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# consultation at the industrial and national levels

General Survey  
by the Committee of Experts  
on the Application  
of Conventions and Recommendations

International Labour  
Office

17 MAY 1976

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CLD, ACQUISITIONS

International Labour Conference

61st Session 1976



International Labour Office Geneva

International Labour Conference  
61st Session 1976

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Report III  
(Part 4B)

Third Item on the Agenda:  
Information and Reports on the Application  
of Conventions and Recommendations

**General Survey of the Reports  
relating to the Consultation  
(Industrial and National Levels)  
Recommendation, 1960 (No. 113)**

Report of the Committee of Experts on the Application of Conventions and  
Recommendations (Articles 19, 22 and 35 of the Constitution)/volume B

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International Labour Office Geneva

ISBN 92-2-101361-8

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*First published 1976*

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Printed by Imprimeries Populaires, Geneva, Switzerland

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## INTRODUCTION

1. At the international level, the principle of co-operation between governments, employers and workers was formally sanctioned more than half a century ago with the founding of the International Labour Organisation. As the very cornerstone of this Organisation, this principle has never seriously been challenged, despite the far-reaching changes that have taken place in the international community since the Second World War. On the contrary, in the years that have elapsed since then, its usefulness has been stressed many times \*.<sup>1</sup> In 1971 the Conference even adopted a resolution concerning the strengthening of tripartism in the over-all activities of the ILO.<sup>2</sup>

2. At the national level, co-operation between public authorities and employers' and workers' organisations, though not yet accepted practice in every country, exists today in various forms in all parts of the world. It was in order to throw as much light as possible on the progress made in this respect since the adoption of the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), that the Governing Body, at its 189th (February–March 1973) Session, decided that in 1975 governments should be requested, in accordance with the provisions of article 19 of the Constitution of the International Labour Organisation, to supply reports indicating the position of their law and practice. This general survey is based on an examination of these reports.

### ADOPTION OF THE RECOMMENDATION

3. Since its foundation, the International Labour Organisation has shown constant concern for the application of the principle of tripartite co-operation at the national level, but this question was not placed on the agenda of the Conference as a special item until 1940. However, because of the war, the session due to be held in Geneva in that year could not take place, and discussion of the problem was consequently postponed until the following year. In 1941 the special wartime Conference convened in New York, bearing in mind the conclusions in the reports prepared by the ILO, adopted a resolution in which it emphasised the universal and permanent importance of effective collaboration between the public authorities and workers' organisations and employers' organisations, and requested the Governing Body to place the question on the agenda of the next Conference. This was held in Philadelphia in 1944.

4. In the Declaration adopted at Philadelphia the Conference recognised "the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve . . . the collaboration of workers and employers in the preparation and application of social and economic measures". Anxious to ensure that the programmes called for in the Declaration were carried

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\* The footnotes will be found at the end of the Introduction and at the end of each chapter.

out, the Governing Body, acting upon a request made by the United Nations Economic and Social Council, placed the question of freedom of association and industrial relations on the agenda of the 30th (1947) Session of the Conference. The Conference drew up a programme of work for itself which comprised examination of the following problems:

- (1) application of the principles of the right to organise and to bargain collectively;
- (2) collective agreements;
- (3) conciliation and arbitration;
- (4) co-operation between public authorities and employers' and workers' organisations.

5. The first three parts of this programme were carried out in the years 1948-51 through the adoption of the following instruments:

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- Collective Agreements Recommendation, 1951 (No. 91); and
- Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92).

6. The last part, concerning tripartite co-operation, was also discussed at the 34th (1951) Session. The Office had prepared for that session draft conclusions in the form of three separate instruments dealing respectively with (a) co-operation at the level of the undertaking; (b) co-operation at the level of the industry; and (c) co-operation at the national level.<sup>3</sup> However, the Conference examined only the question of co-operation at the level of the undertaking, and in 1952 adopted a Recommendation and a resolution on this subject.<sup>4</sup> It was not until later that it took up the other aspects of the question and adopted the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113).

#### TERMS OF THE RECOMMENDATION<sup>5</sup>

7. The Recommendation is an extremely flexible instrument which does no more than lay down broad principles. In designating as a general objective the promotion of "mutual understanding and good relations between public authorities and employers' and workers' organisations, as well as between these organisation", it makes no attempt to lay down hard and fast rules as to the forms consultation and co-operation should take. Reasoning on the basis that consultation and co-operation cannot be imposed by force, but that nevertheless governments, called upon to act in the general interest, cannot remain passive, the Recommendation states that consultation and co-operation should be provided for or facilitated (a) by voluntary action on the part of the employers' and workers' organisations; (b) by promotional action on the part of the public authorities; (c) by laws or regulations; or (d) by a combination of any of these methods.

8. A distinction needs to be made according to whether the consultation and co-operation is between employers' and workers' organisations or between these organisations and the public authorities. In the former case, the employers' and workers' organisations should give joint consideration to "matters of mutual concern" with a view to arriving, to the fullest possible extent, at agreed solutions. In the latter case the initiative must be taken by the public authorities, who should seek the views, advice and assistance of employers' and workers' organisations "in an appropriate manner", in respect of such matters as (a) the preparation and implementation of

laws and regulations affecting their interests; (b) the establishment and functioning of certain national bodies; (c) the elaboration and implementation of plans of economic and social development.

9. The Recommendation accordingly sanctions the principles of continuous dialogue between the government and both sides of industry with a view to developing the economy as a whole or individual branches thereof, improving conditions of work and raising standards of living. It should be emphasised nevertheless that this dialogue will only be fully meaningful and effective if the employers' and workers' organisations are organised on a sound basis, sufficiently independent and fully representative. In this respect also the Recommendation is closely bound up with the standards concerning freedom of association and the right to organise.

#### SCOPE OF THE RECOMMENDATION

10. As the last of a series of instruments adopted by the International Labour Conference within the context of its standard-setting activities in the field of industrial relations (1947-60), the Recommendation deals only with those aspects of consultation and co-operation not already covered by the earlier instruments.

11. It should be stressed first of all that the Recommendation is not intended to cover collective bargaining. The purpose of collective bargaining is to enable agreement to be reached between labour and management about conditions of work and employment, whereas the object of consultation and co-operation of the kind envisaged by the Recommendation is the institution of continuing dialogue, both between the employers' and workers' organisations and between the public authorities and these organisations. Moreover, collective bargaining has been dealt with in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Collective Agreements Recommendation, 1951 (No. 91). In these circumstances, even though many of the reports refer to collective bargaining, the Committee will not examine the law and practice in this respect here.<sup>6</sup> Collective agreements are nevertheless taken into consideration in so far as they provide for consultation and co-operation machinery.

12. Conciliation and arbitration are likewise outside the scope of the Recommendation. These procedures are dealt with in the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), and there is consequently no need to discuss them in this general survey. It should be added, however, that consultation and co-operation may help to avoid disputes, firstly by enabling solutions to be worked out to problems of mutual concern which might otherwise give rise to disputes, and secondly by creating a co-operative atmosphere generally conducive to an improvement in labour-management relations.

13. The Committee must also draw attention to the fact that the Recommendation is concerned only with consultation and co-operation at the national and industrial levels, and not in individual undertakings, co-operation at the latter level being dealt with in the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94). However, the term "industrial" should be interpreted in its broadest sense as covering the various branches of the national economy viewed as a whole, including commerce, shipping, agriculture, etc.

#### ILO ACTION AFTER THE ADOPTION OF THE RECOMMENDATION

14. Since the Recommendation was adopted in 1960 the ILO has been taking an increased interest in the evolution of tripartite consultation and co-operation at the



industrial and national levels. In this connection it should be pointed out first of all that it has become customary for the International Labour Conference to include in Conventions and Recommendations, more often than in the past, clauses providing either for consultation of employers' and workers' organisations prior to the adoption of legislative measures or other measures giving effect to these instruments or for co-operation between public authorities and employers' and workers' organisations with a view to the achievement of the objectives set forth in these instruments.<sup>7</sup> The Committee itself undertook in 1972 an analysis of the role of employers and workers and their organisations in the implementation of ILO standards, and it always takes particular interest in the manner in which countries which have ratified the Conventions in question ensure that such co-operation takes place in practice. In 1975 the Conference began a double discussion, with a view to the adoption of an instrument concerning the establishment of national tripartite machinery to improve the implementation of ILO standards.

15. In discussions at the regional level, the question of consultation and co-operation has been gone into more thoroughly. The role of employers' and workers' organisations, particularly in economic and social development, has been an item on the agenda of several regional conferences of Members of the International Labour Organisation<sup>8</sup> and regional advisory committee meetings.<sup>9</sup>

16. The Office has also given thought to this problem. It has dealt with it in a number of publications, either as the main theme or in passing in studies on a particular subject.<sup>10</sup>

#### INFORMATION AVAILABLE

17. The Office has received only 87 reports<sup>11</sup>, representing 70.1 per cent of the reports requested. The governments of five countries<sup>12</sup> took into account, when preparing their reports, the opinions of employers' and workers' organisations, while in three other cases<sup>13</sup> the comments of such organisations were appended to the report. The present general survey is based on this and other information available to the Office, including in particular legislation, and earlier general surveys made by the Committee itself.

18. The main sources on which the Committee relies for information are the reports supplied by governments, and it is on the contents of these reports that the value of its general surveys really depends. This year only some 12 reports contain information which, while varying in the amount of detail, suffice to give an idea of the degree to which the Recommendation was applied in the countries in question.<sup>14</sup> Unfortunately the majority of governments have supplied only extremely sketchy and vague information. Several simply state that effect is given to the Recommendation. Some have contented themselves with listing a few tripartite consultation bodies or legislative enactments providing for the setting up of such bodies, while others merely quote the relevant provisions. But have the various councils, boards, committees and other similar forms of consultation machinery provided for by law actually been set up? How are their members appointed, especially those representing the employers and workers or their respective organisations? How do they function in practice? Do consultations take place on a regular and continuous basis? And what are the results achieved? These are a few fundamental questions to which no answer is to be found in most of the reports.

19. In these circumstances it is difficult for the Committee to evaluate fully the implementation of the principles laid down by the Recommendation. It will attempt nevertheless to examine the different ways in which these principles are put into practice in the countries which have supplied reports.

## LAYOUT OF THE SURVEY

20. The survey is so arranged as to follow the order, broadly speaking, of the provisions of the Recommendation. Chapter I deals with methods of promoting bi- and tripartite consultation and co-operation (Paragraph 3 of the Recommendation). Chapter II examines the forms in which governments and employers' and workers' organisations provide for effective consultation and co-operation between the parties concerned. This chapter is divided into two parts, describing respectively arrangements other than institutional, and institutional arrangements. The last chapter discusses the areas for consultation and co-operation as enumerated in Paragraph 5 of the Recommendation. The survey ends with a statement of the conclusions to be drawn from the examination of the information available, and in particular the reports of governments.

<sup>1</sup> Particularly during the celebrations commemorating the 50th anniversary of the International Labour Organisation. Cf. International Labour Conference (hereafter indicated by the abbreviation "ILC"), 53rd Session, 1969, *Record of Proceedings*.

<sup>2</sup> ILC, 56th Session, 1971, *Record of Proceedings*, pp. 806-808.

<sup>3</sup> *Co-operation between public authorities and employers' and workers' organisations*, ILC, 34th Session, 1951, Report VI.

<sup>4</sup> Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94); resolution concerning consultation and co-operation between employers and workers at the level of the undertaking (ILC, 35th Session, 1952, *Record of Proceedings*, pp. 578-579).

<sup>5</sup> For the text of the Recommendation see Appendix I.

<sup>6</sup> See in this connection *Freedom of association and collective bargaining*, General Survey by the Committee of Experts (ILC, 58th Session, 1973, Report III (Part 4B)). (References to the reports of the Committee of Experts are hereafter indicated by the abbreviation "RCE", followed by the year.)

<sup>7</sup> See Appendix II.

<sup>8</sup> Seventh Asian Regional Conference, Teheran, Dec. 1971, Report III: *Freedom of association for workers' and employers' organisations and their role in social and economic development*. Ninth Conference of American States Members of the ILO, Caracas, Apr. 1970, Report III: *Participation of employers' and workers' organisations in economic and social development; role of other social institutions*. Tenth Conference of American States Members of the ILO, Mexico, Nov.-Dec. 1974, Report III: *Strengthening and furthering of tripartite co-operation*. This latter conference adopted a resolution (No. II) on strengthening and furthering of tripartite co-operation, and another (No. III) on the intensification of ILO activity to strengthen certain aspects of tripartism in the American region. For the texts of these resolutions see GB.195/8/17, Geneva, 4-7 Mar. 1975, pp. 20-22.

<sup>9</sup> Inter-American Advisory Committee, Second Session, San Salvador, Jan. 1969: *Participation of employers' and workers' organisations and of other social institutions in economic and social development*. Asian Advisory Committee, 12th Session, Geneva, May-June 1964: *Social, labour and welfare aspects of planning for economic development in Asia, with particular reference to the participation of employers' and workers' organisations in planning processes*. Cf. also African Seminar on the role of trade unions in development planning, Dakar, 1966 (working paper prepared for the discussion of the agenda—mimeographed document WED/S.5/D.1), and Seminar on the role of workers' and employers' organisations in economic and social development in Africa, Addis Ababa, 1968 (working paper No. 1—mimeographed document SROTEA/D.2).

<sup>10</sup> Cf. in particular, *Employers' and workers' participation in planning* (Geneva, ILO, 1971).

<sup>11</sup> See Appendix III.

<sup>12</sup> Austria, Brazil, Denmark, Japan, Singapore.

<sup>13</sup> Federal Republic of Germany (Federal Union of Employers' Associations), Spain (Trade Union Organisation), Switzerland (Central Union of Swiss Employers' Associations, Swiss Federation of Arts and Crafts, Swiss Federation of Peasants, Swiss Federation of Trade Unions).

<sup>14</sup> Argentina, Australia, Austria, Belgium, Canada, German Democratic Republic, Federal Republic of Germany, Mexico, Netherlands, Sweden, Switzerland, USSR.



## CHAPTER I

### METHODS OF PROMOTING CONSULTATION AND CO-OPERATION

21. Under the terms of Paragraph 3 of the Recommendation, consultation and co-operation between public authorities and employers' and workers' organisations should be provided for or facilitated, in accordance with national custom or practice, (a) by voluntary action on the part of the employers' and workers' organisations, (b) by promotional action on the part of the public authorities, (c) by laws or regulations, or (d) by a combination of any of these methods. The Recommendation leaves governments entirely free to choose among these methods.<sup>1</sup>

22. It would appear from the information supplied by governments that in European countries, as well as in most countries in Asia and the Americas, consultation and co-operation are provided for by a combination of all the methods enumerated by the Recommendation, although some of these countries express a preference for voluntary action<sup>2</sup>, and others for legislative action.<sup>3</sup> Most African countries<sup>4</sup> refer only to legislative measures, citing enactments providing for the setting up of tripartite consultation machinery. It also emerges from the reports that in a number of countries consultation is not regulated in any way and depends entirely on custom<sup>5</sup> or practice.<sup>6</sup> Some of these governments claim that the administrative measures taken suffice and any legislation would be superfluous.<sup>7</sup> One government<sup>8</sup>, after stating that no legislation has been enacted to implement the provisions of the Recommendation but that in practice administrative arrangements are made as needed, adds that "these ad hoc arrangements are necessary because of the peculiar social structure of the society, which calls for flexible arrangements to facilitate effective tripartite consultation".

#### A. VOLUNTARY ACTION

23. The undertaking of voluntary action by employers and workers, with little or no intervention on the part of the public authorities, is generally a sign of a sincere desire by both parties to make a joint effort, in a conciliatory spirit, to seek solutions to problems of mutual concern.<sup>9</sup> It accordingly has unquestionable advantages, even though it may be more sporadic and more limited in scope than action to give these matters a legal basis.

24. Voluntary action encompasses, inter alia, collective bargaining and voluntary conciliation and arbitration—aspects of industrial relations which, as already stated, are not covered by the Recommendation. Mention may however be made here of negotiations in a broader sense. In some countries such negotiations have led to the conclusion of agreements providing for co-operation in various fields.<sup>10</sup> Obviously such agreements are not the only form voluntary action can take, but they are a means of formalising it. On an informal basis, dialogue between employers' and workers' organisations willing to co-operate with one another is continuous.

25. Among the agreements concluded between employers' and workers' organisations the most important are the so-called basic agreements<sup>11</sup>, signed by the central employers' and workers' organisations. Sometimes they contain provisions on matters which in other countries are the subject of legislation: employment matters<sup>12</sup> (e.g. contracts, certificates of employment, termination of contracts, dismissal, etc.), general principles relating to collective bargaining<sup>13</sup>, labour disputes procedures<sup>14</sup>, determination of the status of trade union representatives<sup>15</sup>, works committees<sup>16</sup>, etc. In addition, some of these agreements provide for the setting up of joint consultation machinery at the national level and at the industrial or occupational level to ensure co-operation on a continuing basis in areas of mutual interest.<sup>17</sup>

#### B. PROMOTIONAL ACTION ON THE PART OF THE PUBLIC AUTHORITIES

26. Consultation and co-operation will achieve more satisfactory results if the parties concerned decide of their own accord to get together. Nevertheless, since it is impossible to count on a spontaneous initiative on the part of labour and management everywhere, the public authorities should find it in their interest to take appropriate action to encourage such an initiative. This should be understood to mean "administrative action and educational, persuasive and similar methods".<sup>18</sup>

27. Administrative and material assistance from the public authorities may be extremely helpful in enabling employers and workers to meet and work together under suitable conditions—i.e. to have at their disposal all the facilities necessary for the smooth running of their meetings, as well as full and objective information.<sup>19</sup> The governments of some countries have actually set up special services with the task of making the material arrangements for consultation and co-operation between employers' and workers' organisations.<sup>20</sup> These services not only provide premises and administrative staff but also make available to the parties all the information at their disposal, especially labour statistics, studies they have made and, in general, any other product of their own research. In one country<sup>21</sup> such a service also regularly organises meetings, conferences, seminars and other gatherings with a view to promoting continuous and constructive relations between employers and trade unions.

28. One government<sup>22</sup> states that the Ministry of Labour and Social Affairs encourages voluntary consultation through educational programmes carried out by the Labour and Social Security Institute, which is itself tripartite in structure.

29. A number of reports state that the public authorities facilitate co-operation between employers and workers, without indicating what action is taken to that effect. One government<sup>23</sup> adds that it supports unity between the workers' and employers' organisations, which enables them to "share in the responsibility of strengthening discipline and understanding and of contributing to the prosperity of the nation within the democratic system".

30. Another means whereby the public authorities can facilitate contacts between employers and workers while at the same time enlisting their co-operation consists in granting to bipartite bodies the status of advisory bodies.<sup>24</sup>

31. As well as measures for the encouragement of bipartite co-operation, several reports refer to practical measures taken by public authorities to elicit the views, advice and co-operation of employers' and workers' organisations. Some state that these organisations are invited to express their opinion on matters referred to them, but as a rule give no information as to the procedure followed in this respect.<sup>25</sup> One government stresses that it maintains "the most cordial" relations with the representatives of the employers and workers, adding that consultations take place spontaneously, as required, without its being necessary to provide for a system or body with

special powers to that effect.<sup>26</sup> Another government<sup>27</sup> states that representatives of the employers' and workers' organisations regularly come to the labour administration of their own accord for advice and for consultation, and that the Labour Minister encourages this practice.

32. In one country an Economic Council has been set up, one of whose tasks, as defined in the Act whereby it was established, is to "encourage maximum consultation and co-operation between labour and management".<sup>28</sup> Over the years the Council has developed various procedures and techniques in order to facilitate consultation, not only between labour and management, but also between them and the public authorities. For instance, in 1973 and 1974 it organised national conferences bringing together representatives of industry, labour and government to discuss major economic problems, on the basis of documents prepared by the Council itself and various industry committees.

33. When social issues of major importance arise, certain governments seek to obtain comments and observations from the parties concerned by convening special meetings or national conferences to consider the action to be taken.<sup>29</sup> These various forms of tripartite consultation outside the framework of the procedures provided for by law will be studied in greater detail in the next chapter, which deals with practical arrangements.

### C. LEGISLATION

34. Joint consultation between workers' and employers' organisations—whether or not facilitated by promotional action by the public authorities—is not often established on a voluntary basis, but in a few countries it is based on legislation.

35. In one country<sup>30</sup> bipartite co-operation has been organised by law through the establishment of an Economic and Social Council consisting of representatives of the employers and workers appointed on the recommendation of the most representative employers' and workers' organisations and the trade chambers in which the employers and workers in a given category are represented; in another<sup>31</sup>, alongside the national inter-occupational body, under the terms of a special Act the Head of State may, either on his own initiative or at the request of the employers' and workers' organisations, set up joint committees for different industries and occupations.

36. As concerns consultation between public authorities and employers' and workers' organisations, it appears from the reports that in the great majority of countries it is provided for mainly, if not exclusively, by legislation.

37. The principle of tripartite consultation is spelt out in various laws or regulations, and in some countries it is even formally proclaimed in the national constitution. Its application in practice is provided for in three ways: (a) direct consultation, (b) consultation within the framework of machinery set up for the purpose, and (c) participation by workers and their organisations in decision making by organs of government.

#### 1. *Direct Consultation*

38. Provision for this form of consultation is firmly embodied in the Federal Constitution of Switzerland. The main provision is article 32 (3), which states that "the economic groups (i.e., inter alia, the employers' and workers' organisations) shall be consulted in connection with the framing of laws of application, and may be called upon to co-operate in the enforcement of such provisions". This provision,

adopted in 1947, is intended to refer to economic policy in general, but under the terms of article 34 (4) it is equally applicable to the following matters: protection of workers, relations between employers and workers, extension of collective agreements, compensation for loss of earnings while on military service, placement service, unemployment insurance and assistance to the unemployed, and vocational training.<sup>32</sup>

39. In a few other countries consultation through direct contacts is provided for by various legislative enactments. It appears from the information available that such provisions usually take the form of a requirement that the public authorities communicate drafts of social laws to the employers' and workers' organisations with a view to ascertaining their opinion<sup>33</sup>, or invite representatives of these organisations to appear before parliamentary commissions to explain their viewpoint.<sup>34</sup>

## *2. Consultation within the Framework of Machinery Set up for the Purpose*

40. In a number of countries it is the national constitution which provides for the setting up of consultative bodies, either with general terms of reference, as with the economic and social councils<sup>35</sup>, or with a specialised function such as minimum wage fixing, the settlement of labour disputes or social insurance administration.<sup>36</sup> The constitution of one country provides in more general terms that the law may establish corps for certain occupations and categories of occupations, as well as for occupational and economic activities, and that it may confer upon these corps the power to lay down rules.<sup>37</sup> Naturally, constitutional provisions which are not taken further by other enactments may well remain a dead letter. This is the case in certain countries, where it appears that the bodies provided for have not been set up. In other countries the statutes and rules of procedure of these bodies have been laid down by legislation.<sup>38</sup>

41. As a general rule, tripartite consultative bodies owe their existence to legislation. Often, especially in African countries, it is the Labour Code which provides for the setting up of bodies such as national councils or boards dealing with labour matters<sup>39</sup>, occupational health and safety<sup>40</sup>, vocational training<sup>41</sup> or other provisions which are sometimes supplemented by ordinances for their administration or decrees.<sup>42</sup> Normally provision is made for consultative bodies by specific enactments for the establishment of one<sup>43</sup> or several<sup>44</sup> such bodies, or else by laws, ordinances, decrees, etc., regulating a given field of economic and social affairs and providing at the same time for the setting up of a consultative body with the task of advising the public authorities on the implementation of the provisions in question.<sup>45</sup>

42. The consultative bodies provided for by law are very numerous. It should be noted, however, that a number of them have not actually come into being, either because of "administrative difficulties"<sup>46</sup> or because the necessary administrative regulations have not yet been made.<sup>47</sup> Other bodies have ceased to function<sup>48</sup> or function only in an imperfect manner.<sup>49</sup>

43. It may be seen from the preceding remarks that the legal basis to which consultative bodies owe their existence is not in itself a guarantee of effective consultation and co-operation, though it is a major contributing factor.

44. Consultative bodies may also be set up by administrative decision. Normally the right to take such a decision is inherent in the general powers vested in public authorities, but in certain countries it is conferred by specific legislative provisions.<sup>50</sup>

### 3. *Participation by Workers and Their Organisations in Decision Making by Organs of Government*

45. This principle is practised in the socialist countries. It is the most clearly expressed in certain constitutions which stipulate that all the organs of government must be supported in their activities by "the creative initiative and direct participation of the workers and their organisations"<sup>51</sup>, or by "the social organisations".<sup>52</sup>

46. A very special role is assigned to the trade unions. The constitution of one country provides that the trade unions, through the activities of their organisations and organs, represented in elected governmental institutions, and through the proposals they submit to the competent authorities, shall participate in the functioning of the State, the economy and society.<sup>53</sup> The same principle is stated by a Labour Code<sup>54</sup>, according to which the trade unions "participate directly, at all levels, in the conduct of economic and social affairs, having representatives on the committees and councils of workers, on the collective management organs of ministries and other central institutions, and in the Government". The main provision made in labour codes is for trade unions to participate in decision making in the fields of social legislation in general, the framing of labour regulations and economic and social development planning.<sup>55</sup>

47. A special situation exists in Yugoslavia, where the system of self-management enables workers to take decisions in their own right on matters connected with production and the distribution of the product of their labour, as well as on social, economic and other matters of wider interest.<sup>56</sup>

<sup>1</sup> In the observations it made at the time the Recommendation was adopted, the International Labour Conference took pains to point out that "no one or more methods can be predicated as suitable for the circumstances of any particular country. The precise method to be selected will depend on the subject-matter, the degree of urgency and other circumstances. These may include national customs and practices, the degree of availability and expertness of administrative resources and the stage reached in development, and the respective strengths of employers' and workers' organisations. A subject that calls for long-term study may require resort to a different method from one which is transient or ad hoc" (ILC, 44th Session, 1960, *Record of Proceedings*, p. 673, para. 11).

<sup>2</sup> For example: Denmark, Federal Republic of Germany, New Zealand, United States.

<sup>3</sup> For example: Belgium, France, Norway.

<sup>4</sup> For example: Burundi, United Republic of Cameroon, Central African Republic, Ghana, Madagascar, Mali, Morocco, Sudan, Togo.

<sup>5</sup> Iceland.

<sup>6</sup> For example: Brazil, Guinea, Indonesia, Liberia, Portugal, Thailand, Democratic Yemen.

<sup>7</sup> Brazil, Guinea, Indonesia.

<sup>8</sup> Guyana.

<sup>9</sup> During the discussion on the proposed Recommendation, the Employers' members of the Conference Committee dealing with it stressed that the willingness of the parties to co-operate constituted the very essence of the proposed text, and that it was therefore appropriate to specify clearly that preference be given to voluntary methods without, however, excluding the possibility of other methods resulting from the initiative of the government, where they appeared necessary. Cf. ILC, 44th Session, 1960, *Record of Proceedings*, p. 669.

<sup>10</sup> In this connection see paras. 92 et seq.

<sup>11</sup> *Basic Agreements and Joint Statements on Labour-Management Relations*. Labour-Management Relations Series, No. 38 (Geneva, ILO, 1971).

<sup>12</sup> For example: Finland: General Agreement of 1946, articles 5 and 6; Norway: Basic Agreement of 1969, Chapter VI; Sweden: Basic Agreement of 1938 (as amended), Chapter III.

<sup>13</sup> For example: Philippines: Voluntary Code of Principles on Labour-Management Relations of 1956, Chapters IV-VII.



<sup>14</sup> For example: Denmark: Basic Agreement of 1960, section 2; Finland: General Agreement, article 2; Federal Republic of Germany: Conciliation Agreement of 1954; Philippines: Voluntary Code of Principles, Chapter V; Sweden: Basic Agreement; Chapter II.

<sup>15</sup> For example: Belgium: National Agreement of 1947 concerning Trade Union Delegations; Finland: Shop-Steward Agreement of 1969; Norway: Basic Agreement, Chapter III; Sweden: Agreement of 1970 concerning the Position of Senior Shop-Stewards within the Company.

<sup>16</sup> For example: Denmark: Agreement of 1964 on Joint Consultation Committees; Italy: Interconfederal Agreement of 1966 concerning the Establishment and Functioning of Works Committees; Norway: Basic Agreement, Chapter XII; Sweden: Agreement of 1966 on Works Councils.

<sup>17</sup> In this connection see para. 65.

<sup>18</sup> *Collaboration between public authorities and employers' and workers' organisations at the industrial and national levels*, ILC, 43rd Session, 1959, Report VIII (2), p. 64.

<sup>19</sup> The Meeting of Experts on Labour Administration, held at the ILO in 1973, emphasised that it was the natural responsibility of the labour administration system to encourage permanent dialogue with the parties and to be instrumental in enabling participation in the elaboration, development and implementation of social policy (GB.191/9/20, 191st Session, Nov. 1973, para. 9).

<sup>20</sup> For example: Belgium: Collective Industrial Relations Service, Royal Order of 1969; Japan: Central Labour Relations Board; Luxembourg: National Consultation Office, Grand Ducal Order of 1945; United Kingdom: Advisory, Conciliation and Arbitration Service, set up in 1974; in Liberia it is planned to set up such a service within the framework of the Ministry of Labour.

<sup>21</sup> Canada: Manpower Consultative Service and Union-Management Services of the Federal Department of Labour.

<sup>22</sup> Iran.

<sup>23</sup> Thailand.

<sup>24</sup> For example: Netherlands: Labour Foundation, an institution founded by the employers' and workers' organisations in 1945.

<sup>25</sup> For example: Guinea, Iraq, Tunisia.

<sup>26</sup> Brazil: the central employers' and workers' organisations of this country confirm this opinion, and one of them, after pointing out that there is no special consultation machinery, adds that this is no impediment to "the best possible relations between the public authorities and the employers' and workers' organisations, nor between these organisations".

<sup>27</sup> Liberia.

<sup>28</sup> Canada: Act of 2 Aug. 1963 to provide for the establishment of an Economic Council of Canada, section 9 (i).

<sup>29</sup> For example: Federal Republic of Germany, Iran, Japan, Sweden.

<sup>30</sup> Luxembourg: Act of 21 Mar. 1966 for the establishment of the Economic and Social Council, and Act of 4 Apr. 1924 for the establishment of trade chambers on an elective basis.

<sup>31</sup> Belgium: Act of 29 May 1952 for the establishment of the National Labour Council, and Act of 5 Dec. 1968 respecting collective industrial agreements and joint committees.

<sup>32</sup> According to the report of the Swiss Government, administrative practice has played a major role in the evolution of consultation, the procedures for which it has helped to shape while at the same time extending its application beyond the requirements of the Constitution. Directives issued by the Federal Office for Industry, Arts and Crafts, and Labour (OFIAMT) on 7 Feb. 1950 lay down principles to be observed in connection with the consultation of associations, providing that in the fields specified by the Constitution the associations should be able to put their views not only on draft laws but also during the drafting of orders and ordinances, and defines the range of associations to be consulted in the broadest possible terms, thus making it clear that in case of doubt it is better to opt for consultation. Moreover, if an association not included in the consultation comes forward with a memorandum worthy of interest it should be taken into account.

<sup>33</sup> For example: Federal Republic of Germany, Luxembourg, Norway, Sweden.

<sup>34</sup> For example: Austria, Sweden.

<sup>35</sup> For example: Algeria: article 69; United Republic of Cameroon: article 35; France: article 71; Italy: article 99; Panama: article 226; Uruguay: article 206.

<sup>36</sup> It is mainly in the constitutions of Latin American countries that provision is made for such bodies. Cf. *Strengthening and furthering of tripartite co-operation*, Tenth Conference of American States Members of the ILO, Mexico, Nov.-Dec. 1974, Report III, p. 9.

<sup>37</sup> Netherlands: article 159.

<sup>38</sup> For example: in France the statutes of the Economic and Social Council, provided for by article 71 of the Constitution, were laid down by an Act for its establishment dated 29 Dec. 1958;

in the Netherlands, in pursuance of section 159 of the Constitution, the Social and Economic Council was established by the Organisation of Industry Act of 27 Jan. 1950.

<sup>39</sup> Burundi: section 267; United Republic of Cameroon: section 125; Central African Republic: section 161; Guinea: section 210; Ivory Coast: section 135; Libyan Arab Republic: section 107; Madagascar: section 116; Mali: section 339; Niger: section 158; Rwanda: section 159; Senegal: section 180; Togo: section 169; Tunisia: section 335; Upper Volta: section 169.

<sup>40</sup> For example: United Republic of Cameroon: section 129; Central African Republic: section 140; Ivory Coast: Book IV, section 4D; Togo: section 128; Upper Volta: section 141.

<sup>41</sup> For example: Togo: section 174.

<sup>42</sup> For example: the provisions of the Central African Labour Code are supplemented by Decrees No. 62/091 of 4 Apr. 1962 for the establishment of a National Labour Advisory Board, No. 63/106 of 22 Mar. 1963 for the establishment of a National Technical and Vocational Training Advisory Board, and No. 72/154 of 12 May 1972 for the establishment of a Joint Committee for the Centrafricanisation of the Staff of Private Enterprises; in Upper Volta the terms of reference, composition and manner of functioning of the Technical Advisory Committee on Health and Safety, provided for by section 141 of the Labour Code, were specified by the Order of 2 Mar. 1968; in Madagascar the National Labour Council, provided for by section 116 of the Labour Code, was established by an Ordinance dated 5 June 1975.

<sup>43</sup> For example: Finland: Act No. 608/1946 respecting the Labour Council; Kuwait: Ministerial Decree No. 6 of 1965 respecting the organisation and functioning of the Superior Advisory Board on Labour Affairs; Lebanon: Decree of 5 Dec. 1966 to establish and organise a National Labour Council; Uganda: Notice No. 1194 of 1963 respecting the Labour Consultative Council.

<sup>44</sup> For example: Costa Rica: Decree of 21 Aug. 1970 respecting the establishment of advisory boards at the national level for the different sectors of economic activity; Panama: Act for the institution of the Ministry of Labour and Social Welfare, dated 16 July 1960, and providing for the establishment of the National Labour and Social Welfare Council, the National Minimum Wage Board, the Apprenticeship and Vocational Training Board, the Maritime Labour Board, the Social Service Technical Council and a Tripartite Council on Freedom of Association.

<sup>45</sup> For example: Australia: Environment Protection Act of 1970, Victoria, section 7; Austria: Protection of Labour Act, section 25, and Vocational Training Act, section 31; Mauritius: Apprenticeship Act of 1968, section 4; Sudan: Manpower Act of 1974, section 5; Uganda: Industrial Training Decree of 1972 and Social Security Act of 1967.

<sup>46</sup> For example, in Liberia: the Tripartite Minimum Wage Board, provided for by section 501 of the Labour Practices Law.

<sup>47</sup> For example, in United Republic of Cameroon: the National Occupational Health and Safety Committee, provided for by section 129 of the Labour Code.

<sup>48</sup> For example, in Australia: the National Labour Advisory Council, established in 1968, has not met since 1972. Its reconstitution on a new basis is under consideration. In Burundi the National Labour Council has not met since 1969.

<sup>49</sup> For example, in New Zealand: the advisory committees set up in pursuance of section II of the Labour Department Act of 1954.

<sup>50</sup> For example: Canada: the Labour Code empowers the Governor-in-Council to provide for the establishment of advisory committees to advise the Government on any matter pertaining to labour standards; United States: certain laws call for the President to establish advisory committees on matters pertaining to labour and industry. For instance, the Trade Act of 1964 requires the President to establish an Advisory Committee for Trade Negotiations, and allows him to set up other advisory committees for industry, labour, agriculture, etc.

<sup>51</sup> Czechoslovakia: article 2 (4).

<sup>52</sup> Bulgaria: article 3 (2). Article 24 of the Bulgarian Constitution provides that "the workers' associations shall participate in the management of economic activities, directly or through bodies elected by them for that purpose".

<sup>53</sup> German Democratic Republic: article 44. It is noted that the trade unions have their own parliamentary group in the People's Chamber—the supreme authority of the State.

<sup>54</sup> Romania: section 165 (2).

<sup>55</sup> In this connection see paras. 116 and 141.

<sup>56</sup> See, in particular, article 6 of the Constitution and section 2 of the Act of 13 Apr. 1973 respecting the relationships between workers in associative work.

## CHAPTER II

### FORMS OF CONSULTATION AND CO-OPERATION

48. While the Recommendation enumerates the methods whereby consultation and co-operation should be provided for or facilitated (see Chapter I), it does not describe the forms which such consultation and co-operation might take.

49. It is worth recalling in this connection that the questionnaire sent to governments prior to the first discussion of the question in 1959 asked them to express their views as to the desirability of providing in the proposed Recommendation for the use of the following methods of consultation:

1. occasional consultation;
2. establishment of permanent consultative bodies of various kinds, i.e. (a) bodies with general competence for all social or economic questions, (b) bodies whose competence was limited to certain areas of social or economic policy, and (c) bodies whose competence was limited to certain industries or branches thereof or to certain occupational groups;
3. direct collaboration between the parties in the form of joint committees or in other forms;
4. collaboration resulting from the participation of employers' and workers' leaders in non-governmental bodies or associations of public interest.<sup>1</sup>

50. The majority of governments adopted a negative attitude towards this proposal, pointing to a wide range of difficulties likely to arise if an attempt were made to list all possible techniques and forms of collaboration. In these circumstances the Office considered that it would be desirable to confine the provisions of the proposed Recommendation to the inclusion of broad methods of application of these provisions. This solution received the full support of the Conference, which finally decided against the inclusion of detailed provisions on the setting up of bodies or other forms of consultation.

51. This chapter is divided into two parts. The first part deals with consultation and co-operation based on arrangements other than institutional, and the second with consultation and co-operation through bodies established for the purpose.

#### A. ARRANGEMENTS OTHER THAN INSTITUTIONAL

##### 1. *Informal Direct Contacts*

52. In a number of countries informal direct contacts are the main, if not the only, form of bi- and tripartite co-operation.<sup>2</sup> It is not uncommon for this practice to be regarded by the parties concerned not only as sufficiently efficacious but also as the

best suited to national conditions.<sup>3</sup> It is more usual, however, for such contacts to be complementary to more formal procedures.<sup>4</sup>

53. This method of co-operation has obvious advantages. In the first place, it enables officials of government departments and leaders of employers' and workers' organisations to obtain information or assistance as needed by the quickest and least-complicated means which may consist, as appropriate, of an exchange of letters, telephone conversations, private meetings, etc. This method may also have a beneficial influence upon the outcome of official consultations. It is a fact that contacts outside the formal machinery make it easier for the parties to acquaint one another with their opinions, intentions, demands, etc.

## *2. Formal Direct Contacts*

54. A distinction needs to be made between contacts established through communication between public authorities and employers' and workers' organisations in pursuance of certain legislative provisions and those whereby these organisations are able to state their viewpoints before the organs of government when the latter are discussing matters affecting the interests of employers and workers.

55. In the first case, legislative provision is made for the publication of draft laws and regulations as well as plans and programmes for action in the economic and social fields, or for their communication directly to interested parties (including, of course, employers' and workers' organisations) for comment.<sup>5</sup> Under these provisions employers' and workers' organisations may forward any comments they wish to make to the competent authorities within a specified time-limit. It should be added that while there is no obligation upon these organisations to express an opinion with regard to the matters brought to their attention, the authorities, on the contrary, have to take into account the comments they receive.

56. In the second case, representatives of the employers' and workers' organisations are authorised to attend sessions of certain organs of government. There are countries whose legislation confers upon them the right, in specified circumstances, to appear before parliamentary committees.<sup>6</sup> In others, such parliamentary committees, on their own initiative and in accordance with what has been shown to be a worthwhile practice, send invitations to organisations regarded as likely to make a useful contribution.<sup>7</sup> In some countries it is customary to set up ad hoc parliamentary committees consisting not only of members of parliament, but also of representatives of interested circles, and this includes employers' and workers' organisations.<sup>8</sup>

57. In the socialist countries the links between the public authorities on the one hand and the trade unions and managers of undertakings on the other are very close, and go beyond mere consultation.<sup>9</sup> As already stated<sup>10</sup>, under the terms of constitutional provisions, supplemented by legislation, the trade unions are associated in decision making whenever the workers' interests are at stake. Some governments merely refer to the law and practice in this respect; pointing mainly to the role played by trade unions in the formulation of the country's economic and social policy, and within undertakings in particular, they conclude that full effect is given to the Recommendation.<sup>11</sup>

58. It is to be noted that in a few socialist countries associations of managers of large undertakings or of large economic organisations have been set up. Their task is to co-operate closely with the central and local government authorities, as well as with the trade unions, on matters of mutual concern.<sup>12</sup>

### 3. *Meetings and Working Parties*

59. Half-way between the contacts established by public authorities with individual employers' and workers' organisations and the large conferences they organise from time to time at the national level (see next point) lies a procedure consisting in the convening, occasionally or at more or less regular intervals, of tripartite meetings to discuss problems of mutual concern. These meetings are held separately from the machinery specifically provided for in laws or regulations—generally at ministerial level—and are recognised by one reporting government to be “weapons of the strongest kind for bringing about mutual understanding between the parties concerned”.<sup>13</sup> Their purpose is not always identical. Sometimes it is merely a question of bringing the viewpoints of the two sides of industry closer together; in this case, some governments, convinced that the needs of the business world are best understood by businessmen, and that it is the trade unions who understand the needs of the workers better than anyone else, consider that their own task consists essentially in bringing the two sides together around a table and providing them with the material facilities necessary for unhampered discussions.<sup>14</sup> Often—particularly when the new legislation of wide public interest is envisaged—the purpose of such meetings is to enable a general consensus to be reached. In one country this procedure is followed regularly<sup>15</sup>, and in others occasionally—for instance in the framing of labour codes or other enactments of major importance.<sup>16</sup>

60. It is also to be noted that in a number of countries tripartite working parties are sometimes required to meet which are not statutory bodies but are nevertheless firmly established in national practice and able to operate on a semi-permanent basis.<sup>17</sup>

### 4. *National Conferences*

61. To enable top-level representatives of the public authorities and of employers' and workers' organisations to exchange views on the most important economic and social policy issues, some governments have adopted the practice of convening special conferences at the national level. It should be added that, generally speaking, representatives of other interested circles are also allowed to attend these conferences, and it is not infrequent either for certain persons to attend in an individual capacity, invited as experts.

62. Apart from the fact that normally such conferences are purely consultative in character, they differ from one another as regards their composition, the procedure followed, the duration of their sessions, etc. Some conferences that have been meeting regularly for years have in reality been transformed into a form of consultation machinery that can be qualified as permanent and compared to a statutory body. This in the case, for instance, with the Indian Labour Conference<sup>18</sup>, the Tripartite Labour Conference of Pakistan<sup>19</sup> and the National Labour Conference of Iran<sup>20</sup>, or the Labour Assembly in Turkey.<sup>21</sup> In Poland, today, joint top-level meetings of the Party, Government and trade union representatives are held twice a year to appraise the situation in respect of working conditions and define the tasks that need to be carried out in connection with the implementation of the programme for the improvement of working and living conditions.<sup>22</sup>

63. As well as conferences held more or less regularly to discuss an agenda which remains broadly the same, many conferences have been organised to examine specific problems.<sup>23</sup> It is mainly the reports from certain Asian countries that have supplied information in this respect, although they are not the only countries to resort to this

method of tri- or multipartite co-operation.<sup>24</sup> In one country in that region the law provides that the President may, from time to time, call a national conference of representatives of employers and of workers for the consideration and adoption of codes of principles in regard to labour-management relations designed to prevent or minimise industrial disputes.<sup>25</sup>

## B. INSTITUTIONAL ARRANGEMENTS

64. "Institutionalised" consultation—i.e. consultation within the framework of machinery specially set up for the purpose—has been widespread for many years now. In the pages which follow reference will be made first of all to bipartite machinery and then to machinery which is tripartite and often multipartite.

### 1. *Bipartite Machinery*

65. Independently of the contacts they maintain on an informal basis in a number of countries, the two sides of industry have set up bodies for consultation and co-operation in which they examine together problems of equal concern to both. At the national level, in some countries—mainly in Western Europe—the central employers' and workers' organisations have set up bodies with comprehensive terms of reference empowering them to deal with all matters of mutual concern.<sup>26</sup> The better to perform the duties assigned to them, these bodies have set up within their midst committees, boards or working parties to handle particular problems.<sup>27</sup> It is more usual, however, for specific functions such as offering guidance to works committees or promoting production, employment, vocational training, occupational safety and health, etc., to be entrusted to joint bodies under special agreements to that effect concluded between employers and workers.<sup>28</sup>

66. At the industrial level, committees on which both sides are represented in equal numbers and whose terms of reference go beyond the negotiation of collective agreements exist in several countries. Their scope is fairly limited and is confined to the study, for instance, of problems connected with production<sup>29</sup>, workers' health<sup>30</sup>, wages<sup>31</sup>, etc. Some reports state that bipartite committees are operating in several sectors or branches of economic activity, but give no information as to their terms of reference<sup>32</sup>; others simply cite the legislative provisions which authorise employers' and workers' organisations to set up bodies at the industrial level.<sup>33</sup>

67. Bipartite consultation in individual industries and occupations is particularly strongly emphasised in countries where the law organises the representation of employers and workers in accordance with socio-occupational categories.<sup>34</sup>

68. While on the subject of bipartite machinery, mention should also be made, notwithstanding their special character, of the bodies bringing together the managements of public services and nationalised undertakings and the representatives of the trade unions or staff associations for the branch of activity in question.<sup>35</sup>

### 2. *Tripartite (and Multipartite) Machinery*

69. Tripartite (and multipartite) machinery takes such a wide variety of forms that it is only possible to give a brief outline of the features of the main categories of such machinery.

70. Mention should be made first of all of the economic and social councils, whose terms of reference, as their name indicates, cover a very wide range, and whose functions often go beyond mere consultation. It will be seen in the next chapter that

these bodies—generally multipartite—play a major role not only in determining the lines to be followed by the country's economic and social policy but also in the field of social legislation.

71. Another group consists of bodies whose main task is to assist governments in the drawing up and implementation of economic and social development plans. Since a growing number of countries are resorting to planning in one form or another, and since most of them, in so doing, seek to enlist the co-operation of labour and management, bodies of this kind are appearing in increasing numbers.<sup>36</sup>

72. The national labour, social policy or industrial relations advisory boards and councils to be found in nearly all African countries and in a certain number of countries elsewhere in the world<sup>37</sup> merit particular attention. These bodies, whose task is to advise the Government on all matters relating to labour and employment, often have auxiliary bodies attached to them to enable them to perform certain specific functions.<sup>38</sup>

73. It is more usual for tripartite consultation on particular labour problems to take place within the framework of special machinery—councils, boards or committees dealing at the national level with vocational guidance, training and rehabilitation<sup>39</sup>, occupational health and safety<sup>40</sup>, industrial medicine<sup>41</sup>, employment and manpower<sup>42</sup>, social security<sup>43</sup>, prices and wages<sup>44</sup>, and many other matters.<sup>45</sup> Like the national labour councils and boards, the bodies to which reference is made here are not only called upon to advise the public authorities at the latter's request but in some cases may, on their own initiative, make recommendations as to the action to be taken.

74. Alongside the national consultation machinery, in many countries tripartite committees operate in the various branches of economic activity, or for certain occupations.<sup>46</sup> The functions of these bodies are sometimes defined in fairly broad terms; they may consist, for instance, in formulating policies and programmes for each industry<sup>47</sup>, regulating conditions of work<sup>48</sup>, advising on workers' welfare<sup>49</sup>, etc. However, it would appear from the information available that normally it is more usual for them to be boards whose functions are confined, for example, to discussions on wage problems<sup>50</sup> or vocational training.<sup>51</sup>

### *3. Composition of Bodies*

75. In principle bipartite bodies consist exclusively of representatives of employers' and workers' organisations. A number of joint bodies are chaired, however, by outsiders—normally persons belonging to a public institution, such as social conciliators and officials specially appointed for the purpose<sup>52</sup>, labour inspectors<sup>53</sup>, or, as in the case of the Joint Pay and Prices Commission in Austria, the Federal Chancellor. The chairman's role is an important one as he directs the discussions, and by using diplomacy he may be able to guide the parties towards a settlement. On the other hand, the chairman is generally not allowed to take sides in the discussion or to vote.

76. In the tripartite bodies a host of different combinations are to be found: strictly tripartite, with an equal number of representatives of employers' organisations, workers' organisations and the public authorities<sup>54</sup>, or with a larger number of seats reserved for the representatives of the employers' and workers' organisations<sup>55</sup>, or, on the contrary, for the representatives of the public authorities.<sup>56</sup> Some bodies are multipartite in composition—that is to say, their members include, in addition to representatives of the public authorities and both sides of industry, persons representing other interest groups. By way of examples, mention may be made of representatives of social activities<sup>57</sup>, members of parliament<sup>58</sup>, representatives of the universities<sup>59</sup>,

labour inspectors<sup>60</sup>, representatives of members of the social insurance scheme<sup>61</sup>, representatives of the judiciary<sup>62</sup>, etc. In one country the Social and Economic Council is composed of representatives of employers' and workers' organisations and of members who, although appointed by the head of State, participate and vote in the capacity of individual experts.<sup>63</sup>

77. There are bodies on which, in addition to the representatives of the public authorities and of the employers' and workers' organisations, qualified persons may sit as members, but in an individual capacity<sup>64</sup>, and others which may co-opt experts and technicians to sit in an advisory capacity.<sup>65</sup>

#### *4. Methods of Designating Organisations and Their Representatives*

78. The question as to which organisations may claim entitlement to represent the employers and workers on the various consultative bodies does not arise in countries where there is only a single trade union and a single employers' association.<sup>66</sup> It may be resolved without great difficulty in the case of "open" bodies—i.e. bodies whose composition is not limited to a specified number of participants, such as the national conferences convened at periodic intervals in certain countries by their ministers of labour or other competent authorities. The promoters of such conferences can send out invitations to practically all interested circles, and, if there is no particular reason for excluding one or more workers' or employers' organisations, they will all have the opportunity to take part in the discussions. The question becomes a major issue, however, where consultative bodies have restricted membership—as is moreover the case with the great majority of consultative bodies—and it becomes necessary to choose among several trade union organisations or employers' associations. There is no problem if the organisations concerned manage to reach an understanding among themselves and make their own suggestions to the government; it is another story when a choice has to be made between several rival organisations, as there is a risk that this may aggravate existing rivalries and lead to a deterioration in the relationship between the public authorities and the workers' and employers' organisations as a whole.

79. As a rule the national law specifies the organisations empowered to represent the employers and workers on the various consultative bodies. Broadly speaking, it provides for one of three alternatives: (a) for the purposes of consultation, all legally constituted workers' and employers' organisations are placed by the public authorities on an equal footing; (b) only those organisations of employers and workers deemed to be the most representative are taken into consideration; (c) only the central organisations of employers and workers are consulted.

80. The first of these alternatives does not signify that all such organisations are assured of having their own representatives on the consultative bodies. It simply means that the public authorities refrain from making any selection, but it is incumbent upon the organisations in question to agree among themselves upon the candidates to be nominated for membership of these bodies.<sup>67</sup>

81. As far as the second alternative is concerned, the problem is to know what the criteria are for determining whether an organisation is really representative. The legislation of some countries, while recognising the concept of a "representative organisation", gives no answer to this question.<sup>68</sup> In other countries the representative character of an organisation is established on the basis of several criteria. For instance, in some countries the representative character of a trade union is assessed by the Minister of Labour, taking into account factors such as membership, independence,



amount of dues, experience, scope and nature of activities.<sup>69</sup> A special situation exists in Belgium, where only the most representative employers' and workers' organisations are called upon to provide members for the various consultation and co-operation bodies, but this definition applies to organisations which have seats on the supreme consultative bodies (Central Economic Council and National Labour Council), or which are declared to be representative by the Crown on the advice of the National Labour Council.<sup>70</sup> Lastly, it is to be noted that in the Netherlands membership of consultation and co-operation bodies is granted only to the employers' and workers' organisations recognised as being the most representative by the public authorities, which take into account criteria such as membership, reasonable dispersion of members throughout the economy, financial structure and organic structure to ensure discipline among the membership.

82. An example of the third alternative is given by the legislation of New Zealand. In effect, only the central organisations of employers and workers may be consulted on the appointment of members of the Industrial Relations Council, the Industrial Commission and the Vocational Training Council.<sup>71</sup>

83. Another question of paramount importance is that of the persons to be appointed to membership of consultative bodies, since there is no room for doubt: genuine co-operation can take place only in so far as the members of the consultative bodies are authentic and direct representatives of the parties concerned. Accordingly, in order to guarantee to the full their representative character, the members of these bodies should be nominated either by the organisations invited to take part in the consultation, in full freedom, or by the public authorities, but in agreement with these organisations.

84. Direct nomination by the employers' and workers' organisations of their representatives on the consultative bodies is the rule in a number of countries.<sup>72</sup> It is even more frequent for the members of consultative bodies to be appointed by the competent ministers, but on the recommendation of the most representative employers' and workers' organisations.<sup>73</sup> Another practice is for the minister to select people from a list submitted by the organisations.<sup>74</sup> In some countries, and in the case of particular bodies, representatives are appointed by the ministers after consultation of such organisations as they consider "appropriate".<sup>75</sup> There is also a combination whereby the workers' representatives are designated directly by the General Federation of Trade Unions, while the employers' representatives are chosen by the minister after consultation with the employers' organisations.<sup>76</sup>

85. It is provided in the legislation of several countries that if there are no organisations which can be considered as representative<sup>77</sup>, or as "sufficiently"<sup>78</sup> or "the most"<sup>79</sup> representative, the appointment of the members representing the workers and employers is to be made directly by the minister. In one country<sup>80</sup> the representatives of the employers' and workers' organisations on the Advisory Industrial Medical Council are appointed by the Minister of Labour and Social Questions after consulting the organisations concerned, which must express their opinion within one month of being approached by the Minister. However, once this time-limit has expired, the representatives may be appointed by the Minister automatically without regard to the opinion of the organisations concerned.

### *5. Functioning of the Machinery*

86. The existence of consultative bodies is of real significance only if they meet more or less regularly, and, in any event, whenever the need arises. In the case of

statutory bodies, the periodicity of ordinary sessions is sometimes specified by law and varies considerably.<sup>81</sup> Furthermore, allowance is generally made for the holding of extraordinary sessions. The initiative for convening a session lies either with the public authorities under which the bodies in question have been established<sup>82</sup> or with the chairman of the body concerned.<sup>83</sup> A request for a session may also be made by the members of the body.<sup>84</sup>

87. To be able to discharge their duties properly consultative bodies must have suitable facilities at their disposal. In some cases the national government department to which the body in question is attached acts as a secretariat for it.<sup>85</sup> In others, particularly where the bodies concerned also have to carry out research, surveys and studies, they have their own administration in a form appropriate to the duties entrusted to them<sup>86</sup>, and in consequence some of them employ a large number of persons.<sup>87</sup>

<sup>1</sup> *Collaboration between public authorities and employers' and workers' organisations at the industrial and national levels*, ILC, 43rd Session, 1959, Report VIII (1), pp. 63-64.

<sup>2</sup> For example: Australia, Costa Rica, Guinea, Iceland, New Zealand.

<sup>3</sup> For example: Brazil, Guyana.

<sup>4</sup> For example, the Canadian Government states that "where . . . formal procedures are lacking it is often a practice for public authorities to consult with employers' and workers organisations either by correspondence or through personal contact before developing policies or implementing laws and regulations on matters which affect the interests of employers and workers".

<sup>5</sup> For example: Luxembourg: legislation on trade chambers; Norway: Administrative Procedure Act; Sweden: Instrument of Government, 1974 : 152.

<sup>6</sup> For example: United States.

<sup>7</sup> For example: Federal Republic of Germany.

<sup>8</sup> Switzerland and Sweden. In the latter country, for example, a parliamentary committee set up in 1971 and consisting of representatives of the Government and of employers' and workers' organisations presented a report in January 1975 in which it was suggested that the laws on the right to organise and to bargain collectively, on collective agreements and on mediation in labour disputes should be replaced by a new, all-embracing law. The new law would, according to the report, entail a number of important changes, such as, for instance, increased co-determination for the workers, increased obligation for the employers to give information to the workers, and more negotiations at the local level. Cf. *Social and Labour Bulletin* (ILO, 1/75, p. 8).

<sup>9</sup> The Government of Czechoslovakia points out that the position of trade unions and managers differs from that existing under the capitalist system, and that in consequence the principle of co-operation as envisaged in the Recommendation cannot be applied without modification.

<sup>10</sup> See above, para. 46.

<sup>11</sup> Hungary, Poland.

<sup>12</sup> Bulgaria: Regulations of 1958 respecting state economic organisations, and Regulations respecting the work of the Undertakings, Government Departments and Organisations Section in Bulgaria with a view to participating in the work of the ILO; German Democratic Republic: Ordinance of 1973 respecting the functions, rights and responsibilities of nationalised undertakings, combines and associations of nationalised undertakings. Romania: Section of Managers of Economic Organisations of the Socialist Republic of Romania, founded in 1973; USSR: General Ordinance concerning all-union and republic industrial associations, and Ordinance concerning associations of undertakings or combines, approved by a resolution of the Council of Ministers in 1973 and 1974, respectively.

<sup>13</sup> Ivory Coast.

<sup>14</sup> For example: Belgium, Canada, Japan, United Kingdom.

<sup>15</sup> In the United Kingdom, for instance, the purpose of bringing together representatives of the public authorities, the Confederation of British Industry (CBI), the Trades Union Congress (TUC) and all organisations and authorities directly concerned is to enable them to discuss government proposals which have been published and widely publicised beforehand. The results of these discussions are taken into account in finalising the Bill for submission to Parliament.

<sup>16</sup> In the Philippines and Poland for the elaboration of the Labour Code (Cf. *Social and Labour Bulletin*, 1/74, p. 3, and 2/74, p. 7, respectively). In the Federal Republic of Germany a Committee on the Labour Code was set up in 1970 by the Federal Minister of Labour and Social Affairs; similar groups have been appointed to prepare "difficult legislation" such as the Social Welfare Code and the legislation for the extension of social insurance.

<sup>17</sup> The following examples taken from the reports give an idea of the widespread use of this method of tripartite co-operation: In Austria the "Central Working Party for the Discussion of Action for the Further Improvement of the Training Given to Apprentices" is established within the Federal Ministry of Commerce, Trades and Industry and the "Committee for the Discussion of Matters concerning Vocational Training Schools and Colleges" in the Federal Ministry for Education and the Arts. In the Federal Republic of Germany the working party on "employment market policy" usually meets twice a year at the Federal Ministry of Labour and Social Affairs; the so-called "joint action groups" set up by the Federal Minister of the Economy discuss problems connected with maintaining the pace of economic growth and full employment; the "social policy" group meets at the Federal Ministry of Labour and Social Affairs to endeavour to reach an understanding with a view to the furtherance of joint efforts in all social fields; there are other similar groups. In Sweden several commissions or committees have been set up such as the commissions for the drafting of educational reforms, a commission on the working environment, a commission on employment policy, a labour legislation committee, a consultative committee on working hours, a committee on unemployment insurance, etc. In Iran an ad hoc committee chaired by the Minister of Labour and Social Affairs is called upon to give its views on the formulation of the Fifth Development Plan, especially as concerns matters relating to manpower and employment. The Minister of Labour of Singapore has set up an advisory committee to advise on accident prevention in shipyards.

<sup>18</sup> This conference has met 27 times since 1942, the last time being in 1971.

<sup>19</sup> The last conference was in May 1975. Cf. ILC, 60th Session, 1975, *Record of Proceedings*, p. 395.

<sup>20</sup> The last (third) conference was held in 1971.

<sup>21</sup> Act No. 4841 of 30 Jan. 1946, respecting the establishment and functioning of the Ministry of Labour, provides that tripartite labour assemblies may be convened at intervals by the Minister of Labour (section 17).

<sup>22</sup> Speech by the Minister of Labour, Wages and Social Affairs at the International Labour Conference, 60th Session, 1975 (ILC, 60th Session, 1975, *Record of Proceedings*, p. 265).

<sup>23</sup> Examples are the Industry and Labour Round Table Conference and the People's Economic and Social Conference in Japan, the Industrial Peace Conference convened by the Minister for Labour of Australia, and held in Canberra in December 1973 and January 1974, to consider proposals for achieving greater stability in labour relations, and the 1969 National Development Conference in New Zealand.

<sup>24</sup> For example, in Liberia the Labour Minister appointed in 1975 an ad hoc tripartite advisory board whose duties included the planning of the First National Tripartite Labour Conference, to be held in 1976. Cf. ILO, *Social and Labour Bulletin*, No. 4/75, p. 365.

<sup>25</sup> Philippines: Industrial Peace Act, No. 875 of 17 June 1953, section 20. Under this Act the Secretary of Labour is also authorised to call from time to time, acting in consultation with representatives of the employers' and workers' organisations concerned, a similar conference in any industry or region for the same purpose.

<sup>26</sup> For example: Belgium: National Labour Council (subsequently made official by an Act dated 29 May 1952); Denmark: Liaison Committee; Netherlands: Labour Foundation; Sweden: Labour Market Board.

<sup>27</sup> For example, in Sweden: the Committee for Workers' Protection, the Labour Market Committee for Women's Questions, the Labour Market Vocational Council, etc.

<sup>28</sup> In this connection see para. 93.

<sup>29</sup> For example: Denmark, Panama.

<sup>30</sup> For example: Finland, Italy.

<sup>31</sup> For example: Guatemala.

<sup>32</sup> For example: Malta.

<sup>33</sup> For example: Kuwait, New Zealand.

<sup>34</sup> In Belgium there exist at present more than 80 committees (not counting subcommittees) in various branches of economic activity and for various occupations. In Luxembourg six trade chambers have been set up: the Chamber of Commerce, the Chamber of Handicrafts and the Peasants' Central Chamber (which acts as a Chamber of Agriculture), the Chamber of Labour, the Chamber of Private Employees and the Chamber of Public Servants and Employees.

<sup>35</sup> In this connection see paras. 97 and 98.

<sup>36</sup> Cf. ILO: *Employers' and workers' participation in planning* (Geneva, 1971). See also in this connection paras. 132 et seq.

<sup>37</sup> For example: Canada, Cyprus, Finland, Greece, Guatemala, Iran, Japan, Kuwait, Lebanon, Malta, Mexico, New Zealand, Pakistan, Panama, Spain, Trinidad and Tobago.

<sup>38</sup> For example: Kuwait: the Superior Advisory Board on Labour Affairs may draw on some of its members and on other qualified persons to form subcommittees on various labour matters (Ministerial Decree No. 6 of 1965 respecting the organisation and functioning of the Superior Advisory Board on Labour Affairs, section 9). Lebanon: section 12 of Decree No. 6304 of 1966, to establish and organise a National Labour Council, provides for the setting up of committees on wages, manpower and occupational organisation, industrial relations and apprenticeship, agriculture, subsidies and workers' protection. Other committees may be established as necessary by order of the Minister of Labour and Social Affairs on the recommendation of the Administrative Committee of the National Labour Council. Mexico: the National Tripartite Commission has set up six committees to study the following subjects: (a) investment, productivity and decentralisation of industry; (b) unemployment and vocational training; (c) the cost of living; (d) people's housing; (e) pollution; (f) subcontracting.

<sup>39</sup> For example: Australia: National Training Council; Austria: Advisory Council for Vocational Training (Vocational Training Act, section 31); Central African Republic: National Technical and Vocational Training Advisory Board (Decree No. 63/106 of 22 Mar. 1963, section 1); Denmark: Vocational Guidance Board (Act No. 117 of 3 May 1961 respecting vocational guidance, section 2 (1)); France: National Vocational Training, Further Education and Employment Council; Iran: Superior Training Council; Japan: Central Vocational Training Council (Vocational Training Law, section 95); Mauritius: National Advisory Council (Industrial Training Act of 1968, section 4); New Zealand: Vocational Training Council (Vocational Training Council Act of 1968); Panama: Technical and Vocational Training Board (Decree No. 7 of 29 May 1974 for the establishment of the boards provided for by the Act of 1970 for the institution of the Ministry of Labour and Social Welfare, section 26); Singapore: Industrial Training Board (Act of 1972); Sudan: National Council for Apprenticeship and Vocational Training (Apprenticeship and Vocational Training Act, No. 109 of 1974, section 5); Togo: National Committee on Vocational Guidance and Training (Labour Code, section 174); Uganda: Industrial Training Council (Industrial Training Decree of 1972, section 2).

<sup>40</sup> For example: Austria: Workers' Protection Committee (Workers' Protection Act, section 25); United Republic of Cameroon: National Occupational Health and Safety Committee (Labour Code, sections 129 and 130); France: Industrial Health Board, Occupational Safety Board, Superior Industrial Medicine Council; Iran: Safety and health committees (in various industries); Ivory Coast: Technical Committee on Workers' Health and Safety (Labour Code, Book IV, section 4D); Madagascar: Advisory Expert Committee for the Study of Matters of Health, Occupational Safety and Industrial Medicine (Ordinance No. 75-013 of 5 June 1975, section 99); Morocco: Advisory Industrial Medical Council (Decree No. 2-56-248 of 1958, section 27); Singapore: Advisory Committee on Safety and Health in Shipyards; Spain: Superior Council for Occupational Health and Safety; Togo: Advisory Technical Committee (Labour Code, section 128); United Kingdom: Health and Safety Commission; United States: National Advisory Committee (Occupational Safety and Health Act of 1970, section 656); Upper Volta: Technical Advisory Committee on Health and Safety (Labour Code, section 141).

<sup>41</sup> For example: France: Superior Industrial Medicine Council; Morocco: Advisory Industrial Medical Council.

<sup>42</sup> For example: Austria: Advisory Council for Employment Policy; Canada: Manpower and Immigration Council; Denmark: National Labour Board; Finland: Labour Council; France: Superior Employment Council; Guatemala: National Employment Service Advisory Board; Lebanon: Manpower and Training Committee; Morocco: Superior Manpower Board; Sudan: Higher Manpower Committee; United Kingdom: Manpower Services Commission; Upper Volta: Employment Commission.

<sup>43</sup> For example: Federal Republic of Germany: Social Affairs Council; Iran: Superior Social Security Council; Japan: Workmen's Accident Compensation Insurance Council; Netherlands: Social Insurance Council; Uganda: Social Security Advisory Council.

<sup>44</sup> For example: Argentina: National Prices, Incomes and Living Standards Board; Greece: Prices and Incomes Commission; Guatemala: National Wages Board; Iraq: Wage Fixing Board; Morocco: Central Prices and Wages Commission; Panama: National Minimum Wage Board; Senegal: National Committee for Agreement on Wages, Prices and Employment Policy; Singapore: National Wages Council; Upper Volta: National Price Commission.

<sup>45</sup> For example: Australia: Environment Protection Council (Victoria); Austria: Foreign Trade Advisory Council; Central African Republic: Joint Committee for the Centrafricanisation

of the Staff of Private Enterprises; Iraq: Advisory Committee to Draft a National Classification of Occupations; Liberia: Commission on Liberianisation; Luxembourg: Economic Conditions Committee; Upper Volta: National Committee for Resurgence.

<sup>46</sup> For example, as concerns seafaring, appropriate bodies have been set up in the following countries: Brazil: Superior Maritime Labour Council; Canada: Marine Safety Advisory Council; New Zealand: Marine Council; Panama: Maritime Labour Board.

<sup>47</sup> For example: in India, where a total of 15 industrial committees are at present operating, including those for the plantation industry, textiles, coalmining, mines other than coal mines, road transport, construction, metal trades, chemical industries, etc.

<sup>48</sup> For example: Chile, Egypt, Morocco.

<sup>49</sup> A resolution adopted by the Third National Labour Conference of Iran in 1971 called for the setting up in each industry, with a view to taking part in the formulation of projects under the Fifth Development Plan and submitting views and suggestions, of tripartite committees whose tasks would include advising the Minister of Labour and Social Affairs on workers' welfare. According to the information available, the most active committees are those in the textile industry and the metal trades.

<sup>50</sup> For example: India, where 22 wage boards are at present operating in various industries; United Kingdom, where there are 46 wages councils.

<sup>51</sup> For example: in Australia and the United Kingdom.

<sup>52</sup> For example, Belgium: joint committees.

<sup>53</sup> For example, Guatemala: joint committees.

<sup>54</sup> For example: Mali: Economic and Social Commission, consisting of 10 representatives of the National Union of Workers, 10 representatives of the Chamber of Commerce, Agriculture and Industry and 10 representatives of the Management Committee for the Plan (Decree No. 143 of 28 Aug. 1969, section 3); Mauritius: Labour Advisory Board (Employment and Labour Ordinance of 1939, Cap. 214, section 2); Tunisia: Labour Committee, consisting of 12 members: 4 representing the public authorities, 4 the federations of employers' associations, and 4 the federations of workers' associations (Labour Code, section 336).

<sup>55</sup> For example: Canada: Advisory Council on Labour and Manpower (Quebec), consisting of the President, the Deputy Minister of Labour or his representative, 5 persons chosen from among those recommended by the most representative associations of employees, and 5 persons chosen from among those recommended by the most representative associations of employers (Advisory Council on Labour and Manpower Act of 1968 (Quebec), section 4); New Zealand: Industrial Relations Council, consisting of 22 members: 10 appointed on the recommendation of the central organisation of employers, 10 appointed on the recommendation of the central organisation of workers, the Minister (who is chairman) and the Secretary of Labour (Industrial Relations Act of 1973).

<sup>56</sup> For example: Central African Republic: the Joint Committee for the Centrafricanisation of the Staff of Private Enterprises comprises 5 workers' representatives, 5 employers' representatives and 8 persons representing various ministries or other government departments, as well as the chairmen of the consular chambers (Decree No. 72/154 of 12 May 1972, section 3); Kuwait: the Superior Advisory Board on Labour Affairs comprises 3 employers' representatives, 3 workers' representatives and 6 representatives of the public authorities (Ministerial Decree No. 6 of 1965, section 1).

<sup>57</sup> For example: France: the Economic and Social Council includes among its members 15 representatives of social activities, including persons selected, *inter alia*, as representatives of housing, savings, public health and consumers' and building co-operatives and at least 8 representatives of family associations (Ordinance No. 58-1360 of 29 Dec. 1958, section 7).

<sup>58</sup> For example: Algeria: Economic and Social Council (Constitution, article 69); the National Labour Councils of the United Republic of Cameroon, Senegal, the Central African Republic and Guinea include members of the National Assembly (Labour Codes, sections 126, 180, 161 and 209, respectively).

<sup>59</sup> For example: Honduras: Economic and Social Council (Legislative Decree No. 147 of 10 Oct. 1974, section 3); Panama: Technical and Vocational Training Board (Decree No. 7 of 29 May 1974, section 1); Sudan: Council for Apprenticeship and Vocational Training (Apprenticeship and Vocational Training Act of 1974, section 5); Turkey: General Assembly of the Social Insurance Institution (Act No. 4792 of 16 July 1946, section 12).

<sup>60</sup> For example: Guinea: Labour Advisory Board (Labour Code, section 209).

<sup>61</sup> For example: Lebanon: National Labour Council (Decree No. 6304 of 1966, section 4).

<sup>62</sup> For example: United Republic of Cameroon: National Labour Council; Central African Republic: National Labour Advisory Board; Senegal: National Labour Advisory Council.

<sup>63</sup> Netherlands: Organisation of Industry Act of 27 Jan. 1950, sections 4 and 22.

<sup>64</sup> For example: United Republic of Cameroon: National Occupational Health and Safety Committee (Labour Code, section 130); Guinea: Labour Advisory Board; Madagascar: National Labour Council (Labour Code, section 116); Mali: Superior Labour Board (Labour Code, section 338); Morocco: Advisory Industrial Medical Council (Decree No. 2-56-248 of 1958, section 27); Togo: the National Council for Labour and Social Laws and the National Committee on Vocational Guidance and Training may call in experts on economic, medical and social matters; Tunisia: Labour Committee (Labour Code, section 337).

<sup>65</sup> For example: United Republic of Cameroon: National Labour Council; Italy: National Council for the Economy and Labour (Act No. 33 of 5 Jan. 1957, section 2); Luxembourg: Economic and Social Council (Act of 21 Mar. 1966, section 4 (2)); Morocco: Superior Manpower Board (Decree No. 319-66 of 1967, section 6).

<sup>66</sup> Cf. in this connection, *Freedom of association and collective bargaining*, RCE, 1973, paras. 47 and 70.

<sup>67</sup> For example, in Madagascar the workers' organisations have to reach agreement on the candidates to be nominated for the National Labour Council (Labour Code, section 116); in Canada it is the usual practice for the Government to consult the workers' and employers' organisations before appointing the employers' and workers' representatives on the various bodies on which their interests are required by law to be represented.

<sup>68</sup> For example: United Republic of Cameroon, Guinea, Mali, Tunisia.

<sup>69</sup> Central African Republic: Labour Code, section 78; France: Labour Code, Book I, section 31 F; Togo: Labour Code, section 70.

<sup>70</sup> Act of 5 Dec. 1968 respecting collective industrial agreements and joint committees, section 3.

<sup>71</sup> Industrial Relations Act of 1973, section 10 (2), and Vocational Training Council Act of 1968, section 4.

<sup>72</sup> For example: Australia: Industrial Safety, Health and Welfare Board (Act No. 137 of 1972 (South Australia), section 8); Denmark: Vocational Guidance Council (Act No. 117 of 1961 respecting vocational guidance, section 2); National Labour Board (Act No. 114 of 1970 respecting placement and unemployment insurance, section 4 (2)); France: Economic and Social Council (organic law of 1958 respecting the Economic and Social Council, section 7); Mali: Superior Labour Board; the representatives designated by the most representative organisations must be in possession of their civic rights and not have incurred any conviction involving being struck off the electoral lists (Labour Code, section 338); Mauritius: Central Apprenticeship Committee (Apprenticeship Act of 1968, section 4 (1)); Netherlands: Social and Economic Council; two-thirds of its members are appointed by the organisations of employers and employees (Organisation of Industry Act of 1950, section 4 (2)); Upper Volta: Labour Advisory Board (Labour Code, section 169).

<sup>73</sup> For example: Austria, United Republic of Cameroon, Canada, Central African Republic, Finland, Greece, Guatemala, Guinea, Luxembourg, Madagascar, Panama.

<sup>74</sup> Australia: Environment Protection Council (Environment Protection Act of 1970 (Victoria), section 7 (1) (a) and (b)); Lebanon: Decree No. 6304 of 5 Dec. 1966, to establish and organise a National Labour Council, section 6 (1).

<sup>75</sup> For example: Canada: Manpower and Immigration Council (Act of 1967 to establish a Canada Manpower and Immigration Council, section 4 (2)); Mauritius: Industrial Relations Commission and National Remuneration Board (Industrial Relations Act of 1973, sections 41 (2) and 45 (2)); United Kingdom: Health and Safety Commission (Health and Safety at Work Act of 1974, section 10 (2)).

<sup>76</sup> Iraq: Board of Management of the Labour Institution (Labour Code, section 162).

<sup>77</sup> Upper Volta: Labour Code, section 169.

<sup>78</sup> Burundi: Labour Code, section 265.

<sup>79</sup> Mali: Labour Code, section 338.

<sup>80</sup> Morocco: Decree No. 2-56-248 of 8 Feb. 1958 respecting the organisation of industrial medical services, section 27.

<sup>81</sup> For example, in Canada: the Manpower and Immigration Council is required to meet at least twice a year (section 9 of the Act of 1967), while the Advisory Council on Labour and Manpower (Quebec) should hold its statutory meetings twice a month (Regulation respecting the Council, section 2).

<sup>82</sup> For example: in France the Economic and Social Council is convened, on behalf of the Government, by the Prime Minister.

<sup>83</sup> National Labour Boards are chaired in most countries by the Minister of Labour.

<sup>84</sup> For example: the National Labour Advisory Board of the Central African Republic may meet at the written request of half its members. The Superior Labour Board of Mali may meet at the request of the majority of its members.

<sup>85</sup> For example: the secretariat service of the National Labour Advisory Board of the Central African Republic and the National Labour Council of Madagascar are the responsibility of an official of the Labour Services Directorate. In Guinea the permanent secretariat service of the Labour Advisory Board is the responsibility of an official of the Inspectorate of Labour and Social Legislation. The secretariat service of the Superior Manpower Board of Morocco is the responsibility of the Prefectoral Inspector of Labour. In Tunisia the secretariat service of the Labour Committee is the responsibility of the Secretariat of State for Youth, Sport and Social Affairs.

<sup>86</sup> For example, in France: within the Economic and Social Council there exist the following sections: social activities section, section for the adaptation of technical research and economic information, foreign economic expansion section, regional economy section, section for technical co-operation with the member States of the Community, investment and planning section, economic surveys section, credit and taxation section, power section, agricultural productivity and expansion section, distribution modernisation section, international economic institutions section, social promotion section and vocational guidance and training section, housing, construction and urban development section, and transport and tourist travel section (section 11 of the Organic Law of 1958 and section 1 of Decree No. 59-600 of 5 May 1959).

<sup>87</sup> For example: the Economic Council of Canada employs about 140 persons, including a professional research staff of approximately 70 persons. In addition, the Council engages the services of outside consultants from universities and other agencies on a contractual basis.

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## CHAPTER III

### AREAS FOR CONSULTATION AND CO-OPERATION

88. Under the terms of Paragraph 4 of the Recommendation, consultation and co-operation should have the general objective of promoting mutual understanding and good relations between public authorities and employers' and workers' organisations, as well as between these organisations. This is in fact the objective aimed at by the various consultation procedures and bodies<sup>1</sup> to which reference has been made in the preceding chapter, even though generally it is not explicitly stated. However, the Recommendation does not view "mutual understanding and good relations" between the parties concerned as an end in itself, but as a dynamic process evolving in forms appropriate to national conditions, "with a view to developing the economy as a whole or individual branches thereof, improving conditions of work and raising standards of living".

89. Accordingly, in Paragraph 5 of the Recommendation it is provided that consultation and co-operation should aim:

- (a) at joint consideration by employers' and workers' organisations of matters of mutual concern with a view to arriving, to the fullest possible extent, at agreed solutions;
- (b) at ensuring that the competent public authorities 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;
  - (ii) the establishment and functioning of national bodies, such as those responsible for organisation of employment, vocational training and retraining, labour protection, industrial health and safety, productivity, social security and welfare; and
  - (iii) the elaboration and implementation of plans of economic and social development.

#### A. CONSULTATION BETWEEN EMPLOYERS AND WORKERS

##### 1. *Private Sector*

90. In their reports governments have laid stress on the application of the principle of tripartite consultation and co-operation, highlighting their own role in this respect, and only a few reports have anything to say about consultation and co-operation between the two sides of industry. Moreover, in regard to most countries the information available on the subject is but fragmentary and does not suffice to give a clear picture as to the extent of bipartite co-operation and its usefulness in



practice. Some governments have nevertheless emphasised that relations between employers' and workers' organisations "offer plenty of scope for free initiative and action"<sup>2</sup>, or guarantee "sufficient initiative for joint consultation and negotiations with a view to improving the conditions of life of workers".<sup>3</sup>

91. It should be borne in mind that under the terms of Paragraph 5 (a) of the Recommendation, the purpose of consultation and co-operation between employers' and workers' organisations should be to consider matters "of mutual concern". These matters are not specified; in fact, what is called for, as stated in the preamble to a national collective agreement<sup>4</sup>, is continuing dialogue with a view to finding solutions to "all the problems of concern to employers and workers which have arisen or may arise". These problems are many and varied, relating not only to conditions of work (which are in any case the normal subject-matter of collective agreements), but to practically every aspect of economic and social affairs.

92. In practice, in many countries, the employers' and workers' organisations have on their own initiative reached agreement on certain principles to be observed with a view to ensuring that the relations between them are conducive to the strengthening of industrial peace, which is an important factor in economic and social affairs.<sup>5</sup> They have recognised the importance of holding regular, systematic and loyal talks based on the fullest possible knowledge of the situation, primarily with a view to promoting continuous co-operation between the parties to the labour market as a means of stimulating productivity and enhancing well-being.<sup>6</sup>

93. Bipartite consultation covers many other problems. On the basis of the information available, mention may be made of vocational training<sup>7</sup>, hygiene, health and protection of workers' health<sup>8</sup>, the functioning of works committees<sup>9</sup>, questions relating to employment<sup>10</sup>, technological progress<sup>11</sup>, the social and occupational consequences of organisational and technical innovation<sup>12</sup>, wages<sup>13</sup> and other matters.<sup>14</sup>

94. Two countries, in which the law organises the representation of employers and workers in accordance with their occupational category, have furnished more detailed information about bipartite co-operation. In one<sup>15</sup>, there are six trade chambers whose task is to establish and subsidise, if necessary, all kinds of establishments, institutions, projects or services essentially concerned with improving the lot of employees, and further their activities, to express views, to make demands and to request information and the production of statistical data. In the other, many joint committees, as well as negotiating collective agreements, are responsible for carrying out any task assigned to them by law or in pursuance of a law.<sup>16</sup>

95. Two countries state that the employers' and workers' organisations jointly administer certain funds. In one case<sup>17</sup>, these funds represent excess profits from various branches of economic activity; in the other<sup>18</sup>, there is an Industrial Research Fund, in whose administration representatives of the public authorities participate in a purely advisory capacity.<sup>19</sup>

## *2. Public Services and Nationalised Industries*

96. Consultation and co-operation as envisaged by the Recommendation are applicable to all branches of the economy, including those that are nationalised or have the status of public services, such as national railways, national banks, postal services, etc. Here, consultation and co-operation are of necessity bipartite, this peculiarity stemming from the fact that the trade unions have to deal not with organisations of private employers but with a public authority. Generally this is not

without its impact upon the relations between the parties, but it should not impede the application of the Recommendation. It is therefore important that in this sector two appropriate steps should be taken to ensure that the chief executives of public services and nationalised industries can take into consideration the view of the workers' organisations on all matters affecting their mutual interests.

97. A few governments have reported on their law and practice as concerns consultation and co-operation in the public services and nationalised industries. One country<sup>20</sup> reports that a central advisory body on matters relating to civil servants has been set up with a view to implementing the regulations concerning the legal status of civil servants. In a few other countries there exist, at the national level, standing joint consultation bodies for civil service personnel, whose task it is to promote harmonious relations and ensure co-operation between the government—in its capacity as the employer—and the employees, in all fields of mutual interest, with a view to making recommendations on general questions relating to the public service<sup>21</sup>, and in particular to the efficacy of public services.<sup>22</sup> Their terms of reference cover all matters pertaining to general conditions of employment and work and to the welfare of the employees. In two countries<sup>23</sup> a body of this kind is also called upon to deal with the grievances of civil servants. One report<sup>24</sup> states that joint advisory bodies have been set up for individual services, namely the police and the fire services.

98. Besides the permanent machinery there may be ad hoc bodies. In one country<sup>25</sup>, for instance, a bipartite committee of government and union representatives was set up to draft a Code of General Principles on Occupational Safety and Health in Government Employment.

99. In one country<sup>26</sup>, according to its Government, staff associations—such as the unions of civil servants, local government employees, postal and telegraphic service employees and railway employees—may influence the authorities by various means ranging from the submission of memoranda in writing to a request for negotiations to be initiated with a view to working out solutions acceptable to both sides. For instance, the laws and regulations specifying the rights and duties of public servants are always drawn up in consultation with the trade unions concerned.

100. Some governments have reported on co-operation in their nationalised industries. For instance, the reports of certain countries<sup>27</sup> mention the fact that the employees' unions have seats on the boards of management. In other countries joint consultation machinery has been set up for certain branches such as mining<sup>28</sup>, gas<sup>29</sup>, railways, metal trades, tourism and civil aviation.<sup>30</sup>

## B. CONSULTATION BETWEEN PUBLIC AUTHORITIES AND EMPLOYERS' AND WORKERS' ORGANISATIONS

### 1. *Preparation and Implementation of Social Legislation*

101. In contemporary society, intervention by the State in the field of labour and social affairs is steadily increasing, thus making it necessary to broaden the scope of the laws and regulations introduced in this respect. It is important, however, that the purpose of state intervention should not be merely to resolve certain problems, but should be, first and foremost, to find humane and fair solutions consistent with the real aspirations of those concerned. This cannot be accomplished satisfactorily if the public authorities act alone; on the contrary, close co-operation is called for between the parties most directly affected by these problems, and consequently in the best

position to contribute towards the successful implementation of the measures decided upon.

102. Today, the principle of consultation and co-operation between public authorities and the two sides of industry in the framing and implementation of social legislation appears to be widely accepted. A number of governments have stressed the usefulness of such consultation and co-operation in their reports, describing, in a more or less detailed manner, the methods whereby the principle is put into practice. While in many cases the information supplied is too scanty to enable an accurate idea to be formed of the situation, it does show that consultation and co-operation normally take place in one of two ways: through machinery set up for the purpose, and through direct contact between the public authorities, on the one hand, and the employers' and workers' organisations on the other.

*Consultation through Bodies Established for That Purpose*

103. The various bodies set up either under legislative provisions or by administrative decision play a relatively important role both at the stage when the legal enactments whereby effect is to be given to the provisions in force are being drafted and at the stage when these measures are being put into practice.

104. In Europe bodies with wide-ranging terms of reference such as economic and social councils are called upon to give their views on legislative measures with social and economic implications. They perform this function when requested to do so by the public authorities<sup>31</sup> but in some cases it is compulsory for the public authorities to consult these bodies. In France, for instance, it is compulsory for the Economic and Social Council to be requested to give its opinion on Bills (other than financial Bills) dealing with economic or social plans or programmes, and may be associated in their initial drafting.<sup>32</sup> Likewise in the Netherlands, unless they consider it to be contrary to the public interest, ministers must ask the Social and Economic Council for its opinion on all important measures which they propose to take in the social or economic field.<sup>33</sup>

105. While the bodies to which reference is made here are not normally empowered to initiate legislation themselves, they perform this function indirectly by proffering, to the public authorities, on their own initiative, "views", "recommendations", "suggestions" or "proposals". Exceptionally, in Italy, the National Council for the Economy and Labour has an independent power of initiative in proposing economic and social legislation<sup>34</sup>, while in the Netherlands the Social and Economic Council may even make orders containing legally binding rules with a view to the promotion and development of industrial activity and the safeguarding of the interests of industry and of the persons engaged therein.<sup>35</sup>

106. Most of the consultative bodies whose terms of reference cover all matters pertaining to labour and employment are also entrusted with certain functions in connection with social legislation. For example, the Labour Advisory Board in Cyprus<sup>36</sup> and the Labour Council in Spain<sup>37</sup> may, on their own initiative, submit to the Minister of Labour proposals or suggestions concerning labour legislation, and in Belgium many laws provide for the National Labour Council to be consulted before Royal Orders are made for the administration of these laws.<sup>38</sup>

107. Bodies of this type exist in the great majority of African countries; the labour codes of the French-speaking countries provide for the setting up of a central advisory body, and though the name varies (Labour Advisory Board, Superior Labour Council, National Labour Council), the functions are similar. Apart from the cases in which

it is compulsory for the advice of these bodies to be sought, under the relevant provisions of the code and the regulations for its administration, they may be consulted on all matters relating to labour and manpower. Their duties include the expression of opinions and the formulation of proposals and resolutions as to the laws and regulations to be made with respect to labour, employment, vocational guidance and training, placement, movements of labour, improvement of material and moral conditions of workers, and social security.<sup>39</sup> In the English-speaking countries of Africa the labour legislation likewise provides for the setting up of tripartite national advisory committees on labour with the task, *inter alia*, of advising ministers on all proposals for laws and regulations relating to labour and labour relations generally.<sup>40</sup>

108. In Asia the Indian Labour Conference and the Tripartite Labour Conference of Pakistan are called upon to examine labour problems and may suggest to their governments such amendments to the legislation as they consider appropriate. Likewise in New Zealand, the functions of the Industrial Relations Council include the making of recommendations to the Government for the amendment of any enactment "relating to industrial matters with a view to improving industrial relations and industrial welfare".<sup>41</sup> It may also formulate itself codes of practice relating to industrial relations. In Japan, the Central Labour Standards Council is called upon to deliberate all matters relating to the enforcement and improvement of the Labour Standards Law, either on its own initiative or at the request of the Minister of Labour.<sup>42</sup>

109. In Iran the Superior Labour Council<sup>43</sup> is the forum for tripartite consultation on the preparation and implementation of laws and regulations affecting the workers' interests. The same function is performed by the National Labour Council of Lebanon<sup>44</sup>, which may be consulted on draft labour and related laws as well as on draft decrees and regulations made for the administration of such laws, and by the Superior Advisory Board on Labour Affairs of Kuwait<sup>45</sup>, whose task it is, *inter alia*, to "give its views on the texts of legislation relating to labour and on amendments to those texts".

110. According to the information available, similar bodies have also been set up in a few countries in Latin America. In Guatemala, for example, the Technical Advisory Board of the Ministry of Labour and Social Welfare and the National Social Policy Advisory Board may participate in the process of framing labour standards.<sup>46</sup> The National Labour and Social Welfare Council of Panama has similar functions<sup>47</sup>, and so, apparently, does the National Tripartite Commission of Mexico.<sup>48</sup>

111. A considerable number of the bodies entrusted with special responsibilities are specifically assigned duties in connection with the framing and implementation of laws and regulations in their own field, and even where this is not the case, their functions are defined in such general terms (e.g. "identify needs", "consider problems", "make studies", "examine questions", etc.) that in practice it appears to be also incumbent upon them to perform this task. Normally the status of these bodies is merely advisory, and they advise the public authorities as to the action to be taken.<sup>49</sup> But there are also those entrusted with the elaboration of general standards in respect of working conditions<sup>50</sup>, regulations for the application of such standards<sup>51</sup> or for the "amendment of the law and the regulations made thereunder".<sup>52</sup>

*Consultation through Direct Contact*

112. In other countries the public authorities are required by law to communicate the drafts of social laws and regulations to the employers' and workers' organisations (and sometimes also to associations and private individuals) to enable them to express their viewpoint before a final decision is taken.<sup>53</sup> In addition, in some of these countries, when the laws or regulations to be adopted are of particular importance, representatives of the workers' and employers' organisations are invited either to appear before the competent parliamentary commissions<sup>54</sup> or to supply reports, proposals and comments in writing to the legislative authorities.<sup>55</sup>

113. In the United States the preparatory work of congressional committees includes hearings to enable interested groups (including employers' and workers' organisations) to state their views on the federal legislation envisaged. Furthermore, any federal authority empowered to make rules for the administration of legislation must publish in the Federal Register full particulars of the measures it intends to take, so as to give interested persons an opportunity to participate in the rule-making through submission of written views or arguments, with or without opportunity for oral presentation. In addition any interested person must be given the right to petition for the issuance, amendment, or repeal of a rule.<sup>56</sup> This procedure enables employers' and workers' organisations, through the intermediary of their representatives, to take an active part in discussions and ensure that their views are taken into consideration.

114. Switzerland provides an example of multipartite consultation of an extremely far-reaching kind—all the more interesting since Switzerland is a federal State.<sup>57</sup> The first stage in the process of framing legislative provisions consists in the preparation of a preliminary draft—usually by the Federal division competent in this respect. Where the subject is of importance, this preliminary draft is submitted to a committee of experts generally composed of representatives of the federal and cantonal administration, of "science" (experts in the strict sense of the term), of the employers and workers, of the consumers and of other interested circles. The employers and the workers should be represented in equal numbers where the matters to be considered are of equal concern to both. The next stage is for the drafts to be finalised and submitted for comment to the cantons and to interested organisations. Federal government departments are required to keep a list of the organisations to be consulted in their respective fields of activity. On the basis of the results of the consultation, the administration draws up a final Bill which, once adopted by the Federal Council, is submitted to Parliament, and sometimes to the people to be voted upon. It should be pointed out that in these procedures participation by employers' and workers' organisations is provided for in two different forms and at two different stages: on the one hand, through the committees of experts, and on the other, directly, through the consultation procedure.

115. In Spain the law provides for consultation of representatives of the employers and workers in connection with the regulation of working conditions through their trade unions<sup>58</sup> (i.e. corporations in public law grouping together the occupational associations of entrepreneurs, workers and technicians by branch of activity).<sup>59</sup>

116. In the socialist countries the law confers upon the trade unions a wide range of powers in connection with legislation. For instance, the trade unions are entitled to initiate legislation themselves<sup>60</sup>, as well as to participate directly in the framing and enforcement of labour legislation.<sup>61</sup> The government, or ministers, may not issue regulations without consulting beforehand the Central Council of

Trade Unions or the central committees of the appropriate trade unions, respectively.<sup>62</sup> In addition, the supreme trade union authorities have certain powers to make regulations<sup>63</sup>, mainly in the field of labour protection, which they normally exercise in co-operation with the Minister of Health<sup>64</sup> or with the State Health Inspectorate.<sup>65</sup> Lastly, the trade unions exercise supervision and control over the observance of labour legislation and industrial safety regulations<sup>66</sup>.

117. Of course there are many countries where, in addition to the consultation and co-operation instituted in the form of direct contacts in accordance with the requirements of the law, informal links have come into existence between the parties. Having no official status, such contacts, whether verbal or written, between the national services responsible for the preparation of legislative measures and the employers' and workers' organisations constitute a means as flexible as it is efficacious of contributing to the process of preparing and implementing social legislation. In some countries, particularly in Latin America<sup>67</sup>, such direct dialogue between the public authorities and the two sides of industry appears to be the main medium for tripartite consultation. More often, however, it is simply an auxiliary process alongside the official machinery. For instance, in some countries, independently of the consultations taking place through the machinery, it is customary for drafts or for proposals for laws concerning social or labour matters to be communicated to the employers' and workers' organisations to give them the opportunity to submit observations and suggestions.<sup>68</sup> In another country it is the practice for the Government, when new legislation of wide public interest is envisaged, to set out its proposals in a "consultative document" which it sends to all the employers' and workers' organisations as well as to interested government departments and public bodies for comment.<sup>69</sup> Interested organisations and bodies are then invited to meet to discuss the Government's proposals, and the original text is amended as required, and then published in the form of a Bill for submission to Parliament.

## *2. Establishment and Functioning of National Bodies*

118. To keep pace with developments in the economic and social field, the role of the public authorities is increasing and the competence of government departments is being extended into a growing number of areas. To perform efficiently functions of increasing complexity, the State finds it expedient to set up bodies in various fields to help find solutions to specific problems or even to assume responsibility for the performance of certain functions. In the case of bodies whose activities directly affect the interests of workers and employers, it is natural that they and their respective organisations should wish to have an opportunity to make their voices heard, and, where appropriate, to offer the benefit of their own experience. It is accordingly in the interest of public authorities to consult these organisations and to enlist their co-operation through bodies of this kind. This is what the Recommendation advocates when providing in Paragraph 5 (b) (ii) that the competent public authorities should seek the views, advice and assistance of employers' and workers' organisations in an appropriate manner in respect of "the establishment and functioning of national bodies, such as those responsible for organisation of employment, vocational training and retraining, labour protection, industrial health and safety, productivity, social security and welfare".<sup>70</sup>

119. No report mentions whether, prior to taking a decision with respect to the establishment of a national body of the kind envisaged by Paragraph 5 (b) (ii) of the Recommendation (i.e. an operational body with specific functions to perform), the public authorities consulted the employers' and workers' organisations. It

should be pointed out, however, that in many countries—as was shown in the preceding section—the opinions of the employers' and workers' organisations are taken into consideration when the enactment of laws on social matters is envisaged. Since certain enactments, such as, for example, those relating to the placement of workers, vocational training, social security, etc., often provide for the setting up of one or more operational bodies in the field covered by these enactments, the trade unions and employers' associations have the opportunity to state their views as to the advisability of setting up suitable bodies, their organisation and their methods of operation. It is further to be noted that in some cases the national legislation specifically provides that the public authorities must seek the advice of an appropriate consultative body before establishing a particular service or operational body.<sup>71</sup>

120. One Government<sup>72</sup> states that specific provision is made for the views of employers' and workers' organisations to be regularly solicited on all matters with economic and social implications; it may therefore be presumed that this covers also the establishment and functioning of the bodies to which the Recommendation refers. In this connection it should be recalled that the legislative provisions in force in a number of countries stipulate that the consultative bodies with general terms of reference must be consulted on all programmes contemplated by the government in the economic and social field.

121. The Recommendation does not provide that employers' and workers' organisations should be associated in the administration of national bodies. Nevertheless, it appears from the reports that in certain countries and in certain cases, such bodies, operating as government services or as autonomous institutions under the direction of a government official who is unbiased as far as the interests of employers and workers are concerned, have boards of management or other collective managerial organs which assist the directly responsible chief in the performance of his functions. Representatives of the employers' and workers' organisations sit on these boards or managerial organs, thus shouldering a share of the responsibility for the running of the body in question.<sup>73</sup> In addition, in certain countries national institutions such as, for instance, social insurance schemes, are administered directly by the insured persons and the employers<sup>74</sup>, which of course goes beyond the requirements of the Recommendation.

122. As concerns consultation of employers' and workers' organisations in respect of the functioning of national bodies, the great majority of reports refer only to legislative measures providing for the attachment to these bodies, operating in various fields, of advisory boards or committees whose members include employers and workers or representatives of their respective organisations.

123. In the pages which follow—in so far as the information available allows—a review will be made of the role played by employers' and workers' organisations in establishing the procedure for the functioning of the national bodies listed—for illustrative purposes only, it should be added—in Paragraph 5 (b) (ii) of the Recommendation.

124. *Organisation of employment.* The first of the national bodies mentioned by the Recommendation are those responsible for organisation of employment. Indeed, the existence of such a service, properly organised, may be considered as one of the essential features of a policy aimed at "stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment".<sup>75</sup> The importance attached

to these matters by the International Labour Conference is particularly clearly shown by the Employment Service Convention, 1948 (No. 88), and the Employment Service Recommendation, 1948 (No. 83). It should be recalled that the Convention provides for the setting up of national advisory committees (and, where necessary, regional and local committees) "for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy".<sup>76</sup>

125. It appears from the information available that employers' and workers' organisations do have a say in the functioning of employment services in a very large number of countries.<sup>77</sup> At the national level they are consulted, on the one hand, through works councils or committees—i.e. advisory bodies competent to deal with all matters relating to work—while, on the other hand, in many countries advisory bodies exist to deal specifically with manpower problems in general or employment problems in particular<sup>78</sup>, or with the employment of certain categories of persons.<sup>79</sup>

126. *Vocational training and retraining.* Much attention is given to these matters in consultations between public authorities and employers' and workers' organisations. Initiated to meet obvious national needs, these consultations also follow the lines suggested by a number of instruments adopted by the International Labour Organisation, which provide for certain measures to associate the trade unions and the employers in the formulation and implementation of vocational training policy.<sup>80</sup> Many governments point to the existence of national advisory boards or committees specifically responsible for dealing with matters relating to the organisation and functioning of government services or public or semi-public institutions working in this field. The competence of some advisory bodies extends to all services and every aspect of vocational training, considered in its broadest sense.<sup>81</sup> Others are mainly concerned with the activities of apprenticeship centres, helping to draw up their programmes and to supervise their implementation.<sup>82</sup> Lastly, mention may be made of advisory bodies whose essential task is to advise and supervise the institutions responsible for training workers in specified branches of economic activity.<sup>83</sup>

127. *Labour protection.* Among the bodies responsible for labour protection, mention must be made first and foremost of labour inspection services. It is obvious that the efficacy of such a service—whose main function, as defined by Article 3 (1) (a) of the Labour Inspection Convention, 1947 (No. 81), is "to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters"—depends largely upon the extent to which representatives of the employers and workers are associated in its activities.<sup>84</sup> Although no mention is made of labour inspection in any of the reports on the application of Recommendation No. 113, after analysing the information contained in the reports supplied on the application of the ILO instruments relating to labour inspection the Committee of Experts came to the conclusion that "governments fully appreciate how important this is".<sup>85</sup>

128. *Health and safety.* To ensure effective protection for workers' health, it is indispensable for the appropriate government services, occupational health services in particular, and any other institutions working in this field to make arrangements to co-operate as closely as possible with the employers' and workers' organisations.<sup>86</sup> It should in fact be out of the question to disregard the experience



of the trade unions and the employers when deciding upon the measures to be taken and the means to be used for the elimination of industrial accident hazards, the prevention of occupational diseases and, in general, the guaranteeing to workers of healthy and humane working conditions.<sup>87</sup> It appears from the information available that this principle is generally observed; a number of governments have reported the setting up of advisory bodies on occupational health and safety on which representatives of the workers and employers or their organisations sit alongside representatives of the public authorities and experts in the strict sense of the term.<sup>88</sup> The members of some of these bodies are appointed, irrespective of the organisations they represent, on the basis of their qualifications in the field of occupational health and safety.

129. *Social security.* Under the terms of Article 72 (1) of the Social Security (Minimum Standards) Convention, 1952 (No. 102), it is only where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature that representatives of the persons protected must—and representatives of employers and of the public authorities may—participate in the management, or be associated therewith in a consultative capacity, under conditions to be prescribed by national laws or regulations.<sup>89</sup> Many reports state that consultation takes place between the public authorities and the employers' and workers' organisations, without referring to the systems and methods of social security administration used. It would therefore appear that tripartite consultation on the functioning of social insurance within the framework of consultative bodies at the national level<sup>90</sup> takes place both in cases where the social security scheme is administered directly by the State and in cases where it is entrusted to autonomous institutions. Naturally, in a number of countries the workers' and employers' representatives are not only consulted but sit on the boards of management.<sup>91</sup> It should be noted in conclusion that in certain countries the administration of social insurance institutions is directly in the hands of the insured persons and the employers, the public authorities merely exercising general surveillance.<sup>92</sup>

### *3. Elaboration and Implementation of Plans of Economic and Social Development*

130. The desirability of associating employers' and workers' organisations in the elaboration and implementation of plans of economic and social development was pointed out by the International Labour Conference even before the Recommendation which is the subject of the present general survey was adopted.<sup>93</sup> A few years after its adoption, the Conference stressed the point yet again in insisting on the fact that "an indispensable condition for achieving the goals of democratic programming and planning for economic development and social advancement is the establishment, in accordance with the principles and aims of the International Labour Organisation, of effective machinery and procedures for active consultation of and participation of free and independent employers' and workers' organisations", and called upon governments of member States to ensure that, "where national programming or planning exists, appropriate methods of consultation and participation of free and independent employers' and workers' organisations should take place in working towards and implementing social advancement schemes, and in promoting national economic development at all levels".<sup>94</sup>

131. In the world of today, economic and social planning is undertaken in virtually every country in the world. Of course, the aims, form and scope of national plans vary substantially from country to country and from continent to continent,

as do the means whereby they are implemented. But one feature which is characteristic of most of the countries resorting to planning is that their governments, when deciding upon the broad lines of their economic and social policy, and when working out the details of the major measures required to put this policy into practice, consider that it is elementary to take into account the viewpoints of the various groups affected.<sup>95</sup>

132. In the reports they have supplied on the application of Recommendation No. 113, many governments state that they seek to ascertain the opinions of the two sides of industry through consultation within the framework of appropriate consultative bodies. It is a fact that in countries where there exist official bodies responsible for drawing up economic plans, or, at least, of pointing out the main alternatives open to the government in the field of economic and social development, these bodies are generally assisted in the performance of their functions by tripartite or multipartite advisory bodies. In some countries there are bodies with no other function than to deal with matters relating to planning—as may be seen, moreover, from the names given to them.<sup>96</sup>

133. In other countries there are bodies whose terms of reference are wider, but are nevertheless concerned essentially with problems connected with economic and social development programmes.<sup>97</sup>

134. The membership of the above-mentioned bodies varies from country to country. On one, there are approximately 300 civil servants, employers, trade unionists, technicians and economists<sup>98</sup>, while others have a limited number of members—sometimes not more than ten.<sup>99</sup> Some of these bodies are strictly tripartite, with the seats equally distributed among all the parties<sup>100</sup>, but it is more usual for their membership to be multipartite.<sup>101</sup> In a few countries these bodies are chaired by the Head of State<sup>102</sup>, with the result that their authority is unquestionably enhanced and they acquire a status, in practice if not officially, which goes beyond that of a purely advisory body.

135. In addition to the above-mentioned bodies, mention should be made of those—likewise numbering among their members employers and workers, or representatives of their organisations, as well as representatives of other sectors of the community—whose competence extends to all economic and social questions, and hence to matters relating to planning.<sup>103</sup>

136. The activities of official bodies are often supplemented by those of unofficial bodies. For example, in one country, alongside the Central Economic Council, which has the duty of “submitting opinions or proposals to Ministers or to the legislative Chambers with regard to problems relating to the national economy (either on its own initiative or at the request of the said authorities) in the form of reports setting out the various points of view expressed by its members”<sup>104</sup>, the existence is to be noted of the National Committee for Economic Expansion and the National Employment Conference. The Government consults the latter bodies on an ad hoc basis about its major social projects and large-scale reforms contemplated in the economic or social field. According to the report, the members of the Government and representatives of socio-economic organisations who are on these bodies undertake to argue in favour of the resolutions they adopt to the Government as a whole; “these resolutions are therefore more than expressions of opinion, but they are not veritable decisions”.

137. In another country<sup>105</sup> a body consisting of persons with responsible positions in industry, the labour movement, finance, commerce, service industries, agriculture and various other spheres has the task of advising the Government and making recommendations on all matters relating to economic and social development

policy. It concerns itself in particular with the determination and achievement of major economic objectives such as full employment, high economic growth, reasonable price stability, a healthy balance of payments and a fair distribution of income.

138. Consultative bodies whose activities are linked closely, though indirectly, with over-all planning are extremely numerous. Mention may be made first of all of certain national tripartite labour councils or commissions responsible, *inter alia*, for harmonising economic and social development<sup>106</sup>, and then of committees or commissions acting either at the industrial level<sup>107</sup> or in clearly specified fields. For example, in one country<sup>108</sup>, as concerns the elaboration and implementation of the economic and social plan, co-operation between the Government and the employers' and workers' organisations takes place mainly in the Commission on Economic Conditions, the Tax Commission, the National Price Commission, the National Investment Commission, etc. In other countries<sup>109</sup> it is the practice to set up committees or commissions on an *ad hoc* basis to deal with major economic and social problems, and to include among their members representatives of the employers' and workers' organisations.

139. In some countries the employers' and workers' organisations are associated in the formulation of economic and social policies and programmes without any special consultation machinery having been set up. For example, in one country<sup>110</sup> the spokesmen for the central organisation of employers and for the central organisation of workers are regularly received by the Government. Furthermore, representatives of these organisations have seats on the main state bodies dealing with economic development questions, including, in particular, the National Development Bank.

140. In order to associate all interested circles in the elaboration of economic and social development plans, some governments convene from time to time national conferences bringing together representatives of all sectors of the economy (thus including representatives of the employers' and workers' organisations).<sup>111</sup> These conferences are not called upon to take decisions nor even to make recommendations. They are intended to serve as a clearing-house for the exchange of ideas among the participants, thus enabling the governments concerned, when drawing up programmes of action in the economic and social field, to take into consideration the opinions expressed in this forum.

141. In the socialist countries planning is a fundamental principle which finds expression in their national constitutions, and which has been implemented, in each country, through the adoption of laws and regulations, supplemented by practical arrangements, the purpose of which is to determine the machinery and the procedure for long, medium and short-term planning. The elaboration of national plans of economic and social development is a matter for the public authorities, who are also responsible for their implementation, and for supervising the manner in which they are carried out. In some countries the Constitution specifically provides for co-operation by workers in planning.<sup>112</sup> A special role is assigned to the trade unions by the labour legislation. For example, section 96 of the Fundamental Principles governing the labour legislation of the USSR and the Union Republics provides that "the trade unions shall participate in drawing up and implementing the state economic development plans". Similar provisions exist in the Labour Codes of the other socialist countries.<sup>113</sup> It should moreover be noted that in these countries representatives of the trade unions are, as a general rule, *ex officio* members of the various political and state bodies, at both the national and the regional or local level. It should further be recalled that the governments of a few socialist countries have mentioned the setting up of associations of managers of undertakings.<sup>114</sup> According to the information available,

these associations play a particularly important role in planning, especially as concerns the drawing up of plans at the industrial level.

<sup>1</sup> As the Government of the Ivory Coast has put it, "at every industrial and national level, participation by representatives of the employers' and workers' organisations in the functioning of bodies which play a part in the application of the social laws and labour regulations is designed to promote social peace between public authorities and employers' and workers' organisations and to establish a climate of mutual understanding among the country's economically active population".

<sup>2</sup> Switzerland.

<sup>3</sup> Ghana.

<sup>4</sup> Greece: National General Collective Labour Convention of 26 Feb. 1975.

<sup>5</sup> For example, in the Preamble to the Voluntary Code of Principles of Labour-Management Relations, adopted in 1956 by the Manila Labour Conference, the delegates undertook to assume the responsibility of "spreading knowledge and understanding of these principles and accepting them in order that genuine industrial peace may be established and the welfare of the Philippines be assured" (*Basic Agreements and Joint Statements*, op. cit., p. 154). Cf. also the Preamble to the Basic Agreement signed by the central employers' and workers' organisations of Sweden (*ibid.*, p. 169).

<sup>6</sup> Belgium: Joint Declaration on Productivity, 1960, par. 2 (*ibid.*, p. 10). Kuwait: under the terms of section 90 of Act No. 38 of 1964, respecting work in the private sector, "the employers and workers may join forces to set up joint committees with the task of co-operating for the purpose of settling labour disputes, raising the social standard of the workers, organising welfare facilities for the workers, fixing wages, increasing productivity and dealing with other matters of concern to one or other of the parties". New Zealand: section 233 of the Industrial Relations Act of 1973 provides for the making of regulations concerning voluntary bipartite works committees "relating to any industries or undertakings . . . for the purpose of improving and maintaining the welfare, safety and health of workers" (no such regulations have as yet been made). Singapore: Charter for Industrial Progress and Productivity Code of Practice, 1965 (*Basic Agreements and Joint Statements*, op. cit., p. 164). Sweden: Agreement on Works Councils, 1966, article 37 (*ibid.*, p. 204).

<sup>7</sup> Austria: section 31 of the Vocational Training Act provides for the setting up of an Advisory Council on Vocational Training, composed of representatives of the Federal Chamber of Industry and the Austrian Chamber of Labour in equal numbers. France: under article 40 of the National Inter-Occupational Agreement of 1970 in respect of Vocational Training and Further Training, a Joint Committee has been set up at the national inter-occupational level (*Basic Agreements and Joint Statements*, No. 38, op. cit., p. 62). Norway: section 42 of the Basic Agreement of 1969 provides for the establishment of a Co-operation Council whose tasks include the encouragement of educational measures in undertakings (*ibid.*, pp. 147-148). Sweden: a Labour Market Council on Vocational Training has been set up.

<sup>8</sup> Italy: the collective agreements provide for the setting up of boards, committees or other bodies to study safety and health matters. Sweden: Labour Market Council for Workers' Protection.

<sup>9</sup> Denmark: article 8 of the Agreement on Joint Consultation Committees, concluded in 1964 between the central employers' and workers' organisations, provides for the setting up of a Joint Advisory Board whose main function is to promote the establishment of joint consultation committees in undertakings and further their activities (*Basic Agreements and Joint Statements*, op. cit., pp. 37-38). Norway: the Co-operation Council acts as an informative and consultative body for the co-operation institutions in undertakings (*ibid.*, p. 147). Sweden: under the terms of article 37 of the Agreement on Works Councils, it is the task of the Labour Market Council, inter alia, "to promote and guide the activities of the works councils" (*ibid.*, p. 204).

<sup>10</sup> Belgium: in the National Social Planning Agreement of 1969 between employers' and workers' general organisations, the signatory parties agreed to set up a joint working group in order to seek means whereby workers might be informed of employment prospects and in order to discuss together what action should be taken with a view to reaching full employment (*ibid.*, p. 13). Sweden: the terms of reference of the Labour Market Council include consideration of "other problems that are of general incidence and otherwise of major importance to the organisation, economy and labour supply of industry and commerce" (*ibid.*, p. 204).

<sup>11</sup> Netherlands.

<sup>12</sup> Italy.

<sup>13</sup> Austria: by virtue of a Cabinet decision taken on 27 Mar. 1957, a Joint Commission on Wages and Prices, composed of representatives of the chambers, has been set up under the chairmanship of the Federal Chancellor to examine requests to make price and wage increases; Guatemala.

<sup>14</sup> Occasionally the two sides of industry agree to set up special machinery before attempting to work out solutions to problems of exceptional complexity. In 1972, for instance, in the United Kingdom, a bipartite working party composed of representatives of employers and trade unions was established with a view to eliminating religious discrimination in the private sector in Northern Ireland.

<sup>15</sup> Luxembourg.

<sup>16</sup> Belgium: by virtue of special Acts, these committees are called upon to take decisions, which may be declared binding upon a whole sector or part of a given sector of activity, with respect to major social issues, such as, for example, the services it is compulsory to render in the public interest in peacetime (Act of 19 Aug. 1948), the protection of members and candidates for membership of works councils and safety and health committees (Act of 20 Sep. 1948 (as amended), and Act of 10 June 1952), funds to secure a subsistence income (Act of 7 Jan. 1958), etc.

<sup>17</sup> Federal Republic of Germany.

<sup>18</sup> Austria.

<sup>19</sup> See also para. 129, regarding administration of certain social insurance institutions directly by the representatives of insured persons and employees.

<sup>20</sup> Netherlands.

<sup>21</sup> Australia: Joint Council consisting of seven persons representing various government departments and seven representatives of organisations of employees—five of whom are nominated by the Council of Australian Government Employees' Organisations and two by the Australian Postal and Telecommunication Union. France: Superior Civil Service Council. Japan: Commission on Industrial Relations in Public Services and Nationalised Undertakings. Netherlands: Central Consultative Body on Matters Affecting Public Servants. Senegal: Superior Civil Service Council.

<sup>22</sup> India: National Council, established in 1966; Uganda: Joint Staff Council for the Public Service, established in pursuance of section 4 of the Public Service (Negotiating Machinery) Act, No. 24 of 1968.

<sup>23</sup> Finland, Uganda.

<sup>24</sup> United Kingdom.

<sup>25</sup> Australia.

<sup>26</sup> Austria.

<sup>27</sup> For example: Argentina, France.

<sup>28</sup> United Kingdom: Coal Industry Act of 1946.

<sup>29</sup> United Kingdom: Gas Advisory Council, established in 1965.

<sup>30</sup> India.

<sup>31</sup> For example, in Luxembourg: the Government may seek the advice of the Economic and Social Council on general legislative measures or regulations it intends to adopt dealing with matters of concern to several sectors of the economy or the national economy as a whole; it may also seek the Council's advice on any matter of general concern, or on any question of principle on which the trade chambers have expressed fundamentally divergent opinions. In the latter case the Council is required by law to express a united and co-ordinated opinion (Act of 21 Mar. 1966 for the establishment of an Economic and Social Council, section 2).

<sup>32</sup> Ordinance No. 58-1360 of 29 Dec. 1958 to promulgate an organic law respecting the Economic and Social Council, section 2.

<sup>33</sup> Organisation of Industry Act of 27 Jan. 1950, section 41.

<sup>34</sup> Act No. 33 of 5 Jan. 1957, section 10.

<sup>35</sup> Organisation of Industry Act of 27 Jan. 1950, sections 32 and 38.

<sup>36</sup> This Board was established by administrative decision.

<sup>37</sup> Decree No. 847 of 4 May 1960 to establish a Labour Council, section 3 (a).

<sup>38</sup> For example: Labour Act of 16 Mar. 1971, sections 4 and 47; Act of 15 July 1964 respecting hours of work in the public and private sectors of the national economy, section 25; Act of 6 July 1964 respecting Sunday rest, section 13.

<sup>39</sup> Cf. footnote 39 to Ch. I.

<sup>40</sup> Cf. for example, the Industrial Relations Acts of Ghana (section 35) and Mauritius (section 42).

<sup>41</sup> Industrial Relations Act of 1973, section 16.

<sup>42</sup> Ministry of Labour Establishment Law, section 13, and Labour Standards Law, section 98.

<sup>43</sup> This Council was established by administrative decision.

<sup>44</sup> Decree No. 6304 of 1966, to establish and organise a National Labour Council, section 3.

<sup>45</sup> Act No. 38 of 1964 respecting work in the private sector, section 92, and Ministerial Decree No. 6 of 1965 respecting the organisation and functioning of the Superior Advisory Board on Labour Affairs, section 1.

<sup>46</sup> Government Order No. 270 of 25 May 1960, to issue regulations for the Technical Advisory Board of the Ministry of Labour and Social Welfare, and Government Order of 25 July 1970, to institute the National Social Policy Advisory Board.

<sup>47</sup> Act of 1970 for the institution of the Ministry of Labour and Social Welfare, section 18.

<sup>48</sup> This tripartite commission was set up in 1971 by the President at the request of the labour movement, and its essential task is to advise on the trend to be followed by the country's economic and social development policy.

<sup>49</sup> For example: United Republic of Cameroon: the National Commission for Industrial Hygiene and Safety is responsible, *inter alia*, for "making suggestions and recommendations concerning laws and regulations to be made in these fields" (Labour Code, section 129 (2) (a)). Canada: the Labour Code empowers the Governor-in-Council to provide for the establishment of consultative committees to advise the Government on any matter arising in relation to labour standards. Further, no regulations may be made modifying the standard or maximum hours provisions of the Code until representatives of the employers' and workers' organisations have been heard. India: the Minimum Wages Act of 1948, the Motor Transport Workers' Act of 1961, the Apprentices Act of 1961 and the Contract Labour (Regulation and Abolition) Act of 1970 provide for the setting up of committees consisting of representatives of the public authorities and of employers' and workers' organisations to advise the Government on the proper implementation of the provisions of the enactments in question. Malta: The Youth Advisory Committee must be consulted on any scheme for regulating the conditions of employment and training of apprentices. New Zealand: tripartite consultation and co-operation with respect to regulations concerning the activities of the shipping industry takes place in the Marine Council.

<sup>50</sup> In Egypt, for example, the terms of reference of the joint consultative boards set up for each industry, consisting of representatives from the Ministries of Social Affairs and Labour, Industry, and Economic Affairs, and representatives of the employers and workers engaged in the industry concerned, include the "elaboration of general standards for working conditions and industrial safety" (Labour Code, section 113).

<sup>51</sup> In Morocco, for example, the tripartite committees, on which sit representatives of the employers and employees in the occupation concerned, give their views on the Orders specifying time-limits and conditions for the application of the regulations on hours of work "to each occupation, industry, branch of commerce or vocational category throughout the territory of the Kingdom or in a specified region" (Dahir of 18 June 1936 to issue regulations respecting hours of work).

<sup>52</sup> Sudan: Council for Apprenticeship and Vocational Training (Apprenticeship and Vocational Training Act of 1974, section 7 (1) (a)).

<sup>53</sup> For example: Federal Republic of Germany: Conditions of Employment Act, section 16; Luxembourg: the legislation on the trade chambers; Norway: Act of 1967 relating to the procedure in administrative cases, section 37; Sweden: Instrument of Government (1974 : 152), Ch. 7, section 2.

<sup>54</sup> Federal Republic of Germany, India, Sweden.

<sup>55</sup> Austria.

<sup>56</sup> Administrative Procedure Act, section 553.

<sup>57</sup> Directives concerning the preliminary procedure to be followed in the framing of legislation, dated 6 May 1970, and laid down in an Order of the Swiss Federal Council.

<sup>58</sup> Act of 16 Oct. 1942 respecting the drawing up of employment regulations, sections 6 and 9, and Decree No. 599 of 29 Mar. 1973 to approve the general regulations governing trade unions and other bodies for consultation and co-operation, sections 1 and 4. In its commentary on the Government's report, the Trade Union Organisation stresses the need to extend co-operation between public authorities and employers' and workers' organisations, and to make it work more effectively by providing for joint consideration of matters of mutual concern, leading to decisions likewise taken jointly.

<sup>59</sup> Trade Union Act, No. 2, of 17 Feb. 1971.

<sup>60</sup> In Bulgaria the right to initiate legislation provided for in article 80 (2) of the Constitution is given practical effect by section 3 of the Labour Code, according to which "the trade unions shall have the right to lay before the Council of Ministers drafts of laws, ukases, resolutions, regulations and ordinances for the governance of all matters relating to labour and the state social insurance scheme. The various Ministries shall also have the power to submit drafts relating to such matters in agreement with the trade unions". Ukase No. 466 of 6 Nov. 1957 to promulgate

an Act to amend and supplement the Labour Code. In Czechoslovakia the right of initiative provided for in the Constitution (articles 2 (4), 53 (1) and 54 (1)) has been confirmed by a resolution adopted by the Fourth General Trade Union Assembly in 1965. Cf. also: Fundamental Principles governing the labour legislation of the USSR and the Union Republics, section 96.

<sup>61</sup> For example: Labour Codes of the German Democratic Republic (section 6), Poland (section 19 (2)), and Romania (section 167). Cf. also Resolution No. 226 of 1968 respecting the organisation and functioning of the Ministry of Labour in Romania, and the Act of 1972 for the establishment of the Ministry of Labour, Wages and Social Affairs in Poland.

<sup>62</sup> For example: Czechoslovakia: Labour Code, section 23 (2); Hungary: Labour Code, section 12; Poland: Labour Code: section 208.

<sup>63</sup> For example, section 23 (1) of the Labour Code of Czechoslovakia provides as follows: "The Central Council of Trade Unions shall prepare suggestions for labour legislation and shall issue regulations and instructions in pursuance of such legislation within the limits of its statutory powers".

<sup>64</sup> Cf. for example, Hungary: Labour Code, section 17, and Decree No. 34 of 8 Oct. 1967 for the application of Act No. II of 1967 to promulgate a Labour Code.

<sup>65</sup> Bulgaria: Labour Code, section 4.

<sup>66</sup> German Democratic Republic: Labour Code, section 6 (1) and (2); Hungary: Labour Code, section 14; USSR: Fundamental principles governing the labour legislation of the USSR and the Union Republics, section 96.

<sup>67</sup> Argentina, Brazil, Costa Rica, El Salvador.

<sup>68</sup> Austria, Canada, Federal Republic of Germany.

<sup>69</sup> United Kingdom. In some cases consultation on regulations for the administration of legislation is provided for by law.

<sup>70</sup> It should be recalled that the original proposals drafted by the ILO and submitted first of all in 1948 and 1951, and later in 1959, provided that the employers' and workers' organisations should be associated in the "administration" of the national institutions responsible for social security, organisation of employment, etc. (ILC, 31st Session, 1948, Report VIII (1), p. 205, and Report VIII (2), p. 297; idem, 34th Session, 1951, Report VI, p. 167; idem, 43rd Session, 1959, Report VIII (1), p. 62). However, in view of the objections made by governments, particularly as concerns the wording used, the proposed text was amended to provide that the employers' and workers' organisations should be associated not in the administration, but in the establishment and functioning of such institutions (idem, 43rd Session, 1959, Report VIII (2), p. 76; idem, 44th Session, 1960, Report V (1), p. 28). The final text of the Recommendation made this provision more flexible still, providing only for consultation of the employers' and workers' organisations by the public authorities in respect of the establishment and functioning of such bodies.

<sup>71</sup> For example, Malta: the Youth Advisory Committee must be consulted by the Minister of Labour on the appointment of trade testing boards to conduct proficiency examinations for apprentices (Industrial Training Act of 1952, section 16 (1)).

<sup>72</sup> Sweden.

<sup>73</sup> For example: Austria: Administrative Committees for the Labour Office and for the Industrial Research Fund; Egypt: Board of Management of the Social Insurance Institution; Federal Republic of Germany: Executive Board of the Federal Employment Institution; Honduras: Governing Body of the National Vocational Training Institute; Iraq: Board of Management of the Employment and Vocational Training Institution; Italy: Boards of Management of the National Occupational Risk Insurance Institution, the National Social Welfare Institution and the National Sickness Insurance Institution; Liberia: Board of Directors of the National Social Security Agency; Luxembourg: Joint Administrative Committee of the National Labour Office; Mali: Boards of Management of the National Manpower Office and the National Social Welfare Institution; Morocco: Boards of Management of the National Social Security Fund and the Vocational Training Office; Sudan: Governing Bodies of the Social Insurance Corporation and the Workers' Education Public Corporation; Sweden: Boards of Directors of the National Social Insurance Board, the National Board of Occupational Safety and Health, the National Labour Market Council and the National Board of Health and Welfare; Upper Volta: Boards of Management of the National Employment Office and the National Social Security Fund.

<sup>74</sup> Cf. para. 129.

<sup>75</sup> Employment Policy Convention, 1964 (No. 122), Article 1 (1).

<sup>76</sup> Employment Service Convention, 1948 (No. 88), Article 4. Furthermore, the Unemployment Convention, 1919 (No. 2), provides that committees, including representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of public employment agencies (Article 2 (1)), and the Placing of Seamen Convention, 1920 (No. 9), provides that committees consisting of an equal number of representatives of shipowners and seamen shall be constituted

to advise on matters concerning the carrying on of employment offices for seamen (Articles 4 and 5).

<sup>77</sup> Cf. in this connection, *General Survey on the Reports relating to the Employment Policy Convention and Recommendation*, 1964, RCE, 1972, para. 102.

<sup>78</sup> Cf. footnote 42 to Ch. II.

<sup>79</sup> For example: United Kingdom: National Youth Employment Council; Malta: Youth Advisory Committee; Australia: Committee on Women's Employment; New Zealand: National Advisory Council on the Employment of Women; Luxembourg: Handicapped Workers' Placement and Vocational Rehabilitation Office; Japan: Physically Handicapped Persons' Employment Council; Norway: Seamen's Employment Committee; Panama: Maritime Labour Board.

<sup>80</sup> These instruments include the Vocational Guidance Recommendation, 1949 (No. 87), the Vocational Training (Agriculture) Recommendation, 1956 (No. 101), and the Vocational Training Recommendation, 1962 (No. 117)—all replaced by the Human Resources Development Recommendation, 1975 (No. 150)—and the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), the Vocational Training (Fishermen) Recommendation, 1966 (No. 126), the Special Youth Schemes Recommendation, 1970 (No. 136), and the Vocational Training (Seafarers) Recommendation, 1970 (No. 137)—instruments which are still applicable to the categories of persons cited.

<sup>81</sup> Cf. footnote 39 to Ch. II.

<sup>82</sup> For example: Australia: Apprenticeship Advisory Committee; El Salvador: National Apprenticeship Board; Mauritius: Central Apprenticeship Committee.

<sup>83</sup> For example: Egypt: Tripartite Committees (Labour Code, section 39); New Zealand: Apprenticeship Committees (at the national or local level) for a particular industry or group of industries (Apprentices Act of 1948, section 8), and Technician Training Councils (Technicians' Training Act of 1967).

<sup>84</sup> Cf. Labour Inspection Convention, 1947 (No. 81), Article 5 (b), and Labour Inspection (Agriculture) Convention, 1969 (No. 129), Article 13.

<sup>85</sup> *Labour inspection*, RCE, *General Survey*, 1966, para. 68.

<sup>86</sup> Cf. in this connection, *Health, welfare and housing of workers*, RCE, 1970, para. 94.

<sup>87</sup> In this connection it is to be noted that several Conventions provide for consultation of employers' and workers' organisations, including: Safety Provisions (Building) Convention, 1937 (No. 62) (Article 2); Radiation Protection Convention, 1960 (No. 115) (Article 1); Guarding of Machinery Convention, 1963 (No. 119) (Articles 1, 5, 9, 16 and 17); Hygiene (Commerce and Offices) Convention, 1964 (No. 120) (Articles 2, 3 and 5), and Occupational Cancer Convention, 1974 (No. 139) (Article 6).

<sup>88</sup> Cf. footnote 40 to Ch. II.

<sup>89</sup> Cf. also the Employment Injury Benefits Convention, 1964 (No. 121), Article 24 (1), the Invalidity, Old-Age and Survivors' Benefit Convention, 1967 (No. 128), Article 36, and the Medical Care and Sickness Benefits Convention, 1969 (No. 130), Article 31.

<sup>90</sup> Cf. footnote 43 to Ch. II.

<sup>91</sup> For example: in Burma, Chile, Cyprus, Egypt, El Salvador, Gabon, Greece, Guatemala, Honduras, India, Italy, Libyan Arab Republic, Madagascar, Mauritania, Mexico, Niger, Panama, Senegal, Singapore, Syrian Arab Republic, Trinidad and Tobago, Turkey.

<sup>92</sup> For example: in Austria, Costa Rica, Federal Republic of Germany, Ivory Coast, Luxembourg.

<sup>93</sup> Cf. in particular, the Declaration of Philadelphia, III (e). See also the resolution adopted by the Fourth Asian Regional Conference (New Delhi, 1957), in which that Conference, "noting with satisfaction that in many countries of Asia considerable progress has been achieved in working out and putting into effect national economic development plans, . . . expresses the hope that Asian governments will invite or continue to invite representative trade unions and employers' organisations in their countries to assist in the elaboration of economic development programmes, in the working out of measures to implement these programmes and in the preparation of labour legislation" (*Official Bulletin* (Geneva, ILO), 1957, No. 6, pp. 299-300).

<sup>94</sup> ILC, 48th Session, 1964: Resolution concerning the concept of democratic decision making in programming and planning for economic and social development. *Record of Proceedings*, p. 815. The need for integrating social goals in development planning is amply recognised in Resolution 1494 (XLVIII), adopted on 26 May 1970 by the United Nations Economic and Social Council. According to this resolution, such a unified approach to development is designed "... to activate all sectors of the population and social organisations, to ensure their participation in the development process".

<sup>95</sup> Cf. *Employers' and workers' participation in planning* (Geneva, ILO, 1971).



<sup>96</sup> For example: Brazil: Planning Council (CONSPLAN); El Salvador: National Economic Planning and Co-ordination Council (CONAPLAN); France: Superior Planning Council; Morocco: Superior National Advancement and Planning Board; Syrian Arab Republic: Higher Planning Council; Tunisia: National Planning Council.

<sup>97</sup> Among these bodies mention may be made, for example, of: Algeria: Economic and Social Council; Guatemala: National Social Policy Advisory Board; Mali: Economic and Social Commission; United Kingdom: National Economic Development Council.

<sup>98</sup> Netherlands: Central Planning Commission.

<sup>99</sup> Brazil: CONSPLAN.

<sup>100</sup> For example: Mali: Economic and Social Commission—a tripartite body with ten members for each of the following groups: (a) National Union of Workers; (b) Chamber of Commerce, Agriculture and Industry; (c) Management Committee for the Plan.

<sup>101</sup> For example: Algeria: Economic and Social Council; France: Superior Planning Council; Morocco: Superior National Advancement and Planning Board.

<sup>102</sup> Brazil, Morocco, Tunisia.

<sup>103</sup> These are mostly bodies with general terms of reference—in particular economic and social councils. Among the latter, that of Honduras is in a special position. After the economy of the country was virtually wiped out by a hurricane in 1974, the Government considered that it would be desirable to set up a body to assess the damage caused by the hurricane and analyse projects designed to enable production to be resumed in the devastated areas. It was for this purpose that the Economic and Social Council was created, and it was given the additional function of making recommendations to the Head of State on economic and social measures in general. It is to be noted, moreover, that article 249 of the Constitution of Honduras provides for the setting up of a government economic planning agency.

<sup>104</sup> Belgium: Act of 1948 to make provision for the organisation of the economic life of the country, section 1.

<sup>105</sup> Canada: Economic Council of Canada. The body competent to deal with social policy questions is the Canadian Council on Social Development.

<sup>106</sup> For example: Mexico: National Tripartite Commission; Panama: National Labour and Social Welfare Council.

<sup>107</sup> For example: Burma: representatives of employers' and workers' organisations participate actively as members of committees set up at the local, industrial and national levels in economic and social development planning; Iran: committees formed in the various industries give the employers' and workers' organisations an opportunity to make suggestions and, in general, participate in the elaboration of the Fifth Development Plan.

<sup>108</sup> Upper Volta.

<sup>109</sup> For example: Federal Republic of Germany, Sweden, Switzerland.

<sup>110</sup> Argentina.

<sup>111</sup> For example: Japan: Industry and Labour Round Table Conference of 1970; New Zealand: National Development Conference of 1969.

<sup>112</sup> Bulgaria: article 22 (2); Czechoslovakia: article 12 (1); German Democratic Republic: article 21; Romania: article 27.

<sup>113</sup> For example: German Democratic Republic: section 5 (3); Hungary: section 11 (2); Poland: section 19 (2).

<sup>114</sup> See para. 58.

## CONCLUSIONS

142. Before proceeding to draw conclusions from the available information, and more particularly the governments' reports, it seems useful to recall briefly the context in which the instrument considered in this survey was adopted, its general purpose and its scope.

143. From the outset, the ILO has promoted tripartite co-operation, because it considered such co-operation to be an essential condition for the strengthening of social peace among its Members and for concerted national action to achieve its goals. Thus, from its first session, the International Labour Conference has followed the practice, whenever it appeared appropriate for the implementation of the instruments adopted, of including in Conventions and Recommendations a requirement that the public authorities should consult representatives of employers and workers or their organisations, or that special bodies or machinery should be established in which the parties concerned should participate. In addition, in the specific field of industrial relations, after detailed discussion, the Conference between 1948 and 1952 adopted a series of instruments relating to freedom of association, collective bargaining, voluntary conciliation and arbitration and co-operation at the level of the undertaking. The adoption of an instrument calling on all member States to apply generally at the national level the objective which, at the international level, had been given concrete expression in the very structure of the ILO, was thus the culmination of 40 years of continued effort to this end. In adopting the Consultation (Industrial and National Levels) Recommendation, 1960, the Conference, however, in no way intended to replace or encroach upon the corresponding provisions of the existing instruments.

144. The purpose of the Recommendation is to promote consultation and co-operation and to extend them to the whole range of activities undertaken in the fields of economic and social policy. It thus deals with a subject that is both broad and varied, concerning practically every aspect of the relations between the public authorities and organisations of employers and workers, and between these organisations themselves, which is not covered by other instruments.

145. The adoption of the Recommendation has given recognition to a practice which has already become established in many parts of the world, for the principle of bi- and tripartite consultation is now widely accepted. The reports examined show that consultation has taken root, in varying forms, in all regions of the world. Whether purely empirical as in some countries or deliberate and systematic as in others, it is an expression of the general tendency of our time to associate all the forces of the national economy in a task of common interest for the benefit of the whole of society.

146. It is obvious that the procedures for consultation and co-operation cannot be uniform. The Recommendation refrains from defining them and limits itself to setting out the means through which consultation and co-operation should be provided for or promoted, while at the same time stressing the need to adapt them to

national customs or practice. The flexibility of these provisions derives from the variety of national conditions in which consultation and co-operation have to develop. It would seem that the reports received do not in all cases bring out the full variety of forms through which the dialogue of employers' and workers' organisations amongst themselves and with the public authorities is carried on. A number of reports confine themselves to outlining the relevant legislative provisions, and thus merely indicate the formally established bodies and procedures through which consultation takes place. In contrast, other reports stress that, even where such mechanisms exist, informal contacts between the parties play an important role in supplementing and reinforcing them.

147. Some governments have mentioned the particular value of contacts developed through the spontaneous initiatives of the parties, as representing a genuine response to mutually felt needs. This type of action is more often found as the basis of joint consultation between employers' and workers' organisations. Even here, however, one cannot everywhere count on spontaneous action to provide consultative arrangements of adequate scope and depth, and the public authorities thus have an interest in keeping the situation under review and taking such action, whether of a practical or legislative nature, as may appear desirable to promote their further development. It is apparent from the reports that, in the majority of cases and especially in regard to tripartite consultation, the framework for consultation and collaboration is provided through legislation. While in these cases it remains to give life to the machinery or procedures so laid down, there are evident advantages in having a clear definition of the areas of dialogue, of the tasks assigned, of the procedures for the nomination of employers' and workers' representatives, and of the methods by which the regular and orderly functioning of the mechanisms is to be ensured.

148. The reports show that, while in some countries consultation and collaboration take place within the framework of one general body with wide-ranging terms of reference, in most cases there is a multiplicity of bodies and procedures, some concerned with general questions of social and economic policy, others with more specific programmes or the functioning of particular services. In a modern society, with its complex structures, the responsibilities assumed by government in promoting economic and social development, the part played by the productive forces in contributing to the fashioning of policies in these fields, and a large range of services through which those policies are implemented, such a variety of mechanisms for consultation and collaboration, both formal and informal, appears to be inevitable. Indeed, it represents a reflection of the need to associate those who may be considered most representative of the interests concerned and most familiar with the problems to be discussed in the working out and implementation of policies and programmes.

149. The ultimate effectiveness of these various mechanisms depends not on formal texts or organisational arrangements, but on the vigour and sincerity with which they function in practice. It is on this score that the information available for the purposes of the present study is unfortunately insufficient to permit any clear conclusions to be drawn. It might be a suitable subject for tripartite review at the national level to examine how the existing arrangements for consultation and collaboration are operating in practice.

150. In the same line of thought, it is also appropriate to recall the close link which exists between the effectiveness of arrangements for consultation and collaboration of the kind contemplated by the Recommendation and the enjoyment of freedom of association and the right to organise as defined in the relevant international labour

Conventions. Consultation and collaboration between employers' and workers' organisations and between such organisations and the public authorities are likely to prove meaningful and a dynamic force in social policy and action only in so far as the organisations concerned are solidly established, independent and fully representative.

151. It is difficult, on the basis of a single set of reports, to make any assessment of the extent to which the Recommendation has helped to influence the development of consultative arrangements at the national level. It is, however, significant that several reports refer to arrangements which have been instituted in order to facilitate tripartite consideration of questions under discussion in the ILO and their country's contribution to such discussions. The Committee has also over the years noted numerous instances in which the requirements of various ILO Conventions relating to consultation of employers' and workers' organisations or their participation in particular mechanisms has led to the adoption of appropriate national measures, whether in regard to broad questions of policy (such as employment policy), the adoption of laws and regulations on labour and social questions, or the operation of certain services or procedures (such as employment services or minimum wage fixing). A further impetus to consultation is likely to be given by the new instruments on tripartite machinery to promote the implementation of international labour standards which are expected to be adopted at the next session of the International Labour Conference. The arrangements envisaged in these instruments should bring about a more systematic and regular examination of questions arising out of ILO standards and, in so far as these are a reflection of questions to be solved by social policy at the national level, intensification of collaboration and consultation generally between employers, workers and the public authorities.

152. The development and strengthening of tripartite co-operation will continue to be a major task for the International Labour Organisation in the years ahead. The question remains in the forefront of ILO concern because of the realisation that without persistent and patient dialogue between governments and the productive forces in society neither nations nor the world community can hope to achieve viable solutions to the major social and economic problems with which they are faced. The more broadly based the decisions on these matters, the more likely are they to respond realistically to needs and aspirations and to secure the support and involvement indispensable to their success.

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## APPENDIX I

### TEXT OF THE PROVISIONS OF THE CONSULTATION (INDUSTRIAL AND NATIONAL LEVELS) RECOMMENDATION, 1960 (No. 113)

1. (1) Measures appropriate to national conditions should be taken to promote effective consultation and co-operation at the industrial and national levels between public authorities and employers' and workers' organisations, as well as between these organisations, for the purposes indicated in Paragraphs 4 and 5 below, and on such other matters of mutual concern as the parties may determine.

(2) Such measures should be applied without discrimination of any kind against these organisations or amongst them on grounds such as the race, sex, religion, political opinion or national extraction of their members.

2. Such consultation and co-operation should not derogate from freedom of association or from the rights of employers' and workers' organisations, including their right of collective bargaining.

3. In accordance with national custom or practice, such consultation and co-operation should be provided for or facilitated:

- (a) by voluntary action on the part of the employers' and workers' organisations; or
- (b) by promotional action on the part of the public authorities; or
- (c) by laws or regulations; or
- (d) by a combination of any of these methods.

4. Such consultation and co-operation should have the general objective of promoting mutual understanding and good relations between public authorities and employers' and workers' organisations, as well as between these organisations, with a view to developing the economy as a whole or individual branches thereof, improving conditions of work and raising standards of living.

5. Such consultation and co-operation should aim, in particular:

- (a) at joint consideration by employers' and workers' organisations 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' organisations 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 organisation of employment, vocational training and retraining, labour protection, industrial health and safety, productivity, social security and welfare; and
  - (iii) the elaboration and implementation of plans of economic and social development.
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## APPENDIX II

### PROVISIONS REFERRING TO CONSULTATION BETWEEN PUBLIC AUTHORITIES AND EMPLOYERS' AND WORKERS' ORGANISATIONS EMBODIED IN CONVENTIONS AND RECOMMENDATIONS ADOPTED SINCE 1960

#### *Conventions:*

No.

- 115 – Radiation Protection Convention, 1960, Article 1
- 117 – Social Policy (Basic Aims and Standards) Convention, 1962, Articles 5, 10, 16
- 119 – Guarding of Machinery Convention, 1963, Articles 1, 5, 9, 16, 17
- 120 – Hygiene (Commerce and Offices) Convention, 1964, Articles 2, 3, 5
- 122 – Employment Policy Convention, 1964, Article 3
- 123 – Minimum Age (Underground Work) Convention, 1965, Article 5
- 124 – Medical Examination of Young Persons (Underground Work) Convention, 1965, Articles 2, 5
- 125 – Fishermen's Competency Certificates Convention, 1966, Articles 2, 5, 6, 8, 9
- 126 – Accommodation of Crews (Fishermen) Convention, 1966, Articles 1, 3, 12, 17
- 127 – Maximum Weight Convention, 1967, Article 8
- 129 – Labour Inspection (Agriculture) Convention, 1969, Articles 1, 13
- 130 – Medical Care and Sickness Benefits Convention, 1969, Articles 6, 33
- 131 – Minimum Wage Fixing Convention, 1970, Articles 1, 4
- 132 – Holidays with Pay Convention (Revised), 1970, Articles 2, 9
- 133 – Accommodation of Crews (Supplementary Provisions) Convention, 1970, Articles 1, 4, 12, 13
- 134 – Prevention of Accidents (Seafarers) Convention, 1970, Articles 1, 8
- 136 – Benzene Convention, 1971, Articles 3, 9
- 137 – Dock Work Convention, 1973, Articles 1, 5
- 138 – Minimum Age Convention, 1973, Articles 3, 4, 5, 6, 8
- 139 – Occupational Cancer Convention, 1974, Article 6
- 140 – Paid Educational Leave Convention, 1974, Article 6
- 142 – Human Resources Development Convention, 1975, Article 5
- 143 – Migrant Workers (Supplementary Provisions) Convention, 1975, Articles 2, 4, 7, 12, 14

#### *Recommendations:*

No.

- 114 – Radiation Protection Recommendation, 1960, Paragraphs 1, 32
- 115 – Workers' Housing Recommendation, 1961, Paragraph 8
- 116 – Reduction of Hours of Work Recommendation, 1962, Paragraph 20
- 117 – Vocational Training Recommendation, 1962, Paragraph 11

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- 118 – Guarding of Machinery Recommendation, 1963, Paragraphs 5, 10, 19
  - 119 – Termination of Employment Recommendation, 1963, Paragraphs 1, 13
  - 120 – Hygiene (Commerce and Offices) Recommendation, 1964, Paragraphs 3, 4, 79, 81, 82
  - 122 – Employment Policy Recommendation, 1964, Paragraphs 3, 6, 29
  - 123 – Employment (Women with Family Responsibilities) Recommendation, 1965, Paragraphs 1, 2, 3, 6, 8, 11
  - 124 – Minimum Age (Underground Work) Recommendation, 1965, Paragraph 7
  - 125 – Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965, Paragraph 14
  - 126 – Vocational Training (Fishermen) Recommendation, 1966, Paragraph 5
  - 128 – Maximum Weight Recommendation, 1967, Paragraphs 29, 30
  - 129 – Communications within the Undertaking Recommendation, 1967, Paragraph 5
  - 130 – Examination of Grievances Recommendation, 1967, Paragraphs 6, 7
  - 132 – Tenants and Sharecroppers Recommendation, 1968, Paragraph 13
  - 133 – Labour Inspection (Agriculture) Recommendation, 1969, Paragraph 10
  - 135 – Minimum Wage Fixing Recommendation, 1970, Paragraph 14
  - 136 – Special Youth Schemes Recommendation, 1970, Paragraph 40
  - 137 – Vocational Training (Seafarers) Recommendation, 1970, Paragraph 5
  - 138 – Seafarers' Welfare Recommendation, 1970, Paragraph 3
  - 139 – Employment of Seafarers (Technical Developments) Recommendation, 1970, Paragraphs 12, 17
  - 141 – Crew Accommodation (Noise Control) Recommendation, 1970, Paragraph 1
  - 144 – Benzene Recommendation, 1971, Paragraph 15
  - 145 – Dock Work Recommendation, 1973, Paragraphs 26, 28
  - 147 – Occupational Cancer Recommendation, 1974, Paragraphs 4, 15
  - 148 – Paid Educational Leave Recommendation, 1974, Paragraphs 7, 17
  - 150 – Human Resources Development Recommendation, 1975, Paragraphs 21, 24, 27, 69
  - 151 – Migrant Workers Recommendation, 1975, Paragraphs 4, 6, 7, 9, 14, 29
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# APPENDIX III

## REPORTS RECEIVED

Total reports due: 124

Reports received: 87

Reports not received: 37

| State                   | Reports received | State            | Reports received |
|-------------------------|------------------|------------------|------------------|
| Afghanistan             | —                | Guyana           | ×                |
| Algeria                 | ×                | Haiti            | —                |
| Argentina               | ×                | Honduras         | ×                |
| Australia               | ×                | Hungary          | ×                |
| Austria                 | ×                | Iceland          | ×                |
| Bangladesh              | —                | India            | ×                |
| Barbados                | —                | Indonesia        | ×                |
| Belgium                 | ×                | Iran             | ×                |
| Benin                   | —                | Iraq             | ×                |
| Bolivia                 | —                | Ireland          | —                |
| Brazil                  | ×                | Israel           | —                |
| Bulgaria                | ×                | Italy            | ×                |
| Burma                   | ×                | Ivory Coast      | ×                |
| Burundi                 | ×                | Jamaica          | —                |
| Byelorussian SSR        | ×                | Japan            | ×                |
| Cambodia                | —                | Jordan           | —                |
| United Rep. of Cameroon | ×                | Kenya            | —                |
| Canada                  | ×                | Kuwait           | ×                |
| Central African Rep.    | ×                | Lao Rep.         | —                |
| Chad                    | —                | Lebanon          | ×                |
| Chile                   | ×                | Liberia          | ×                |
| Colombia                | —                | Libyan Arab Rep. | ×                |
| Congo                   | —                | Luxembourg       | ×                |
| Costa Rica              | ×                | Madagascar       | ×                |
| Cuba                    | ×                | Malawi           | ×                |
| Cyprus                  | ×                | Malaysia         | —                |
| Czechoslovakia          | ×                | Mali             | ×                |
| Democratic Yemen        | ×                | Malta            | ×                |
| Denmark                 | ×                | Mauritania       | —                |
| Dominican Republic      | —                | Mauritius        | ×                |
| Ecuador                 | —                | Mexico           | ×                |
| Egypt                   | ×                | Mongolia         | —                |
| El Salvador             | ×                | Morocco          | ×                |
| Ethiopia                | —                | Nepal            | —                |
| Fiji                    | —                | Netherlands      | ×                |
| Finland                 | ×                | New Zealand      | ×                |
| France                  | ×                | Nicaragua        | —                |
| Gabon                   | —                | Niger            | ×                |
| German Democratic Rep.  | ×                | Nigeria          | ×                |
| Fed. Rep. of Germany    | ×                | Norway           | ×                |
| Ghana                   | ×                | Pakistan         | ×                |
| Greece                  | ×                | Panama           | ×                |
| Guatemala               | ×                | Paraguay         | —                |
| Guinea                  | ×                | Peru             | —                |

| State            | Reports received | State                  | Reports received |
|------------------|------------------|------------------------|------------------|
| Philippines      | ×                | Togo                   | ×                |
| Poland           | ×                | Trinidad and Tobago    | ×                |
| Portugal         | ×                | Tunisia                | ×                |
| Qatar            | ×                | Turkey                 | ×                |
| Romania          | ×                | Uganda                 | ×                |
| Rwanda           | —                | Ukrainian SSR          | ×                |
| Senegal          | ×                | USSR                   | ×                |
| Sierra Leone     | —                | United Arab Emirates   | —                |
| Singapore        | ×                | United Kingdom         | ×                |
| Somalia          | —                | United States          | ×                |
| Spain            | ×                | Upper Volta            | ×                |
| Sri Lanka        | ×                | Uruguay                | ×                |
| Sudan            | ×                | Venezuela              | ×                |
| Sweden           | ×                | Rep. of South Viet-Nam | —                |
| Switzerland      | ×                | Yemen                  | —                |
| Syrian Arab Rep. | ×                | Yugoslavia             | ×                |
| Tanzania         | —                | Zaire                  | —                |
| Thailand         | ×                | Zambia                 | —                |

*Note:* A total of 18 reports has also been received in respect of the following non-metropolitan territories: Australia (New Guinea, Norfolk Island, Papua); Netherlands (Netherlands Antilles); United Kingdom (Antigua, Belize, Bermuda, Falkland Islands (Malvinas), Gibraltar, Gilbert and Ellice Islands, Guernsey, Hong Kong, Isle of Man, Montserrat, St. Kitts-Nevis-Anguilla, St. Helena, Seychelles, Solomon Islands).

× = Report received

— = Report not received