

Tripartite Meeting “Negotiating for Decent Work in the Age of Globalization in South Asia and China”

26-27 October 2009, Ahungalla, Sri Lanka

Background

The right to collective bargaining is a fundamental right and a core value of the ILO. It is an important tool for labour market governance, inextricably linked with freedom of association. Both rights are rooted in the ILO Constitution and the Declaration of Philadelphia. Their core value has been reaffirmed by the international community, notably at the 1995 World Summit on Social Development in Copenhagen and in the 1998 ILO Declaration of Fundamental Principles and Rights at Work. 2009 is marking the 60th Anniversary of the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

The International Labour Conference (ILC) has addressed collective bargaining issues in its reviews of the annual and Global Reports on freedom of association and collective bargaining in the context of the follow up to the Declaration. The 2008 Report Freedom of Association in Practice: Lessons learned, pointed out as part of the Plan of Action, the need to improve ILO's knowledge base in promoting the right to organize and bargain collectively as well as improving the service to constituents on areas essential to create enabling conditions.

Collective Bargaining and Decent Work was also in the agenda of the 300th session of the Governing Body in November 2007. During the discussions, GB members emphasized the continuing importance of collective bargaining as a key ILO value, the need for a conducive environment and instructed the Office to improve its knowledge base around collective bargaining to anticipate as well as respond to the new challenges facing the world of work. The GB members also instructed the Office to continue to provide and improve technical advisory services to the ILO constituencies in pursuance of the social dialogue strategic objective, including in relation to collective bargaining. It was proposed that a high-level tripartite meeting should be held in 2008-2009, focusing on its role and future impact in the context of a globalizing world. The high-level meeting will take place in Geneva in November 2009.

In 2008, the International Labour Conference adopted the “Declaration on Social Justice for a Fair Globalization” and an accompanying resolution. The Declaration stresses the fundamental principles of freedom of association and the right to collective bargaining, the elimination of all forms of forced labour, the effective abolition of child labour and the elimination of discrimination in employment and occupation as the Organization's bedrock principles. The Declaration underscores the particular significance of these rights as enabling conditions for the realization of the ILO's four strategic objectives, and the fact that failure to promote any one of these objectives would hinder progress towards promoting the others by stressing their mutually supportive nature and interdependence.

In the Fourteenth Asian Regional Meeting that took place in Busan in 2006, the social partners and the governments established as a priority to improve effective labour market governance by adopting, implementing and reviewing labour laws and social policies

against the objectives of full and productive work sought by the Decent Work Agenda; to develop labour management cooperation and bipartite partnership mechanisms and other appropriate institutions and regulations, including frameworks for social dialogue, as important elements for the effective and fair functioning of labour markets. In its conclusions, the meeting also requested the Office to assist the governments and the social partners in developing further initiatives to promote the ratification and full implementation of the ILO Conventions concerning freedom of association and the effective recognition of the right to organize and bargain collectively, and to promote the development of up to date and reliable statistics and data-gathering to assist in fact-based research, comparison and decision-making.

In February 2009, the tripartite partners attending the ILO High-Level Regional Forum “Responding to the Economic Crisis; Coherent Policies for Growth, Employment and Decent Work in Asia and the Pacific”, recommended that collective bargaining should be promoted as a means of conflict prevention and as a tool for promoting better working conditions and greater productivity and competitiveness. Participants also recognized the need for trade unions, employers and governments to share experiences and to be prepared to react quickly to changing conditions.

The need to improve labour market governance and strengthen the institutional capacity of workers and employers and promote tripartite cooperation has been highlighted in all Decent Work Country Programmes in South Asia.

Objective

The Tripartite Meeting “*Negotiating for Decent Work in the Age of Globalization in South Asia and China*” will follow up on all these recommendations and build up on current in-depth research being carried out by the ILO globally, in South Asia and in China.

The research undertaken in South Asia throughout 2008 and 2009 aims at strengthening the understanding of the evolution of industrial relations in four countries - Bangladesh, Pakistan, Sri Lanka and three states in India¹ - with a particular focus on collective bargaining. The papers are currently being finalised and reviewed by the publications board.

The ongoing research has come to the preliminary conclusion that a key factor shaping industrial relations in South Asia has been Globalization. This has been associated with changing employment relationships and increased casualization as enterprises seek to become more flexible and competitive. The high degree of dependence on external markets and international economic integration has also exposed the economy to global economic downturns and resulted in a greater degree of employment insecurity. Changes in the employment relationship and a decline in the bargaining power of workers (as a result of greater employment insecurity) has influenced industrial relations. At the same time, the greater presence of MNCs and terms of trade concessions have created incentives for the development of sound industrial relations. All these trends will be analysed and discussed in detail.

Furthermore, the Beijing ILO office has commissioned a paper on industrial relations and its currently undertaking a survey to analyse the evolution of labour-management

¹ A study was also initiated in Nepal, uncompleted.

relations in 600 enterprises. The outcome of the survey will be presented at the workshop, underlining changes towards stronger labour-management relations in Chinese companies.

In the current scenario of Global Financial Crisis, the social partners need to understand and promote the value of negotiation to deal with the negative effects of the crisis on employment and business. Substantive research has been undertaken by DIALOGUE showcasing bargaining in a variety of countries where employment security has been granted in exchange of concessions on wages, reduced working time -and pay- or extended working time -same pay. Participants will also share experiences on how collective bargaining can and it is contributing to mitigate the effects of the crisis in South Asia.

All this research will be presented, and the outcomes discussed. The social partners will analyse and suggest how to put in place a more conducive and enabling environment for collective bargaining in South Asia and China, and how can collective bargaining be promoted as a tool to better respond to the challenges and opportunities of a more globalized world and changing employment relations.

In addition, the Meeting will help the social partners to prepare the South Asian contribution to the high-level tripartite meeting on collective bargaining to be held in Geneva in November 2009 (see above).

The activity will therefore have the following objectives:

- To have a better understanding of the current status and evolution of collective bargaining in South Asia and China and the way it has been affected by globalization
- To understand the capacity that collective bargaining has to adapt and evolve in the context of a rapidly changing industrial relations environment, responding to pressures arising from globalization
- To analyse and understand the role that collective bargaining has played in all regions to mitigate the effects of the crisis at all levels of bargaining, with a particular focus on the enterprise
- To discuss in what ways collective bargaining can be promoted and further used to contribute to the Decent Work Agenda of the ILO in South Asia and China
- To prepare the contributions for the ILO High-Level Tripartite meeting to be held in Geneva in November 2009

Participants

The participants in the meeting will be the tripartite social partners from selected South Asian countries -Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka- and China. The workshop will provide an effective platform for an exchange of views that both the Chinese and the Indian Governments have been requesting the ILO to promote. A number of industrial relations experts from various regions will also attend.

Date and Venue

The Tripartite Meeting will have a duration of two days, 26 and 27 October 2009 in Bentota, Sri Lanka. This is located 90 km south of the Bandarnaike International airport and 60 km away from Colombo.

Outcomes

- In-depth understanding of the social partners on the links between globalization, industrial relations and collective bargaining for the whole regions and in their own countries
- Tripartite consensus on a set of proposals for a more conducive environment for sound collective bargaining in both the private and the public sectors
- ILO agenda to promote collective bargaining agreed by the social partners