

# ***Provisional Record***

107th Session, Geneva, May–June 2018

# **6A**



**Date:** Thursday, 7 June 2018

## **Sixth item on the agenda: A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008**

### **Reports of the Recurrent Discussion Committee: Social dialogue and tripartism: Resolution and conclusions submitted for adoption by the Conference**

This *Provisional Record* contains the text of the resolution and conclusions submitted by the Recurrent Discussion Committee: Social dialogue and tripartism for adoption by the Conference.

The report of the Committee on its proceedings has been published on the Conference website in *Provisional Record 6B* and is submitted for adoption by the Conference subject to corrections, which committee members will be able to submit until 15 June 2018, 6 p.m.

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## **Proposed resolution concerning the second recurrent discussion on social dialogue and tripartism**

The General Conference of the International Labour Organization, meeting at its 107th Session, 2018,

Having undertaken a second recurrent discussion on social dialogue and tripartism, in accordance with the ILO Declaration on Social Justice for a Fair Globalization, 2008 (Social Justice Declaration), to consider how the Organization should respond more effectively to the realities and needs of its Members through coordinated use of all means of action,

1. Adopts the following conclusions, which contain a framework for action on the promotion of the strategic objective of social dialogue and tripartism;
2. Invites the Governing Body of the International Labour Office (the Office) to give due consideration to the conclusions and to guide the Office in giving effect to them; and
3. Requests the Director-General to:
  - (a) Prepare a plan of action to give effect to the conclusions for consideration by the Governing Body;
  - (b) communicate the conclusions to relevant global and regional organizations and to the Global Commission on the Future of Work for their attention;
  - (c) take into account the conclusions when preparing future programme and budget proposals and mobilizing extra-budgetary resources; and
  - (d) keep the Governing Body informed of their implementation.

## **Conclusions concerning the second recurrent discussion on social dialogue and tripartism**

### GUIDING PRINCIPLES AND CONTEXT

Recalling the resolution concerning the first recurrent discussion on social dialogue adopted by the International Labour Conference (hereinafter the Conference) at its 102nd Session in 2013, the Conference reaffirms the full relevance of the guiding principles contained therein. Social dialogue, based on respect for freedom of association and the effective recognition of the right to collective bargaining, has a crucial role in designing policies to promote social justice. It is a means to achieve social and economic progress. Social dialogue and tripartism are essential for democracy and good governance.

Free, independent, strong and representative employers' and workers' organizations, together with trust, commitment and respect by the governments for the autonomy of the social partners and social dialogue outcomes are key conditions for effective social dialogue.

Social dialogue comes in various forms and levels according to national traditions and contexts, including in the form of cross-border social dialogue in an increasingly complex globalized economy. There is no one-size-fits-all approach to organize and strengthen social dialogue. However, collective bargaining remains at the heart of social dialogue.

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Consultations, exchanges of information and other forms of dialogue between social partners and with governments are also important.

Tripartite and bipartite social dialogue plays an important role in setting wages and working conditions, promoting decent work, gender equality and non-discrimination, social protection and occupational safety and health, supporting skills development, reducing inequalities, and anticipating and managing change. Social dialogue can be a strong driver for economic and social resilience, competitiveness, stability and sustainable and inclusive growth and development.

As the International Labour Organization (ILO) approaches its centenary and against a backdrop of deep and rapid changes affecting the world of work, the tripartite constituents renew and reaffirm their commitment to promote and apply the principles of social dialogue and tripartism. They also reaffirm that the practical implementation of the ILO's actions should be guided by the diverse needs and realities of the national constituents, as outlined in the ILO Declaration on Social Justice for a Fair Globalization, 2008.

Embedding social dialogue at all levels and enhancing its relevance, inclusiveness and effectiveness, including through Decent Work Country Programmes (DWCPs), is particularly important for the effective implementation of relevant initiatives, including the 2030 Agenda for Sustainable Development (2030 Agenda) and the related sustainable development goals (SDGs), and in the context of the ongoing reform of the United Nations development system.

Social dialogue plays an important role in shaping the future of work taking into account particular trends of globalization, technology, demography and climate change.

Meaningful social dialogue in all its forms remains essential to the well-being of the social partners and society. Despite economic and social development, numerous challenges persist, including poverty, declining labour share, informality, decent work deficits, economic, social, and gender inequalities and the need to accommodate interests of vulnerable groups. Many countries fail to fully protect the right to collective bargaining, and data indicate that the majority of workers are in informal employment and nearly 25 million people are in forced labour.<sup>1</sup> While global supply chains can be an engine of development and increase opportunities for men and women to transition to formality, failures within global supply chains have contributed to decent work deficits. Rapid changes, including technological advances and the green economy, may create new opportunities, but may also lead to disruption and job displacement. Social dialogue is indispensable for addressing these challenges.

## Framework for action

1. Recalling that the framework for action adopted by the Conference in 2013 set forth the objectives for the ILO and its constituents, the Conference calls upon the Office and constituents to ensure effective implementation of those objectives.
2. The proposed framework for action stemming from the second recurrent discussion on social dialogue and tripartism held at the 107th Session of the International Labour Conference requires both Members and the ILO to take action to give effect to the conclusions adopted therein.

<sup>1</sup> *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, Geneva, ILO, 2017.

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## Measures to promote social dialogue and tripartism

### 3. Members, with the support of the Organization, should:

- (a) Ensure that, in an evolving world of work and in the context of implementation of the SDGs, social dialogue and tripartism are granted appropriate resources and become or remain prominent in policy making;
- (b) act on their obligation to respect, promote and realize the principles concerning the fundamental rights of employers and workers and their organizations to freedom of association and the effective recognition of the right to collective bargaining as enabling conditions for the attainment of the strategic objective of social dialogue and tripartism. The Conference calls for the universal ratification and effective implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- (c) foster an enabling legal and institutional environment to promote effective social dialogue;
- (d) strengthen mechanisms and institutions for social dialogue on policies regarding the changing world of work, including technological change, green economy, demographic shifts and globalization;
- (e) promote voluntary collective bargaining at all appropriate levels in both the private and public sectors, according to relevant laws and practices, to help attain a just share of the fruits of progress to all, decent working conditions, equal pay for work of equal value, gender equality, as well as developing skills and enhancing enterprise sustainability;
- (f) encourage effective workplace cooperation as a tool to help ensure safe and productive workplaces, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions;
- (g) promote the effective linkage between different forms and levels of social dialogue;
- (h) provide the necessary financial, technological and human resources and strengthen the effectiveness and efficiency of national labour administration systems;
- (i) ensure that agreed outcomes of social dialogue are respected and implemented, as appropriate, by governments and social partners;
- (j) establish, where appropriate, and develop with social partners dispute prevention and resolution mechanisms that are effective, accessible and transparent;
- (k) develop innovative approaches, including initiatives to ensure the exercise of freedom of association and the effective recognition of the right to collective bargaining are extended to, and respected in, employment relationships where they have not traditionally been available, and to new and emerging forms of employment, and that those workers are able to enjoy the protection afforded to them under the applicable collective agreements, in accordance with applicable laws and national circumstances;
- (l) create an enabling environment for employers and workers to exercise their right to organize and to bargain collectively and to participate in social dialogue in the transition to the formal economy. In designing this environment, Members should consult with and promote active participation of the most representative employers'

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and workers' organizations, which should include in their ranks, according to national practice, representatives of membership-based representative organizations of workers and economic units in the informal economy;

- (m) expand cooperation to exchange experiences and innovative practices on social dialogue and tripartism;
- (n) support and finance the ILO plan of action around SDG target 8.8 within the context of the ILO programme and budget and extra-budgetary funding;
- (o) provide an enabling environment for and promote, where appropriate, cross-border social dialogue to foster decent work, including for vulnerable groups of workers in global supply chains;
- (p) promote gender equality and non-discrimination, and encourage the strengthening and increase of participation and engagement of women and youth in social dialogue;
- (q) encourage, where appropriate, tripartite social dialogue on issues related to labour migration with relevant authorities.

### ***Mobilizing ILO means of action on social dialogue and tripartism***

4. As the ILO approaches its centenary, the Organization is called upon to give full effect to this resolution and assist Members in strengthening social dialogue in all its forms and at all levels in line with ILO standards. This should be done using the following means of action:

#### ***Building capacity and strengthening development cooperation***

5. The International Labour Office (the Office) should, with the support of the constituents, as part of a broader programme of development cooperation including through DWCPs and enhanced collaboration with the International Training Centre of the ILO in Turin (Turin Centre), and in cooperation with other relevant partners, enhance the capacity of constituents and social dialogue institutions to:
- (a) Strengthen the capacity of the most representative organizations of employers and workers to include in their ranks, according to national practice, representatives of membership-based representative organizations of workers and economic units from the informal economy to enable them to engage effectively in tripartite and bipartite social dialogue, negotiate and implement agreements and influence policies in line with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204);
  - (b) encourage the inclusion in social dialogue and the effective recognition of the right to collective bargaining of workers in employment relationships that have traditionally been less included and those in new and emerging forms of employment;
  - (c) engage in collective bargaining that contributes to inclusive labour markets, gender equality and non-discrimination, fair wage distribution, decent working conditions and productivity enhancement, taking into consideration the diversity of systems and national circumstances;

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- (d) enhance the effectiveness and inclusiveness of mechanisms and institutions for national tripartite social dialogue between governments and the social partners, including in relation to areas pertaining to the future of work and the SDGs;
  - (e) promote social dialogue and the role of social partners at all levels in the design and implementation of policies to support workers and enterprises to adapt to the rapidly changing work environment, including through skills development and lifelong learning;
  - (f) use social dialogue as a tool to generate employment and decent work for the purposes of prevention, recovery, peace and resilience with respect to crisis situations arising from conflicts and disasters, in line with the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205);
  - (g) encourage effective workplace cooperation as a tool to help ensure safe and productive workplaces, in such a way that it respects collective bargaining and its outcomes and does not undermine the role of trade unions;
  - (h) play a stronger role in an international context, in particular through cross-border social dialogue based on knowledge and research provided by the ILO;
  - (i) encourage participation of women and other underrepresented groups in social partner organizations and seek to achieve equal representation of women and men in social dialogue institutions at the national and international levels;
  - (j) strengthen dispute prevention and resolution systems at various levels that promote effective social dialogue and build trust;
  - (k) conduct research and engage in social dialogue on labour market policies and their implementation.

The Office should pursue an active resource mobilization strategy in support of the strategic objective of social dialogue and tripartism taking into account the needs of constituents.

#### *Enhanced research and training*

6. The Office should carry out its research programme in accordance with the Organization's research strategy to:
  - (a) Develop a yearly flagship report on the strategic objective of social dialogue and tripartism. To this aim, develop knowledge and evidence-based and rigorous research on the role and impact of:
    - (i) Collective bargaining on inequality, wages and working conditions, a topic that should be covered in the report on a regular basis;
    - (ii) social dialogue in translating economic development into social progress, and social progress into economic development as well as on the economic performance and competitiveness of business;
    - (iii) social dialogue as a means for addressing changes driven by globalization, technology, demographic shifts, climate change and environmental risks as well as facilitating restructuring and resilience to economic crises;
    - (iv) various forms of workplace cooperation in promoting safe and productive workplaces.

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- (b) produce comparative information, statistics and analysis on industrial relations and help Members to gather improved information in this field;
  - (c) produce training tools on all forms of social dialogue reflecting the needs of the constituents highlighting innovative practices for the changing world of work;
  - (d) expand the knowledge base on innovative social dialogue and industrial relations practices, including in areas such as extending collective bargaining coverage to categories of self-employed workers, promoting formalization, enhancing gender equality and non-discrimination, organizing hard-to-organize groups of workers and economic units, enhancing skills and employability and extending social protection, and fostering exchange of experiences among Members;
  - (e) continue research regarding the access to freedom of association and the effective recognition of the right to collective bargaining of digital platform and gig economy workers and, on that basis and the outcome of the 108th Session of the International Labour Conference, for the November 2019 session of the Governing Body to decide whether convening a tripartite meeting would be appropriate or not;
  - (f) seek to expand access to training in all ILO regions to help maximize awareness on social dialogue and tripartism and build capacity in those regions with limited resources to attend training activities provided by the Turin Centre.

#### *Standards-related action*

7. Taking into account the resolution concerning the second recurrent discussion on fundamental principles and rights at work, adopted by the International Labour Conference at its 106th Session, 2017, which called for stepping up action through development cooperation and other means to campaign for the universal ratification of the eight fundamental Conventions, the Office should:
- Assist member States to overcome challenges of ratification and effective implementation of ILO Conventions Nos 87 and 98 in all DWCPs;
  - increase efforts to promote the ratification and effective implementation of Conventions Nos 87 and 98 and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and promote implementation of other relevant instruments;
  - organize a high-level event on freedom of association and collective bargaining, in close collaboration with constituents, during the ILO centenary with active participation of representatives from the Committee on Freedom of Association, the Committee of Experts on the Application of Conventions and Recommendations, and the tripartite Committee on the Application of Standards.

#### *Enhancing policy coherence*

8. The ILO should, in line with the Social Justice Declaration and with respect to the 2030 Agenda:
- (a) Ensure that the Office has a coherent and clear approach to examining and promoting social dialogue across its own departments, activities and initiatives, based on constituents' needs and circumstances and taking into account the impact of its work on the ground;

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- (b) mainstream social dialogue and tripartism across all policy outcomes, in DWCPs and in development cooperation programmes and actions;
  - (c) develop new policy coherence initiatives in pilot countries involving tripartite constituents, all relevant authorities, regional and international organizations, building on previous experience;
  - (d) expand partnerships and cooperation with the United Nations system and other international and regional institutions and subregional communities and organizations, in order to mainstream social dialogue and deliver on the targets in the framework of the SDGs;
  - (e) promote tripartism and the participation of the social partners in national strategies intended to deliver on the 2030 Agenda, especially Goal 8 on Decent Work and Economic Growth and other relevant SDGs;
  - (f) actively build on the ILO's agenda, its unique tripartite nature, experience in social dialogue and convening power, in order to make it an essential partner in the efforts to achieve effective UN reform, in support of the ILO's mandate and structure;
  - (g) engage, taking into account the views of its constituents, in the Global Compact for Migration process, in order to ensure social dialogue, tripartism and decent work are mainstreamed in its development and implementation.