INTERNATIONAL LABOUR OFFICE

GB.292/TC/6
292nd Session

Governing Body

Geneva, March 2005

Committee on Technical Cooperation

TC

SIXTH ITEM ON THE AGENDA

Office-wide implementation of the resolution concerning tripartism and social dialogue

1. At its November 2004 session, the Committee on Technical Cooperation of the Governing Body asked for a report on the Office-wide follow-up to the resolution concerning tripartism and social dialogue. Among the issues of particular interest were the extent to which various units at headquarters and in the field contributed to the follow-up, involved the social partners in priority setting and implementation of their workplans, cooperated with ACT/EMP and ACTRAV both at headquarters and at national level, and addressed the social partners' capacity-building needs.

2. This paper is a rapid stocktaking by the Office of its efforts to strengthen tripartism and social dialogue in its own work methods and throughout the Organization. It is based on responses to a questionnaire prepared by the Social Dialogue Sector immediately following the November 2004 request by the Committee. The picture that emerges is one of considerable effort to ensure the involvement of the social partners as an integral part of the Office's technical work, a widespread recognition that opportunities exist to improve performance, and an awareness of the constraints and obstacles that make the full realization of this goal difficult.

The strategic role of tripartism

3. The strategic role of governments and employers' and workers' organizations in defining priorities is evident at the highest levels of decision-making. The Office as a whole is guided in its work by the policy direction set by the tripartite constituents in the Governing Body and at the International Labour Conference. Indeed, a significant number of priorities are mandated by the standards, conclusions and resolutions adopted by the Conference, the outcomes of Regional Meetings, the decisions adopted by the Governing Body, and the conclusions adopted by Meetings of Experts. The tripartite constituents are seen to be the principal decision-makers in terms of the policy and overall direction of the Organization and social dialogue is seen as a delivery mechanism to achieve strategic objectives. Obviously, ACT/EMP and ACTRAV have unique roles to play to ensure coherence between the priorities of the Workers' and Employers' groups and the work programme of the technical units in the Office. All of these priorities need to be managed within the resource constraints faced by the Office.

4. In implementing mandated work and defining other work priorities, the involvement of governments and employers' and workers' organizations takes various forms. Many units affirmed that consulting the social partners was a standard procedure in the design and implementation of work priorities, especially in planning technical cooperation projects and developing training materials. Information exchanges with ministries of labour and employers' and workers' organizations provided opportunities for the Office to identify emerging technical issues based on the needs and concerns of tripartite constituents and were instrumental in developing databases on comparative legislation, policies and best practice.

5. Technical cooperation projects were cited by a number of units as offering opportunities for the close involvement of the tripartite constituents in every phase of design and implementation. Strengthening the role of employers' and workers' organizations in implementing policies and strategies was often a distinct project objective. Many projects had tripartite advisory boards or committees to oversee and guide the work.

6. Field offices, which have the most direct contact with national constituents, offered many examples of how the involvement of the social partners in deliberations on issues of national and regional concern had been instrumental in achieving positive outcomes. The Regional Office for Africa, for example, noted that social dialogue and tripartism had contributed to developing consensus on inputs into PRSPs, labour law reforms and other national development programmes. Employers' and workers' organizations played a key role in the process leading up to the Extraordinary Summit on Employment and Poverty Alleviation in Africa (Ouagadougou, September 2004). The Summit was preceded by a Social Partners Forum, whose conclusions were shared with the Heads of State and Government attending. These informed the action plan and the role of the social partners for the follow-up. Social dialogue also played a critical role in building and strengthening participatory mechanisms to achieve conflict resolution, social equity and effective policy implementation at the national and regional levels in Africa.

7. The Americas region relied on the conclusions reached by the 35 tripartite delegations to its Fifteenth American Regional Meeting to define ILO priorities for the 2004-05 and 2006-07 biennia. Social dialogue represents a major element in this regional programme, particularly as it contributes to defining integrated economic and social policies for the generation of decent work. A follow-up mechanism was established, including a requirement that the Office report on its implementation of these conclusions.

8. ILO Dhaka found the contribution of grassroots social partners to be catalytic at the national level, where workers' and employers' organizations acted as agents of change in industries where the worst forms of child labour were a critical social and labour issue. Awareness raising among these organizations regarding the negative consequences of child labour and the trafficking of women and children had contributed to the prevention, reduction and in some cases elimination of these practices in a number of rural and semi-urban industries.

9. ILO Colombo has encouraged collaborative action by the social partners on a variety of technical topics such as the end of the quota system in the textile sector, the development of a code on sexual harassment, the incorporation of the code of practice on HIV/AIDS at workplaces and the development of guidelines on social dialogue at workplaces. Tripartite and bipartite task forces have offered a forum for constituents to address issues in a more transparent and accountable manner and have had a positive impact on programme operation and efficiency.

10. Examples were also provided by headquarters units of success in addressing complex technical issues through social dialogue and tripartism in countries where the ILO does not

have a field office. The Decent Work Pilot Programme (DWPP) in the textile and garment sector in Morocco was cited as a good example of positive results achieved through tripartism and social dialogue. The textile sector in Morocco had been characterized by particularly tense and antagonistic industrial relations and the DWPP steering committee offered a forum for the general and sectoral employers' organizations, the main trade union confederations and the Government to practice social dialogue that had hitherto been lacking. The dialogue that developed between the social partners allowed for the joint identification of technical issues related to the preservation and promotion of employment in the sector and to the improvement of its terms and conditions.

11. Nonetheless, the obstacles to social dialogue and tripartism that exist at the national level are not negligible. Principal among them are legal barriers, lack of political will, weak institutional and organizational structures and limited technical capacity of the social partners. Lack of international recognition of any of the tripartite partners can also pose a constraint in addressing technical issues through social dialogue. Legal barriers are particularly evident in those countries that have not ratified or implemented the core labour standards, particularly Conventions Nos. 87 and 98. Obstacles to freedom of association are particularly faced by trade unions.

12. Lack of an appropriate legal framework and of mechanisms for the development of social dialogue makes the process of assistance in technical fields long and uneven. For example, a reasonably efficient collective bargaining mechanism or tripartite body is a prerequisite for sound and effective minimum wage fixing and determining other conditions of work and terms of employment. Legal frameworks and mechanisms need to be developed through a process of social dialogue to ensure that they meet local needs and offer a sense of ownership to users.

13. In some countries, constraints and obstacles appear to be inherent in the nature of the relationships between the government and social partners. Often, the government sets the agenda and makes decisions without engaging the social partners in discussion of economic and social policies. In some countries, the social partner organizations face considerable difficulties simply surviving in a difficult environment and have limited capacity to deal with complex technical questions or broad development issues, particularly if these do not correspond directly to their immediate priorities. These can be major impediments for their effective participation in policy dialogue.

14. Recent research on social dialogue and employment policy in ten European and Central Asian countries found that it was fairly common for the social partners to be involved, though in a somewhat formal manner, in the stage of policy formulation, but their engagement declined during implementation and they hardly participated in policy assessment. Improving this would require longer and more intensive capacity-building initiatives, which are not always feasible within the short timeframe of a biennium or the lifespan of a technical cooperation project.

15. Social dialogue institutions are weak in many countries due to lack of funding, frequent rotation of personnel in the Ministry of Labour, fragmentation of the trade union movement, or the small-scale and limited representativeness of employers' organizations. In some cases, relations among the government and the employers' or workers' organizations consist of two bipartite dialogues – rather than one tripartite relationship – with no bridges to link them. Relations between the social partners are at times constrained by mistrust, limited experience in consensus building, lack of commitment to implementing agreed positions or an unwillingness among the tripartite partners to collaborate unless the ILO serves as a facilitator.

16. Finally, political instability and the tension and uncertainty of post-crisis or post-war situations can seriously impede social dialogue processes.

17. Concern was expressed with regard to the "representational gap", which may arise when social partner organizations act in a hostile environment or lack the experience, expertise or membership profile to enable them to speak on behalf of employers and workers in particular sectors of activity or with regard to specific policy questions. Such a gap is evident, for example, as regards employers and workers in the informal economy, who are neither members of nor represented by formal employers' and workers' organizations. The low level of organization in the informal economy impedes work at the grassroots level and, even with the involvement of the government and the social partners, action may not reach the intended target groups.

18. In tripartite meetings, social dialogue can suffer when those nominated by their respective groups do not have expertise in the technical issue being discussed. In addition, the under-representation of women in the composition of meetings, tripartite bodies and the leadership of constituent organizations may undermine the full integration of the gender dimension in programmes, policies and other outcomes.

Capacity-building needs

19. The Office should recognize such deficiencies in the technical capacity and representativeness among the social partners as opportunities to strengthen these organizations. It should focus on building such capacity and expanding representation as a priority rather than seeking other partners for collaboration. For example, in many cases the social partners – often with support of the ILO through ACT/EMP and ACTRAV programmes – are engaging in efforts to extend representation to workers and employers in the informal economy. These efforts should continue to be supported and strengthened through close collaboration with technical departments. Underlying factors affecting the abilities of the social partners to build strong institutions capable of participating in social dialogue and representing the interests of their membership – such as violations of freedom of association and the right to bargain collectively – must be addressed.

20. Strengthening the capacity of the social partners is an integral part of the work programme of all sectors, both in terms of regular budget activities and technical cooperation. Capacity-building activities are often built into projects and in some cases ILO research projects are developed to serve specific capacity-building needs. ILOAIDS reported that social dialogue had led to good results in terms of stimulating and coordinating action on HIV/AIDS, but dealing with the issue of AIDS had also strengthened social dialogue and tripartism at the global, regional, sectoral and national levels.

21. Both headquarters and field offices are aware of the need for institutional structures to mainstream tripartism. National project steering committees, project advisory committees, the global and national tripartite steering committees set up to oversee work under the sectoral action programmes, project implementation task forces, decent work advisory bodies, tripartite national workshops and seminars were all cited as mechanisms or tools to ensure that tripartism and social dialogue are strengthened and mainstreamed in country activities. The interest of the social partners – and resultant effectiveness of their involvement – in these institutional advisory structures can be limited, particularly when dealing with subjects which are new for some partners (e.g., migration, informal economy, and child labour) or in which they lack first-hand experience. In such cases, capacity-building activities should be developed to demonstrate effective engagement in these areas. In many cases, lack of foreign language skills limits the abilities of the social partners to actively participate in ILO-sponsored meetings or to comment on ILO documents.

22. At the national level, the development of decent work country programmes and national plans of action for decent work needs to involve employers' and workers' organizations in planning, implementation and monitoring. While there has been strong participation in a number of cases, the organizational structure and administrative capacity of the social partners are not always strong enough to effectively monitor, supervise and implement such programmes. Technical support should be provided to strengthen the capacity of employers' and workers' organizations to function as effective implementing partners of ILO programmes and projects.

23. In recent years, the Turin Centre has developed three programmes that aim to strengthen social partner organizations and to promote social dialogue as a tool for social justice, governance and democratic decision-making. The programmes for employers' activities and for workers' activities train staff of employers' and workers' organizations to provide services to members and to function as social partners. The Social Dialogue Programme provides training on topics closely related to labour relations and labour administration. Since 2002, the strategy has been to concentrate employers' and workers' participation in training activities with a bi- or tripartite focus, rather than in general training.

Roles and responsibilities – Mutual support and integration throughout the Office

24. ACT/EMP and ACTRAV specialists play a pivotal role in mainstreaming tripartism and social dialogue into the technical work of the Organization. Much is expected of them in terms of supporting the technical units in their work with constituents in the field. In a number of SROs, the ACTRAV, ACT/EMP and social dialogue specialists work very closely together. Many technical units reported that they consult ACT/EMP and ACTRAV systematically with regard to their programmes, for example, through weekly meetings, by involving them on task forces, and during the planning phase of activities. Close collaboration between technical units and the two Bureaux is also frequent during the design of technical cooperation projects, particularly when the strengthening of the social partner organizations is specified as a project objective. However, employers' and workers' activities specialists need to be more involved throughout the operational stages of programmes.

25. Other units noted that members of the two Bureaux are not always available to engage in technical discussions or participate in planning of activities with other ILO staff, primarily due to lack of human and financial resources. ACT/EMP and ACTRAV field staff are usually active members of the support team for decent work pilot programmes, for example, but ensuring the appropriate capacity and availability of staff at the right time and over a long period has sometimes proven difficult.

26. An illustration of both the effort devoted to collaboration and the limitations encountered was offered by IPEC, which reported on how it sought to maintain regular contacts and communications with ACT/EMP and ACTRAV both at headquarters and in the field. The three units had established a joint coordinating committee, the main objective of which was to ensure the elaboration of tripartite activities and programmes. The three units also worked closely with each other in the field, where missions frequently included field visits to projects as well as discussions with the tripartite partners. IPEC expressed the desire to involve ACT/EMP and ACTRAV field staff more fully in its activities, particularly in stakeholder consultations and strategic discussions, but worker and employer specialists faced financial limitations in terms of mission travel and IPEC could not cover their expenses.

27. Mainstreaming of tripartism and social dialogue into technical work must be seen as a two-way process of support and integration. Efforts need to be reciprocal and systematic. Many technical units and field offices would welcome ACT/EMP and ACTRAV taking on a more proactive and constructive role in terms of advocacy, education and training programmes, and communication with national employers' and workers' organizations regarding technical issues. In some cases, this could mean motivating employers' and workers' organizations to develop capacity and take action in areas where they are less well represented, for example, the informal economy, rural activities and gender issues.

28. While ACT/EMP and ACTRAV cover a wide range of priority areas in their activities, some units expressed the desire for both to integrate technical issues into their own activities and to work more closely with technical specialists in terms of determining programme priorities, defining specific product needs, providing technical backstopping of project activities, building a national pool of technical experts in employers' and workers' organizations, and encouraging social partner organizations to nominate to meetings participants with expertise in the technical issues to be discussed. One concrete suggestion was to better integrate general capacity-building activities based on standard courses for employers and workers with programmes aimed at strengthening constituents' knowledge in specific technical areas, such as minimum wage setting or youth employment.

29. Information sharing and cost sharing were recurrent themes, as was the need to develop greater synergies between ACT/EMP and ACTRAV staff and technical specialists, particularly in field offices. One suggestion was to involve technical specialists in the regional and global meetings organized by ACT/EMP and ACTRAV in order to build bridges between the constituents and ILO technical programmes. Field offices would appreciate documentation on the benefits of social dialogue and tripartism, including good practices and positive outcomes, as well as financial resources to strengthen the social partners' capacity and to develop their own expertise. A more realistic assessment of capacity and resources on all sides would help in clarifying expectations, roles and responsibilities.

30. The programme and budget drafting exercise for the 2006-07 biennium offered an important opportunity to analyse progress in mainstreaming tripartism throughout the Office. A mainstreamed strategy on expanding the influence of social partners, social dialogue and tripartism was developed to ensure that tripartism was integrated into all work proposed for the coming biennium. In addition, the process by which programme and budget proposals were developed and refined through the Strategic Management Module (SMM) provided for comments on each draft proposal to be submitted by all departments. This ensured that "social dialogue deficits" could be pointed out, based largely on the resolution concerning tripartism and social dialogue, and proposals strengthened prior to the beginning of the new biennium.

31. The Social Dialogue Sector made suggestions on how certain proposals could better mainstream tripartism and social dialogue. While this new process reflects an innovative institutional mechanism for reviewing proposals for tripartism and social dialogue, until the programme and budget has been finalized, it is difficult to assess the extent to which such comments have been taken into account or to make any final determination as to whether the mainstreamed objective and the resolution have been fully considered when setting priorities for the 2006-07 biennium.

Conclusions/The way forward

32. The process of reviewing and assessing the Office-wide follow-up to the resolution concerning tripartism and social dialogue has offered information, insights and suggestions

on the integration of tripartism and social dialogue into the work of the Office. There is widespread recognition that tripartism adds value to programmes and activities. Most units see the relationship with ACT/EMP and ACTRAV as important in their work.

33. However, limited human and financial resources are often cited as obstacles to involving the social partners, as well as employer and worker specialists in the work of technical departments. Solutions must be found to ensure full participation of the social partners in all the work of the Office. Tripartite partnerships should not be considered an "add-on" dependent on finances, but rather seen as central to the effective implementation of the ILO's work programme.

34. Many ILO staff – both regular budget and project staff – have limited exposure to trade unions and employers' organizations, and may thus lack a full appreciation of the roles and functions these constituents fulfil both at the national and international levels. New staff orientation and ongoing training should be targeted to instilling greater understanding of tripartism and social dialogue and its importance to the ILO and to building strong relationships between ACTRAV, ACT/EMP and the technical departments.

35. While the process of developing the Programme and Budget for 2006-07 represents a new means to reflect the priorities of the social partners in the work of the Office, existing guidance provided to the Office through the Governing Body, the ILC, and other tripartite meetings remains essential. The Global Employment Agenda is one such mechanism through which the tripartite partners have formulated their priorities on a particular technical theme.

36. The Office needs to tackle both the internal and external obstacles to mainstreaming social dialogue identified through this review. Ongoing reviews should be undertaken, and lessons learned to ensure more effective relations with the constituents in the future.

37. Where limitations are found within constituent organizations, the opportunity to build their technical capacities should be addressed by the Office rather than seeking other partners for collaboration. Priority efforts to address such gaps will lead to stronger institutions and more sustainable, long-term results.

38. This review process has resulted in the identification of numerous strengths and weaknesses in the Office's efforts to mainstream tripartism and social dialogue in its work. Two points consistently emerged, however, as areas needing further attention. The first concerns the roles of ACT/EMP and ACTRAV. There is an appreciation for the complexity of employers' and workers' organizations, particularly given the levels of representation – international, regional, national, sectoral and local – and the practical problems that various parts of the Office confront in those interactions across a range of technical issues. The need for better communication, access and collaboration with social partners is clearly understood. Yet, the consultation process needs to be clarified, particularly with respect to the roles of ACT/EMP and ACTRAV, to ensure that the workers' and employers' priorities and needs are effectively included while also recognizing the practical realities of resources and time.

39. The second point concerns the clear need for capacity building for the tripartite constituents. In addition to the traditional training offered to employers' and workers' organizations, there were repeated suggestions for training on key technical issues to ensure that the social partners are able to effectively engage. This obviously has resource implications, which could be addressed by both resource sharing and more joint planning between technical units and ACTRAV and ACT/EMP.

40. *The Governing Body may wish to request the Director-General to ensure that the principles of tripartism and social dialogue are further embedded in technical cooperation activities through various means, including the active participation of government through the ministries of labour and their administration and employers' and workers' organizations in their preparation, implementation and evaluation.*

41. *The Governing Body may wish to request the Director-General to develop clear protocols for consultations and for facilitating the relationships between all departments and the Bureaux for Employers' and Workers' Activities, recognizing their unique role in presenting the priorities and views of workers and employers within the ILO.*

42. *The Governing Body may wish to request the Director-General to strengthen training initiatives on the importance of tripartism and social dialogue – including the key roles played by labour administration, workers and employers – particularly with respect to new staff orientation and management training.*

Geneva, 18 January 2005.

Points for decision: Paragraph 40;
Paragraph 41;
Paragraph 42.