



Effective Social Dialogue

Workers Capacity Strengthening &

Project Consultation Workshop

17-19 July, 2019, Brisbane

Elena Gerasimova, DW and ILS Specialist, ILO Suva

Overview

- 1. SD and its role**
- 2. ILS on SD**
- 3. Effective SD: preconditions and challenges**
4. ILS on tripartite consultations (C.144, R.152)
5. Ratification of C.144
- 6. Publications on SD**

1. Social Dialogue and its role

Social Dialogue – what is it?

SD includes

- All types of negotiations, consultations and exchange of information
- Between or among representatives of governments, employers and workers
- On issues of common interest related to economic or social policies

SD and tripartism cover:

- negotiation, consultation and information exchange between and among the different actors;
- collective bargaining;
- dispute prevention and resolution; and
- other instruments of social dialogue, including all forms of management-labour cooperation, corporate social responsibility and international framework agreements.

SD is ...

a means,
vehicle to
achieve social
and economic
progress and...

an end in itself -
gives people a
voice and a stake
at their societies
and workplace

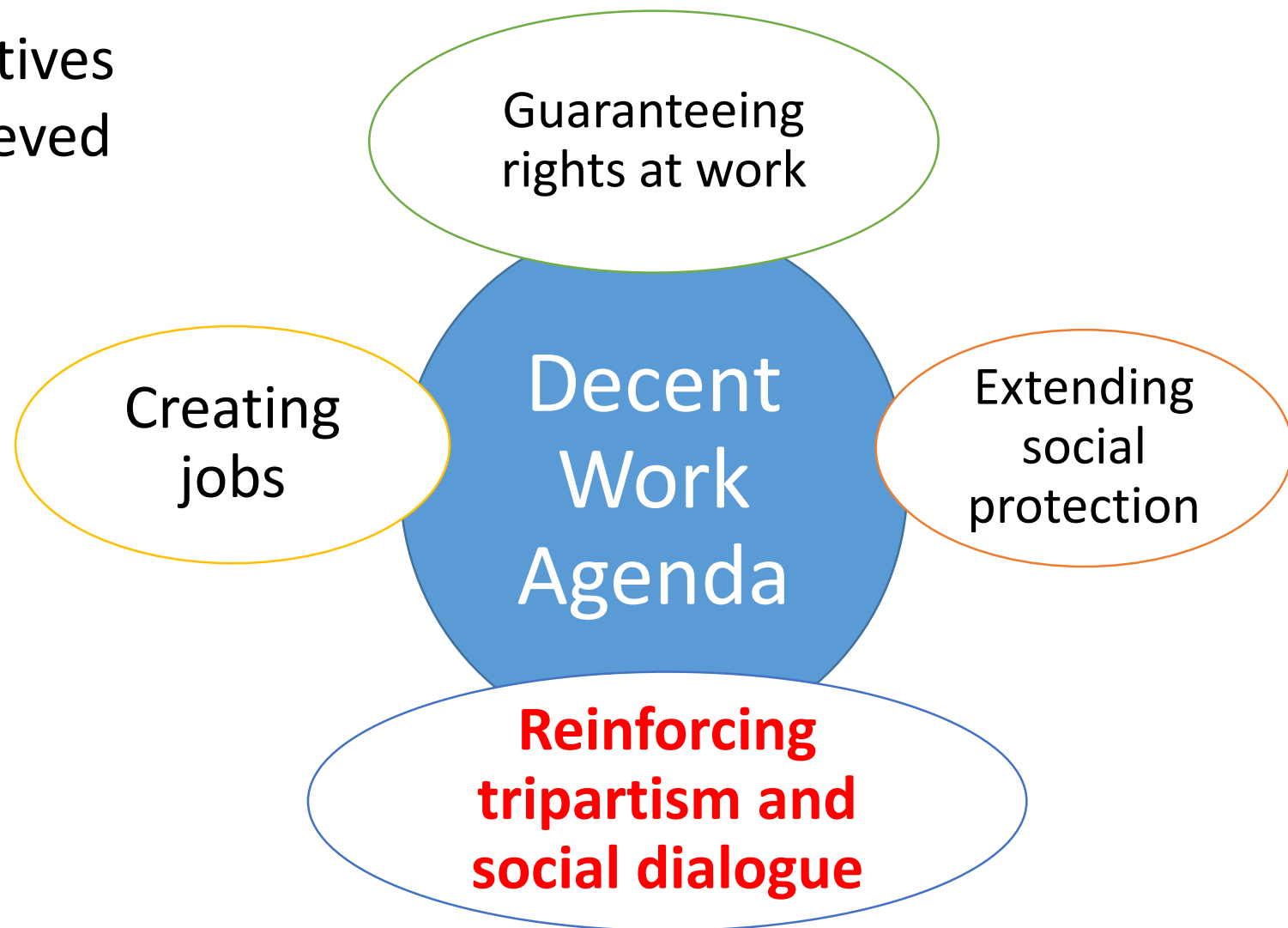
Social Dialogue and Tripartism in the heart of the ILO



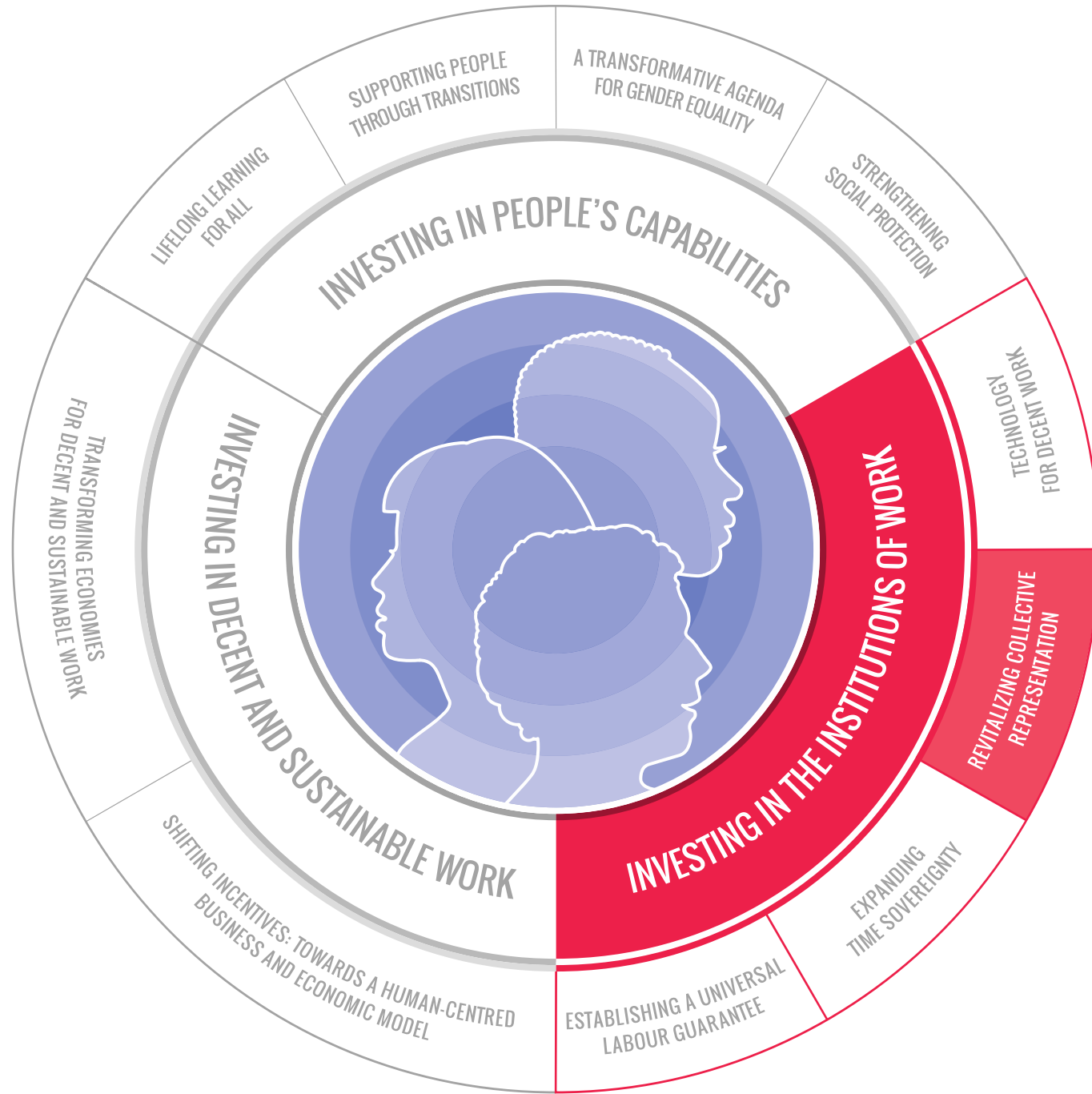
- ILO is the only UN agency based on the **principle of tripartism**.
- ILO was found in 1919, in the wake of a destructive war, to pursue a vision based on the premise that universal, **lasting peace can be established only if it is based on social justice**. The first specialized agency of the UN in 1946.
- Tripartite structure gives an **equal voice to workers, employers and governments to freely and openly exchange their ideas and experiences and promote lasting mechanisms of dialogue and consensus building**.
- **International labour standards are created and supervised through a tripartite structure**. This ensures that they have **broad support from all ILO constituents**.
- SD embedded in practically all of the ILO C&R and the Decent Work Agenda. Many provisions of C&R explicitly require **consultations** with the social partners

2008 ILO Declaration on Social Justice for a Fair Globalization, ILO Decent Work Agenda

- Four strategic objectives
- One cannot be achieved without the others



Gender Equality :
a crosscutting
objective



ILO Centenary Declaration for the Future of Work, 2019

Greg Vines, ILO Deputy Director-General for Management & Reform:

Declaration - is “... also a strong reaffirmation of the social justice mandate we were given 100 years ago, and the critical role of social dialogue and international labour standards”.

....

“*Recognizing* that social dialogue contributes to the overall cohesion of societies and is crucial for a well-functioning and productive economy”

“B. Social dialogue, including collective bargaining and tripartite cooperation, provides an essential foundation of all ILO action and contributes to successful policy and decision-making in its member States”.

“(iii) address all fundamental principles and rights at work, at all levels, as appropriate, through strong, influential and inclusive mechanisms of social dialogue”



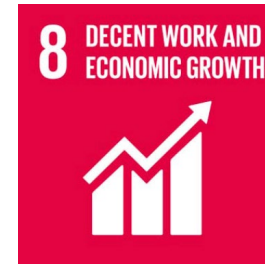
SD as a tool for advancing SDGs

SD is an essential tool for advancing the **2030 Sustainable Development Agenda**, whose implementation requires active engagement of the tripartite actors.

It is particularly relevant to the following Sustainable Development Goals (SDGs)

Goal 8 “Decent work and economic growth”

- 8.6 Youth employment
- 8.7 Elimination of child labour and forced labour
- 8.8 Safety and health at work



Goal 16 “Peace, justice and strong institutions”

- 16.3 Rule of law and strong institutions
- 16.6 Effective, accountable and transparent institutions at all levels
- 16.7 Responsive, inclusive, participatory and representative decision-making at all levels.

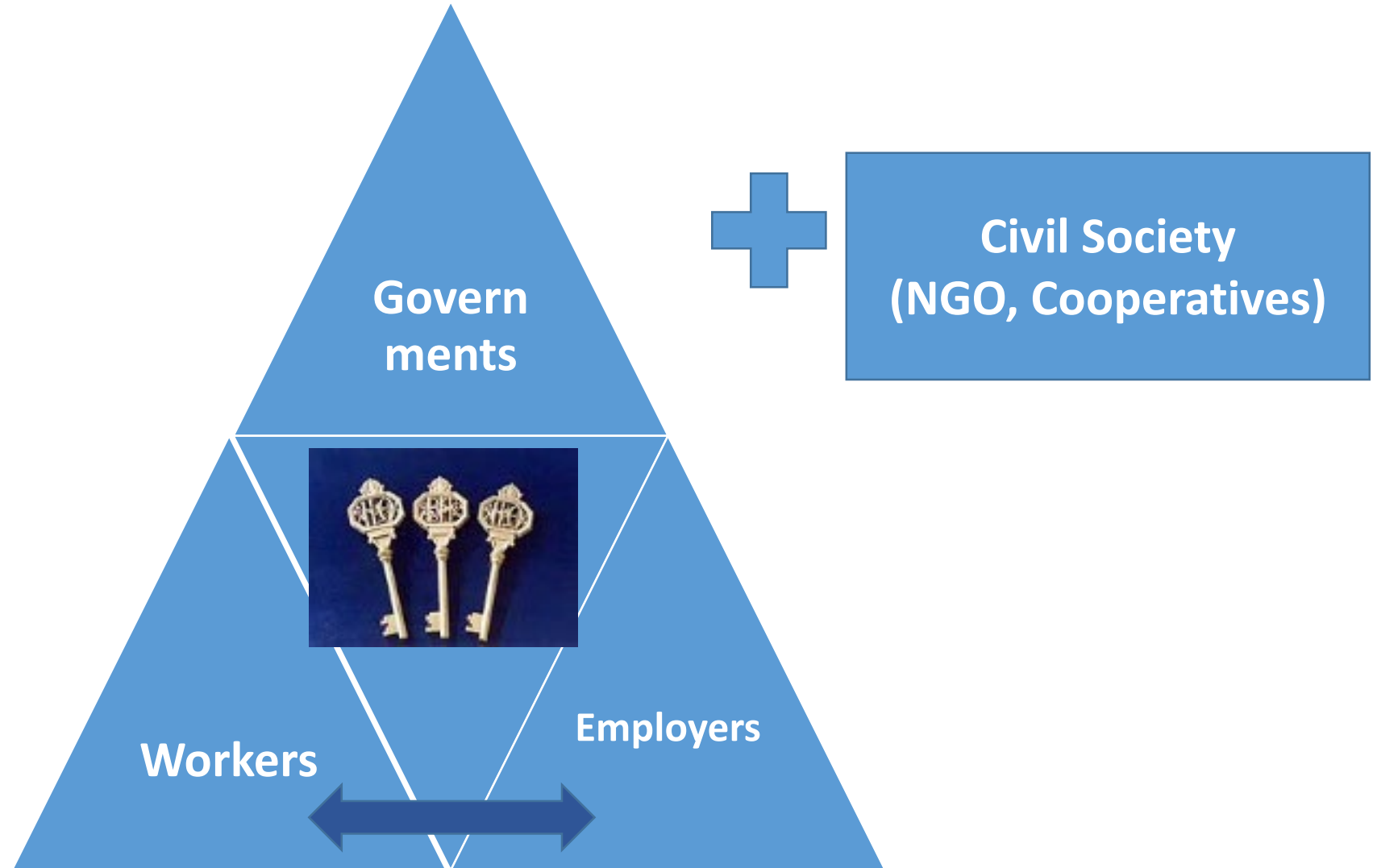


Social dialogue is also relevant to other SDGs:

- **Goal 1 “End of poverty”**,
- **Goal 5 “Gender equality”**
- **Goal 10 “Reduced inequalities”**



Participants of the Social Dialogue



Levels of Social Dialogue



International

National

Sector / Branch

Regional / Local

Enterprise

SD contributes to promotion of sound governance and inclusive growth

*Main goal of the SD - to promote **consensus building (collaboration and compromise) and democratic involvement among main stakeholders in the world of work***

- **SD has potential to:**
 - Resolve major economic and social issues;
 - Advance social and industrial peace and stability,
 - Boost economic performance and social progress;
 - Promote and consolidate representative democracy.
- It's a **powerful tool for dealing with labour market changes** - promoting employment, fair market distribution, combating poverty and enhancing productivity; achieving the balance between social economic growth and social equity
- SD and sound industrial relations **are key instruments to crisis management:** can contribute to economic recovery both in developed and developing countries

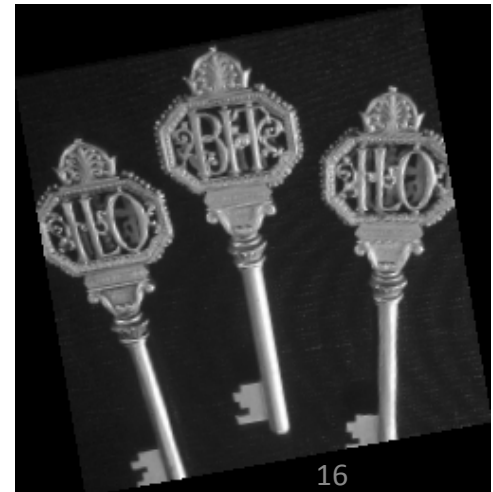
SD at the enterprise level helps to:

- Present voice and interest of members
- Collaborate and find compromise
- Promote workers rights and enterprise suitability
- Prevent and resolve disputes in a manner that sustains social peace at the workplace
- Manage enterprise restructuring in a socially responsible and effective manner, etc

2. ILS on Social Dialogue

International Labour Organization: Tripartism & International Labour Standards (ILS)

- **Declaration on Fundamental Principles and Rights at Work, 1998:**
 - **8 core conventions, including**
 - Conventions on Freedom of Association and Collective Bargaining (C.87, C.98)
- **Declaration on Social Justice for a Fair Globalization, 2008:**
 - **4 governance (priority) conventions**
 - C. 144 on Tripartite Consultation (International Labour Standards)
 - Employment policies (C. 122)
 - Labour inspection (C. 81 and C. 129 (agriculture))
- **Technical conventions (178) and recommendations (205)**



Other ILO Reference documents with regard to Social Dialogue and Tripartism

- ILO Constitution, 1919
- Declaration of Philadelphia, 1944
- Conventions on Freedom of Association, Collective Bargaining and tripartite consultations Nos. 87, 98, 144, 150, 151 and 154 + their accompanying Recommendations + Recommendation No. 113
- ILO Decent Work Agenda, 2000
- ILO Resolution on Social Dialogue and Tripartism, 2002



Technical Conventions on Freedom of association, collective bargaining, and industrial relations

1.1. Fundamental Conventions on Freedom of association and collective bargaining

Up-to-date instrument

- **C087** - Freedom of Association and Protection of the Right to Organise Convention, 1948
- **C098** - Right to Organise and Collective Bargaining Convention, 1949

1.2. Freedom of association (agriculture, non-metropolitan territories)

Up-to-date instrument

- **C141** - Rural Workers' Organisations Convention, 1975
- **R149** - Rural Workers' Organisations Recommendation, 1975

Instrument with interim status

- **C011** - Right of Association (Agriculture) Convention, 1921
- **C084** - Right of Association (Non-Metropolitan Territories) Convention, 1947

1.3. Industrial relations

Up-to-date instrument

- **C135** - Workers' Representatives Convention, 1971
- **R143** - Workers' Representatives Recommendation, 1971
- **C151** - Labour Relations (Public Service) Convention, 1978
- **R159** - Labour Relations (Public Service) Recommendation, 1978
- **C154** - Collective Bargaining Convention, 1981
- **R163** - Collective Bargaining Recommendation, 1981
- **R091** - Collective Agreements Recommendation, 1951
- **R113** - Consultation (Industrial and National Levels) Recommendation, 1960

Request for information

- **R092** - Voluntary Conciliation and Arbitration Recommendation, 1951
- **R094** - Co-operation at the Level of the Undertaking Recommendation, 1952
- **R129** - Communications within the Undertaking Recommendation, 1967
- **R130** - Examination of Grievances Recommendation, 1967

Fundamental and governance conventions related to SD: ratifications in the Pacific

	C.87	C.98	C.144
Cook Islands			15 Aug 2018
Fiji	1974	1974	18 May 1998
Kiribati	2000	2000	Submitted in 2019
Marshal Islands			
Palau			
PNG	1976	1976	Considering in 2019
Samoa	2008	2008	5 Dec 2018
SI	2012	1985	Considering in 2019?
Tonga			
Tuvalu			
Vanuatu	2006	2006	Considering in 2019

3. Effective Social Dialogue: preconditions and challenges

Preconditions for Social Dialogue



ILO Resolution concerning tripartism and social dialogue, 2002

invited the governments of member States to ensure that the necessary *preconditions exist for social dialogue*, including

- respect for the fundamental principles and the right to freedom of association and collective bargaining,
- sound industrial relations environment,
- respect for the role of social partners.

Preconditions for successful tripartite SD at the national level

1. the existence of the *necessary democratic space and freedom of association and collective bargaining* to allow the social partners to organise and express themselves freely;
2. the *social partners should themselves be strong and representative* workers' and employers' organisations, with appropriate competence and the capacity to (ensure that their members) comply with the commitments;
3. the existence of sufficient *political will and a sense of responsibility* among all the parties to engage in social dialogue;
4. an adequate level of *institutionalization, including funding and well-defined legal mandates*, which ensures continuity of operation during political change;
5. the availability of *experience in building trust, as well as negotiation and cooperation skills*;
6. accurate *information and sound information exchange*.

Source: *National tripartite social dialogue: An ILO guide for improved governance*. Geneva. ILO (2013)

Preconditions for successful SD at the workplace level

1. effective information and consultation;
2. conducive regulatory framework and dispute settlement system;
3. labour inspectorate;
4. the necessary negotiation structures and the basic rights of workers' representatives; and
5. proven skills and training



Additional preconditions for Social Dialogue to contribute to broader sustainable development issues

SD may contribute to SDGs that go beyond the pure labour agenda, both through workplace and national tripartite dialogue.

1. Actors in SD need to enjoy sufficient *social legitimacy* to engage in these topics. It's more of a political and ideological matter.
2. The issues under consideration need to be "*within the reach*" of tripartite SD structures, not just in formal terms, but also in practice (experience, relative influence, adequately embeddedness in the respective networks, etc).
3. Actors in SD need to have the *skills and expertise* to be able to engage credibly and effectively in the broader socio-economic issues of sustainable development.

Challenges to SD and changes of the world of work

Challenges for effective and successful SD:

- E and W are prevented from exercising their rights to FoA, CB and SD;
- The institutions for SD either do not exist or do not function effectively;
- The labour administration, EO, WO don't have sufficient capacity and resources;
- Lack of political will to involve the social partners in policy making;
- Widening income inequality and declining wage share in GDP in many countries;
- Changing nature of work and employment relationship;
- Low level of formal-job creation and income insecurity;
- Decline of forms of SD;
- Doubt about effectiveness of the outcomes of SD, etc.

World of work:

- ✓ Technological change (automation and digitalization)
- ✓ Climate change
- ✓ Demography movement

To address these challenges:

- supporting the establishment of *free and independent organizations*;
- helping to put in place the *appropriate mechanisms for social dialogue*;
- *strengthening the capacity* of employers' organizations and trade unions, as well as of labour administration;
- *channelling cooperation funds* not only through the State but also directly through the social partners;
- Your suggestions...

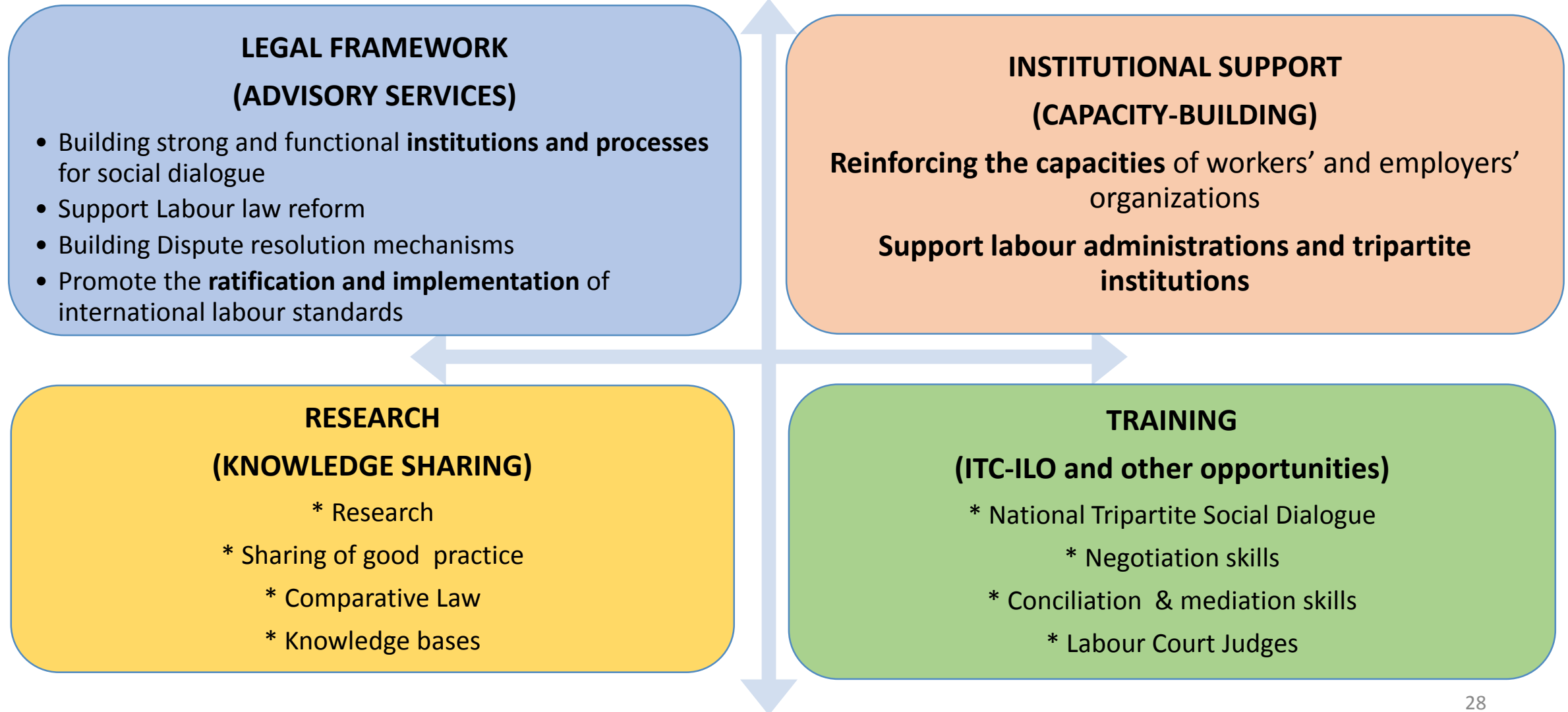
SD: today and tomorrow?

Advantages: Democracy, social peace, ownership of reforms

Challenges: Representativity of partners, political will, trust

How to assess social dialogue and its results?

How can the ILO help promote Social Dialogue and Tripartism?



4. ILS on tripartite consultations (C.144, R.152)

Convention No. 144 on Tripartite Consultations (International Labour Standards)

- **Effective tripartite consultations on the ILO normative activities**
 - Consultations (not information, not bargaining) on international labour standards
 - Employers' and workers' representatives freely chosen by their representative organisations
 - Employers and workers represented on an equal footing
 - Undertaken at appropriate intervals fixed by agreement, but at least once a year
- **The competent authority (government)**
 - Administrative support
 - Financing training of participants, if necessary
 - Annual reporting, if appropriate



Convention No. 144 on Tripartite Consultations (International Labour Standards)

Topics: mandatory

- Government replies concerning items on the agenda of the International Labour Conference
- Submission of ILS to the national competent authorities for their consideration
- Re-examination of unratified Conventions, or Recommendations
- Reports on ratified and unratified Conventions to the Committee of Experts
- Proposals for the denunciation of ratified Conventions

Recommendation No. 152: others

- ✓ Legislative and other measures to give effect to Conventions or Recommendations
- ✓ ILO technical cooperation activities
- ✓ Reports on unratified Conventions
- ✓ Resolutions and conclusions of ILO conferences and meetings
- ✓ Promotion of better knowledge of ILO activities
- ✓ Any other issue



Some other topics for SD

- Employment Policy (C.122, Employment Policy)
- Skills (C.142, Human Resources Policy)
- Wages (C.131, Minimum Wage Fixing)
- Labour Inspection and OSH (C.81, Labour Inspection; C.129, Labour Inspection in Agriculture)
- Social Security and Pension Reforms (C.102, Social Security (Minimum Standards))
- Gender
- Informal Economy
- The Rural Economy
- Migrant Workers (C.143, C.86 + R.151)
- Automation and Digitalization
- Greening the Economy
- Cooperatives (R.193, Promotion Cooperatives)

Recommendation No. 152 on Tripartite Consultations (Activities of the ILO)

Tripartite consultations through:

- a **committee** specifically constituted for questions concerning ILO activities
- a **body with general competence** in the economic, social or labour field
- a **number of bodies with special responsibility** for particular subject areas
- **written communications**, if agreed as appropriate and sufficient

Classification of national social dialogue institutions

National institutions for social and economic policies

- Economic and Social Council
- High Council of Social Dialogue
- National Social Dialogue Commission
- Tripartite Forum
- National Annual Conference
- Social dialogue without formal institutions

Social dialogue on specific issues

Specialized bodies:

ILO activities, wages, employment, child labour, forced labour, social security, occupational safety and health (OSH)

Functioning of social dialogue institutions

Legal framework

Constitution, law, decree or collective agreement

Size

9 –30 –60 –240 members

Presidency

- ✓ Vice-premier minister, Labour Minister
- ✓ Independent personality
- ✓ Rotating

Budget & Secretariat

- ✓ From 1 to 150 persons
- ✓ “Home” of social dialogue

Gender Equality and Social Dialogue

- **Quantitative aspect**
 - <15% women in national councils (on average)
 - Quotas
 - Formal commitments
- **Qualitative aspect**
 - *Topics for discussion:* discrimination at hiring and at work, prohibited jobs for women, night work, equal pay for work of equal value, working time, teleworking, moral and sexual harassment, protection of maternity, paternity leave, workers with family responsibilities
- **Specific commissions on gender equality**

5. Ratification of C.144

Why to ratify C.144?

Convention No. 144 is –

- not difficult to ratify due to its inherent flexibility;
- already widely ratified in virtually all regions.

In addition, ratification and implementation of Convention No. 144 –

- result in more informed and representative decisions, since the views of those concerned are reflected;
- promote a culture of tripartism and social dialogue and can lead to greater trust and social dialogue on wider economic and social issues, including in times of economic crises and heightened social tensions as stated in the Global Jobs Pact;
- result in better ownership of decisions, which could lead to their improved implementation;
- promote good governance;
- promote improved implementation of other Conventions and Recommendations;
- help in addressing issues of implementation of Conventions and principles, and can minimize the need to raise these issues before ILO supervisory bodies;
- demonstrate the Government's commitment to the basic values of the ILO.

Ratification of C.144: world and Pacific

Ratified – 146 countries (of 187) – 78%

In the Pacific:

Ratified:

1. Fiji - 18 May 1998
2. Cook Islands - 15 Aug 2018
3. Samoa - 05 Dec 2018
4. Kiribati – July 2019?

Didn't ratify:

1. Marshal Islands
2. Palau
3. PNG
4. Solomon Islands
5. Tonga
6. Tuvalu
7. Vanuatu

What can employers' and workers' organizations do to promote ratification and effective implementation?

- **Raise awareness:** organize meetings of officials and affiliates of the organization to discuss the potential benefits of ratification and implementation, as well as coordinate promotional action.
- **Lobby:** write letters, distribute this booklet and organize meetings with government officials, parliamentarians, members of political parties, and officials of the Ministry of Labour, proposing ratification and describing the likely benefits of ratification, including for the effective functioning of tripartism.
- **Involve the media:** inform and mobilize the media so that they get involved in the action for ratification. Through articles, interviews and other means, make the potential benefits of ratification and implementation more widely known.
- **Propose concrete consultations:** tripartite consultations, which demonstrate that employers' and workers' organizations are worth consulting, can prepare the ground for ratification of Convention No. 144.
- **Coordinate action:** where appropriate, organize joint action between employers' and workers' organizations.

ILO campaign for universal ratification of C.144

Campaign page: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_591479/lang--en/index.htm

Promote tripartite consultation: Ratify and apply Convention No. 144

https://www.ilo.org/ifpdial/information-resources/publications/WCMS_159700/lang--en/index.htm

Brochure 'Towards the Universal Ratification of Convention No. 144 on Tripartite Consultation by the ILO Centenary in 2019'

https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_590126.pdf



6. Publications on SD



International
Labour
Organization

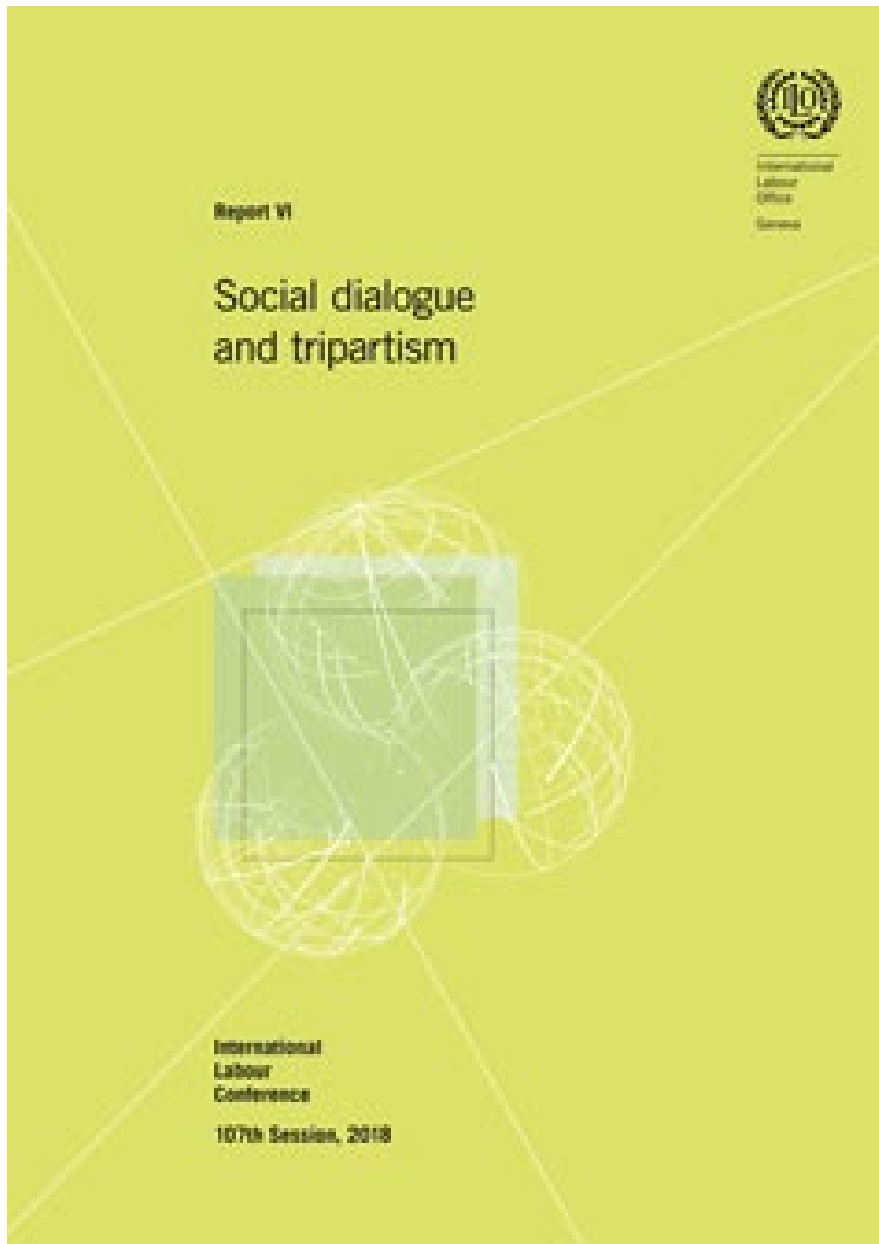
NATIONAL TRIPARTITE SOCIAL DIALOGUE

An ILO guide for improved governance



**NATIONAL TRIPARTITE SOCIAL
DIALOGUE. An ILO guide for
improved governance**

<http://ilo.org/ifpdial/information>
=
[resources/publications/WCMS_5
48547/lang--es/index.htm](http://ilo.org/resources/publications/WCMS_548547/lang-es/index.htm)



Report VI “**Social dialogue and tripartism**”. A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008. Conference paper. 26 March 2018

[https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_624015/lang--en/index.htm](https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_624015/lang-en/index.htm)



Social dialogue as a driver and governance instrument for sustainable development

ILO-ITUC Issue Paper



ILO-ITUC Issues Paper

«Social Dialogue as a Driver and Governance Instrument for Sustainable Development»

<https://www.ituc-csi.org/issue-paper-social-dialogue-development>



Institutional underpinnings of the minimum wage fixing machinery: The role of Social Dialogue

https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/governance/dialogue/WCMS_645575/lang--en/index.htm

**Institutional underpinnings
of the minimum wage fixing
machinery: The role of social
dialogue**

Igor Guardiancich
Wilko Artale Mattia

September 2018

Governance
and Tripartism
Department