

⁸ ILO. Collective bargaining: A fundamental principle, a right, a Convention, Labour Education 1999/1-2 (Nos. 114-115), (Geneva), p. 22.

between 1990 and 1995 there were few industrial disputes or strikes.⁹ The framework agreement was comprehensive, stating the shared recognition of the need for economic development with a democratic and equity perspective as well as the commitment to social peace by all tripartite parties concerned.

In **Panama**, national social dialogue mechanisms came with political changes in the 1990s, giving rise to two key social dialogue processes, known as the *Bambitos* and the *Coronados*. In the National Unity and Development Meetings, known as the *Bambito* process, consultations between social and political actors were initiated in 1993 in the run-up to the first democratic elections in 1994. This process ensured that a wide range of social actors, such as members of political parties, social partners and representatives of civil society, discussed issues of common concern. Discussions centred on economic and social challenges as well as the institutional reforms Panama faced in the transition to democracy. In successive meetings, stakeholders continued discussions on the consolidation and development of the democratic system. The *Coronado* meetings mainly discussed how different stakeholders could cooperate in the management of the Panama Canal. A series of meetings resulted in the agreement of a draft Bill on the use of the canal. These meetings provided an effective mechanism facilitating dialogue among social partners, other social actors and the Government. They helped to establish a positive climate for, and confidence in, the process of democratization.¹⁰

4. Africa

In sub-Saharan Africa, recourse was made to social dialogue and tripartism as tools of consensus building and participative governance during the transition process. For instance, **South Africa** underwent dramatic and fundamental political change in the early 1990s. Social dialogue, collective bargaining and tripartism played a critical role in the reconstruction of the country and its peaceful transition to democracy. Its democratic transition has been underpinned by a strong trade union

⁹ Ibid.

¹⁰ Ishikawa, J. 2003. *Key Features of National Social Dialogue: a Social Dialogue Resource Book* (Geneva, ILO).

presence and solid social dialogue foundations, as manifested by the creation in 1994 of the Tripartite National Economic Development and Labour Council (NEDLAC).¹¹ The social partners committed themselves within NEDLAC to developing a consensus with the Government over substantive issues including the promotion of investment, decent work and reduction of poverty. Moreover, ad hoc pacts such as the “Laboria Minute” have been key steps in the country’s progress towards the participation of all its citizens.¹²

In **Niger**, the institutionalization of social dialogue through the creation of the National Committee for Social Dialogue contributed to greater democracy in public policy formulation, notably in terms of legal framework development and public affairs management. Policy documents are almost systematically formulated and adopted as an outcome of a process that often involves at some stage the relevant stakeholders (government, employers’ organizations, workers’ unions, civil society organizations). This participatory approach has found application during the formulation of key documents including Poverty Reduction Strategy Policies, the Educational Development Programme and the ten-year health development programme (where materials were developed, validated and adopted by committees in which all parties were represented).¹³



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¹¹ ILO. *Collective bargaining: A fundamental principle, a right, a Convention*, Labour Education 1999/1-2 (Nos. 114-115), (Geneva), p. 22.

¹² Trebilcock, A. 1994. “Tripartite Consultation and Cooperation in National-Level Economic and Social Policy Making: An Overview” in *Towards Social Dialogue: Tripartite Cooperation in National Economic and Social Policy-Making* (Geneva, ILO), p. 26.

¹³ PRODIAP. 2010. Cited in *DIALOGUE* (March 2011): Compilation of African experiences on social dialogue; pp. 8–10 (Geneva).

5. Arab States

Since the Arab Spring started to unfold in January 2011, a number of countries in the Middle East and North Africa (MENA) region, such as Egypt and Tunisia, entered into transition processes towards democracy. These countries are struggling with the daunting challenge of building the basis of democratic rule to replace past authoritarian regimes, as well as to address huge economic and social challenges. Social dialogue and tripartism can help in this respect.

For instance, in Tunisia, the government and the social partners concluded a social contract on 14 January 2013. Through this contract, tripartite partners committed to creating a National Council for Social Dialogue and to launch a series of economic and social reforms to achieve the objectives of the 2011 revolution for more social justice and an inclusive economic development.



Sources and further reading

- ▶ ILO. *Collective bargaining: A fundamental principle, a right, a Convention*, Labour Education 1999/1–2 (Nos. 114–115) (Geneva).
- ▶ Casale, G. (ed.). 1999. *Social Dialogue in Central and Eastern Europe* (Geneva, ILO).
- ▶ Ishikawa, J. 2003. *Key Features of National Social Dialogue: a Social Dialogue Resource Book* (Geneva, ILO).
- ▶ Trebilcock, A. 1994. *Towards Social Dialogue: Tripartite Cooperation in National Economic and Social Policy-Making*, (Geneva, ILO).

SECTION III

Social dialogue and employment policies

Experience shows that sustained and concerted action, broad-based participation and social dialogue are necessary conditions for formulating an effective national employment policy, as a broad range of actors are involved in this policy area.



Experience shows that sustained and concerted action, broad-based participation and social dialogue are necessary conditions for formulating an effective national employment policy (NEP), as a broad range of actors are involved in this policy area.

Article 3 of the Employment Policy Convention, 1964 (No. 122), provides that “representatives of the persons affected by the measures to be taken, and in particular representatives of employers and workers, shall be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their co-operation in formulating and enlisting support for such policies.” The 2006 ILO Global Employment Agenda adds in this respect that “social dialogue is the cornerstone of credible and effective employment policy formulation and implementation at every level.”

The scope of such consultations should not be limited to employment policy measures in a narrow sense, but should extend to all aspects of economic policy that affect employment. The social partners should therefore be consulted both on labour market or skills training programmes, and on framing more general economic policies and legislation that have a bearing on employment promotion. The consultations should also be used as a mechanism to enlist the support of the persons affected for the implementation of the policy which is eventually adopted.

Consultation procedures on these issues can take place through central bodies for tripartite cooperation (e.g. ESCs, labour advisory councils); specialized bodies dealing with employment-related issues (e.g. employment councils); ad hoc procedures; or a combination of various channels. In some cases, these bodies not only are advisory but also play a decisive role in orienting and piloting the NEP process.

In any case, consultations with the social partners, both at the earliest stages of policy formulation and during the implementation process, are essential and enable government to take fully into account their experience and views.

The Employment Policy Recommendation, 1964 (No. 122), also provides for employers and workers in the public and private sectors and their organizations to “take all practicable measures to promote

the achievement and maintenance of full, productive and freely chosen employment". The initiative for actions of this kind rests directly with the employers and workers and their organizations, rather than with the government.

The development process of a national employment policy requires broad-based dialogue to promote successful implementation. Social dialogue should take place at every step, from the situation analysis that leads to policy choices, all the way to the validation of the policy implementation, and eventually in its evaluation.

Tripartite skills councils and other social dialogue institutions have proved to be effective in matching training to labour market needs and ensuring a fair distribution of the benefits of productivity gains.

Social dialogue should also be present at all levels of decision-making. The national structure should be complemented by committees at the regional/local levels. Such committees can play a key role in coordinating with key actors, as well as in piloting, implementing and monitoring NEPs at the local level.

Involvement of the social partners at the **implementation stage of NEPs** is particularly important.

For example, in **Austria**, the social partners are involved through two main channels: i) the employment service (AMS), as the main body responsible for the NEP implementation; the AMS's activity is guided by management procedures formulated by its tripartite boards, thus giving the social partners a strong institutionalized role in the implementation of employment policy; and ii) territorial employment pacts concluded at the regional and local levels.

A real priority in many countries, and for the ILO, is to build and strengthen the capacities and technical expertise of employers' and workers' organizations to enable them to play an effective role in the design and implementation of national employment policy. This includes the publication of policy briefs and guidance notes to strengthen the capacity of constituents to adapt the policy guidance set out in international labour standards and other ILO instruments to their own circumstances.

Dialogue level	Who	What	How
National/ Sectoral	Between the ministry in charge of employment and: <ul style="list-style-type: none"> • social partners (employers' organizations and trade unions); • other ministries, in particular with the government's economic teams and sectoral ministries; • civil society groups, such as women or youth associations. 	Identification of main challenges, policy options, validation of selected priorities and ways of implementing them.	Working groups, tripartite workshops, and tripartite conferences.
Regional	Between the ministry in charge of employment and: <ul style="list-style-type: none"> • its regional branches; • regional social partners; • other decentralized government agencies; • regional civil society groups, such as women or youth associations. 	Identification of main challenges, validation of selected priorities and ways of implementing them.	Workshops and focus group discussions.
Local	Animated by regional branches of the ministry in charge of employment involving local communities; NGOs active at the local level; and specific projects that have an employment impact and beneficiaries (people).	Identification of main challenges, validation of selected priorities and ways of implementing them.	Village meetings, focus groups discussions, interviews.

Source: ILO. 2012. Guide for the formulation of national employment policies, Employment Policy Department (Geneva).



Selected national examples

The Philippines	The development of the Philippines Labour and Employment Plan 2011–2016 involved island-wide and tripartite consultations led by the Department of Labour and Employment.
Mongolia	Broad-based consultations with all decentralized levels took place during the drafting of the national employment policy (NEP). These consultations built up towards a National Employment Forum held in October 2010 where the results of the consultations were discussed. The outcome was the declaration of 2011 as the Year of Employment during which the Government was to prepare a NEP using the findings of the regional consultations and of the Forum.
Uruguay	The Ministry of Labour conducted a national dialogue on employment policies over the period March–October 2011, convening employers and the trade union confederation. The Government was represented by the Ministry of Labour, but also by other structures, depending on the topic discussed (e.g. the Ministry of Social Development, the Ministry of Economy, the Ministry of Industry, the Youth Institute, etc.).

Employment and social dialogue – Key messages

- ▶ There is no single model for the organization of social dialogue on employment policy: it is context-specific;
- ▶ A well-established social dialogue framework is a key factor for effective dialogue and a well-informed employment policy. The social dialogue institutions must be resourced efficiently, capacitated by laws and used effectively in policy-making and not remain merely a façade;
- ▶ Political will is crucial on the part of the government to involve the social partners from the preparatory stage of the NEP through to the monitoring and the evaluation of such policies. However, the social partners' involvement must take place at all stages of NEP deployment and should not be limited to only the formulation phase;
- ▶ Strong, capable and proactive social partners at all levels (enterprise, local, industry and national) are a crucial factor. The social partners must also strive to broaden their membership base and improve their technical and analytical capacities on labour market-related issues;
- ▶ An active and well-resourced labour administration is another important determinant of effective social dialogue on employment policy.



Sources and further reading

- ▶ ILO. 2006. *Implementing the Global Employment Agenda: Employment strategies in support of decent work – “Vision” document* (Geneva).
- ▶ ILO. 2010. *Employment policies for social justice and a fair globalization – Recurrent item report on employment*, International Labour Conference, 99th Session, Geneva, 2010.
- ▶ ILO. 2010. *General Survey concerning employment instruments in light of the 2008 Declaration on Social Justice for a Fair Globalization*, International Labour Conference, 99th Session, Geneva, 2010.
- ▶ ILO. 2011. *Social partners and their engagement in National Development Plans* (Geneva).
- ▶ ILO. 2012. *Guide for the formulation of national employment policies*, Employment Policy Department (Geneva).
- ▶ ILO. 2012. *Towards more inclusive employment-policy making*, Employment Sector Working Paper No. 137 (Geneva).



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ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR)

Comments on ways to improve social dialogue in relation to issues linked to the implementation of the Employment Policy Convention, 1964 (No. 122) (selected examples)



CAMBODIA

Regarding the involvement of the social partners in the formulation and implementation of employment policies, the CEACR *“invites the Government to address this essential issue in its next report by demonstrating how representatives of employers and workers are consulted at the policy planning and implementation stages so that their experience and views are taken into account”*.

Published 101st ILC Session, 2012.



CHINA

Commenting on the fact that trade unions at various levels had set up vocational training institutions, the CEACR invites the Government to include information *“on how the local entities and social partners participate in the design and implementation of training policies and programmes”*.

Published 100th ILC Session, 2011.



EL SALVADOR

The CEACR requests the Government to supply information *“on the consultations held to formulate and implement an active employment policy enabling the negative impact of the global crisis to be overcome”* and to *“supply information on the consultations held with representatives of the persons affected by the measures to be taken from other sectors of the economically active population”*.

Published 100th ILC Session, 2011.



INDIA

The Committee notes with interest the information provided by the Government concerning tripartite consultations, (...) *that the 44th Session of the Indian Labour Conference included discussions on issues such as the possibilities of enhancing female labour force participation, skills development for young persons, minimum wages, social security, employability and employment; and that the Ministry of Rural Development has taken various initiatives to strengthen the implementation of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), which seeks to empower poor rural communities and transform traditional hierarchical relationships through its rights-based processes.*

Published 101st ILC Session, 2012.



MONGOLIA

The CEACR *“requests the Government to report on the activities of the National Employment Council and other tripartite bodies in respect of employment policies and the steps taken to ensure that the views of representatives of social partners (including representatives of the rural sector and the informal economy) are fully taken into account for the purposes of formulating and enlisting support for employment policies”*.

Published 101st ILC Session, 2012.



KYRGYZSTAN

Noting that a tripartite committee has been created to regulate issues of employment promotion, the CEACR *“asks the Government to provide specific information about the operation of the above-mentioned tripartite committee, as well as the involvement of social partners in the formulation and implementation of the National Employment Plan. It requests information regarding the measures taken or contemplated to involve other actors in the consultations”*.

Published 101st ILC Session, 2012

SECTION IV

Social dialogue and wages

Social dialogue is the most effective instrument for developing a wage policy which balances the needs of workers and their families to lead a decent life on the one hand, and allows employers to improve competitiveness on the other. In many countries, wages figure prominently on the agenda of tripartite social dialogue alongside other labour market-related issues such as employment promotion, extension of social security and enhancement of competitiveness. All three social dialogue actors – government and employers’ and workers’ organizations – attach great importance to this social and economic variable.

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Social dialogue is the most effective instrument for developing a wage policy which balances the needs of workers and their families to lead a decent life on the one hand, and allows employers to improve competitiveness on the other. Social dialogue is particularly important in ensuring a fair distribution of productivity gains between labour and capital and reducing wage inequalities including the gender pay gap.¹⁴ Also, during an economic and jobs crisis, and as stipulated in the Global Jobs Pact, social dialogue is an important tool to avoid deflationary wage spirals.

IV

In many countries, wages figure prominently on the agenda of tripartite social dialogue alongside other labour market-related issues such as employment promotion, extension of social security and enhancement of competitiveness. All three social dialogue actors – government and employers’ and workers’ organizations – attach great importance to this social and economic variable. For workers, wages represent, very often, the main or the sole source of income; it also determines to a great extent the level of pensions to be received in old age upon separation from employment. For employers, the issue of wages is a key component of the production cost as well as a policy tool for attracting skilled workers. Finally, for the State, wages represent, among other things, a factor that influences economic aggregates such as price formation, domestic demand, national competitiveness and employment levels.¹⁵

International experience shows that national institutions for tripartite social dialogue are often involved in the regulation of wage policy. Such involvement may take the form of a tripartite determination of the minimum wage or the formulation of tripartite wage recommendations to guide lower-level negotiations and to ensure a certain level of coordination of wage bargaining.

¹⁴ ILO. 2008. Global Wage Report 2008/09: Minimum wages and collective bargaining, Towards policy coherence (Geneva).

¹⁵ ILO. 2012. Global Wage Report 2012/13: Wages and equitable growth (Geneva).

1. Tripartite determination of the minimum wage

The ILO Minimum Wage Fixing Convention, 1970 (No. 131), requests the direct participation of the representative organizations of employers and workers or, where no such organizations exist, the representatives of employers and workers concerned in both the establishment and operation of the minimum wage system. Accordingly, in a majority of countries where there is a national minimum wage, tripartite social dialogue plays a key role in its determination, though in a different manner depending on country choices.

There are three main approaches. Under the first approach, government or another political authority determines the level of the minimum wage following **direct consultations** with the representative organizations of employers and workers. Countries such as Algeria, Benin, France, Madagascar and Spain, among others, follow this approach.

IV



Algeria – National Guaranteed Minimum Wage

In Algeria, the National Guaranteed Minimum Wage is established by a Presidential Decree after consultations of the most representative unions of employers and employees in the framework of the existing tripartite institutional framework (*La Tripartite*). The tripartite framework brings together the representatives of government, the general confederation of Algerian workers' trade unions and the five representative confederations of employers. It is chaired by the Prime Minister.

For the fixing of the minimum wage, the following elements are considered: the average national productivity registered; the index of prices to consumers and the general economic situation.

Source: Labour Relations Act, para. 87, ILO database on Minimum Wage.

Under the second approach, the government determines the minimum wage on the basis of recommendations made by a **specialized tripartite body** such as the Low Pay Commission in the United Kingdom and the Minimum Wage Council in the Republic of Korea.



United Kingdom –The Low Pay Commission

The Low Pay Commission (LPC) is an independent body set up under the National Minimum Wage Act 1998 to advise the Government on the national minimum wage. This consultative body is composed of nine Commissioners with trade union, employer and academic background and who serve in an individual capacity.

Each February, the LPC submits recommendations to the Government on the future level of the minimum wage and related matters. It prepares its recommendations based on extensive research and analysis and uses all sources of information including surveys, visits to enterprises, consultations with social partners and hearing of experts. In most cases, the Government follows the recommendations of the LPC.

Source: UK Government. 2006. *Low Pay Commission Report 2006: National Minimum Wage:* <http://www.lowpay.gov.uk>.

Under the third approach, the minimum wage is determined on the basis of direct **tripartite negotiation** between the government and social partners, as shown by the Argentinian case. This method of tripartite negotiation is also used in Ireland and Slovenia.¹⁶

¹⁶ Eyraud, F.; Saget, C. 2005. *The fundamentals of minimum wage fixing* (Geneva, ILO).



Argentina – The National Council for Employment, Productivity and the Adjustable Minimum Living Wage

The National Council for Employment, Productivity and the Adjustable Minimum Living Wage (National Council) is a permanent tripartite institution of social dialogue which involves the participation of government and the social partners. It periodically determines the adjustable minimum wage, which must be adopted by a majority of two-thirds of the members, consisting of an equal number of government, worker and employer representatives, 48 in total. To fix the minimum wage rates, the National Council must take into account the socio-economic situation of the country.

On top of the periodic review of the adjustable minimum living wage, the National Council fulfils several other functions, including reassessment of the minimum and maximum amount of unemployment compensation, the formulation of recommendations to create policies, job programmes and professional training, and the proposal of measures to increase production and productivity.

Source: Argentina – Minimum Wages – 2011, TRAVAIL legal database; Ministerio de Trabajo, Empleo y Seguridad Social – República Argentina: Consejo del Salario: <http://www.trabajo.gov.ar/consejodelsalario>.



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2. Tripartite guidelines and recommendations on wages

In some countries, tripartite institutions for social dialogue are mobilized to issue wage guidelines for lower-level negotiations and to ensure a certain coordination of wage bargaining. This is the case in Singapore, for example.



Singapore –The National Wage Council

This National Wage Council (NWC) was established in 1972 and has a tripartite structure made up of 35 representatives from the employer and unions groups as well as from the Government. It is chaired by an independent (neutral) person.

The NWC formulates general guidelines on wage policy, including the adjustment of the wage structure, and provides advice on incentive systems that promote productivity and efficiency. Its tripartite deliberations are confidential and decisions are based on consensus. The guidelines issued are not binding in order to allow for certain flexibility for companies and take into consideration key economic and labour market indicators: GDP growth, inflation, productivity and employment.

NWC guidelines were adopted through tripartite consultation and consensus involving employers, workers and the Government's representatives, which has facilitated the acceptance and implementation of the guidelines. Hence, there is strong commitment from the tripartite partners to implement the guidelines. This has been a hallmark of the NWC's achievements.

Collective bargaining at the company level commences after the NWC guidelines are issued. Non-unionized companies use the NWC guidelines as reference in determining wage increases for their employees as well.



Slovenia – Wage-related topics/policies of social pacts

Slovenia provides a good example of a country which has systematically mobilized its tripartite Economic and Social Council to conclude national tripartite agreements or social pacts, which have had a strong emphasis on income and wages since the mid-1990s. These agreements and pacts reflect the social partners' consensus concerning limitation of public expenditures as a way of improving the country's competitiveness in international markets,¹⁷ as well as a means of bringing down inflation and reducing wage dispersion.¹⁸

Slovenia:	1994	1995	1996	1997–1998	1999–2001	2001–2003	2003–2005	2007–2009
Wage-related topics/policies of social pacts	Agreement (social pact) on income policy	Social pact	Social pact	Law on income policy (supported by partners)	Agreement on income policy	Agreements on income policy	Social pact	Social pact
Income policies	X	X	X	(X)	X	X	X	X
Minimum wages		X	X	(X)	X	X	X	X
Prices		X	X				X	X
Employment		X	X				X	X
Vocational and professional training							X	X
Health and safety at work							X	X
Public finance		X	X				X	X
Social security		X	X				X	X
Pension insurance		X	X	PENSION REFORM			X	X
Health insurance							X	X
Globalization of the economy (EU integration); technology development; competitiveness			X				X	X
Social dialogue and ESC	X	X	X				X	X

Source: Stanojevic, M. 2010. "Stabilisation and the beginning of economic recovery: the early chain of social pacts", in P. Pochet et al. (eds): *After the euro and enlargement: social pacts in the EU*, p. 325.

¹⁷ Stanojevic, M. 2010. "Social Pacts in Slovenia", in P. Pochet et al. (eds): *After the euro and enlargement: social pacts in the EU* (Brussels, European Trade Union Institute).

¹⁸ ILO. 2013. Recurrent discussion on social dialogue under the ILO Declaration on Social Justice for a Fair Globalization, International Labour Conference, 102nd Session, Geneva, 2013.

The above examples illustrate the role that tripartite social dialogue plays in the regulation of wage policy, especially the minimum wage. This is the case because tripartite consultation and wage bargaining coordination are associated with better labour market performance (lower wage inequality and unemployment), a more stable share of wages in national income, and faster responses to economic shocks.



Sources and further reading

- ▶ Eyraud, F.; Saget, C. 2005. *The fundamentals of minimum wage fixing* (Geneva, ILO).
- ▶ ILO. *Global Wage Report 2008/09; 2010/11; 2012/13*.
- ▶ ILO. Minimum Wage Fixing Convention, 1970 (No. 131).
- ▶ ILO. Minimum Wage Fixing Recommendation, 1970 (No. 135).

SECTION V

Social dialogue and social security

Social security and social dialogue, both pillars of the Decent Work Agenda, are interrelated and mutually supportive in reaching the objective of social justice and fair globalization. Effective and sustainable social security systems are based on sound tripartite governance, full accountability and participation of workers' and employers' organizations. Participation includes involvement of the social partners in the design of social security policies and reforms as well as in the management of social security schemes.

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Social security and social dialogue, both pillars of the Decent Work Agenda, are interrelated and mutually supportive in reaching the objective of social justice and fair globalization. Effective and sustainable social security systems are based on sound tripartite governance, full accountability and participation of workers' and employers' organizations. Participation includes involvement of the social partners in the design of social security policies and reforms as well as in the management of social security schemes.

1. ILO instruments

The representation of workers and employers in the governance and administration of social security schemes is reflected in the ILO's social security principles and standards. The Social Security (Minimum Standards) Convention, 1952 (No. 102), lays down that social security schemes be administered on a tripartite basis, which guarantees and strengthens social dialogue between governments, employers and workers. In addition to Convention No. 102, the following ILO instruments promote tripartism in social security:

- ▶ Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168);
- ▶ Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113);
- ▶ ILO Declaration on Social Justice for a Fair Globalization (2008);
- ▶ The Global Jobs Pact (2009);
- ▶ Social Protection Floors Recommendation, 2012 (No. 202).



Nigeria – Nigeria Social Insurance Trust Fund

The Nigeria Social Insurance Trust Fund (NSITF) was established in 1994 by Decree No. 73. It is mandated to provide the following benefits: (a) retirement pension; (b) retirement grant; (c) survivors' benefit; (d) death grant; (e) invalidity benefit; and (f) invalidity grant. The NSITF has a tripartite Management Board and is comprised of 11 members:

- Chairperson, appointed by the President;
- Two trade union representatives, nominated by the Nigeria Labour Congress;
- Two employers' representatives, nominated by the Nigerian Employers Consultative;
- One representative of the Federal Ministry of Employment, Labour and Productivity;
- One representative of the Central Bank of Nigeria;
- Three Executive Directors, appointed by the President, on the recommendation of the Minister;
- One Managing Director, appointed by the President, on the recommendation of the Minister.

The Management Board is responsible for:

- The administration of the Fund and the investment of sums forming part of the Fund;
- The payment of the various benefits provided to persons entitled to the benefit;
- The general administration and regulations of the NSITF.

Source: Nigeria Social Insurance Trust Fund Act, Chapter N88.

2. The tripartite governance of social security

Precondition for effective governance

An essential precondition for the governance effectiveness of social security systems is the availability of **adequate institutional frameworks** with respect to social dialogue, the participation of the social partners and stakeholders, and the general responsibility of the State.

The role of the State

The State has the responsibility of setting appropriate policy, legal and regulatory frameworks and of the supervision that guarantees the coherence of social security policies; this includes coherent policy design and implementation, and effective monitoring mechanisms:

- ▶ Determining major policy issues;
- ▶ Putting in place sound financial and legal frameworks;
- ▶ General supervision;
- ▶ Monitoring the implementation of social security policies;
- ▶ Establishing consultative bodies.

The role of the social partners

The contribution and the participation of the social partners, as representatives of protected persons and employers in the boards of social security institutions, can help bring transparency to the management of social security schemes. Furthermore, the social partners' involvement ensures that policies meet the needs of those who finance and benefit from them as contributors, and are conducive to productive employment and economic growth.

It is important to note that the effective participation of social partners requires **adequate technical knowledge, skills and capacities**:

- ▶ Supervising implementation of the scheme;
- ▶ Identifying policy issues;
- ▶ Formulating proposals for reform and development;
- ▶ Representing the interest of workers, employers and other beneficiaries.

Effective social dialogue

Social dialogue is essential in identifying and defining priority policy objectives. It is an important tool for contributing to the monitoring of financial sustainability and the social adequacy, effectiveness and efficiency of management and administration of social security schemes. Furthermore, it helps to ensure national consensus on social security policies such as:

- ▶ Contributing to determining an appropriate design of benefit systems;
- ▶ Ensuring coherence of economic and social policies;
- ▶ Ensuring sound governance of labour markets and social security;
- ▶ Identifying and implementing effective responses mechanisms during times of crisis;
- ▶ Contributing to preparing and implementing major reforms.

The Social Protection Floors Recommendation, 2012 (No. 202), states in Article 13 (1) that *members should formulate and implement national social security extension strategies, based on national consultations through effective social dialogue and social participation.*

3. Social dialogue and social security reforms

In the context of demographic change, the affordability and sustainability of social security systems is widely and globally discussed. The ageing of the population will increase expenditure on pension, health and long-term care in the decades to come. However, evidence suggests that through effective social dialogue, this challenge can be made more manageable. Social dialogue on necessary reform can fairly balance social needs and financial and fiscal requirements. It helps to resolve inevitable differences and avoid conflicts of interest which could delay the implementation of much needed reforms.



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Uruguay – National dialogue on social security (DNSS)

In 2007, the National Dialogue on Social Security (*Diálogo Nacional sobre Seguridad Social*, DNSS) was created in Uruguay. The DNSS goes beyond the existing institutional structures and enables workers, employers, civil society and the State to come together to formulate proposals. Its objective is to assess the current state of the social security system and generate inputs for possible future reforms and strengthen democratic governance. The DNSS is organized into ten thematic working tables and addresses various aspects of social security (i.e. pension schemes, coverage, demography and financing).

Reform

In 2008, at the conclusion of its first phase, the process of social dialogue led to ten basic agreements. Several of the agreements provided grounds for reforms; the two most significant concern pension and unemployment benefit rules. The reform of the old-age pension scheme included a reduction in the minimum number of contribution years required to be eligible for a pension, measures to facilitate coverage for workers with histories of interrupted formal employment and a bonus for women, corresponding to one year of insurance per child raised, promoting gender equality. The reform of the unemployment benefit programme enhanced coordination with other social security programmes and with active labour market policies, an extension of the benefit duration for older unemployed workers, the introduction of a graduated benefit formula with benefit levels decreasing over time, and an automatic extension of the benefit by two months during times of economic recession.

Sources:

- ♦ *Diálogo Nacional sobre Seguridad Social*: <http://www.dialogoseguridadsocial.org/que-es>.
- ♦ ILO. 2011. *Social security for social justice and a fair globalization: Recurrent discussion on social protection (social security) under the ILO Declaration on Social Justice for a Fair Globalization*, Report VI, International Labour Conference, 100th Session, Geneva, 2011.



Sources and further reading

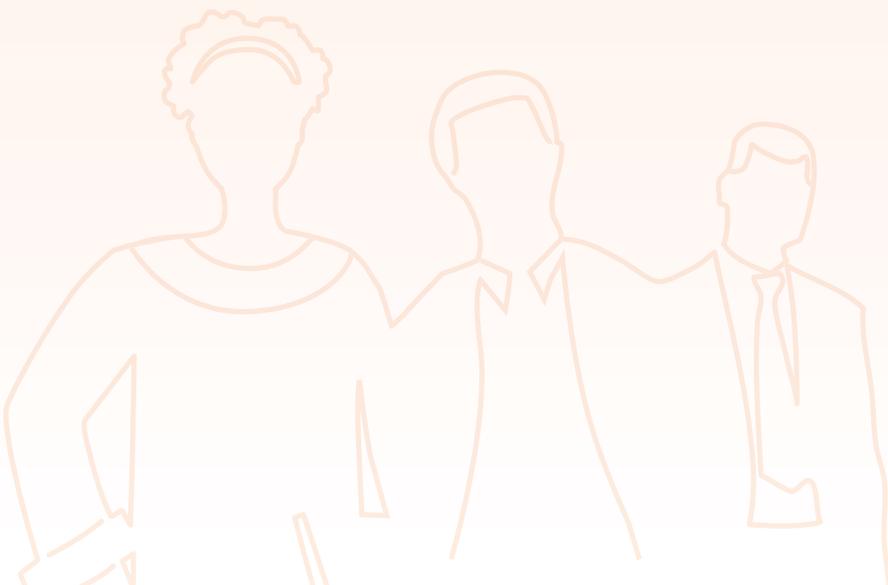
- ▶ ILO. 2011. *Conclusions concerning the recurrent discussion on social protection (social security)* (Geneva).
- ▶ ILO. 2011. *Social security and the rule of law, General Survey concerning social security instruments in light of the 2008 Declaration on Social Justice for a Fair Globalization*, Report III (Part 1B), International Labour Conference, 100th Session, Geneva, 2011.
- ▶ ILO. 2011. *Social security for social justice and a fair globalization: Recurrent discussion on social protection (social security) under the ILO Declaration on Social Justice for a Fair Globalization*, Report VI, International Labour Conference, 100th Session, Geneva, 2011.
- ▶ ITC/ILO. 2010. *Governance of Social Security Systems: a Guide for Board Members in Africa*, (Geneva): http://socialprotection.itcilo.org/pdf-and-pics/library/governance_Guide_EN.
- ▶ Sarfati, H.; Ghellab, Y. 2012. *The political economy of pension reforms in times of global crisis: State unilateralism or social dialogue?* Working Paper No. 37 (Geneva, ILO).



SECTION VI

Social dialogue and the informal economy

Today, a significant percentage of the global workforce earns a livelihood through economic activities that are – in law or in practice – not covered or insufficiently covered by formal arrangements. There is an urgent need to address decent work deficits in the informal economy in four key areas: employment, rights, social protection and representation. Social dialogue is a necessary tool for democratic governance and the implementation of policies to support the transition to formality. However, the representation of informal workers is an ongoing challenge.



The term “informal economy” refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements. Today, a significant percentage of the global workforce earns a livelihood in this way. In developing countries particularly, the informal economy accounts for between 35 per cent and 90 per cent of total employment and includes a significant number of rural and migrant workers.

Workers in the informal economy are particularly vulnerable because of their lack of voice and representation that would allow them to claim better working conditions, employment opportunities, gender equality and social benefits.

In 2002, the ILC adopted the resolution concerning decent work and the informal economy, which proposed a comprehensive tripartite platform for action composed of representatives of governments, employers’ and workers’ organizations of all ILO member States. It called for the need to address decent work deficits in the informal economy in four key areas: employment, rights, social protection and representation. This resolution was further reinforced by the 2008 ILO Declaration on Social Justice for a Fair Globalization, which provides that these four pillars of Decent Work are “inseparable, interrelated and mutually supportive”.¹⁹

The 2009 Global Jobs Pact

In 2009, the ILC adopted the Global Jobs Pact, which recognized informal economy workers among those particularly vulnerable to the crisis and proposed policy measures to mitigate its impact and speed up recovery. The policy measures included the implementation of employment guarantee schemes, targeted employment programmes, public works, support to micro-and small enterprises and the promotion of a social protection floor.

Source: ILO. 2009. *Recovering from the crisis: A Global Jobs Pact*, International Labour Conference, 98th Session, Geneva, 2009.

¹⁹ More recently, a number of ILC resolutions have made specific recommendations in relation to the informal economy, namely the promotion of sustainable enterprises (2007), rural employment for poverty reduction (2008), skills development (2008), gender equality (2009) and the conclusions concerning the recurrent discussion on employment (2010).

Social dialogue is a necessary tool for democratic governance and the implementation of policies to support the transition to formality. However, its effectiveness depends in particular on the strength of the employers' and workers' organizations involved. The representation of informal workers is an ongoing challenge.

Without proper representation, these workers will not have access to a number of fundamental rights at work. In some countries (e.g. **Hungary** and **Ireland**), the social partners have been involved in national policy discussions on various aspects of the informal economy, such as addressing the problem of undeclared work.

- ▶ In **South Africa**, policies to support informal workers have been promulgated, including regular dialogue with representatives of the informal economy and capacity building for informal-economy organizations.
- ▶ In **Ghana**, local institutions were established in two districts to launch social dialogue among local government, elected assembly officials and representatives of small and medium-sized enterprises (SMEs) and civil society. The project expanded access to credit for SMEs, extended social protection and widened pension funds to informal workers.
- ▶ In **India**, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is the first law that extends employment policies in non-organized sectors. It is an ambitious programme that covers a rights-based approach to development, income security to rural households through guaranteed wage employment, some check on distress migration from rural to urban areas and creation of durable assets.²⁰
- ▶ In **Turkey**, during 2004–07, tripartite discussions supported by an EU–ILO project aimed to raise awareness of the risks of the informal economy through the media, and created incentives to register work through the development of registration guides and links with municipal regulations for enterprises.²¹

²⁰ MGNREGA. 2010. *A review of decent work and green jobs in Kaimur District in Bihar* (New Delhi, ILO).

²¹ Hayes, J. 2007. *Tackling unregistered work through social dialogue: The Turkish and European experience* (Geneva, ILO). Cited in *Recurrent discussion on social dialogue under the ILO Declaration on Social Justice for a Fair Globalization*, International Labour Conference, 102nd Session, Geneva, 2013.

To contribute to the reduction of the size of the informal economy, social partners have a key role to play in identifying labour and skills shortages having an effect on the labour market demand and supply for migrant workers. Building consensus on the links between migration and employment policies through social dialogue and developing long-term strategies for matching labour market demand and supply are also more likely to lead to compliance by employers and workers, as such policies are for the most part implemented in the workplace.

Social dialogue may also relate to specific sectors with high informality, for instance, domestic work, as the example below suggests.



Institutional frameworks for social dialogue in the informal economy – The Philippines

The Philippines has created institutional frameworks for social dialogue on domestic work that have encouraged collective organization and representation, yielding tangible results in regulating work in the informal economy through consensus.

The Government, trade unions and domestic workers' associations as well as employers' organizations formed a technical working group on domestic work, which discusses and promotes measures to improve working conditions of domestic workers in the country and abroad. It provides a forum to explore legal reform needs and helped to draft a bill on domestic work which has reached an advanced stage of Congressional consideration.

In 2012, the Philippines was among the first to ratify the ILO Domestic Workers Convention, 2011 (No. 189).

ILO diagnostic framework to analyse processes and determinants of informalization – Seven key areas of policy action



Source: ILO. 2010. *Employment Policies for social justice and a fair globalization; Recurrent item report on Employment*, Report VI, International Labour Conference, 99th Session, Geneva, 2010.



Sources and further reading

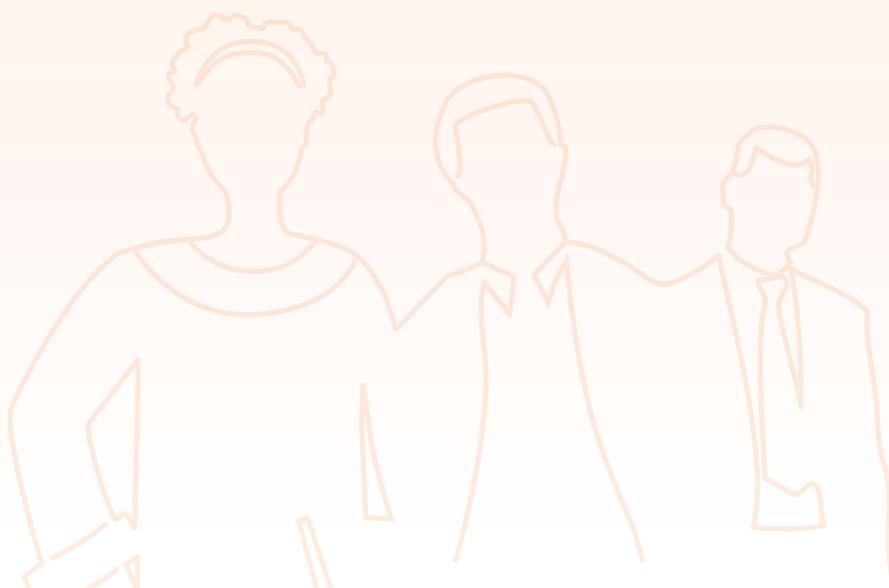
- ▶ ILO. 2012. *Employment for Social Justice and a Fair Globalization: Overview of ILO Programmes* (Geneva, ILO).
- ▶ ILO. 2013. *Recurrent discussion on social dialogue under the ILO Declaration on Social Justice for a Fair Globalization*, International Labour Conference, 102nd Session, Geneva, 2013; *Report of the Committee for the Recurrent Discussion on Social Dialogue*, International Labour Conference, 102nd Session, Geneva, 2013.
- ▶ ILO. 2013. *The Informal Economy and Decent Work: A Policy Resource Guide Supporting Transitions to Formality* (Geneva, ILO).

SECTION VII

Social dialogue and gender equality

Social dialogue and tripartism are essential policy tools to advance gender equality in the world of work. Social dialogue can help to contribute to a more stable and more equitable society, and the social partners are key actors in the promotion of this equality. However, female participation remains relatively low in the majority of social dialogue bodies worldwide.

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Gender equality and social dialogue are both fundamental values and cross-cutting issues for the International Labour Organization. Since the adoption of the Declaration on Fundamental Principles and Rights at Work (1998), equality and non-discrimination have been at the heart of ILO's work.

The Declaration on Social Justice for a Fair Globalization placed gender equality as a cross-cutting theme throughout the four strategic objectives of the ILO – fundamental principles and rights at work, employment, social protection, and social dialogue and tripartism.

To follow on from this, the ILC concluded its discussion on “Gender equality at the heart of decent work” in 2009 by reaffirming that social dialogue and tripartism are essential policy tools to advance gender equality in the world of work. It specifically called for improvements in the representation of women in leadership positions in governments and employers' and workers' organizations in social dialogue, including in collective bargaining and in ILO meetings.

International labour standards

International labour standards are one of the ILO's primary means of action to improve working and living conditions of women and men, and promote equality in the workplace for all workers. The four key equality Conventions used to promote these principles are:

- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Equal Remuneration Convention, 1951 (No. 100);
- Workers with Family Responsibilities Convention, 1981 (No. 156);
- Maternity Protection Convention, 2000 (No. 183).

Moreover, the HIV and AIDS Recommendation, 2010 (No. 200), requests that measures be taken in or through the workplace, *ensuring* gender equality and the empowerment of women (para. 14 (b)).

Social dialogue can help to contribute to a more stable and more equitable society, and the social partners are key actors in the promotion of this equality. However, to promote gender equality, two issues should be considered:

- ▶ Firstly, an increase in the participation and status of women, including women in decision-making positions, in tripartite bodies and within government groups, workers and employers' organizations;
- ▶ Secondly, introducing gender equality issues and collective bargaining into the social dialogue agenda, in order to reflect the changing nature of labour markets and patterns in the world of work. This will require training of representatives in gender equality and an increase in the number of women negotiators.

Female participation remains relatively low in the majority of social dialogue bodies worldwide. An ILO study on women's participation in these institutions collected data from 48 institutions in all regions of the world.²² It found that women account for less than 15 per cent of total members, which is far below the 30 per cent target set by the United Nations in 1990 to increase the number of women in decision- and policy-making bodies.

Governments show the highest rates of female participation in these bodies (19 per cent), followed by workers' representatives with 13 per cent and employers' representatives with 10 per cent. Reasons for this higher percentage in government groups may be the more favourable environment public administration offers women to balance work and family commitments and the clear criteria provided for career advancement, to increase the share of women in managerial positions.

By region, Europe holds the highest percentage of women's participation with 16.76 per cent, followed by Latin America and the Caribbean with 14.16 per cent, Africa with 12.34 per cent and Asia with 11.21 per cent.

²² Breneman-Pennas, T.; Rueda Catry, M. 2008. *Women's participation in social dialogue institutions at the national level*, Paper No. 16 (Geneva, ILO).



Tripartite Commission on Equal Opportunities and Treatment in Employment

In the framework of an ILO-ITC project on Women Workers Rights, Tripartite Commissions on Equal Opportunities and Treatment in Employment (CTIOTE) were created in **Argentina, Brazil, Chile, Paraguay** and **Uruguay**. The creation of CTIOTEs was the result of the governments' initiative – through their Ministries of Labour in collaboration with their Women's Bureau – calling for employers and workers to engage in equality initiatives.

The Commissions are composed of the government (Ministry of Labour and Ministry of Women's Affairs) and employers' and workers' organizations. Among their main achievements are the recent law (2006) on domestic workers in Uruguay, and the ratification of the ILO Workers with Family Responsibilities Convention, 2981 (No. 156), in 2007, led by the Tripartite Commission in Paraguay.

Source: ILO, 2009. *Social Dialogue at work: Voices and choices for women and men*, Bureau for Gender Equality (Geneva).

1. Female participation in ILO structures

The ILO has continuously monitored the participation of women and men in sessions of the ILC. In 1991, the ILC adopted a resolution during its 78th Session, calling on governments and workers' and employers' organizations to include more women in their delegations. In 2009, the ILO Director-General challenged member States to meet a 35 per cent quota of female delegates by 2011. This target was not realized; at the 2012 ILC, only 26.9 per cent accredited delegates, substitute delegates and advisors were women.

Europe had 35.8 per cent female participation, followed by the Americas with 32.3 per cent, while the Arab States had the lowest female participation with 11.7 per cent. Given this insufficient progress, in an effort to analyse the situation and offer possible strategies for improvement, the Office contacted the 22 governments with a minimum of 50 per cent women in their delegations in 2011, to identify what factors had contributed to their success:

- ▶ Many of the top-performing countries had a government policy or plan of action in place on gender equality;
- ▶ In half of those who replied, there was a high-level advisor or Ministry present on gender equality;
- ▶ Some of the countries had an informal commitment to achieve gender parity in delegation appointments, and many had benefited from the ILO's encouragement and briefing sessions on the Conference.

Gender Equality on the Social Dialogue Agenda

Over the past decades, women's participation in social dialogue has been on the incline; consequently, women have been more active in bringing gender equality issues to the forefront of the agenda.

To safeguard this trend, it is important that gender issues are at the top of these institutions' agendas.

For example, in **Greece**, the tripartite Social and Economic Council advises government and the social partners on promoting the principles of equal treatment and anti-discrimination, and encourages dialogue with representative organizations.

In **Spain**, the tripartite Social and Economic Council (*Consejo Económico y Social*, CES) has dealt with the implementation of equality provisions in collective agreements. Such bodies are usually initiated by governments "to serve as advisory and consultative bodies for its policy and legislation ... rather than to promote and monitor equal opportunity provisions in collective agreements".

Source: <http://www.eurofound.europa.eu>.

2. The way forward

Women's participation and gender equality may be enhanced in social dialogue processes through a number of ways:

- ▶ Countries should ratify and effectively implement the key ILO Conventions that address gender equality; these are in particular Conventions Nos. 100 and 111;
- ▶ Mechanisms such as quotas and appointment of equality officers should be put in place to increase the representation of women within national social dialogue institutions, trade unions and employers' organizations;
- ▶ Skills must be developed through the training and education of women, to provide them with the tools to participate effectively in social dialogue;
- ▶ Build the capacity of social partners and their representatives on gender equality and gender mainstreaming;
- ▶ The advantages of gender equality and non-discrimination in the world of work must be advocated through education and media campaigns.

VII



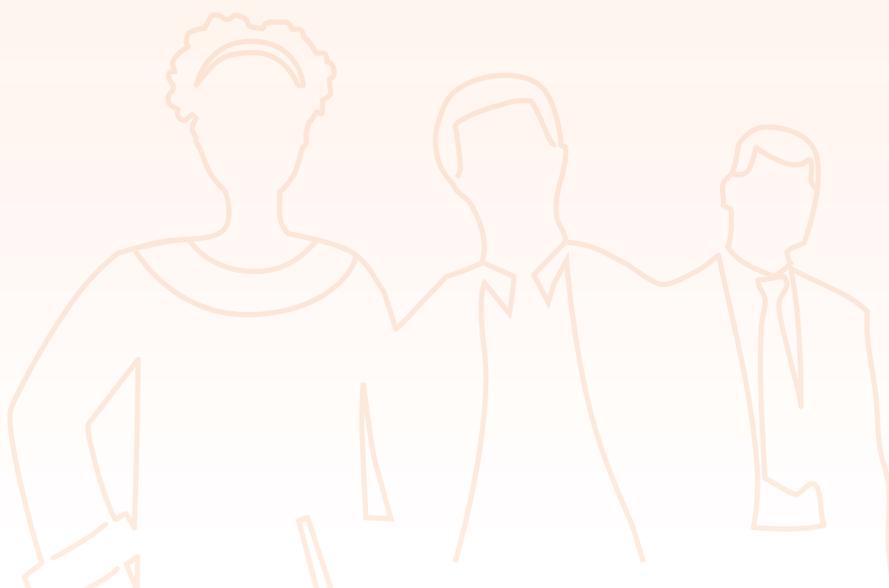
Sources and further reading

- ▶ ILO. 2009. *Gender equality at the heart of decent work*, Report VI, International Labour Conference, 98th Session, Geneva, 2009.
- ▶ ILO. 2009. *Social Dialogue at work: Voices and choices for women and men*, Bureau for Gender Equality (Geneva).
- ▶ ILO. 2012. *Gender Equality and Social Dialogue: An Annotated Bibliography*, Social Dialogue Sector (Geneva).
- ▶ Breneman-Pennas, T.; Rueda Catry, M. 2008. *Women's participation in social dialogue institutions at the national level*, Social Dialogue, Labour Law and Labour Administration Branch, Paper No. 16, DIALOGUE (Geneva, ILO).
- ▶ Briskin, L.; Muller, A. 2011. *Promoting gender equality through social dialogue: Global trends and persistent obstacles*, DIALOGUE (Geneva, ILO).

SECTION VIII

Social dialogue and fundamental rights at work

Social dialogue and tripartism are critical avenues for the promotion of the effective realization of FPRW at the work place. Where jobs are available, social protection in place and social dialogue a reality, the prospects for the exercise of FPRW are much stronger. The promotion of FPRW is an underpinning factor of successful social dialogue. In turn, participation and consultation of employers' and workers' organizations in standard-setting, as well as in supervisory processes and in activities aiming at improving the application of standards are keys for the realization of FPRW in all regions of the world.



Fundamental principles and rights at work (FPRW) are derived from the ILO Constitution and enshrined in eight fundamental conventions of the Organization: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); the Minimum Age Convention, 1973 (No. 138); the Worst Forms of Child Labour Convention, 1999 (No. 182); the Equal Remuneration Convention, 1951 (No. 100); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The ILO Declaration of 1998 on Fundamental Principles and Rights at Work (FPRW) and its follow-up recalls that member States have an obligation to respect and promote FPRW even if they have not ratified the relevant Conventions. A further recognition of the importance of these principles and rights was made in the Global Jobs Pact, which emphasizes that “respecting fundamental principles and rights at work, promoting gender equality and encouraging voice, participation and social dialogue are critical to recovery and development”. Further, promoting social dialogue and guaranteeing rights at work constitute two of the ILO’s four strategic objectives which underpin the Decent Work Agenda.

Social dialogue and tripartism are critical avenues for the promotion of the effective realization of FPRW at the work place. Where jobs are available, social protection in place and social dialogue a reality, the prospects for the exercise of FPRW are much stronger. The promotion of FPRW is an underpinning factor of successful social dialogue. In turn, participation and consultation of employers’ and workers’ organizations in standard-setting, as well as in supervisory processes and in activities aiming at improving the application of standards are keys for the realization of FPRW in all regions of the world.

Freedom of association – Freedom of association and the effective recognition of the right of collective bargaining are central preconditions for social dialogue and progress on the decent work agenda. They are vital in enabling employers and workers to establish and join organizations of their own choosing and act as independent and legitimate actors on the social dialogue scene alongside government. The existence

of meaningful social dialogue between independent parties makes a crucial contribution to the elaboration of sound economic and social policies, including those on employment and social protection that take on board the interests and needs of all actors in the economy (see Chapter III in Part I of the guide).



Social dialogue and workers' rights in Sri Lankan export processing zones

In 2009, the ILO launched a technical cooperation project on promoting fundamental principles and rights at work in Sri Lanka. The project has helped tripartite constituents to make significant progress towards greater labour law compliance in export processing zones (EPZs).

As a first step, the project trained 4,200 EPZ managers and workers on fundamental rights at work and supported the employers' organization in establishing a Human Resources Network that reached 400 members in less than a year. With the project's technical assistance, tripartite constituents also adopted a series of legal and practical measures for the exercise and respect of fundamental rights at work, including freedom of association rights. This led to the establishment of trade unions' facilitation centres in EPZs where workers and their representatives can meet and conduct their activities.

The centres are located in Sri Lanka's three larger zones, where 61 per cent of the workforce, largely composed of young women, is concentrated. A tripartite agreement was reached to increase fines for unfair labour practices and the Ministry of Labour issued a circular to improve the implementation of the law on holding referendums. The project has also supported the Ministry in its efforts to strengthen its labour inspection and enforcement services.

Source: ILO. 2013. Recurrent discussion on social dialogue under the ILO Declaration on Social Justice for a Fair Globalization, International Labour Conference, 102nd Session, Geneva, 2013, para. 331.

Fight against discrimination – Social dialogue and tripartism are tools with high potential for the fight against all forms of discrimination in employment and occupation. Through their involvement in the formulation of employment and social policies, the social partners can help find ways so that everyone – regardless of sex, race, nationality or disability, among other grounds – enjoys equality of opportunity to succeed in the workplace.

In particular, closing the pay gap in the world of work needs active labour policies conducted by governments, action by the social partners and the recognition that the gender pay gap exists in various dimensions. However, in many countries, institutional mechanisms, including tripartite social dialogue processes, still need to be established or strengthened to allow progress in the areas of equal opportunity and treatment. Promoting women in decision-making positions and diversity in the structures of workers' and employers' organizations and in social dialogue institutions help to advance the objective of equality.

Abolition of forced labour – Forced labour is a global problem, affecting many countries of the world. Most forced labour is still found in developing countries, often in the informal economy and in isolated regions with poor infrastructure and weak labour inspection and law enforcement. Eradicating forced labour poses a range of questions, which require different responses. Solutions can only be found through integrated policies and programmes, mixing law enforcement with proactive measures of prevention and protection, and empowering those at risk of forced labour to defend their own rights.

Social dialogue and tripartite consultations can bring about tangible and long-lasting results in these areas, as demonstrated by the experiences of many countries. Tripartite involvement can generate the necessary consensus on the means to prevent and remedy modern forms of forced labour. The challenge is to find the appropriate means, through national action plans or other implementation mechanisms, to bring the tripartite groups together, examine the underlying reasons for coercive labour practices, and review the need for rules and regulations together with appropriate monitoring mechanisms.

Initiatives to promote dialogue in these areas are also taken at the more global level. For example, in November 2008, the Union Network International global union and the International Confederation of Private Employment Agencies corporate members launched a global social dialogue to achieve fair conditions for the temporary work agency industry, inter alia to prevent unfair competition by fraudulent agencies and fight human trafficking. Both parties expressed support for the establishment of an appropriate regulatory framework for the industry.

More and more, in addressing the complex issues of forced labour, the ILO's tripartite constituents need to combine their efforts.



Peru – Permanent tripartite institution against forced labour

A 2004 study by the ILO and the Peruvian Ministry of Labour and Employment confirmed the existence of forced labour in illegal logging in the tropical Amazon region. It estimated there were approximately 33,000 victims, mostly indigenous peoples. Shortly thereafter, with the support of the ILO, the government initiated the drafting of a national action plan to combat forced labour, through a process led by the Ministry of Labour and Employment and involving the participation of a broad range of public sector and civil society institutions and experts.

In January 2007, a permanent Tripartite National Commission against Forced Labour was created, to coordinate policies and actions at national and regional levels. The National Plan to Combat Forced Labour was officially launched by President García on 1 May 2007.

Achievements of the national efforts include the creation of a division against human trafficking in the National Police, the inclusion of forced labour issues in the curriculum of the Ministry of Education, the introduction of severe sanctions for illegal logging, the elaboration of a communications strategy on forced labour, and extensive training of public servants and other key stakeholders.

With ILO support, the National Commission against Forced Labour approved the National Plan 2013–2017, in which they have paid more attention to the following sectors: wood exploitation in the Amazon, informal mining and domestic work.

Source: ILO. 2009. The cost of coercion, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report of the Director-General, International Labour Conference, 98th Session, Geneva, 2009, para. 189.

Fight against child labour – The primary obligation to eliminate child labour lies with member States and, since its creation, the ILO's International Programme on the Elimination of Child Labour (IPEC) has focused on building tripartite national ownership and sustainability. Employers' and workers' organizations have been the historic pioneers

in promoting international labour standards, including those on the prohibition and elimination of child labour. However, for social dialogue to contribute to the elimination of child labour, not just through policy development but also through workplace action and collective bargaining, the State can and should encourage constructive bipartite relations between employers and trade unions.²³

The government is responsible for creating a stable political and civil climate – and a legal framework – which enables autonomous employers’ and workers’ organizations to operate freely, without interference or fear of reprisal. Moreover, the government should organize tripartite consultations to contribute to the sustainable and long-term elimination of child labour worldwide – in particular on national action plans on child labour and on the national determination of hazardous forms of work to be prohibited for children under 18 years. The integration of social dialogue and of a stronger understanding of labour relations into its policies and activities on child labour constitute one of the major goals of the ILO.

To pursue that aim, a multi-pronged approach – global, national, sectoral and local – is required to support the social partners. At the national level, governments and national trade union and employers’ confederations engage in national tripartite policy dialogue, and may require support for the establishment and functioning of national steering committees on child labour, in the development of bipartite declarations of the social partners and, where appropriate, for their local structures. IPEC has supported the establishment of national action plans (NAPs) in 64 countries, of child labour units in ministries of labour and, in cooperation with ACTRAV and ACT/EMP, of tripartite national steering committees. It has trained 217 child labour focal points in national trade union centres, including in almost all centres in the Americas and Asia (*June 2013*).

The introduction in 2001 of the Time-Bound Programme (TBP) approach, as called for in ILO Convention No. 182, gave the principle of national ownership even greater prominence. TBPs made clear that comprehensive action against child labour required multiple policy

²³ See ILO Convention No. 98, Art 4.

and programme interventions and the mainstreaming of child labour concerns into member States' development priorities at the macro-level of socio-economic policy development. This has required supporting the strengthening of institutional capacities and tripartite national ownership to integrate and mainstream child labour concerns into ministerial agendas beyond only labour ministries, including ministries of planning, education, health, and social welfare and into relevant programmes and budgets.

The 2006 ILO Global Action Plan on the elimination of child labour required an explicit political commitment to design and put in place by 2008 appropriate time-bound measures to eliminate the worst forms of child labour. In some cases, tripartite partners have driven the NAP process, for example in Benin and Senegal during 2012; and in Burkina Faso, key actors pushed for the adoption of the NAP after the IPEC projects ended. The 2010 Global Action Plan, incorporating the Roadmap adopted at The Hague Global Child Labour Conference, put increasing emphasis on linking NAPs to public policy responses that address the root causes of child labour (including education, social protection, youth employment and efforts to promote decent work for adults).



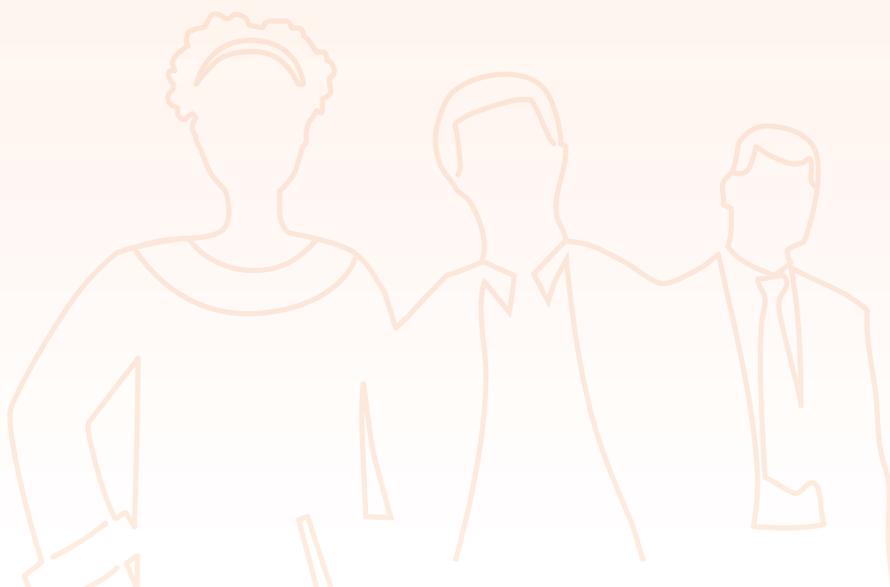
Sources and further reading

- ▶ ILO. 2009. *The cost of coercion, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Report of the Director-General, International Labour Conference, 98th Session, Geneva, 2009.
- ▶ ILO. 2012. *Fundamental principles and rights at work: From commitment to action*, Recurrent discussion under the ILO Declaration on Social Justice for a Fair Globalization and the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, International Labour Conference, 101st Session, Geneva, 2012.
- ▶ ILO DECLARATION website: <http://www.ilo.org/declaration>.
- ▶ ILO IPEC website: <http://www.ilo.org/ipec>.
- ▶ ILO STANDARDS Department: <http://www.ilo.org/global/standards>.

SECTION IX

Social dialogue and the transition to a green economy

Close cooperation and dialogue between government and the social partners is central to the success of the transition to a green economy. Effective social dialogue is necessary to ensure that environmental and employment policies and development strategies are coherent and sustainable.



Climate change and the deterioration of natural resources are among the greatest global challenges of the 21st century. To overcome the threats climate change imposes on societies and economies, a shift to a sustainable, low-carbon, resource-efficient economy is crucial.

The transition to a greener economy entails fundamental changes in production and consumption patterns at all levels, which will lead to the creation, destruction and reallocation of jobs. The notion of a “**just transition**”, which has increasingly been used in the debate on climate change, is based on the idea that the transition to a greener, low-carbon economy has to be **inclusive** and that the unavoidable employment and social costs are shared by all.

Close cooperation and dialogue between government and the social partners is central to the success of the transition to a green economy. Social dialogue is key to shaping effective measures to mitigate the impact of climate change and create sustainable jobs and enterprises. It is a valid instrument in the analysis of the effects on competitiveness, employment and social cohesion in climate change policies. Effective social dialogue is necessary to ensure that environmental and employment policies and development strategies are coherent and sustainable.



India – Multistakeholder Taskforce on Climate Change and Green Jobs

Level: National

Actors: Government, workers, employers and various interests

Process: Formal

The Multistakeholder Taskforce on Climate Change and Green Jobs in India was established in 2009 under the leadership of the Ministry of Labour and Employment, with support from the ILO.

The taskforce aims to bring together representatives from various government departments, workers' and employers' organizations, research institutes and other civil society groups to address the employment and labour market dimensions of environmental policies and strategies. The taskforce seeks to promote awareness on green jobs and dialogue among a range of different institutions, thus fostering broad-based support for a just transition to a more sustainable economy while offering assistance towards improving inter-agency and inter-ministry coordination and policy coherence.



South Africa – National Committee for Climate Change (NCCC)

Level: National

Actors: Government, workers, employers and various interests

Process: Formal

The NCCC, established in 1994, advises the government on climate change issues. In 2011, the Green Economy Accord was signed by the government, the social partners and other stakeholders, initiating a “green partnership” that is committed to building and expanding the green economy. The Accord is one of the most comprehensive social partnerships on “green” economy development in the world, aiming to create 300,000 jobs within the next ten years. It contains commitments by each party, as well as a monitoring and evaluation mechanism to ensure that the objectives of the Accord are met.

Sources:

- ♦ ILO. 2011. *Green Jobs Programme for Asia and the Pacific*, Background Brief No. 1 - August 2011 (Regional Office for Asia and the Pacific).
- ♦ ILO. 2012. *Social dialogue for sustainable development: A review of national and regional experiences* (Geneva).
- ♦ ILO. 2012. *Working towards sustainable development: Opportunities for decent work and social inclusion in a green economy* (Geneva).

Economic and social councils (ESCs) and similar institutions can play an important role in the debate on greening the economy. ESCs bring together representatives of government, workers, employers and other stakeholders to evaluate and exchange ideas on social and economic public policies, which include employment and environmental issues. In view of their mandate and core tasks, ESCs can ensure that their policy recommendations include the social partners’ initiatives and measures on environmental policies, sustainable development and access to decent work.



France – Economic, Social and *Environmental* Council (ESEC)

Level: National

Actors: Workers, employers and various interests

Process: Formal

The Economic, Social and Environmental Council (ESEC) considers that energy transition must be a response to the current climatic, ecological, economic and social challenges. It will require proactive engagement in order to achieve a low-carbon, energy-efficient society, which only a strong political will can create.

The ESEC has given its recommendations on energy transition and efficiency in two reports:

- The energy transition: 2020-50 – a future to build, a path to pave;
- Energy efficiency: a pool of savings, a priority goal.

The recommendations of the ESEC for the energy transition (2020–50) are based on the following points:

- Energy transition supporting social and economic performance;
- Redefinition of the energy mix;
- Mobilization of stakeholders and methods to meet the climate challenge;
- Development of a roadmap for promotion and development of innovation.

The goals in energy efficiency entail:

- At the community level, that the objective of 20 per cent energy savings for the 2020 goal becomes binding;
- At the national level, that public policies for energy efficiency are part of a long-term vision, based on the achievements of the Grenelle Environment Forum and avoid sending out wrong signals which might adversely affect progress.

The ESEC proposals on energy efficiency are built on the following themes:

- Residential and service-sector buildings;
- Fuel poverty;
- Industry and agriculture;
- The particular situation of the overseas departments.

Source: <http://www.lecese.fr>. *tunities for decent work and social inclusion in a green economy* (Geneva).



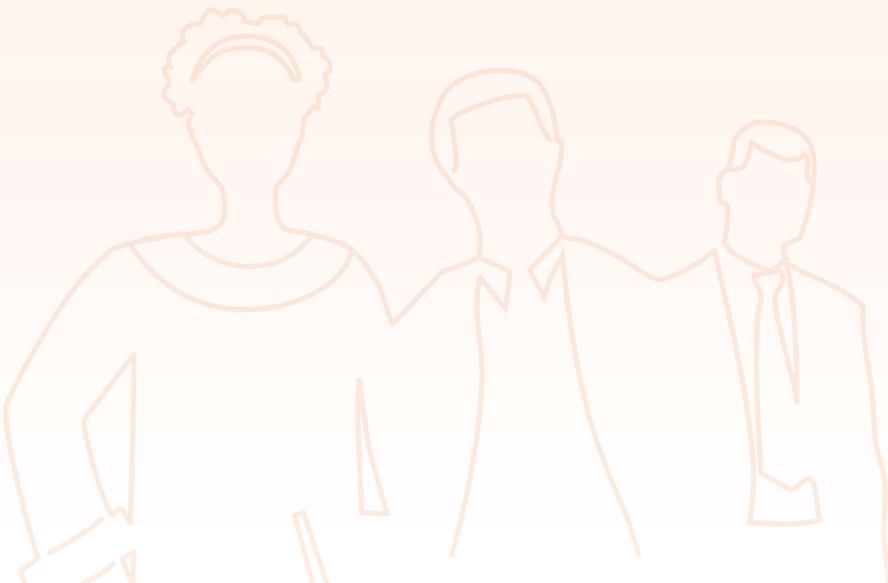
Sources and further reading

- ▶ ILO. Green Jobs Programme (Geneva).
- ▶ ILO. 2010. “Climate change and labour: The need for a ‘just transition’”, in *International Journal of Labour Research*. Vol. 2, No. 2. (Geneva).
- ▶ ILO. 2012. *Social dialogue for sustainable development: A review of national and regional experiences* (Geneva).
- ▶ ILO/OECD. 2012. *Sustainable development, green growth and quality employment: Realizing the potential for mutually reinforcing policies*, Background paper for the Meeting of G20 Labour and Employment Ministers, Guadalajara, 17–18 May 2012.
- ▶ Olsen, L. 2009. *The Employment Effects of Climate Change and Climate Change Responses: A Role for International Labour Standards?* Global Union Research Network, Discussion Paper No. 12 (Geneva, ILO).

SECTION X

Social dialogue and labour law

Social dialogue is an effective instrument for promoting labour laws, which at the same time ensure constructive labour relations, guarantee decent working conditions for workers, and provide sufficient predictability and clarity for employers to plan and manage their operations. ILO experience shows that labour law reforms that have been crafted through an effective process of tripartite consultation prove more sustainable, since they take into consideration the complex set of interests at play in the labour market.



Among all the topics addressed in the world of work, none perhaps can reflect the principles of tripartism and social dialogue better than labour law. Labour law is about the protection of workers' rights at the work place, the regulation of the employment relationship, and the creation of an enabling environment for job creation, harmonious labour relations and sustainable enterprise. As such, it is at the heart of the concerns of the actors in the labour market and the government.

Social dialogue is an effective instrument for promoting labour laws, which at the same time ensure constructive labour relations, guarantee decent working conditions for workers, and provide sufficient predictability and clarity for employers to plan and manage their operations.

In a context of ongoing globalization and persistent economic and jobs crisis, numerous countries around the globe have been engaged in a process of labour law reform. In many cases, reforms are undertaken to restore competitiveness, boost economic growth and attract (foreign) investment. In other cases, reforms are aimed at strengthening the legal framework for social dialogue and enhancing respect for freedom of association rights. In yet other cases, both objectives are targeted.²⁴ Whatever the objective of the reform is, social dialogue is needed as it helps to ensure balanced labour law reforms that take into consideration the needs of workers for protection and security and those of enterprises for flexibility.

The Office has a constitutional mandate to assist member States in framing their labour legislation.²⁵ In doing so, the Office seeks to promote the involvement of the social partners throughout the entire process of labour law reform. This reflects the centrality the ILO attaches to the principles of social dialogue and tripartism. Also, it is in line with the stipulations of the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), which encourages public authorities to “... seek the views, advice and assistance of employers' and workers' organisations in an appropriate manner, in respect of such matters as – (i) the preparation and implementation of laws and regulations affecting their interests”.

²⁴ ILO. 2013. *Recurrent discussion on the strategic objective of social dialogue under the ILO Declaration on Social Justice for a Fair Globalization*, Report VI, International Labour Conference, 102nd Session, Geneva, 2013.

²⁵ Art. 10, para. 2 (b) of the ILO Constitution.

ILO experience shows that labour law reforms that have been crafted through an effective process of tripartite consultation involving the organizations of workers and employers, as real actors of the labour market, alongside relevant government agencies prove more sustainable, since they take into consideration the complex set of interests at play in the labour market. Also, they can ensure a balance between the requirements of economic development and the social needs. Conversely, labour law reforms imposed without effective consultations not only often meet with resistance on the part of the labour market actors, but also, more importantly, will lack legitimacy and support and thus will face problems at the implementation stage.

The development of a sound legal framework requires broad-based dialogue that guarantees support and ownership as well as effective enforcement of the legislative provisions. In this respect, it is important that the consultation of social partners starts early in the process and takes place at every step of labour law development. Consultations can take place through central bodies, specialized committees or ad hoc procedures, or a combination of all these channels. It can also take place in a more informal way.

Whatever the channel chosen for consultation is, ILO experience shows that a key prerequisite for an effective social dialogue process is the social partners' technical expertise on labour law-related matters. In this respect, a priority for the ILO and many member States is to build and reinforce the capacity and technical expertise of the social partners in the field of labour law, to enable them to play an effective role in the process of development and reform of the labour legislation. This includes in particular the involvement of social partners in training workshops and in consultations organized by the Office on labour law both at the country level and in ITC Turin. The support of the ILO is also channelled through the production and dissemination of policy briefs, manuals, guides and other policy documents produced by the Office.

The following example shows the involvement of tripartite social dialogue in the design and implementation of labour law reforms.



Labour law reform through social dialogue in France

In September 2012, soon after the Presidential and Parliamentary elections, the French government called for labour market reform through social dialogue to stop the rise in unemployment and restore the competitiveness of enterprises.

After four months of intense negotiations, on 11 January 2013, the social partners reached a compromise and signed a national interprofessional agreement “for a new economic and social model promoting competitiveness and employment security”.

This agreement was signed by three representative trade unions [the French Democratic Federation of Labour (CFDT), the French Christian Workers’ Confederation (CFTC) and the French Confederation of Professional and Managerial Staff – General Confederation of Professional and Managerial Staff (CFE-CGC)], and by three employer organizations (the Movement of the Enterprises of France (MEDEF), the General Confederation of Small and Medium-sized Enterprises (CGPME) and the federation representing self-employed craft workers, the Craftwork Employers’ Association (UPA). The two other representative unions [the General Confederation of Labour (CGT) and the General Confederation of Labour-Force Ouvrière (CGT-FO)], however, opposed the content of the accord and refused to sign the agreement.

The agreement attempts to strike a balance between more flexibility for employers and additional rights for employees with a view to securing employment and workers’ transition between jobs. The proposed measures to grant additional rights to workers and better secure employment include:

- ▶ Extension of complementary health schemes for workers;
- ▶ New rights regarding unemployment benefits;
- ▶ Disincentives for temporary contracts of short duration;
- ▶ Easier access to professional training through the creation of individual training accounts.

Simultaneously, the agreement introduces flexibility for enterprises, in particular through the following measures:

- ▶ Possible derogations to working time and remuneration norms to safeguard job positions through company-level collective agreements;
- ▶ New procedure to implement collective redundancies;
- ▶ Reinforcement and facilitation of employee mobility when restructuring;
- ▶ Rationalization of legal disputes.

Although the government did not take part in the negotiation, it acted as a driving force in inviting the parties to the negotiation table, issuing a guidance document and setting a time frame for reaching an agreement.

The government welcomed the agreement, considered a social dialogue success, and committed to converting it into labour code without changing its content. As a result, on 14 June 2013, France's law for labour market reform (referred to as the law for the security of employment or "Loi de Sécurisation de l'Emploi") was enacted.



Further reading

- ▶ ILO. 2012. *Services by Employers' Organizations – A global overview of services in the field of labour law* (ACT/EMP No. 62) (Geneva, ILO).

NEXT STEPS

This guide has tried to explain what national tripartite social dialogue is; when it can be beneficial; who should take part in the dialogue; and some of the variety of practical questions that must be addressed in setting up or renewing NTSD institutions.

For those ILO constituents who now wish to proceed, the next steps could include:

1. *Arrange consultation between the government and social partners;*
2. *Seek advice from industrial relations and labour law specialists;*
3. *Obtain information about the functioning of existing tripartite institutions;*
4. *Establish a tripartite process to decide on the legal basis, role, membership, mandate and other institutional arrangements;*
5. *Seek help from the ILO if you need it.*

APPENDIX

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APPENDIX I

Creation of a tripartite institution: Proposed rules of procedure



Source:

Lecuyer, N. 2003. *Guide for Secretariats of National Tripartite Consultation Bodies in English-speaking African Countries* (R. Pritzer ed.), InFocus Programme on Social Dialogue, Labour Law and Labour Administration, African Regional Labour Administration Centre (Harare, ILO).



example

DRAFT FOUNDING INSTRUMENT - EXAMPLE

Creation of the Board

1. A tripartite body is established to be known as the ... (e.g. Labour Advisory Board, or similar), referred to in this law as the “Board”.

Role and mandate

2. The Board shall act as an independent consultative body. Its role is to give advice to the Government, through the Ministry of Labour, on the matters outlined in the sections below.
3. The mandate of the Board shall comprise the following tasks:
 - a. to consider and advise upon any proposed legislation affecting labour, employment, industrial relations or working conditions, before it is introduced in parliament;
 - b. to consider and advise on any policy measures that fall within the ambit of the Ministry of Labour;
 - c. to advise the Minister on any other matters connected with the employment of workers, industrial relations or organizations of employers or workers as is referred to them by the Minister;
 - d. to consider and advise on the ratification and implementation in the country of any relevant international labour standards, including Conventions and Recommendations of the International Labour Organization;

- e. to consider and advise on proposals or matters to be discussed at the International Labour Conference of the International Labour Organization, matters which may be raised in reports to be made to the International Labour Office, or issues addressed by other tripartite regional or international conferences.
4. The Board may also, on its own initiative, undertake studies on socio-economic issues, discuss the formulation and implementation of national policy related to labour, economic and social affairs, and report to the Minister of Labour and other relevant ministers upon such discussion.

Composition

5. The Board shall consist of:
- a. the Minister of Labour or a person designated by him or her, who shall be the chairperson of the Board;
 - b. x members nominated by the Ministry of Labour, the Ministry of Finance, the Ministry of Trade and Development, the Ministry of Justice, the Ministry of Agriculture, etc.;
 - c. x members nominated by the most representative organizations of employers;
 - d. x members nominated by the most representative organizations of workers.

(Note: The representatives of workers' and employers' organizations shall be equal in number.)

6. In nominating the representatives, care should be taken to have an appropriate percentage of female members on the Board.
7. The Board shall have a workers' vice-chairperson and an employers' vice-chairperson nominated respectively from among the workers' members and the employers' members of the Board.
8. Each member of the Board shall have an alternate member, who shall, in the absence of the regular member, replace the regular

member and have the same rights and functions as the regular member.

9. The members and alternate members shall be appointed by the Minister of Labour and their names and terms of office published in the Gazette.

Term of office

10. Members appointed shall serve for a term of three years. They shall remain in office until they resign or are either reappointed or replaced. Any vacancy arising in the course of the member's term in office shall be filled in accordance with the procedures prescribed for such appointment.

Advisors, experts

11. The chairperson may, after consultation with the Board, invite experts and advisors to a Board meeting to give their expert views and opinions on specific matters. Such experts shall not be entitled to vote.

Meetings and agenda

12. The Board shall meet regularly and at least once every three months. It may meet in an extraordinary session upon a request submitted to the chairperson by half of the members of the Board.
13. The secretary shall convene the meetings of the Board at the request of the chairperson or one of the vice-chairpersons. The members of the Board shall be notified at least 15 days in advance of the meeting.
14. The agenda of the meeting shall be prepared by the secretary following consultations with the chairperson and the vice-chairpersons.

Quorum

15. The quorum shall consist of x members, of which there should be an equal number of employers' and workers' members. If these conditions are not met, the meeting shall be postponed by at least x calendar days.

Decision-making

16. The Board's decisions shall normally be taken on the basis of consensus. Where this is not possible, decisions shall be taken by a simple majority of the members present and voting.

Committees

17. The Board may, as it considers appropriate, establish specialized committees as standing committees or ad hoc committees. These committees shall comprise an equal number of members representing employers' and workers' interests. The opinions and decisions of such committees shall be presented to the Board for final decision.

Secretariat

18. The Board shall have a permanent secretariat responsible for preparing the meetings (date and venue, agenda) of the Board and its committees, organizing them, drafting the minutes and other records of decisions taken and undertaking follow up, managing the secretariat itself, running the documentation and filing services, and for furnishing information about this tripartite body and ensuring a certain relationship among the members of the Board.
19. The permanent secretariat shall be headed by a secretary appointed by the Minister from among senior labour administration officers. The secretary shall assist the chairperson in his/her duties, but shall not have voting rights. Subject to the laws governing the public service, the Government shall provide the Board with a sufficient number of staff for the performance the Board's mandate.

Executive office

20. The Board may establish an executive office which shall consist of the chairperson, the vice-chairpersons and the secretary.
21. The role of the executive office is:
- a. to prepare the yearly programme of work for approval of the Board;

- b. to monitor the implementation of the Board's yearly programme of work, including the financial and staffing resources;
- c. to act in urgent cases and report in writing on such actions to the Board as a whole.

Spokesperson

22. The Board may consider appointing an official spokesperson.

Rules of procedure

23. The Board shall regulate its proceedings in such a manner as it sees fit.

Training

24. Arrangements shall be made between the public service and the representative employers' and workers' organizations to secure the necessary training for members of the Board, as well as for the secretariat.

Budget and finances

25. The operating costs of the Board and its secretariat shall be borne by the Government.

26. The members of the Board and advisors and experts may be paid such fees and allowances as may be determined by the Minister from time to time, with the concurrence of the Minister of Finance.

Annual report

27. The Board shall, not later than three months after the end of the financial year, furnish to the government, including the office of the president and the parliament, the annual report and audited accounts of the Board.

Commencement

28. This Act shall come into operation on a date to be fixed by Proclamation.

APPENDIX II

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Preamble

- The General Conference of the International Labour Organisation,
- Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2 June 1976, and
- Recalling the terms of existing international labour Conventions and Recommendations – in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960--which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organisations on measures to give effect thereto, and
- Having considered the fourth item on the agenda of the session which is entitled "Establishment of tripartite machinery to promote the implementation of international labour standards", and having decided upon the adoption of certain proposals concerning tripartite consultation to promote the implementation of international labour standards, and
- Having determined that these proposals shall take the form of an international Convention,
- adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Tripartite Consultation (International Labour Standards) Convention, 1976:

Article 1

In this Convention the term **representative organisations** means the most representative organisations of employers and workers enjoying the right of freedom of association.

Article 2

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organisation set out in Article 5, paragraph 1, below, between representatives of the government, of employers and of workers.

2. The nature and form of the procedures provided for in paragraph 1 of this Article shall be determined in each country in accordance with national practice, after consultation with the representative organisations, where such organisations exist and such procedures have not yet been established.

Article 3

1. The representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organisations, where such organisations exist.

2. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.

Article 4

1. The competent authority shall assume responsibility for the administrative support of the procedures provided for in this Convention.

2. Appropriate arrangements shall be made between the competent authority and the representative organisations, where such organisations exist, for the financing of any necessary training of participants in these procedures.

Article 5

1. The purpose of the procedures provided for in this Convention shall be consultations on--

(a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;

(b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;

(c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;

(d) questions arising out of reports to be made to the International Labour Office under Article 22 of the Constitution of the International Labour Organisation;

(e) proposals for the denunciation of ratified Conventions.

2. In order to ensure adequate consideration of the matters referred to in paragraph 1 of this Article, consultation shall be undertaken at appropriate intervals fixed by agreement, but at least once a year.

Article 6

When this is considered appropriate after consultation with the representative organisations, where such organisations exist, the competent authority shall issue an annual report on the working of the procedures provided for in this Convention.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.



Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.

**Social Dialogue and Tripartism Unit
Governance and Tripartism Department
International Labour Office**

4, route des Morillons,
CH-1211 Geneva 22 Switzerland

Email: Dialogue@ilo.org
Tel: + 41 22 799 7032

