



International
Labour
Organization

ILO Century Project

Tripartism, social dialogue and democracy

Claude Akpokavie
ILO, Geneva



Disclaimer: This is a draft paper, which is made available on the Century Project website for information and comments. It is not for citation without the permission of the author(s).

The responsibility for opinions expressed in the paper remains with its author(s), and its inclusion on the website does not constitute an endorsement of its content by the ILO or the IILS.



International
Institute for
Labour Studies

"The International Labour Organisation is a necessity; a necessity of which the world has been aware for 50 years, and which the harshness of war has made fully evident. Whatever obstacle it meets, whatever resistance opposes it, it will live" Albert Thomas, 1921¹

1. Introduction

On the 11th April 1919, the plenary session of the post-war Versailles Peace Conference adopted the report of its Commission on International Labour Legislation. This act established the International Labour Organisation (ILO). Even though the general framework of the Organisation had been approved, it was not till the 28th April 1919 that the Peace Conference unanimously adopted the "Nine Points" of the Labour Charter, which set the constitutional mission of the newly created organisation. The agreement to create the ILO was incorporated in Part XIII of the Treaty of Versailles. This momentous decision was to have lasting implications on social policy and the regulation of the world of work.

The Commission on International Labour legislation, was set up on the 31st January 1919 by virtue of a resolution adopted by the Peace Conference "... to inquire into the conditions of employment from the international aspect, and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such inquiry and consideration in co-operation with and under the direction of the League of Nations".² The Commission was composed of 15 members from 9 countries, most of whom were government officials. A fact worth noting however is that the President of the Commission was Mr. Samuel Gompers, President of the American Federation of Labour, representing the US delegation together with an employer, Mr. A.N. Hurley, President of the American Shipping Board. These delegates were assisted by substitutes. The French substitute was Mr. Léon Jouhaux, General Secretary of the Confédération Générale du Travail (CGT), who was to play a significant role in the events leading up to the creation of the ILO and in the early years of the Organisation.

The new architecture for the regulation of the world of work had three essential characteristics which were both novel for that period and remain unique today. The first is the fundamental mission assigned to the ILO – social justice. The Labour Charter began by stating that "*Universal and lasting peace can be established only if it is based upon social justice*". On the one

* Senior Adviser, Bureau for Workers' Activities, ILO Geneva. The author is grateful to all those who reviewed this paper and provided valuable comments.

¹ Albert Thomas, The International Labour Organisation. Its origins, development and future, *in*, International Labour Review, ILO, Vol. 1, N° 1, Geneva, 1921, p. 16

² Report of the Commission on International labor legislation, March 24, 1919 *in*, James T. Shotwell (ed), The origins of the International Labor Organization, Columbia University Press, New York, 1934, Vol. II p. 369

hand, this underlined the imperative of social justice as the solution to the complex social questions of the times. On the other hand, it underlined the essential link between social justice within countries and international peace and security.

The second essential characteristic of the new organisation was its tripartite nature. This was probably the most daring and invaluable contribution of the Peace Conference. This specific form of organisation, which brought together governments, employers and workers, was the basis around which the governance structure, programmes and policies of the Organisation was built. The constitution provided that Member States send to the International Labour Conference delegations composed of two government delegates and two other delegates representing employers and workers, each of whom would be entitled to vote independently of each other. Similarly a tripartite Governing Body was foreseen on the same lines of representation and group independence.

Lastly, the new Organisation's uniqueness resided in the fact that its primary aim was the adoption and enforcement of international labour legislation. This was seen as "... *the remedy for industrial evils and injustices which mar the present state of society*".³ These three defining characteristics of the ILO were the pillars upon which a social infrastructure of peace and industrial democracy was built within a context of growing international competition.

This paper aims at providing an historical overview on tripartism, social dialogue and democracy from a worker perspective. The paper will explain the key factors that led to the emergence of tripartism and social dialogue and how these dynamics led to the creation of a tripartite ILO. The paper will then trace key moments of tripartism in action within the framework of the ILO. Furthermore, the paper will address a number of areas in which tripartism has contributed to the history of ideas articulated by the ILO. Finally, the paper will briefly describe the spread of this model of industrial democracy worldwide and the peculiar forms it has taken.

³ Ibid, p.370

2. Tripartism, social dialogue and the origins of the ILO

A series of intertwining factors and dynamics explain the emergence of tripartism and social dialogue which led to the creation of the ILO and its peculiar tripartite structure.

*Social question*⁴

The first and probably the underlining factor that explains the emergence of tripartism, social dialogue and the ILO is the Social Question or "*Labour Problem*" of the 19th and early 20th centuries. The Social Question is the result of three interrelated "revolutions" namely, an industrial revolution, a democratic revolution, and a capitalist revolution - all beginning in Europe from the late 18th Century. If before, the nature of employer-worker relation was a personal one of the type of master craftsman and apprentice, the industrial revolution was to change this relationship fundamentally. The most significant impact of the industrial revolution was that it led to the development of free labour markets and a contract-based employer-worker relationship. With industrialisation, socio-economic relations based on status and personal relations changed to one based on contract. A labour market was created in a context of high labour mobility.

Parallel to industrialisation, was a movement concerned with democracy, human rights and humanitarian issues. This scattered movement which was reflected in events like the Declaration of Independence in America and the Declaration of the Rights of Man in France, also led to major humanitarian campaigns, for instance, to abolish serfdom and slavery. The significant development was that this democratic revolution also changed the way one looked at the emerging world of work. If democracy challenged the divine rights of kings, the democratic movement was now questioning the newly emerging capitalist relationships. Hence by the end of the 19th Century, there was a growing demand for "*industrial democracy*" as against the "*industrial autocracy*" exercised by the new class of capitalists.

The third dynamic that led to the emergence of a Social Question is the capitalist revolution. Central to this revolution was the emergence of a system based on the private ownership of property and leading to a new employment relationship between the owners of the means of production and employees paid to work for them. Equally important was the development of a capitalist industrial labour market with a specific wage exchange relationship making wages a central issue in employer worker relations. This wage exchange relationship was determined over a specific time thus making hours of work another key issue. These exchange relationships exercised in an unregulated labour market made labour just another commodity on the market. Furthermore, the governance structures and culture of the new capitalist employment relationship contradicted growing democratic aspirations.

⁴ Bruce E. Kaufman, The global evolution of industrial relations, events, ideas and the IIRA, International labour Office, Geneva, 2004, pp. 32-41

Industrial autocracy was characterised by a master-servant relations and harsh and inhumane working conditions. However, isolated examples of more humane and enlightened forms of employer governance existed. These were to contribute to the movement of ideas for international labour legislation.

The Social Question is also the result of the growing internationalisation of European economies in the late 19th and early 20th centuries. This led to greater competition between countries and enterprises which raised questions of undercutting other countries through lowering social standards. This internationalisation was accompanied by an increasing migration of labour within European. This posed questions of labour exploitation of migrant workers.

The cumulative impact of these different processes was a labour situation characterised by pauperisation, low wages long working hours widespread child labour, inhuman conditions particularly for manual workers and labour exploitation of different forms. This situation went hand in hand with an increase in social conflicts, the growth of trade unions, widespread strikes, the emergence of revolutionary ideologies and a rise in socialist thinking. This is what Charles Morrison referred to as the “social problem” in his 1854 publication entitled, *“An essay on the relations between labour and capital”*.⁵

This “... *Social Question in Europe and Japan ... came to represent the broadest and most encompassing term(s) for discussion of the problems of labour and capital –labour relations*”.⁶ The challenge confronting society was how to resolve the Social Question; how to improve working and living conditions; how to improve capital labour relations; how to integrate an increasingly vocal labour movement into polity and economy; how to deal with increasing social conflicts and strikes.

It is in this context of the brutal reality of the world of work that by the end of the 19th century, the social question had become the foremost problematic facing governments. In Germany, Chancellor Otto van Bismarck was quoted as saying that, *“Germany’s unity has developed so much new energy and created new interests and points of view. But oh! The social question! It makes all governments shudder”*. For the British Prime Minister Disraeli, *“the working class question is the real question and that is the thing that demands to be settled”*. In a speech to the US Congress, President Theodore Roosevelt stated that, *“the tangle of far-reaching questions which we group together when we speak of “labour” (is) the most vital problem with which this country, for that matter, the whole civilized world, has to deal”*.⁷

Clearly, the resolution of the concrete social problems facing the world of work and workers in particular, was the overarching nexus around which other factors were to feed into - leading to the creation of a tripartite ILO. The ILO is therefore fundamentally a response to the Social Question of the 19th and early 20th Centuries. The “Nine Principles” of the ILO Labour Charter in 1919,

⁵ Ibid, p. 33

⁶ Ibid

⁷ Ibid, p 37

spelt out the key elements of the social question that needed to be addressed by the new Organisation.

Trade unions: a new actor

The second key factor that contributed to the emergence of social dialogue and the creation of an ILO with a tripartite structure is the rise of trade unions as a new actor at both national and international levels. The Social Question described above, provoked a four-fold process among workers.⁸ Pauperisation and harsh, exploitative and unjust working conditions led firstly to the growth of a working-class consciousness. This was moulded by shared experiences and the development of an identity of common interests between themselves, as opposed to others, particularly the factory owners.

The above, led to the creation of trade unions, as a means to give collective expression to the interests of the working class. Faced with the conditions at work, workers realised that the best method to protect themselves and enhance their interests was through organising. These unions played a triple function, namely to represent and promote the interests of their members through collective bargaining; to struggle for the rights and interests of all workers in society; and to improve the living conditions of workers faced with poverty through campaigns for social justice, access to health care, education for all and an end to poverty.

A third impact of the Social Question among workers was recourse to collective action. Even though unions engaged in collective bargaining to improve working conditions, one witnessed an increase in social conflicts with the growing class consciousness. If social conflicts and violence before the birth of capitalism took on the form of food riots or violence against landlords and tax collectors, the focus of such violence was now aimed at capitalist employers in factories and workshops. As the 19th century progressed, strike action increased and at the turn of the century, they became widespread in Europe.

A last effect of the Social Question within the ranks of organised labour was the internationalisation of the trade union movement. The first significant expression of this internationalisation was the International Working Men's Association which was formed in 1864 with the goal of protection, advancement, and emancipation of the working classes. This brought together trade union, political and other forces in what is called the First International.

The very first international trade secretariat was however established in 1889 with the creation of international federations of typographers and printers, hatters, cigar makers, and tobacco workers, and boot and shoe operatives.⁹ Their bodies were made up of unions of workers engaged in manufacturing in

⁸ Ibid, pp. 24-32 (Kaufman identifies the first 3 developments)

⁹ D. Carew, Van Goethem, Grumbrell-McCormick and van der Linden, *The international Confederation of Free Trade Unions*, Peter Lang, 2000

several European countries. Similar unions from other industries and trades like the miners (1890), clothing workers (1893), metal workers (1890) and textile workers (1894) also created their internationals. These internationals devoted their attention to dissemination of information, helping travelling journeymen and discouraging the international transport of strike-breakers. Yet another stage of internationalisation was the creation in 1901 of the International Secretariat of Trade Union Centres which was the first international trade union confederation composed of national trade union centres. This organisation was renamed in 1913 as the International Federation of Trade Unions (IFTU).

The aforementioned developments went hand in hand with the emergence of a minority current in trade unionism centred on Christian social thinking. By the end of the 19th century, Christian trade unions were present in several countries in Western Europe. However it was not till 1920 that they created the International Federation of Christian Trade Unions (IFCTU).

The emergence of trade unions as a new actor at national level created a lot of hostility and union repression. The issue of freedom of association became crucial for the emerging labour movement. This search for legitimacy was somehow obtained in Britain and the USA where from the 1830s, there was a slow process of political accommodation of trade unions. However, the right to organise remained a core objective of the labour movement. It is therefore not surprising that it figured as a central pillar in the Nine Principles of the ILO Labour Charter.

If unions emerged as a new actor at national level, through their structures and international socialist networks, trade unions emerged also as new actors in international relations. This fact was recognised by Edward Phelan, one of the key actors in the creation of the ILO. Working as a civil servant in the British Foreign Office prior to the creation of the ILO, he wrote a memorandum to his superiors on *"Diplomacy and Democracy"* in which he *"...drew attention to the increasing influence of two new factors on the determination of foreign policy: the growth of the trades-union movement and the change in the functions for the press"*. He also underlined that the existing diplomatic machinery was ill-equipped to deal with this new actor. In a second memorandum, he argued among other things for the appointment of labour attachés to suitable British embassies and legations.¹⁰

Hence by the end of the 19th century, workers had organised themselves into trade unions and these organisations were tackling the Social Question of the times. Even though there were differing attitudes within organised labour about how to resolve this Social Question, on the eve of the creation of the ILO, they had become a real force to be reckoned with at both national and international levels. This was to be determinant in the events leading up to the creation of a tripartite ILO.

¹⁰ E. Phelan. The birth of the ILO: the personal memoirs of Edward Phelan, 1967, Geneva, ILO, unpublished (Chapter IV: The Birth of the ILO)

Rising Revolutionary pressures:

The Social Question was a fertile breeding ground for the revolutionary wave which was to sweep Europe. The European Revolutions of 1848 had already signalled the growing revolutionary fervour on the continent. The end of World War I precipitated Europe into another revolutionary wave, in particular, the Russian Revolution in 1917. The latter, served as a key political backdrop in the period leading up to the creation of the ILO.

Already in 1905, Mr S. Vitte, Chairman of the Council of Ministers of Russia, stated that *"The general rule is such that people demand economic and social reforms. When the government systematically keeps denying that, people set aside economic and social grievances, and instead, political demands start burgeoning as a means of bringing about economic and social transformations"*.¹¹ The 1905 general strike in Russia sought to address social concerns. This however played a role in the revolutionary events that were to unfold in Russia. Vitte's warning was to prove prophetic. The post-war period led to yet another wave of revolutions in Europe.

Already in the 19th century, two broad currents appeared to be developing in terms of how to resolve the Social Question. Whereas one was broadly speaking advocating reform such as trade unionism and protection of labour through labour legislation within the prevailing capitalist system, the other current was advocating revolutionary methods with the goal of establishing a socialist or communist system.

Hence politically, in the period leading up to the creation of the ILO, the Bolshevik revolution was an important factor in the minds of the different actors discussing labour issues. Indeed, they were negotiating in a context where the revolutionary fires, whose origins were found in the Social Question of the times and World War I, were spreading throughout Europe.

This is echoed by J.T. Shotwell, (a substitute in the US delegation at Versailles) as one of two reasons why the ILO was created. He wrote: *"There have been two ways of dealing with this problem (of social justice): the revolutionary way which denies the legitimacy of the existing social order and the evolutionary way which remolds its outlines on the basis of experience. The International Labor Organization is the only effort which has yet been made to give universal expression to this latter method. It must not be forgotten that when it was conceived and set going, the revolutionary movement, triumphant in Russia, was threatening to overwhelm the whole tottering fabric of the state system of Europe. The preliminary discussions on it were begun in Paris when there was fighting in the streets of Berlin, Vienna and Buda Pesth. No one could then foretell what might be in store for the rest of Europe..... Under these conditions, it was doubly important to have the labor section of the treaty offer something real"*.¹²

¹¹ History of Trade Unions of Russia, Academy of Labour and Social Relations and Federation of Independent Trade Unions of Russia, Moscow, 1999 (unofficial translation)

¹² J.T. Shotwell ed. The origins of the International Labor Organization, Vol. I, Columbia University Press, New York, 1934, pp. xx - xxi

Politically, the revolutionary wave that swept across Europe in the wake of the war was a real threat that had to be dealt with. The ILO therefore served not only as a reformist political project but also as a compelling alternative to Bolshevism. This revolutionary wave was therefore a key factor that contributed to the creation of the tripartite ILO.

The First World War – compromises and promises:

A fourth factor that promoted tripartism and social dialogue as well as contributing to the creation of the ILO was the First World War. Apart from its devastating level of casualties, it was the socio-economic and indeed political ferment it produced, that focused minds on the need to build an international infrastructure to guarantee peace. In other words, one that sought to resolve the Social Question through social justice.

In the build up to war, promises had been made to organised labour in Allied countries to ensure their contribution to the war effort. Trade unions and employers were invited to sit on governmental bodies in countries like Britain and the US. Moreover, unions were asked to forego acquired trade union rights for the sake of the war effort with promises that these rights would be restored after the war. For instance, in order to secure the needed output of ammunition, trade union safeguards like the substitution of women and skilled workers on skilled jobs, had to be abandoned or diluted in Britain.¹³ This was met with government pledges that these rights would be restored after the war.

Furthermore, one witnessed close government cooperation with trade union leaders in a number of countries. This was the case between Gompers, President of the American Federation of Labour (AFL) and Wilson, the American President. Similarly in Britain, Lloyd George included a number of trade union leaders in his cabinet. This situation lent even greater credibility to the political demands of trade unions during and after the war. As will be seen later, these political demands were made in different trade union conferences from Leeds to Berne. These statements were to recall the promises made to labour during the war and to demand specific measures to tackle the social issues of the times.

In the report submitted by Léon Jouhaux, General Secretary of the French CGT to the Allied Trade Union conference in Leeds in June 1916,¹⁴ the first consideration he put forward was that “...*the working class, which, without bargaining, has largely contributed to the defence of the country, has the right to make its voice heard for the defence of its own interests at the period of the conclusion of the Treaty of Peace that will put an end to the European war*”.

¹³ E. Phelan, British preparations, in, James T. Shotwell (ed), The origins of the International Labor Organization, Columbia University Press, New York, 1934, Vol. I p. 106

¹⁴ Document 3, Report: historical survey of the efforts to coordinate and internationalize labour legislation, submitted June, 1916, by the Confédération Générale du Travail to the Leeds Conference, in, James T. Shotwell (ed), The origins of the International Labor Organization, Columbia University Press, New York, 1934, Vol. II pp. 5-22

Yet another concern was on who would bear the cost of reconstruction. Jouhaux underlined that *“After demobilisation, the financial burden which will be imposed on the people will be heavy. Interests on loans must be paid, loans redeemed, the lives insured of the mutilated, the widows, and the orphans. The disasters must be repaired and the ruins rebuilt. If the working class allows it it may be sure that it will bear all these burdens. Not only indirect burdens, for it is quite evident that in the end it is on Labour alone that all financial burdens will ultimately fall, but others also if it permits a recoil on the present conditions of labour to be imposed on it.”*

The war effort was clearly an important factor in explaining the emergence of a tripartite ILO. According to Albert Thomas,¹⁵ *“The War made labour legislation of immense importance. The War compelled Governments to enter into engagements with the workers to remove the ‘injustice, hardship, and privation,’ from which the wage-earners in many employments suffered”*. This opinion is shared by Shotwell as one of two reasons why the ILO was created.¹⁶ He wrote: *“...There were millions of soldiers still to be demobilized. In England and elsewhere the promises which had been given them could not be realized. Under these conditions, it was doubly important to have the labor section of the treaty offer something real”*.¹⁷ This real substance was a permanent international agency devoted to reconstruction and to resolving the Social Question, with the full participation of workers and employers alongside governments.

Antecedents – ideas, networks experiences of social dialogue:

A last reason for the emergence of the ILO with a tripartite structure is the host of antecedents pre-dating the ILO that slowly built up since the early 19th century. These antecedents are the ideas, networks, practical experiences and role of key actors, that all contributed over time, to promoting social dialogue and creating the ILO. These different elements worked in a cumulative manner to build a movement in favour of a permanent framework for international labour legislation. Against the backdrop of the different factors enumerated earlier, these antecedents served a useful purpose: to test ideas, initiate reformist policy responses and develop networks that were to play a significant role in transforming ideas into reality.

In the face of the Social Question, a movement of *Ideas* emerged to reform working relations and to regulate it within an increasing international economic environment. Mahaim and Jouhaux's Leeds Report,¹⁸ trace these different contributions and also gave credit for the reformist ideas of some employers. As early as in 1818, an English cotton manufacturer and philanthropist Robert

¹⁵ Albert Thomas, *op. cit.*, p. 9

¹⁶ Refer to the section above on revolutionary pressures which is his first reason.

¹⁷ J.T. Shotwell, Introduction, in, Shotwell ed. , *The origins of the International Labor Organization*, Vol. I, Columbia University Press, New York, 1934, pp. xx - xxi

¹⁸ E. Mahaim, The historical and social importance of international labor legislation, *in*, James T. Shotwell (ed), *op. cit.* 1934, Vol. I p. 4; Document 3, *op. cit.* 1934, Vol. II pp. 5-22; Follows. J.W. *Antecedents of the International Labour Organisation*, Oxford University Press, London, 1951

Owen, defended the thesis before the Conference of the European powers that all classes in society stood to benefit from a reform of working conditions. Basing this on his own experience, he advocated social legislation pointing out that the problems of labour were not limited by national boundaries. In 1839 Villermé argued for the necessity of legislation in the textiles industry because however good their intentions were, manufacturers on their own could not achieve this goal to deal with abuses. Jérôme Blanqui went further in 1838-39 when he argued that to achieve social reform, international treaties needed to be adopted simultaneously by all industrial nations which compete in foreign markets. These and other social reformers like Charles Hindley, Daniel Legrand and Edouard Ducpetiaux, sowed the seeds of international labour legislation as a means to tackle the 19th century Social Question. Most significant in the analyses of some of these social reformers, is the conception that “*international labour legislation is bound up with the idea that competition between manufacturers in different countries is an obstacle in the way of the establishment and development of national legislation*”.¹⁹ This idea, to avoid a race to the bottom, became a constant theme in the lead up to the creation of the ILO. It ended up being consecrated in the preamble of the ILO constitution as follows: “... *the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries*”

The next phase in this movement consisted of *International Congresses* called by socialists, workers or governments, demanding international labour legislation. In 1890, the Berlin Conference was convened with delegates from 12 chief industrial European States. This diplomatic conference covered labour legislation in all countries represented but failed miserably in moving the agenda for labour legislation forward. The failure of this intergovernmental process was a signal of the obstacles in the way of gaining inter-governmental agreement on the sensitive subject of labour legislation.

The period from 1897, saw an acceleration in the movement for international labour legislation with a conference on the subject in Brussels. This led to the creation of the *International Association for Labour Legislation (IALL)* in 1900 in Paris with the participation of the French trade union CGT. This association brought together a group of private individuals from academia, politics, administration, labour and industry. In successive congresses between 1900 and 1906, it created an international labour office in Basle in 1901, and in 1905 successfully convened an international meeting of experts and diplomats which laid down the basis of two international conventions. These conventions were adopted in a subsequent conference in Berne in 1906. One of these conventions prohibited night work for women, and the second convention prohibited white phosphorus in the manufacture of matches. While the former convention applied to about a million women in the 12 European countries concerned, the latter was more limited in scope since national legislation and supervision was already in place in a number of countries. As many as 41 states or colonies adhered to the international convention

¹⁹ E. Mahaim, op cit, p. 4

prohibiting the use of white phosphorous.²⁰ Apart from these two conventions, a number of bilateral conventions covering labour legislation were being concluded between different European states.

The success of this joint effort between civil reformers and representatives of governments was proof of the possibility of making progress towards universally accepted international labour legislation. The trade union movement's involvement in the work of the IALL was limited to the British and French. However, the IALL's contribution was wholeheartedly incorporated into the political agendas of the international trade union movement right from the Allied Trade Union meeting in Leeds in 1916.

Equally significant in consolidating and accelerating this process towards international labour legislation was the emergence of *Networks* of policy-makers and experts that devoted their time to technical and apolitical domains relevant to the adoption of labour legislation.²¹ The IALL was such a network of influence that managed to sway key players to the cause of labour legislation.

The *Trade Union* movement was not left adrift in this general movement leading up to the creation of a tripartite ILO. If the literature on the ILO is full of accounts of the important role played by governments and social reformers, for Tosstorff, "*The trade-union federations were the real driving force that pressured governments to include a social-policy programme in the peace treaty after the war*".²² The dominant international trade union organisation which drove this process forward was the International Secretariat of Trade Union Centres which was renamed in 1913 as the International Federation of Trade Unions (IFTU). As a result of the war, the IFTU itself was confronted with internal problems with the constitution of an Allied trade union bloc challenging the leadership of the German presidency and headquarters of the IFTU. Despite these internal difficulties (between unions from Allied, Central and Neutral powers), between 1916 and 1919, the trade union movement as a whole managed to put forward clear political demands for the peace conference.

Three significant moments enabled the definition of this trade union political agenda.²³ The spark that ignited the political demands of organised labour was the resolution adopted by the American Federation of Labour at its Convention in 1914. This resolution demanded that organised labour should

²⁰ L. Jouhaux, Document 3, Report: historical survey of the efforts to coordinate and internationalize labour legislation, submitted June, 1916, by the Confédération Générale du Travail to the Leeds Conference, in, James T. Shotwell (ed), *The origins of the International Labor Organization*, Columbia University Press, New York, 1934, Vol. II p. 10

²¹ J. Van Daele, Engineering social peace: networks, ideas, and the founding of the International Labour Organization, *Internationaal Instituut voor Sociale Geschiedenis*, 50 2005, pp. 435-466

²² Rener Tosstorff, The International Trade-Union movement and the founding of the International labour organization, *Internationaal Instituut voor Sociale Geschiedenis*, 50 2005, p.400

²³ For a detailed analysis of these events and the evolution in the political positions of the IFTU, consult: Rener Tosstorff, *op. cit.*, 2005, pp. 399-433; C. Riegelman, War-time trade union and socialist proposals, in, James T. Shotwell (ed), *The origins of the International Labor Organization*, Columbia University Press, New York, 1934, Vol. I pp. 55-79

have a say in the restructuring of the post-war era. It called for a world congress on labour to take place at the same time and place as the intergovernmental Peace Conference to deal with problems of labour.

This set the scene for the second significant event in the development of the political demands of trade unions, namely, the Allied trade union conference in Leeds in June 1916. The goal of the conference was to consider the labour clauses that needed to be inserted in the post-war Peace Treaty. This conference report²⁴ set out the main framework of labour's post-war demands on the basis that the present war had to proclaim the "*national and international rights of labour*". The Leeds programme provided for equal rights of workers; freedom to form unions; limitations in the hours of work; hygiene and safety provisions at work; migration to be controlled by a tripartite commission; equal rights and working conditions for migrant workers; a comprehensive social insurance system; and a system of factory inspection. Furthermore Leeds demanded that the voice of workers be heard in the Peace Treaty because of their sacrifices during the war; and expressed the necessity to use the peace conference to put an end to the practice of employers invoking international competition as a pretext for downward competition on conditions of work;

Finally, the conference demanded a permanent arrangement for international labour legislation which would consist of an international commission to make proposals at future governmental conferences for international labour legislation. The IALL's international labour office in Basle, together with trade unions, would be responsible for the supervision. Herein lay a skeleton proposal of what would become the ILO. Even though the decision making role was assigned to governments, this proposal provided that trade unions, working together with the IALL, would be able to shape the content and supervision of international labour legislation. The Leeds resolution received widespread public acclaim and was considered as the position of all of organised labour, even though not all IFTU affiliates participated in the deliberations.

The Leeds platform formed the bedrock of successive trade union demands. Due to internal problems over the location of the IFTU headquarters, the disputed German presidency of the IFTU called a conference in Berne in October 1917. Only trade union delegates from the Central and Neutral powers participated. However this conference adopted a resolution which basically reaffirmed and expanded on the Leeds programme.²⁵ It called for provisions on freedom of migration, freedom of association, social insurance; provision on the limitation of hours of labour; hygiene, home work; the protection of children and juvenile workers; the protection of female labour; provisions for a seamen's code; and industrial inspection. Regarding the

²⁴ The main protagonist of this report was Léon Jouhaux, working closely with William Appleton, Secretary of the British General Federation of Trade Unions.

²⁵ Document 7, Resolutions of the International Conference of Trade Unions, Berne, October 4, 1917, in, James T. Shotwell (ed), *The origins of the International Labor Organization*, Columbia University Press, New York, 1934, Vol. II p. 44 - 49

architecture to give effect to these provisions, the conference built on the Leeds programme and called for: a formal recognition of the IALL as a medium for promotion and enforcement of international labour legislation; the IALL's international labour office as a permanent organ to facilitate the exchange of labour market statistics; the IALL to periodically convene international congresses to which states shall send representatives; the IFTU to be granted representation in the IALL's international labour office; the cost of all this be borne by signatory states. The 1917 Berne conference had built on Leeds and pushed trade union demands even further, particularly in terms of the post-war institutional framework to deal with international labour legislation. If Leeds saw a less proactive role for trade unions, by 1917, the unions were demanding representation within the permanent organ for labour legislation, namely the IALL's international labour office.

1918 saw yet another Inter-Allied Labour and Socialist Conferences to deal with similar issues. However, it was not till March 1919, that the IFTU's political demands gained full maturity. Labour and International Socialist conferences were called to meet separately but at the same time and venue. This trade union conference saw the broadest possible participation of unions from all tendencies since the outbreak of war. There, they adopted a manifesto²⁶ whose content reaffirmed the decisions of Leeds (1916) and Berne (1917), and sketched the basic outlines of the modern ILO which was being discussed in Versailles. In terms of the labour charter, demands were for: compulsory elementary education in all countries, provisions for the protection of juveniles and female workers; demands for an 8 hour day and 48 hour week in all countries, health and accidents provisions; laws for labour protection; freedom of association in all countries; equal rights for migrant workers and freedom of emigration; provisions for a living wage; policies to reduce unemployment; a special code for seamen; and labour inspection. These proposals are broadly in line with previous trade union demands.

However, it is in the area of the architecture to ensure that these demands are realized that the trade union manifesto of Berne finalised the core elements of the modern ILO. They demanded that the League of Nations set up a permanent Commission on labour legislation. The composition of this permanent Commission would be delegates of States and delegates of the IFTU. This bipartite structure would work on the basis of equality in numbers. The mandate of this permanent Commission would include calling yearly conferences of delegates from the contracting States in order to develop international labour legislation. One half of these delegates to the Conference shall be composed of worker representatives of the IFTU in each country. Resolutions of the Conference shall be legally binding internationally. The permanent Commission shall collaborate with the IALL's international labour office in Basel and the IFTU.

²⁶ Document 39, manifesto of the International Trade Union Conference at Berne, February 10, 1919, on International Labor legislation, in James T. Shotwell (ed), *The origins of the International Labor Organization*, Columbia University Press, New York, 1934, Vol. II p. 336-340

Up till now, much credit has been given to the British governments' blueprint for the ILO (with active French involvement), as the basis of the modern ILO. Yet, the concrete proposal of the trade union Berne manifesto, essentially served as the non-governmental framework for the creation of the ILO. The trade union demand was for a bipartite ILO, composed of governments and workers, sitting on an equal basis. Failure to achieve this demand, as well as the binding nature of international labour legislation, was to become an issue of conflict in the discussions of the Peace conference and after the creation of the ILO.

These different events and processes described above under "antecedents" point to the fact that there was a movement of ideas, networks and actors in favour of dealing with the Social Question of the times through a permanent mechanism for international labour legislation, with the full participation of workers and employers. Efforts made by governments will not be discussed here.²⁷ However, it is important to underline, as part of the movement to build a tripartite ILO, existing concrete national level experiences of *Tripartism and Collective Bargaining*.²⁸ These experiences, which pre-date the creation of the ILO, show that a tripartite ILO was in fact not an innovation after all. Though often fragile, the idea of resolving social conflicts through bipartite or tripartite collective bargaining machineries was already established at national level. The innovation of the ILO was therefore more the transposition of these national experiences to the international arena.

In Britain, efforts to improve labour-employer relations through joint industrial organisations of workers and employers existed long before 1919. In fact by 1913, Britain had as many as 195 joint boards and committees. The usual form taken by this machinery of British collective bargaining was the creation of joint committees composed of equal numbers of representatives of employers and workers. An example is the English boot and shoe-making industry. Both employers and workers created a machinery of collective bargaining in 1892 "*to prevent a strike or lock-out, and to secure the reference of all trade union disputes to arbitration*".²⁹ The constitution provided for local boards of conciliation and arbitration, composed of equal numbers of local employers and workers. Until 1894, national issues concerning the industry were dealt with at a national conference also composed of 9 representatives of the Federation Associations of Boot and Shoe manufacturers of Great Britain and 9 representatives of the National Union of Boot and Shoe Operatives. National level bipartism and social dialogue preceding the war thus served primarily to resolve work-related conflicts. With the advent of the war, a number of tripartite bodies were created with the war effort in mind. These bodies provided an opportunity for the Lloyd George government to bring employers and trade unions together to prevent industrial action in the transport and mining sectors, and to keep the war economy as prosperous as possible.

²⁷ See E. Phelan. *op. cit.*, 1967; James T. Shotwell (ed), *op. cit.*, 1934, Vol. I and Vol. II

²⁸ A.K. Tikriti, *Tripartism and the International Labour Organisation: a study of the legal concept: its origins, function and evolution in law of nations*, Stockholm, Almqvist and Wiksell International, Studies in international law, 1982 V.7,

²⁹ *Ibid*, p. 5

In France, the idea of joint industrial associations of workers and management existed since the beginning of the 19th century. The *Conseil Supérieur du Travail* which was established in 1891 with a mandate to regulate industry and labour matters, was composed of a broad spectrum of society, including representatives of trade unions and employers. In 1908, *Conseils du Travail* were also created as another form of joint industrial organisation to promote the interests of the industrial sector they represented. They reported to government on these issues and investigated labour-management issues at the request of government. These councils were made up of representatives of employers and workers. In 1909 these bipartite boards were also required to report industrial disputes to government. By 1899, this form of bipartism took on a new twist with the creation of “yellow unions” by employers and the setting up of bipartite bodies with them basically to undermine independent unionism.

Until 1909, the official policy in Norway was to promote employer-worker cooperation. A Committee on Compulsory Arbitration was set up to promote this. In 1919, the Commission recommended the establishment of joint industrial or commercial organisation in enterprises employing more than 10 workers. They also recommended shop councils at plant level, district councils for each town and industry-wide councils at national level.

In Belgium also, there were several examples of bipartite committees in coal mining and the steel industry.³⁰ In the US, Gompers and other AFL leaders participated actively in national tripartite commissions and agencies set up during World War I. It is against the background of this close collaboration between President Wilson and Gompers that the US President nominated Gompers as his candidate for the presidency of the Commission on International Labour Legislation during the Peace Conference.

Bipartite and tripartite processes and bodies therefore existed long before the creation of the ILO. These organs served as an instrument for the prevention of conflicts and strikes. However, they were also a means for collective bargaining and industry-wide regulation. A tripartite ILO in 1919 was therefore not an innovation in and of itself. Several European countries had a long, even if fragile, experience of bipartism and tripartism. What was truly innovative, was the fact that tripartism was transposed in international relations.

This was no doubt possible because the participation of trade unions in all these bipartite and tripartite bodies had bequeathed a certain “*tradition*” or “*memory*” of industrial relations, fragile as they may be. This institutional memory showed that what was possible to achieve at national level, in periods of peace as in war, was also possible to enact at the international level. Hence the British blueprint for a tripartite ILO is rooted in their own national experience of bipartite and tripartite industrial bodies. Similarly, the IFTU’s demand for a bipartite ILO was based on the experience of trade unions in Europe and the realisation that such a structure was feasible and

³⁰ J. Van Daele, *op cit.*, p. 454

could serve a useful purpose to advance their interests. This fragile institutional memory of national-level tripartism, made a tripartite ILO a realistic proposition in the new international architecture.

Against this general background, it is not surprising that the Commission on International Labour Legislation proposed for the adoption of the Peace Conference, a social policy architecture based on the creation of an International Labour Organisation with a tripartite character. One must underline that within the Commission, there was no conflict over the principle of tripartism of the new permanent organisation. No one contested the tripartite structure and machinery of representation of governments and autonomous workers and employers. The point of conflict was rather with respect to voting arrangements of national delegations. Despite trade union opposition on the grounds of equality, the Commission voted in favour of having national delegations composed of 2 government representatives, each with a vote, and an employer and worker representative, each with a right to vote. Consistent with the Berne Manifesto, the second point of conflict was over the binding nature of conference decisions. In the end, the decision was for conferences to adopt conventions (open to ratification by states) and recommendations.

Albert Thomas³¹ attributes 2 reasons for the failure of the antecedents to the ILO. Namely, that they secured the proposals for labour legislation to better working conditions but relied on diplomatic channels and conferences to see action taken. Secondly and more importantly, deliberations on these proposals never included representatives of employers and workers to speak for their members and commit their governments to act. The ILO, is therefore a recognition that it is those who have a real stake in the world of work, that must be brought together to deal with the Social Question of the times.

Concluding remarks:

The emergence of tripartism and social dialogue as well as the creation of the ILO, and its unique tripartite structure, is not due to one single factor. Several political, socio-economic and cultural factors were at play. These intertwining and mutually reinforcing factors, explain the creation of the ILO and its tripartite structure.

The 19th century *Social Question* was the fertile ground upon which ideas, actors, networks and institutions emerged. However, a number of other specific factors played a vital role. If the *Bolshevik Revolution* provided the focus in terms of the political fear factor for governments, the emergence of *Trade Unions* as a new and increasingly indispensable actor, provided a reformist avenue of representative engagement with organised labour. If the demands and promises of the *War* effort forced governments to engage organised labour in a reformist project, the *Antecedents* pointed to a deep and ever growing consensus among politicians, social reformers, academics,

³¹ Albert Thomas, *op. cit.*, 1921

trade unions and some industrialists, for an international architecture for the regulation of social policy, on a tripartite basis. This was seen as necessary to secure industrial peace at home, and peace and security at the international level.

However, the fertile ground in which the seeds of revolution, trade unionism and antecedents grew, remains the Social Question. This was the motor that propelled then, as it does now, the fundamental need for an ILO with a tripartite character. During the 19th Century this Social Question was already changing and in the 20th century it evolved with the rise and fall of ideologies and the advent of globalisation. Despite changes in the Social Question in time, in form and in scope, its fundamental elements remained the contradictions created by the capitalist industrial system, operating in a context of rising international competition. The tripartite ILO, is therefore one of the responses to the resolution of this changing Social Question.

Tripartism, as a structured relationship between three autonomous actors and an approach to problem resolution, gave birth to social dialogue – the process and institutional framework for the interaction among bipartite and tripartite actors,³² through which conflicting interests resulting from the Social Question are addressed. How did this tripartism evolve over the last 90 years within the ILO? What have been the key issues addressed through social dialogue since 1919? This will be the object of the next part of this paper.

³² R. Hyman, Social dialogue in Western Europe: The state of the art, Social Dialogue Papers, n° 1, Geneva, ILO

3. Tripartism and social dialogue in action

The Labour Commissions' report, included provisions for the organisation of the first International Labour Conference (ILC). This was scheduled for October 1919 in Washington DC. The history of tripartism and international labour legislation was entering a new phase. Prior to this conference, the IFTU held its congress in July/August 1919 in Amsterdam. The main issue on the agenda was to resolve the war-time split in the labour movement. However, the attitude to have regarding the ILO was an important agenda item. Congress considered that the ILO Charter fell short of the Berne Manifesto. However, it endorsed the participation of the IFTU affiliates in the Washington ILC with a mandate to fight for the full incorporation of the Berne demands in the new Organisation. These demands had to do with equal voting rights between governments, workers and employers, and for ILC decisions to be binding on all member states. Congress called for the participation of all countries in the ILO and the exclusive representation in the Workers' Group of IFTU affiliates. The latter was to raise questions of trade union pluralism that will be discussed later.

In the immediate aftermath of the war, trade unionism developed rapidly. The IFTU and the different ITSs consolidated themselves. Two other international trade union organisations were created, namely, the Red International of Labour Unions (RILU) and the International Federation of Christian Trade Unions (IFCTU). The RILU was established in 1921 with the decision of the Communist Party of the USSR to create a competing international trade union. The decision to form Popular Fronts in 1935 however effectively put an end to the activities of the RILU, even though it disbanded only in 1943. The policy of popular fronts, directed communist parties and trade unions to cooperate with and join democratic political and trade union organizations in order to stem the advance of fascism.

The IFCTU was created in 1920. Christian trade unionism is a response to the 19th century Social Question and the evolution in Christian thinking on labour issues.³³ Rooted in different national experiences in Western Europe, it was not till after 1914 that they took on an international expression. Unlike the socialist unions, these unions were influenced by Christian social teaching. The landmark encyclical *Rerum Novarum*, issued by Pope Leo XIII in 1891, enunciated the Catholic position on social justice and addressed the late 19th century Social Question. This marked a turning point in the development of Christian trade unionism. Right from the beginning, the IFCTU proposed a "third way" towards the solution of the social issues of the times. They shared with the broader trade union movement, ideas that labour is not a commodity subject to the law of supply and demand and the need for freedom of association. However, they rejected the individualism of economic liberalism as well as materialistic communism. They projected themselves around values. The worker was an actor and not a subject of the socio-economic

³³ Patrick Pasture, *Histoire du syndicalisme chrétien international. La difficile recherche d'une troisième voie*, L'Harmattan, 1999

order. Instead of the class struggle, they advocated collaboration among different social groups in society to meet the basic material and spiritual needs of all.³⁴ Even though the IFCTU was not a direct actor in the creation of the ILO, they supported the establishment of the Organisation and embraced social dialogue as a means of resolving conflicts. From 1921, their participation in the ILC was to have lasting consequences on the understanding and exercise of tripartism at national and international levels.

The **first ILC in Washington DC** saw tripartism and social dialogue in action for the very first time and left a lasting legacy on the working of the Organisation. If the Commission on International Labour Legislation was a foretaste of tripartism at the international level, the Washington ILC provided an opportunity for the concrete exercise of international social dialogue. The success of this conference was to herald a period of international tripartite negotiations on social policy and to institutionalise procedures of dialogue within the ILO. Three decisions were taken which were to have lasting implications on the ILO.

A first was the constitution of groups. As a result of the IFTU's congress in Amsterdam, the trade unions had agreed to meet before the opening of the Washington ILC. During this meeting, they decided to form a permanent Workers' Group, with a chairperson and a secretary. They then proceeded to adopt a group position for every item on the agenda. The governments and employers did the same thing. This development, which was not necessarily envisaged in Versailles, strengthened tripartism by underlining the autonomy of the worker and employer delegate from the government delegate.

Furthermore, it created a group identity and solidarity which was relatively easy so long as trade unions belonged to the same international organisation or shared the same basic values. This group solidarity is a vital concept in the evolution of tripartism in the ILO. However, as the Organisation became universal, this would come under strain. Within the Workers' Group, the emergence of the IFCTU alongside the IFTU was the cause of some friction. However, it was the participation of worker and employer delegates from fascist or communist countries, who did not belong either to the IFTU, the IFCTU or the IOE, that became a major issue of conflict in the Organisation. Allegiance to the group would become a highly political issue, particularly during the Cold War. Group autonomy also led to the unique ILO tradition of government, worker and employer spokesperson on each agenda item before the ILC or the Governing Body. Finally, this evolution led to the creation of an elected permanent secretariat for the Workers' Groups to liaise between all trade unions and the International Labour Office.

A second decision which was to have lasting consequences was the adoption of 6 important conventions and recommendations. This development marked the end of an era. One of decades of campaign throughout the 19th century for the adoption of international labour legislation. It also symbolises a new period. One in which the principle of labour legislation was established as

³⁴ Ibid, p. 109

necessary to promote humane working and living conditions for workers. The fact that these conventions were adopted on a tripartite basis, underlined the emergence of international social dialogue as a tool for social policy. This also set a precedent in international human rights law. The active participation of non-governmental actors, alongside governments, in the formulation of international labour legislation which would become legally binding on ratifying states, was an innovative step in international relations. However, even if this standard-setting role of the tripartite organisation was accepted by all, tensions were soon to emerge on several fronts: on the content of these labour standards; on the gap between the adoption of conventions and their ratification; on the fact that ratification did not necessarily lead to implementation in national law and practice; and on the necessity or not for more conventions. These tensions, which continue today, reflected the different interests of the three groups. The trade unions soon realised that it was not enough for the ILO to adopt conventions but that issues of ratification and implementation in law and practice had to be followed up on at the national level. Consequently, the IFTU made the ratification of the working hours convention, its central campaign theme in the years following the Washington DC conference.

A third decision was the choice of French socialist Albert Thomas, as the Director of the Office. This decision comforted the idea of a tripartite governance of the organisation and strengthened the autonomy of the groups. Indeed, Albert Thomas was the candidate of the Workers' Group³⁵ and Jouhaux's proposal, made in consultation with the Employers' Group,³⁶ had two consequences for the future. It strengthened the tripartite nature of the Organisation by consolidating the autonomy of the groups. Secondly, it pointed the way towards the possibility of bipartite consensus between workers and employers, overriding the positions of governments.

Despite all its reservations, the IFTU participated in the Washington ILC. This acceptance of a reformist framework for the resolution of the social questions characterises the tripartite approach of the ILO. The judicious appointment of Albert Thomas, ensured that the Organisation and its unique structure flourished in its early years, despite the challenges it faced. Albert Thomas believed in the Organisation and its tripartite structure. He believed that the energy of the ILO was derived from its tripartite character. Indeed, he saw in the tripartite structure as the basis of legitimacy of the Organisation and the Office. For him, effective international action was not possible without the support of public opinion. He considered that unlike the ILO, a fundamental weakness of the League of Nations was that it was "*divorced from peoples*".³⁷ Furthermore, it is those who have a real stake in the world of work who must be brought together to deal with the Social Question. So the cause of tripartism and social dialogue could not have been better defended and promoted by anyone else.

³⁵ Renér Tosstorff, op cit, 2005, p. 431

³⁶ J.J. Oechslin, L'organisation internationale du travail et les employeurs, 2007, Unpublished

³⁷ E. Phelan, Yes and Albert Thomas, Cresset, London, 1936, p. 240

In the **Early Years**, the work of Albert Thomas to harness tripartite support to ensure the success of the new Organisation was crucial. One area of particular attention was to mobilise the tripartite constituency to ensure the ratification of the conventions that were adopted. Under his leadership, the ILO adopted 33 conventions between 1919 and 1932. Thus fulfilling the fundamental mandate for which the Organisation was created. Albert Thomas also structured the Office to correspond to his vision of its role. He provided for a central secretariat to deal with administrative matters and then organised the Office along 3 main divisions. A Diplomatic Division to deal with governments; a Political Division to deal with relations with workers' and employers' organisations; and a Scientific Division responsible for statistics, publications, information, and specific technical questions like health and safety at work.³⁸ Albert Thomas was therefore instrumental in giving a sense of identity and purpose to the newly created Organisation and institutionalised tripartism and social dialogue in both the work of the Organisation and within the Office.

Through humanistic ideas propagated by industrialists and their participation in national bodies and organs of social dialogue, employers contributed to the emergence of tripartism, social dialogue and the ILO. Efforts to create an employers' organisation were interrupted by the First World War. The creation of the ILO however accelerated this process. Hence, the creation of the International Organisation of Employers (IOE) in 1920. The IOE would provide the same coherence and secretarial support to the Employers' Group that the IFTU provided the Workers' Group in the ILO.

The emergence of the IOE as well as the involvement in the ILO of different trade union currents strengthened the Organisation as the parliament of labour. However, it also rendered the working of the Workers' Group more complex since not all the trade union centres belonged to the same international organisation. Furthermore, it influenced the character of tripartism and social dialogue. Criteria, already discussed prior to the creation of the ILO, had to be put in place to determine which trade unions would represent workers in a particular country. Hence the notion of the "*most representative organisations*" and that of "*pluralism*" in the work of the ILO.

The test case for this was in 1922 when the Dutch government nominated Jos Serrarens, who was also the Secretary General of the IFCTU, as worker delegate to the 3rd ILC. This provoked a heated protest from Jan Oudegeest, who was then the Secretary General of the IFTU, head of the biggest Dutch union and a Member of the ILO Governing Body. Despite the opposition of Oudegeest, Serrarens was confirmed as the worker delegate. This led to a complaint filed with the Permanent Court of International Justice on the grounds that in the understanding of the notion of the "most representative organisation", the leader of a minority union could not represent the workforce as a whole. The ruling of the Permanent Court of International Justice in interpreting the intentions of the authors of the ILO constitution stated that "a

³⁸ Ibid, p. 38; E. Phelan, Op cit, 1967

number of organisations should be permitted to designate a leader, sometimes giving preference to the largest organisation".³⁹ The Court thus stressed that in nominating delegates and technical advisers to ILO meetings, governments should, as much as possible take into consideration different opinions existing among workers and employers organisations.⁴⁰ This ruling went against the IFTU. For the Christian unions that were in a minority, this was a landmark victory. Henceforth, freedom of association and trade union pluralism would become a vital part of their identity. In the ILO, this ruling consecrated the principle of pluralism and led to the development of jurisprudence around the participation of minority unions in social dialogue. At the national level, this led to the development of different national mechanisms and compromises to ensure the participation of minority organisations in national delegations to the ILC.

The early years of the ILO therefore saw the consolidation and institutionalisation of tripartism and social dialogue both within the Organisation and the Office. Tripartism became institutionalised as a structured relationship between governments, workers and employers. It also took on the mantle of an approach to deal with the problems of the world of work and led to the development of a culture of tripartism.

The experience of tripartism and social dialogue in the early years rapidly led to a body of knowledge on the conditions for an effective social dialogue. Among these were the need for workers and employers to enjoy freedom of association and the right to bargain collectively; the importance of independent actors; that the three partners must be recognised as representative of their constituency; and that the tripartite constituency must negotiate on the basis of equality. The stage was thus set for this model of industrial democracy to spread beyond the Western countries practising it.

The ***Inter-War Years*** witnessed a shift in the content of social dialogue from labour legislation to economic and social policy. Three key developments changed the focus of international social dialogue. The first was the Great Depression of the 1930s. The financial and economic crisis from 1929 had devastating social consequences on the world of work. This crisis which resulted in massive unemployment and social problems, became a key issue of concern. This change in the Social Question in the 1930s resulted in a diminished attention paid to the standard setting role of the Organisation and more attention to economic policy as a tool for social goals. The Workers' Group continued to champion a standards setting role for the Organisation and were not in favour of an over-extension of the mandate of the ILO. However, the imperatives of resolving the economic crisis, creating employment and economic policy generally, became ever present in the work of the ILO. Up till now, economic policy was largely narrowed down to the impact of international competition on working conditions and the necessity of labour legislation. Henceforth, the conditions of employment protection and creation within national economies would become a pressing issue for the

³⁹ Bernard Béguin, ILO and the tripartite system, *International Conciliation*, N° 523, May 1959, p. 418

⁴⁰ Pasture, *op. cit.*, p. 118-119

tripartite constituency. The Social Question had changed. Up till 1939, standard setting had been dominated by issues related to social protection (working time, working hours, occupational health and safety, social security and so on). In the post war period, the attention of standard setting would increasingly include issues related to employment creation.

A second development was the changing political climate marked notably by the rise of fascism. Attacks on independent trade unions, particularly in Italy and Germany, brought the issue of freedom of association to the forefront of tripartite scrutiny.⁴¹ The independence of workers' and employers' organisations in states controlled by fascist governments and the representation of worker delegates in ILO meetings became an issue of contention. Challenges had already been made in the credentials committee by the Workers' Group against the Italian worker delegate imposed by the fascist Mussolini dictatorship from 1923 onwards. These were overridden by the Conference. Things came to a head in the 1933 ILC when Nazi Germany sought to impose its candidate as worker delegate and member of the Governing Body. Strong resistance from the Workers' Group, led by Jouhaux, as well as from Wilhelm Leuschner, the democratic representative of the German union ADGB, forced the German government to pull out of the ILC. A similar issue was raised with the Austrian worker delegate in 1934 who happened to be a former Christian union leader. The firm attitude of Serrarens and the IFCTU played a significant role in upholding the principle of freedom of association. This probably contributed to his being elected as a deputy member of the Governing Body in 1935.⁴² When the USSR joined the ILO in 1934, the Workers' and Employers' Groups challenged the credentials of Soviet worker and employer delegates on the grounds that such delegates cannot be free of government control.⁴³ Resistance from the employers went as far as a request for an advisory opinion from the Permanent Court of International Justice. The departure of the USSR from the ILO in 1939 ended this debate, but not for long. This would be a foretaste of the battles that would be fought later during the Cold War.

Debates of this nature would not have been possible in a purely intergovernmental diplomatic conference. Tripartism at work was redefining the rules of international relations. Non-governmental members of the governing structures of the ILO were not bound by diplomatic and national interest considerations like the government representatives. So, real issues which were central to the Organisation's mandate and values, were not sacrificed on the altar of diplomatic expediency.

A third development was the growing internationalisation of ILO membership. The early years were dominated by Western European powers even though pressures for a more representative Governing Body were already present in 1919.⁴⁴ These pressures continued to build up in the 1920s particularly from

⁴¹ Bernard Béguin, *op. cit.*, 1959

⁴² Patrick Pasture, The ILO, the International Federation of Christian Trade Unions and freedom of association, The ILO: past and present, 5-6 October 2007, unpublished

⁴³ Harold Karan Jacobson, The USSR and ILO, *in*, International Organization, Vol. 19, N° 3, 1960

⁴⁴ *Ibid*, pp. 420-422

the Latin American group of countries that made up a sizeable bloc of Member states. A second significant wave of new memberships was registered in the 1930s. This wave on new members, mostly from the Arab region, included the USA and the USSR in 1934. This marked a new evolution in the universality of the ILO. The immediate result of all this was the increasing universalisation of the Organisation and a shake-up in the Governing Body to reflect this new reality. However, what is more significant from the point of view of this paper is that this internationalisation led to the expansion of the borders of the model of “industrial democracy” propagated by the ILO through tripartism and social dialogue. This model and approach spread to these countries joining the ILO and was appropriated in their own political, economic and cultural realities. However, the diffusion of industrial democracy was not a one-way street. National socio-political and cultural factors led to greater flexibility in the practice of this model of industrial democracy and its expression in the ILO.

The outbreak of *World War II* led to the Office moving to Montreal, Canada. The tripartite structure of the ILO played a significant role during this period at three main levels. Firstly, was the direct and indirect political opposition to fascism as contrary to the values of an Organisation built with a mandate to pursue social justice and rights. A second role of tripartism was at national level. Like in the period before the World War I, governments sought to build consensus with workers and employers in order to get their support for the war effort. Once again, acquired rights were curtailed in critical areas like the right to strike. However, promises were also made not only to restore these rights but also improve working and living conditions of workers after the war.

A third significant contribution of tripartism during this period was the very survival of the ILO. Even though the ILO was legally dependent on the League of Nations, the latter’s demise after the war did not affect the ILO’s legitimacy and perennity. In the post war deliberations on the new international architecture, it was perfectly conceivable to envisage an end to the ILO after the League of Nations had failed to prevent war. However the ILO survived. One of the key reasons for this was the tripartite character of the Organisation. Tripartism gave the ILO a democratic legitimacy which the League of Nations did not have. Furthermore, through its constituents, the Organisation had roots in the political and social establishments of the Member States that were deciding on the new international architecture. This safeguarded the ILO’s interests. The war effort also played a crucial role as promises were made to labour in order to secure their support. Trade unions themselves remained strongly attached to the ILO as an international platform to advocate their concerns and interests. Finally, one must also recognise that by the end of World War II, the Organisation had to its credit, a number of notable successes, particularly in the realm of standards. All these factors preserved the ILO from the fate of the League of Nations.

The ensuing period between **1945 to 1990** saw tripartism and social dialogue changing focus in order to meeting a number of novel challenges. Reconstruction and a renewal of the mandate of the Organisation constituted a first challenge facing the ILO after the war. The *Philadelphia ILC of April*

1944 provided the opportunity to update the mandate of the ILO. In the face of the changed post-war Social Question, the tripartite constituency of the ILO had to build a new consensus. Their task was that of reconstruction and to give effect to Article 5 of the Atlantic Charter which called for “*economic cooperation between all countries in order to guarantee improved working conditions, economic progress and social security for all*”.⁴⁵ What emerged from the tripartite dialogue was a reaffirmation of the standard-setting role of the Organisation but at the same time, a widening of the ILO’s mandate to include economic and financial questions. Even though the latter did not go as far as some would have wanted, it placed the question of employment and social security squarely in the ambit of the ILO’s mandate. In so doing, it institutionalised earlier efforts after the depression to widen the mandate of the Organisation. This changed mandate influenced the issues the Organisation decided to treat during successive ILCs and the technical competencies within the Office. Even standard setting items incorporated more issues dealing with economic policy. The Philadelphia Declaration itself will be discussed in greater detail later.

The Post-war period marks the advent of the *Cold War*. This did not only affect the ILO but also the international trade union movement⁴⁶. The immediate post-war period saw greater stress on the unity of the labour movement. A conference was called in London in February 1945. Its principal initiators were the British Trade Union Congress (TUC), the Soviet All Union Central Council of Trade Unions (AUCCTU), and the American Congress of Industrial Organizations (CIO). This conference decided to disband the IFTU and create a new organisation, the World Federation of Trade Unions (WFTU). The American AFL however refused to join this organisation on the grounds that unions in communist countries were controlled by the government. Similarly, affiliates of the IFCTU preferred to stay out of the WFTU. However, this unity within the WFTU did not last the pressures of the Cold War. Disagreements over the Marshall Plan, freedom of association, the role of unions as well as the independence of the ITSSs, led to a rift within the WFTU. Unions from Western countries broke away to form the International Confederation of Free Trade Unions (ICFTU) in 1949.

For its part, the IFCTU had been weakened as a result of the post-war drive towards unity of the labour movement in countries like Germany. In 1968, as a response to internal dynamics and decolonisation, the IFCTU changed its mandate and name to become the World Confederation of Labour (WCL). It did away with its explicit Christian identity but kept its spiritualist values. This allowed it to expand into the newly independent countries. It continued to position itself as a third way.⁴⁷ However, in 1973, the historical division in Europe between Socialist and Christian unions became increasingly insignificant with the creation of the European Trade Union Confederation (ETUC) comprising of unions from Socialist and Christian traditions.

⁴⁵ Geert van Goethem, *Phelan’s War : The International Labour Organisation in limbo (1941-1948)*, The ILO: past and present, 5-6 October 2007, unpublished

⁴⁶ D. Carew, Van Goethem, Grumbrell-McCormick and van der Linden, *op cit*, 2000

⁴⁷ Pasture, *op. Cit.*, 1999

The Cold War also had consequences on tripartism within the Organisation. One particular area worth noting is the impact of the Cold War on the issue of the independence of worker and employer delegates from government and its implications on the work of the Workers' and Employers' Groups. The issue had come up in the credential committee of the ILC already in the 1920s and 30s. Workers disputed the credentials of worker delegates imposed by fascist Italy and Nazi Germany. Both groups also questioned the credentials of delegates from the communist bloc. In 1953, the Employers' Group challenged the credentials of the Czech employer delegate. With the re-accession of the Soviet Union to the ILO in 1954, this debate erupted again.⁴⁸

The fundamental problematic was whether trade unions and employers' organisations in these countries were free of government control and therefore whether in a centrally planned communist economy, a government could nominate a tripartite delegation. Doubts were expressed about the independence of the worker and employer delegates from these countries. The Employers' also opposed delegates from these countries in the name of the autonomy of the groups. After much heated debate, a Committee of Independent Experts was set up in May 1955. Composed of 3 legal experts, the McNair Committee undertook a study of country practices in member states. Based on these studies, the McNair Committee submitted a majority report with 4 conclusions:⁴⁹ a legalistic interpretation of the Constitution would lead to the exclusion of a third of ILO member states because freedom of association was not guaranteed in these countries; higher state intervention in industry had deprived the private sector of their exclusive title as defenders of employer's point of view; this evolution had increased the similarity in the nature of functions performed regardless of structure; communist employers have a special contribution to make to the ILO by virtue of their technical duties. The minority report however questioned whether freedom of association existed in a pure form and whether it met the development needs of developing countries.

This ruling therefore gave higher premium to the principle of universality of the ILO to that of tripartism based on freedom of association. The ruling also underlined the extent of violation of freedom of association among member states. As many as a third of them were strictly speaking in violation of the principle of freedom of association and not all of these were from communist regimes who were the targets of the study. However, despite this ruling, different strategies were used by both Groups to differentiate between workers and employers from the Eastern and the Western blocs.

Irrespective of these difficulties during the Cold War, the tripartite ILO showed its resilience by adopting two major instruments of crucial importance to the work of the Organisation. The Labour Charter of 1919 had already made the principle of freedom of association a constitutional obligation on all member states. However, the adoption of Conventions 87 on "*Freedom of Association*" in 1948, and Convention 98 on "*The Right to Organise and Collective*

⁴⁸ Bernard Béguin, *op. cit.*, pp. 434-448;

⁴⁹ Ibid, p. 439; Jacobson, *op. cit.*, 1960

Bargaining" in 1949, were landmark achievements of the ILO. Even though some of the principles in these conventions were later incorporated into the Universal Declaration of Human Rights, the adoption of these conventions could not have been achieved if the ILO was not a tripartite Organisation. Freedom of association has been a constant demand of the trade union movement prior to the creation of the ILO. The Employers' Group always expressed its attachment to the principle of freedom of association as a shared value and a precondition for tripartism and social dialogue. However, some 60 years after the adoption of these conventions, one is not sure whether in the current socio-economic climate, the ILO would have been able to adopt such instruments. Nonetheless, both conventions have achieved high ratification rates with 148 ratifications for C87, and 158 ratifications for C98 out of total of 181 ILO member states.⁵⁰ The adoption of these conventions, coupled with the institution of the tripartite Committee on Freedom of Association, was to play a very significant role spreading worldwide, a model of "*industrial democracy*" based on freedom of association.

Sectoral activities constituted another major area of work for the Organisation. The 1941 ILC decided on the need for *Industrial Committees or Sectoral activities*⁵¹ to be developed in the Organisation. This pushed the ILO to apply its mandate in a specialised manner to industrial sectors. Furthermore, it stimulated tripartism in these sectors. From 1945 tripartite dialogue at the international level began for coal and national transport. By 1947 six other sectors were included in these activities. The emergence of *Multinational Enterprises* in the 1970s posed yet another challenge to tripartism at national and international levels. If social dialogue in industrialised countries had developed largely within a national context, the emergence of multinational capital, hand in hand with a growing internationalisation of the world's economy, meant that traditional social dialogue had reached its limits. This put pressure on tripartism and social dialogue to find new institutional mechanisms for bargaining. For the trade unions an additional concern was to promote countervailing mechanisms to multinational capital. One strategy in this regard was the development or strengthening of unions worldwide. Within the ILO, the consensus arrived at in 1977 was the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy. The Workers' Group would have preferred a binding document with strong follow-up procedures. Though limited in scope, the consensus provided a basis for tripartite action to develop a response to multinational capital. Outside the ILO, this engagement of unions with multinationals has expanded through the development of transnational efforts to regulate transnational enterprises.

On the socio-economic front, tripartism and social dialogue played an important role in the rise of the *Welfare State*.⁵² In many ways, this period witnessed the high point of tripartism and social dialogue, particularly in Western Europe. In a context of reconstruction, high economic growth rates and full employment, tripartism and social dialogue thrived and were pillars of

⁵⁰ Statistics based on ratification data as at March 2008

⁵¹ Geert van Goethem, *op. cit.*, 2007

⁵² William R. Simpson, the ILO and tripartism: some reflections, *in*, Monthly Labor Review, September 1994

the welfare state in Western Europe. If the Declaration of Philadelphia had spelt out the key ingredients of this welfare state, national level social dialogue in Europe built it. This social dialogue ensured access to universal social protection, employment and public social services ranging from housing to education. Collective bargaining not only promoted mandatory minimum wages and indexes to link it to inflation but also went into new areas including guaranteeing minimum income levels for the poor.

Another reason for the emergence of the welfare state was the promises made to trade unions during the war to improve living and working conditions, particularly in the area of social security. Furthermore the prominent role of social democracy in a number of countries greatly facilitated this process.

The crisis at the end of the 1970s and the rise of neo-liberal conservatism in the same period, made a major dent into this welfare state model. Henceforth, tripartism and social dialogue came under scrutiny largely because trade unionism came increasingly under attack. As national production systems increasingly globalised, market orthodoxy replaced the welfare state as the new norm. Social dialogue was seen as hampering economic competitiveness and was criticised on the grounds of its lack of relevance and effectiveness in the new global economy. Through structural adjustment policies and labour market reforms, the Bretton Woods Institutions were particularly effective in diffusing this neo-liberal model worldwide. At national level market policies were promoted by governments which supported ever greater levels of flexibility into labour market relations. These policies down-played the role of social dialogue in favour of market forces. They also did away with a more regulatory approach to dealing with the contradictions of the world of work.

Decolonisation is yet another development after the war which shaped the direction of tripartism, social dialogue and the ILO itself. The entrance of Asian and African countries into the ILO provoked a number of processes. Firstly, this led to the effective universalisation of the ILO. This in turn meant a changing balance in the governance of the Organisation with the traditional West European dominance declining somewhat in favour of these newly independent states. Hand in hand with this went the proliferation of the ILO model of “industrial democracy” in these countries. From now on, tripartism and social dialogue would find new grounds to develop and mature. It must be said that in some of these former colonies, a limited level of tripartism had been practised by the colonial powers as independence approached. This had been made possible by the development of trade unionism in the colonies. Yet another consequence of decolonisation was a shift in the Social Question the ILO had to address. Social dialogue in the ILO now had to go beyond issues confronting industrialised or industrialising countries and take on the socio-economic issues confronting the developing world. Technical assistance emerged as an objective of ILO programmes. This grew to become technical cooperation, which in turn led to a concern for development policies through the World Employment Programme. Technical cooperation has grown rapidly to become a major source of funding for the ILO today thus posing new challenges for tripartism.

Globalisation and *Poverty* constituted two important themes of social dialogue from the 1990s. The economic crisis in the 1970s, the rise of multinational capital, and the emergence from the late 1970s of neo-liberal political and intellectual forces generated globalisation. One must recall that the period after World War II bequeathed to the world a new institutional architecture of which the ILO was a part. The creation of the World Bank and the International Monetary Fund, with responsibility for short term international financial regulation and medium term reconstruction and development respectively, was to have lasting consequences. These Bretton-Woods Institutions, coupled with the process of trade liberalisation which led to the creation of the World Trade Organisation, played a critical role in the creation of a global economy. This globalisation, which in fact is only the latest phase of the internationalisation of the global economy, however took place in the peculiar context of the fall of the Berlin Wall. The conjugation of these forces produced a crisis of alternatives and what Fukuyama termed, “*the end of history*”.⁵³ This twin development had a major impact on the trade unions and the world of work generally. If the post-World War II context was a period of social democratic advances in a context of high growth, the opposite was true in the 1980s and 1990s.

Relocations were widespread; social protection systems were in competition with each other to attract foreign direct investments; supply chains were developing from informal economies in poor countries to major brands of transnational corporations. Of critical importance was the fact that globalisation was unregulated. This led to unbridled capitalist and exploitative practices, financial deregulation and speculation and the massive accumulation of wealth in a few hands. All this was reminiscent of an earlier phase of European internationalisation which led to the creation of the ILO. More than ever before, the situation was coming into stark contradiction with the principles of the Organisation, notably the idea that: “... *the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries*”.⁵⁴ Against this background, tripartite dialogue led to the adoption in 1998 of the Declaration on Fundamental Principles and Rights at Work. For organised labour that had campaigned for a “social clause” in trade and development agreements, this Declaration, with its follow-up mechanism, was a means of ensuring minimum ground-rules for the global economy.

One of the consequences of globalisation was the creation of the International Trade Union Confederation (ITUC) as a result of the merger between the ICFTU, the WCL and a number of independent trade unions in November 2006. International trade unionism is now overwhelmingly dominated by the ITUC. However a less representative WFTU continues to exist together with a host of independent national and regional trade union organisations. Globalisation and the challenges it posed to trade unionism as a whole, was an important reason for this historical merger. It accelerated the pursuit of unity which has eluded trade unions since the 19th century. In European

⁵³ Yoshihiro Francis Fukuyama, *The End of History and the Last Man*. Free Press, 1992

⁵⁴ ILO Constitution

historical terms, the merger also signifies a convergence between a “Social democratic” and a “Christian democratic” visions of dealing with the Social Question. This had earlier been translated into the creation of the European Trade Union Confederation in 1973. Tripartism and social dialogue in the ILO played a limited but important role in building this convergence over the long term. Despite historical philosophical and other differences, both the ICFTU and the WCL shared relatively similar positions in the ILO. Examples of this convergence over the years in the ILO, has been in the drawing up of a common list for Governing Body elections, the sharing of Workers’ Group responsibilities of different Conference Committees, and collaboration in the Conference Committee for the Application of Standards.

The Working Poor was another problematic dealt with in ILO social dialogue. This problematic found its expression in two related themes of work namely that of Poverty Reduction and the Informal Economy. 2003 estimates indicated that of the 1.39 billion people at work worldwide, 49.7 per cent of them were unable to earn enough to lift themselves and their families above the US\$2 a day poverty line. The bulk of these working poor were found in the informal economy. Estimates of informal employment ranges from about 65 percent of non-agricultural employment in developing Asia, 51 per cent in Latin America, 48 per cent in North Africa, and 72 per cent in sub-Saharan Africa.⁵⁵ It is against this background and the UN’s Millennium Development Goals, that the ILO renewed its work in these areas.

The sum of all of the above in the 1990s and beyond was a focalisation of the ILO mandate around 4 strategic objectives (rights, employment, social protection, and social dialogue) and the central goal of *Decent Work*. The legitimacy of the concept of decent work is firstly in the fact that it is evidently a necessity in the context of jobless growth and unequal accumulation. However, the weight of its legitimacy is really in the fact that it is a concept and an approach which is shared by governments, employers and workers. Hence, a major achievement of the ILO in this period has been to use this legitimacy to reposition itself in the international architecture of institutions around the central message of decent work. This has led to the endorsement of the goal of decent work at national, regional and international levels. The inclusion of decent work as a global goal at the 2005 World Summit of the United Nations General Assembly of heads of state and government, marks a central achievement of the tripartite organisation in making the mandate of the ILO central within the new international architecture. Paragraph 47 of the World Summit Outcome declared that: “*We strongly support fair globalization and resolve to make the goals of full and productive employment and decent work for all, including women and young people, a central objective of our relevant national and international policies as well as our national development strategies, including poverty reduction strategies, as part of our efforts to achieve the Millennium Development Goals*”.⁵⁶ This endorsement of

⁵⁵ ILO, Decent work and the transition to formalization: Recent trends, policy debates and good practices. Report of the Tripartite Interregional Symposium on the informal economy: Enabling Transition to Formalization, Geneva 27- 29 November, 2007

⁵⁶ General Assembly resolution 60/1 of 16 September 2005

decent work strengthens the legitimacy of tripartism and social dialogue in resolving the crucial issues confronting the international community. In the grand scheme of things, it also ensures that the tripartite ILO remains a central pillar in the changing international architecture. For the trade union movement, this continues to provide it with a platform for its engagement in the international arena. For the Employers' Group that is also committed to humane working conditions within thriving sustainable enterprises, this also promotes the agenda of productive economies based on stable social relations.

Another important issue dealt with by the tripartite constituency in the ILO in this period has been a reaffirmation of the *tripartite structure of the ILO* in the face of emerging new social actors - Non-Governmental Organisations (NGOs). As has been noted earlier, trade unions emerged in response to the capitalist industrial revolution in 19th Century Europe. While some NGOs date back to the same period, the exponential rise in NGOs from the 1980s is a response of civil society to globalisation. Together, these organisations are estimated to be worth \$1 trillion annually and spend 15 billion US\$ on development each year – about as much as the World Bank.⁵⁷ They cover national, international, business, government, environmental NGOs. Unions differ from them on several grounds, notably their democratic representativeness from the shop floor to the international level. Furthermore, if NGOs tend to be issue-based, unions are membership-based organisations of workers and so embrace all encompassing socio-economic and political issues. However, trade unions and like-minded NGOs collaborate in the pursuit of common goals, particularly at the national level. This collaboration also stems from the involvement of some NGOs in issues of concern to unions and their effective use of new campaigning methods. The conference debate over the role of this new actor in the ILO is summed up in the 2002 ILC *“Resolution concerning Tripartism and social dialogue”*. This resolution reaffirmed the tripartite nature of the ILO, emphasised the role of the social partners with governments in socio-economic development and developed a mechanism for the Office to collaborate with NGOs and civil society generally.

In this long trajectory of issues dealt with by the ILO, the most important from the workers' perspective has been the promotion and defence of workers' rights. Since 1919, this has been at the heart of the positions taken by the workers. The Workers' Group therefore paid particular attention to the ILO standards setting and supervisory system. They constantly lobbied hard for the adoption of more standards to protect workers. Before the creation of the ILO, the Workers' Groups' position was to make all international labour legislation adopted to be binding on Member States. Having failed to achieve this objective, it soon became apparent in the early years that conventions could be adopted at the ILC but did not necessarily lead to ratifications. Furthermore, ratified conventions were often not implemented in law and practice. Against this background, a constant rallying cry of the Workers' Group has been for the adoption, ratification and implementation of international labour standards. New areas of work have been judged to the

⁵⁷ Peter Hall-Jones, *The rise and rise of NGOs*, PSI

http://www.world-psi.org/TemplateEn.cfm?Section=Whats_New&CONTENTID=11741&TEMPLATE=/ContentManagement/ContentDisplay.cfm

extent to which they do not undermine or deviate from what is perceived as the ILO's central role – international labour legislation. Consequently, particular scrutiny has been paid to preserving and expanding the ILO's normative system. This attachment to the ILO's Standards policy stems from the basic knowledge that rights are the bedrock for the promotion and protection of workers rights and interests.

Concluding remarks:

The practice of tripartism and social dialogue in the ILO has evolved in new and profound ways since the timid experiences in the 19th century. Its geographical scope has expanded worldwide to cover 181 member states and beyond. It has deepened, covering levels of tripartite or bipartite dialogue from the plant, sector, national to international levels. International social dialogue has also diversified beyond the walls of the ILO to include sub-regional and continental intergovernmental bodies. Since 1919, the content of social dialogue has not ceased to change. As the Social Question of the times changed, social dialogue has evolved to build tripartite consensus to address these changes.

The basic assumption upon which tripartism was based in 1919 was the independence of workers and employers from government. Tripartism has however been confronted with major challenges. Freedom of association, upon which tripartism is based, is often violated or limited in countries of different ideological persuasions, development levels and cultural or religious backgrounds.

The voting arrangement decided upon in Versailles was designed to ensure that governments would not be outvoted by the social partners. However, since 1919, governments have repeatedly been outvoted as a result of bipartite agreement of the Employers' and Workers' Groups. Whereas for the most part, this bipartite solidarity of the social partners has been on issues of process, from time to time, bipartism has managed to swing the direction of the ILO on issues of substance.

Fundamentally, the ILO was created to protect the worker from the exploitation and injustices provoked by the combined effects of industrialisation and capitalism. Despite differences between the tripartite constituents on how to resolve the Social Question, tripartism has managed to build a body of ideas which have sustained the relevance of the Organisation over the last nine decades. The next chapter will review some of these key shared ideas which have been developed or legitimised by the ILO's tripartite constituency.

4. Contribution of Tripartism to the history of ideas

Tripartism and social dialogue have bequeathed a number of ideas since 1919. These can be summarised in a few critical areas, namely, in the field of International Organisation; law and human rights; economic and social policy and peace and security.

The first contribution of Tripartism to the history of ideas is in the area of International *Organisation and Global Governance*. From the point of view of international relations, the ILO was the result of three principles, namely that of multilateralism, proletarian internationalism and humanitarianism. For states, joining an international organisation was an acceptance of the concept of multilateralism whereby the state concerned accepts to limit its national sovereignty in a specific area and to work in concert with other states on a given issue. In this case the issue is that of labour. On the other hand, the trade unions were inspired by the Marxian principle of proletarian internationalism. This called for the working class worldwide to unite their forces in international solidarity against capitalist exploitation, on the basis of their common class interests. For employers, a prime motivating principle was that of humanitarianism. As discussed earlier, several employers were vocal in calling for social reforms in the lead-up to the creation of the ILO. And so, the ILO is a unique creature of international governance which is based on ideas and principles of multilateralism, internationalism and humanitarianism.

The Office on the other hand, is the result of even more complex processes. Firstly that of states, particularly the French and British traditions of civil service. In this respect almost all Director Generals can be very broadly classified into two schools - that of Albert Thomas attributing a visionary and leadership role for the Office; and that of Butler in which the Office is at the service of the Governing Body. Secondly, the Office is a reflection of the IALL's international labour office in Basle. This is the tradition of technical expertise at the service of a humanistic cause. Tripartism is the third key influence. Right from the beginning, Albert Thomas made sure he had within the Office, liaison officials to advise him on political developments within the workers' and employers' groups. Furthermore, the work of the entire office, including the technical work is undertaken bearing in mind the tripartite constituents of the Organisation.

Another key area in which tripartism contributed to ideas on international organisation is that of democratic participation by non-state actors in the inter-state regulation of world affairs. The ILO is the only international agency with non-state actors fully participating in its governance. The ILO is therefore a pioneer in proposing a new form of governance of the global economy. In this framework of international governance, intergovernmental cooperation between countries is not only an affair of governments but also that of civil society actors namely, workers and employers.

The participation of the employers and workers organisations have kept the ILO relevant to a changing world situation by keeping the Organisation

abreast with issues which would otherwise not be raised, discussed or decided upon in a purely inter-governmental organisation. This is particularly true in the area of human rights where the ILO has the most sophisticated and effective standards-setting and supervisory arrangements in the intergovernmental system.

Yet another major contribution of tripartism to international organisation is ensuring the survival of the ILO after World War II. Unlike the League of Nations, to which it was legally bound, the ILO survived World War II largely because of its tripartite nature. As has been referred to earlier, promises made to organised labour before the war had to be met and this included continued attention to issues like social security and workers' rights. Similarly, unlike other intergovernmental institutions that were completely paralysed by Cold War ideological battles, tripartism helped the ILO to live through this period and indeed produce some of its most important instruments, like the conventions dealing with freedom of association and collective bargaining. As discussed above, Cold War considerations did affect the ILO. However, the organisation remained effective in both standard setting and technical cooperation. These achievements would not have necessarily been possible in a purely intergovernmental context where diplomacy and national interest are the prime considerations of government action. The highly politicised nature of the work of the UN human rights bodies in comparison with the ILO supervisory system is a good illustration of the positive impact of tripartism.

Finally, the experience of the ILO in ensuring non-governmental participation within an intergovernmental body served as a basis for the Post-World War II consultative status attributed to NGOs within the UN. This practice of consultative representation to intergovernmental institutions has spread to regional organisations and to a lesser extent, the international financial institutions.

A second major contribution of Tripartism to the history of ideas is in the area of *Law and Human Rights*. Right from the very beginning, the ILO's mandate was to adopt international labour legislation. This was seen as a critical instrument to ensure humane working conditions and social justice. As discussed earlier, right from the beginning of the ILO, rights were seen as an instrument of social policy and therefore played a very important role in the work of the Organisation. Tripartite contribution to the ILO's work in the area of law has been both at the level of content and process. This can be attested at two main levels, namely that of standard setting and secondly in the supervisory system.

At the level of standard setting, the tripartite constituents determine the instruments to be adopted. Tripartite involvement starts from the identification of issues for standard setting by the Governing Body. Once the issue is decided upon, there is tripartite involvement in determining what could be found in a possible new instrument. The ILC then discusses and adopts the new standard. So tripartism is at the heart of the entire cycle of standard setting. However, this does not end at the international level. Social partners are involved in lobbying governments for the ratification and application of

conventions. Furthermore, the application of a large number of these conventions requires an active social partner involvement to give effect to them. For instance, through tripartite consultative mechanisms at country level.

In the historical evolution⁵⁸ of the supervisory system, tripartism was once again crucial. The first important development in the supervisory system was in 1926 with the creation of the Conference Committee on the Application of Standards (CCAS) and the Committee of Experts on the Application of Conventions and Recommendations (CEACR). The main reason was to enable a thorough examination of reports of ratified conventions sent in by governments. The creation of the CCAS has been a key element in ensuring tripartite scrutiny of government reports. This would not have existed without the insistence of the social partners. In 1955, the CCAS adopted the “principle of selectivity” in order to concentrate its attention to violations in law and practice of governments of ratified conventions. The evolution of the CCAS has strengthened further the tripartite role in the supervisory system. Based on a set of criteria, the CCAS as a whole adopts the list of individual country cases and conventions to be discussed. In reality, the Workers’ Group has become the main protagonist of this process. It determines the preliminary list which is discussed with the Employers’ Group. Over the last decades, the overwhelming majority of cases proposed have come from the Workers’ Group. In many ways, this reflects the fact that the bulk of social partner comments to the CEACR comes from the Workers’ Group. The consensus list of the Workers’ and Employers’ Group is then automatically adopted by the CCAS. The fact that governments do not participate in the drawing up of the list of individual cases is of extreme importance in order not to make the process subject to diplomatic or other considerations. Consensus between the Workers’ and Employers’ Groups also determines for the large part, the conclusions of the CCAS. Hence the creation of the CCAS and the CEACR is a very important tripartite contribution to the supervisory system in order to render governments democratically accountable for ratified conventions. This is one of the most powerful ways in which the ILO remains connected with people.

The second evolution in the supervisory system was in 1932 when the Governing Body adopted Standing Orders for the representations procedure and distinguished it clearly from the complaints procedure. Both these procedures are effectively dependent on tripartite involvement, particularly that of workers and employers. Representations alleging non-observance of a ratified convention are handled by a tripartite committee of the Governing Body. Complaints alleging non-observance of a ratified convention are handled by a Commission of Inquiry appointed by the tripartite Governing Body to which it also reports. Tripartism is therefore at the heart of these procedures.

⁵⁸ ILO, Improvements in the standards-related activities of the ILO : initial implementation of the interim plan of action to enhance the impact of the standards system, GB.301/LILS/6, pp. 11-26

Amendments to the Constitution in 1946 further strengthened tripartism in the supervisory system. Several changes were introduced in articles 19 and 22. The most significant one from the point of view of tripartism was the obligation placed on governments to communicate reports and information under articles 19 and 22 of the Constitution to representatives of workers' and employers' organisations. This new obligation placed on governments was critical to ensure that workers and employers' perspectives are taken on board in the review of reports by the CEACR. This greatly strengthened and objectified scrutiny of government compliance with ratified conventions.

A fourth important evolution in the supervisory system took place in 1950 following the adoption of Conventions 87 and 98 in 1948 and 1949 respectively. The ILO and ECOSOC agreed to establish a special procedure to examine violations of trade union rights and that all complaints on freedom of association would be sent to the ILO to deal with. This gave birth to the Fact finding and Conciliation Commission on Freedom of Association. In 1951, the ILO Governing Body went further to establish the tripartite Committee on Freedom of Association (CFA). Since respect for freedom of association is a constitutional obligation, the role of the latter has become essential in ensuring tripartite scrutiny of the respect of this principle of freedom of association - whether or not governments have ratified Conventions 87 and 98.

Finally in 1971 and 1977, the ILC adopted two resolutions on strengthening tripartism in the ILO and the supervisory system in particular. Furthermore in 1976, Convention 144 on Tripartite Consultation was adopted in order to strengthen the participation of the social partners in all ILO standards related matters at the national level.

A sixth development that one could mention is the gradual development of "*soft law*" in the ILO. This is exemplified by the adoption of the Declaration on Fundamental Principles and Rights at Work in 1998 and its follow-up. This follow-up was a Workers' Group condition to have its support for the Declaration. It includes an Annual follow-up process which seeks to review each year, efforts made by Member States that have not ratified one or more of the 8 fundamental conventions, in meeting their commitments under the Declaration. Like in the regular system, employers and workers are encouraged to send comments in this review process. This promotional follow-up is quite distinct in nature from the regular supervisory system.

Therefore, social partners are involved in the different procedures of the supervisory system. From sending in comments on both ratified and unratified conventions; to submitting complaints in cases of violations; to tripartite review of violations through tripartite supervisory bodies, namely, the CCAS, the tripartite committee of the Governing Body in the case of representations; and the Committee on Freedom of Association for cases dealing with freedom of association and collective bargaining. The tripartite constituency also initiates the procedure for Conference Complaints which leads to Commissions of Inquiry set up by the Governing Body.

This approach to law and the supervisory system as a whole has gained widespread reputation for its transparency, effectiveness and democratic pertinence. A purely intergovernmental institution would probably not have developed such an elaborate system of scrutiny of national law and practice by the international community. This comprehensive supervision is the most important contribution of tripartism to international law and the respect of human rights.

Finally, tripartism has also contributed to ideas on the content of law. Social rights have now been accepted as human rights. Since the tripartite constituency determines the content of ILO standards, tripartism has also influenced the UN system's work, particularly in the area of human rights.

Thanks to tripartism, one can talk of an ILO approach to law and to human rights in particular. According to Wilfred Jenks,⁵⁹ it is an approach based on the interdependence and complementarity of different categories of rights. Furthermore, the system is based on the principle of universality but also country specific application of rights. Lastly, the system is based on the supervision of application, on the promotion of these conventions and recommendations, and on assistance from the Office to governments and social partners. What one must add to this description by Jenks is that this approach is unique in that it involves the active participation of non-governmental actors. From standards-setting, to setting up a supervisory system, to participating in the supervision of application. In this way, tripartism gives life and contemporary relevance to the ILO legal framework.

The third major contribution of tripartism to the history of ideas is in the area of *Economic and Social Policy*. The original mandate of the Organisation was in the relatively narrow area of improving working and living conditions through the principal tool of international labour legislation. With the outbreak of the Depression from 1929, the mandate of the ILO shifted gradually to include economic policy issues. The dramatic impact of mass unemployment and poverty put the spotlight on the limits of an ILO approach based solely on law. This situation was amplified with the huge demands of reconstruction after World War II. The 1944 Declaration concerning the aims and purposes of the International Labour Organisation (Declaration of Philadelphia), updated the mandate for the Organisation after the war. The main result of this declaration was to broaden the ILO's original mandate by including economic and financial policy issues.

Since the Depression, a body of shared ideas have been developed by the tripartite constituency on economic policy and on the relationship to the traditional social policy aims of the Organisation. This is summarised in the Philadelphia Declaration which amounted to "a concept of the Welfare State" in which ideas like full employment and the war against want, were to have lasting policy impact on the work of the Organisation and the Office.⁶⁰

⁵⁹ Wilfred Jenks, *Social Policy in a changing world : the ILO response*, Selected Speeches, ILO, 1970-1973, pp.11-19

⁶⁰ Eddy Lee, *The Declaration of Philadelphia: retrospect and prospect*, *in*, *International Labour Review*, Vol. 133, 1994, n° 4, pp. 467-484

Already in Versailles, the nine policy areas that were negotiated as part of the social charter signalled a particular approach to economic and social policy. These nine areas were the following: that labour is not a commodity; freedom of association; payment of an adequate wage to a reasonable standards of living; equal pay for equal work; an 8 hour day or 48 hour week; weekly rest of at least 24 hours; abolition of child labour; equitable treatment of all workers in a country; and a factory inspection system to enforce laws and protect workers. Behind these nine principles for social policy was a model of society, and also a number of underlining economic and social policy ideas which motivated the tripartite approach. These constitute what one can call the body of shared ideas on economic and social policy.

A first shared idea is that “labour is not a commodity”. This principle which was strongly pushed by Gompers in Versailles has its roots in 19th century social struggles. However, it is also the result of battles in the US following the adoption of the Sherman Antitrust Act in 1890. These conflicts led to the adoption of the Clayton Antitrust Act of 1915. Behind this basic principle is the idea that labour markets are not like any other markets. Workers have an intrinsic dignity which cannot be commoditised. Their unions act in the economic sphere to protect and promote the interests of these workers to have a just share of their work – not a monopolistic share. This basic idea is to have a lasting impact in the ideas propagated in the ILO about labour markets, the way they function, their very purpose and the economic policies needed to optimise social outcomes.

Another basic contribution of tripartism to the history of ideas and indeed to development policy is that, freedom of association is essential for sustained social progress. Already signalled in Versailles, this was made explicit in the Philadelphia Declaration. This idea contributed in several ways to the history of development policy and a model of welfare state. First and foremost it emphasises what is now called a “rights-based approach” to development policy. Social progress or development is not possible without the respect of basic socio-political rights. Indeed, the enjoyment of these rights enables access to socio-economic entitlements. Furthermore, this principle accepts that development policy is the result of an interaction among different actors with different interests to defend. The right to organise gives the weak the only possibility they have to engage in this process with any chance of influence. It provides them with the possibility, as a united force, to engage in this interaction among actors in order to defend and promote their interests. Lastly, this idea postulates that in the highly politically charged conflict between capital and labour, social dialogue provides a healthy and peaceful means to resolve this conflict and achieve optimal social outcomes.

As is amply discussed by Lee,⁶¹ the Philadelphia Declaration contributed a number of other important ideas. One of them deals with the finality of economic and financial policy at both the national and international levels. The

⁶¹ Ibid

Declaration affirms that *“all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”*. And so *“All national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not hinder the achievement of this fundamental objective”*. Freedom, dignity, economic security and equal opportunity are key principles upon which policies of the welfare state are derived from. Philadelphia is therefore a recognition of the *raison d'être* of economic and financial policy - to further social goals like full employment and poverty eradication. Economic and financial policies at both national and international levels are therefore not an end in themselves but a means to achieve social goals.

Yet another idea that emerges from the Philadelphia Declaration is that left on their own, markets cannot provide optimal social policy outcomes. As Lee puts it, the “interplay of blind economic forces” cannot provide for the attainment of social goals. This underlines the need for a degree of state intervention, regulation and planning. Though the tripartite constituency often disagrees on the degree of regulation or state interventionism needed, the principle is however a shared idea. In the post-war years, this was an easier idea to accept considering the devastation of World War I and the Great Depression. Despite the neo-liberal revolution from the 1980s in which unbridled markets were seen as the main motor of development, the ILO has nonetheless kept this principle of the need for regulation of markets alive.

Another idea from Philadelphia was the need for concerted international action to achieve socio-economic goals. As a pioneer of international organisations, the ILO is a proof of the effectiveness of international action to address social issues. One must recall that right from the beginning, there was a clear commitment to multilateral action to avoid a race to the bottom because *“the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their countries”*. This same commitment to international action is recognised in Philadelphia in dealing with the war against want because *“poverty anywhere constitutes a danger to prosperity everywhere”*. The more recent engagement of the ILO on the need for policy coherence to attain social goals is an extension of this on-going shared idea about multilateral cooperation - particularly with the economic, financial and trade institutions.

Right from the Great Depression, the question of employment has been an important preoccupation of the tripartite constituents of the ILO. Philadelphia spelt out clearly the ambition of full employment. In 1964, the adoption of Convention 122 on Employment Policy went even further in talking about full, productive and freely chosen employment. Today's ILO Decent Work paradigm is therefore rooted in this historical commitment of the Organisation to both the quantity and quality of employment as well as the high road to achieve this – as against the race to the bottom. This involvement of the ILO in employment issues led the Office to develop in the 1970s the concept of Basic Needs. This approach was firmly rooted in the shared tripartite values of

Philadelphia. It had a major impact in development thinking and influenced major multilateral agencies including the World Bank and governments. In many ways it is the precursor of the human development approach embraced by the UN today.

A last area where tripartism contributed to the history of ideas deals with global peace and security. By making the link between social justice and peace, tripartism prefigures the adage that peace is not the absence of war but the active search for social justice. Furthermore, this justice must not only be built at the international level but must begin at the national level through social peace on the shop floor. The resolution of the changing Social Question within national frontiers is therefore directly related to the search for peace and security at the international level. Lastly, the ILO is also about the issue of the orderly and peaceful resolution of conflict through social dialogue. These ideas have had a lasting impact. They were relevant in the inter-war years and during the Cold War. They are still relevant today even as peace and security issues are too often seen only through narrow prisms or single issues.

In the four different areas discussed above, tripartism and social dialogue have contributed in a number of significant ways to the history of ideas. Some of these ideas have sprouted essentially from within the Organisation. Others have been borrowed from the outside. However, in the latter context, the ILO's tripartism has legitimised and institutionalised them in a way which has made them credible and effective. This credibility is drawn from the legitimacy of the ILO and from the fact that these ideas are shared by actors with divergent interests. The effectiveness of these ideas also reposes on the socio-economic influence they have had on national policies and the political influence in building a culture of industrial democracy. Since the 1980s, a number of these ideas came under attack. They nonetheless continue to provide a credible alternative to the policies of market fundamentalism in reconciling the interests of labour and capital. In other words, reconciling economic efficiency with social progress.

5. From “industrial autocracy” to “industrial democracy” - the global expansion of tripartism and social dialogue

Tripartism and social dialogue are a response to the “*industrial autocracy*” exercised by the emerging capitalist system in 19th Century Europe. The ILO’s tripartism and social dialogue proposed an alternative model. A reformist model of “*industrial democracy*” which is based on the independent participation of workers, employers and governments in the regulation of the world of work.

A number of conditions were deemed to be necessary to ensure the viability of this model. These include the existence of strong independent social partners, a climate of freedom of association, good will and commitment of the partners involved in the dialogue and the necessary institutional framework. Over the years, this model of “*industrial democracy*” has proved its potential to prevent conflicts, build social peace at the work place and promote stable socio-economic development – whether it is at the enterprise, national, regional, inter-professional or international levels. It is this model that the ILO has promoted since 1919.

From the beginning, the main instrument of social dialogue was collective bargaining. As has been referred to earlier, collective bargaining emerged with trade unions as a tool for improvement of working conditions. The establishment of the ILO institutionalised, legitimised and expanded upon this model. From plant level collective bargaining, one has today a wide variety of forms of tripartite or bipartite information sharing mechanisms, consultative processes and negotiating practices.

This model of industrial democracy has been propagated throughout the world through a series of transmission channels. A first one has been the widening membership of the ILO. Being a tripartite organisation, membership of the Organisation has meant that member states had to nominate tripartite delegations to the ILC. This has spurred on the development of workers’ and employers’ organisations and at the very least, tripartite contacts. Even though the credentials committee of the conference is often busy verifying the authenticity of worker and employer delegates to the Conference, today tripartite delegations with genuine worker and employer representations form the bulk of delegations to the ILC.

The international confederations of workers and employers have also played their role. Their increasing internationalisation over time has been a major driving force for industrial democracy in the world. And so if trade unions were only in a handful of countries when the ILO was created, today the ITUC alone has a total of 167,880,375 dues paying members in 311 affiliated organisations which can be found in a total of 155 countries and territories.⁶² The different trade secretariats, now known as the Global Union Federations, have followed a similar trend in terms of their geographical representation. On

⁶² Valid figures for December 2007

the employer side, the IOE today is the largest representative private sector organisation in the world. It consists of 147 national employers' organizations from 140 countries.⁶³

Hand in hand with the extension of the geographical scope of trade unions and employers' organisations has been the development of new structures of the social partners to meet the changing challenges in the world of work. Hence, the traditional trade union structures at the enterprise, sectoral, national and international levels have expanded. One has witnessed the development of organisations at the regional level to deal with specific problems in each continent. One example has been the growth of sub-regional trade union organisations which tend to operate within the geographical confines of regional integration blocs. Globalisation has also generated transnational forms of consultation and bargaining to which trade unions structures have adapted to. An example is European Works Councils that are increasingly going beyond their role of information sharing and consultation. This multiplicity of structures corresponds also to an increasing multiplicity of platforms for tripartite and bipartite social dialogue.

Another paradoxical transmission channel of tripartism and social dialogue has been through colonisation. Though the colonial powers did not allow a free exercise of freedom of association, they nonetheless sowed some seeds of tripartism through the creation of trade unions. In many countries however, these trade unions were very active in the decolonisation movement. And so many newly independent countries were bequeathed with structures of industrial relations that greatly resembled that of the metropolitan power with actors moulded on the metropolitan model. On the one hand, this no doubt created forms of dualism based on the metropolitan model. On the other hand, as trade union involvement in the decolonisation movement shows, it generated original forms of involvement of workers in polity. An example is the the form of trade unionism introduced into Anglophone and Francophone Africa which strongly resembled, and yet differed, from that found in the colonial powers. So one can conclude that in many developing countries, the practice of tripartism and social dialogue has both a long and short history. A long history because they were "tropicalised" versions of the industrial relations models in the metropolitan countries; but also short histories because after independence, they took on their own peculiar trajectories and cultures.

Yet another transmission channel that propagated tripartism and social dialogue has been the normative work of the ILO. Normative obligations derived from membership of the Organisation and the ratification of conventions have championed the democratic model of industrial relations of the ILO. The ILO supervisory system requires that member states abide by their commitments through processes whose underling logics promote industrial democracy. The work of the CEACR is symptomatic of this. In 2008 alone, a total of 1,611 reports were received by the Office from governments having ratified conventions under article 22 of the constitution which formed

⁶³ <http://www.ioe-emp.org/en/members-regions/index.html>

the basis of the report of the CEACR. In addition, 492 comments were received from trade unions and 40 from employer's organisations.⁶⁴ This large-scale supervisory process has been a major vehicle of promotion of industrial democracy worldwide. Similarly, the tripartite CFA which scrutinizes the constitutional obligation of Member States to respect the principle of freedom of association, has helped shape a body of jurisprudence and therefore values and principles of industrial democracy, based on the right to organise. Therefore, through its work, the ILO supervisory system has played a crucial role in propagating industrial democracy even if national circumstances influenced the forms this model took.

In the history of the ILO, a number of high profile cases have been treated by the supervisory system and have contributed to the democratisation of these countries. A case in point is that of Poland. The emergence of the independent trade union *Solidarnosc* in 1980 led to a series of strikes that endangered the communist regime of the time. A number of years of socio-political strife in the country culminated in national round table discussions involving the unions. The starting point of these discussions was the 1984 ILO Commission of Inquiry Report on Freedom of Association. Tripartite determination coupled with the active involvement of the Office had played an important role in the democratisation of Poland in the particularly difficult context of the cold war.

South Africa is another example of ILO pressure coming to bear on a country and contributing to its democratisation. With the passing of apartheid laws in 1948, several cases came before the ILO supervisory system dealing with forced labour and violations of trade union rights in the country. After the decolonisation of Africa, a great deal of momentum built up in the ILO challenging the incompatibility of apartheid with ILO standards and values. In 1964 the ILC adopted a unanimous tripartite Declaration on the Policy of Apartheid and an ILO Programme for the Elimination of Apartheid was approved. This was followed by ILO action in three main areas, namely, equality of opportunity in respect of admission to employment and training; freedom from forced labour; and freedom of association. The Declaration provided for continuing review by the ILC each year. All of this pressure led the South African government to withdraw from the ILO. Despite this withdrawal, the Organisation continued to offer support to the democratisation movement in the country.

The supervisory system has taken similar action to deal with the Latin American dictatorships and countries like Indonesia in the 1990s. If tripartism has contributed to democratisation in cases of grievous violations of labour standards, it has also been active in countries where these violations have been less acute. This underlines the fact that the promotion of industrial democracy is an unending battle to prevent and secure the respect of rights where they are at risk or being undermined.

⁶⁴ ILO, Application of International Labour Standards 2008 (1), Report of the Committee of Experts on the Application of Conventions and Recommendations, Geneva, 2008

In the history of the ILO, war has led to a keen sense of the need to prevent conflict. Some crises have paradoxically strengthened industrial democracy. This is because crises offer two paths. One is a path of destruction and the other, an opportunity to build anew. The aftermath of the two world wars actually strengthened tripartism and social dialogue. The First World War led to the creation of a tripartite ILO and the notion of social dialogue. The Second World War bequeathed a system of social security and the welfare state. Unfortunately, one cannot generalise this for other crises.

What began as a model in a limited number of countries has today developed in a multiplicity of forms throughout the world. Some countries have embraced sophisticated enterprise, sectoral and national level bargaining. Others have prioritised one level of the above, notably the level of the enterprise. In some regions, collective bargaining may be limited to the enterprise level, however, national-level social dialogue still takes place on broader issues. Globalisation has also led to the emergence of transnational forms of bargaining platforms. Even though they are still relatively weak, they provide the new frontier for the regulation of the world of work. So whether it is through centralised or decentralised bargaining processes, one notes that the extraordinary flexibility and adaptability of the model of tripartism and social dialogue in different countries and regions. A host of factors influence this wide variety of forms. These include the culture of dialogue, the socio-economic challenges of the world of work, the structure and stability of industrial relations, trade union density and political clout, and the democratic environment. In this regard, social dialogue has in fact both contributed to the democratisation of countries and benefited from the democratic traditions of a nation.

This raises the problematic of the extent to which the existence of a certain level of standard of living and democracy is a pre-condition for the extension of industrial democracy to workers. It goes without saying that in a context of ever-increasing creation and distribution of wealth which the welfare state championed after the 2nd world War, it was much easier to institutionalise and spread industrial democracy through social dialogue. The post war period of rapid economic growth in Western Europe is a case in point. However, one must also note that increasing levels of national wealth is no guarantee that it will be distributed equitably through social dialogue processes. Several industrialised and developing countries attest to this. Furthermore, several examples abound where in periods of economic down-turn, even in developing countries, social dialogue and social pacts have not only been reinforced but used to get the country out of the crisis.

An example is that that of Barbados in the 1990s. As a result of an economic crisis provoked by a devaluation of the currency, a sharp decline in tourism, high fiscal deficits and national debt as well as a dramatic increase in unemployment and inflation, the government decided to undertake an IMF structural adjustment programme in the beginning of the 1990s. The Barbados Workers' Union was naturally not in favour of this solution to the economic crisis. In the end, all parties, including the employers agreed to resolve the crisis through social partnership which a decade after the crisis produced a number of positive socio-economic effects. In this case, social

dialogue not only attenuated the harmful effects of economic crises, it accelerated recovery and has since then been a strategic tool for economic and social stability in the country.⁶⁵ Hence, even though healthy economic conditions tend to make consensus building easier, there is no automatic relationship between increased standard of living and increased democratic participation of social partners. The relationship between increasing standards of living and increasing levels of democratic participation of workers is a complex and often country-specific issue.

In conclusion, the history of the ILO is also that of the expansion of a model, a culture, institutions and processes of industrial relations. Even though one can talk of tripartism and social dialogue as a “model” of industrial democracy, no such model really exists in its purest form. As the process of social dialogue has spread throughout the globe, it has taken different shapes and forms in response to different socio-economic realities and cultures. However, the quest for social justice has been a running object of bipartite or tripartite dialogue.

⁶⁵ Tayo Fashoyin, Barbados. Fostering economic development through social partnership, Working Paper N° 1, InFocus programme on Strengthening social partnership, ILO, Geneva, October 2001

6. Final Considerations

This long trajectory of tripartism and social dialogue has experienced many twists and turns. Whereas there has been continuity in terms of tripartism as an approach to the resolution of the social questions of the times, there have been numerous changes in terms of the importance given to tripartism and the forms social dialogue has taken. Nonetheless, “... *experience has shown that mechanisms for regulating terms and conditions of work and settling labour disputes are more effective if they are determined jointly by the parties involved, within a legal framework provided by the state.*”⁶⁶ This has been the experience of the ILO.

Some 90 years after the creation of the ILO, the world of work has come full cycle. Globalisation has built a global market and thrust the frontiers of the world economy into contradictions similar to that which emerged in the 19th century. However, today’s Social Question is intrinsically more complex than in 1919. Problems of working conditions have been aggravated by growing inequalities in and between countries; there is widespread extreme poverty; there is the need for new rules to govern globalisation; unregulated global finance is dominant; and the dominant model of growth has led to ecological degradation. So more than ever before, the ILO’s mandate is pertinent to addressing the Social Question of today.

From the point of view of organised labour, at least five key challenges confront the ILO and tripartism today.

The first is to build and strengthen universally enforceable rules to govern globalisation. A step forward was taken with the adoption of the Declaration on Fundamental Principles and Rights at Work in 1998. However, the expansion of the frontiers of the global economy call for a deepened regulatory framework to deal with different and evolving parts of the global economy, from supply chains to the informal economy. Of particular concern in this regard, is the need for special attention to be paid to the challenge of intergovernmental regulation of transnational capital. The speed of transnational capital restructuring coupled with the financialisation of the global economy makes it very difficult for trade unions and even governments to play a countervailing role. Furthermore, the absence of effective regulatory frameworks, for instance in financial markets, makes governance nearly impossible. In this regards, the initial mandate of the ILO to promote international labour legislation is still very pertinent today. However, these legal frameworks must be matched by new governance rules to make the global economy work for all - not a few.

A second major challenge facing tripartism relates to translating the Decent Work agenda into a development paradigm with policies to deal with poverty and inequality. Even though the nature of the war against want has changed

⁶⁶ William Simpson, the ILO and tripartism: some reflections, Monthly Labor Review, September 1994, p. 40

since the Philadelphia Declaration, this continues to be a major challenge facing the ILO. Progress being made against this pest is uneven. Tripartism and social dialogue offers an opportunity to build consensus around the pattern of global growth and distribution to achieve poverty reduction and more a more inclusive globalisation.

A third major challenge concerns the need to develop new spaces of social dialogue at the regional and global levels. Globalisation has fragmented the nation state and pulled it into dynamics which limit the governance role of governments. Similarly, the expansion of the frontiers of capital has meant that traditional platforms of dialogue at the national level need to be complemented by new spaces of dialogue. This means the development and reinforcement of social dialogue within transnational enterprises, engagement of the social partners with regional integration groupings, and developing social partnership agreements with the key motors of globalisation, namely the international financial institutions and the World Trade Organisation.

A fourth challenge for tripartism and social dialogue has to deal with the promotion of policy coherence in the international system. The recent work done in the ILO in this direction has been useful to draw attention to the current deficits in this area. Tripartite consensus on the reform package needed to achieve this goal would generate the necessary momentum to promote a more relevant international architecture.

A final challenge facing tripartism and social dialogue relates to strengthening the capacities of the actors themselves. The socio-economic policies in place today are the result of the interaction among different unequal actors. Tripartism offers a democratic solution to propose shared solutions over and beyond the particular interests of the different actors. Strong, independent and representative governments, as well as employers' and workers' organisations, would impact positively on the Social Question of the times. This calls for greater action at the national level. This means creating the environment to encourage workers and employers to organise themselves at the national level. International action has to be rooted in this national level capacity building.

After more than a century of trade union struggles to end labour exploitation through international labour legislation, the continued existence of a tripartite ILO represents a major achievement for unions. Despite changing circumstances, trade unions have supported the ILO. It continues to be seen as an instrument to pursue social justice at work, essentially through the promotion and defence of workers' rights worldwide. Tripartism and social dialogue have played a key role in achieving this goal. The history of tripartism and social dialogue is also that of workers' and employers' organisations. It is these actors of the world of work that give life and relevance to the mandate of the ILO today.

One of Albert Thomas' critiques of the League of Nations was that it was divorced from people. In the grand scheme of things, the basic strength of the ILO has been the fact that it is connected to people. Devoid of its tripartite

character, the Organisation would be like the IALL, a forum of technical expertise proposing policies that compete with other technical fora. Rooted in its tripartite structure, the ILO offers the quality of its expertise and the legitimacy of its tripartite constituency that shapes and champions these policies. In a globalised world that is thirsty for inclusive politics, the ILO's tripartite structure continues to offer the hope for an inclusive world – one in which divergent interests of governments, employers and workers, can be forged into shared values and policies to ensure sustainable working conditions and livelihoods for all.