



International
Labour
Office
Geneva

Independent Evaluation of the InFocus Programme on Social Dialogue, Labour Law and Labour Administration (IFP/Dialogue)

September 2005

ILO EVALUATION



EVALUATION
UNIT

**Independent Evaluation of the InFocus Programme on
Social Dialogue, Labour Law and Labour Administration
(IFP/DIALOGUE)**

International Labour Office

Evaluation Unit

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In the memory of Nathalie Rousseau, 1970-2006,
who designed the layout of this publication

Preface

This evaluation report provides the background documentation and analysis for the basis of the findings, conclusions and recommendations set out in the summary report GB.294/PFA/8/1, “Evaluation of the InFocus Programme on Social Dialogue, Labour Law and Labour Administration (IFP/DIALOGUE)”, presented by the Office to the Governing Body at its 294th Session in November 2005.

This report was prepared by independent evaluators, Mr. Stirling Smith, external evaluator and team leader, and Ms. Folke Kayser from ILO’s Evaluation Unit. Responsibility for the content and presentation of findings and recommendations rests with the external evaluator. As such, the views and opinions expressed in the report do not necessarily correspond to the views of the ILO, its members, or implementing partners.

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Acronyms and Abbreviations

ACT/EMP	Bureau of Employers Activities (ILO)
ACTRAV	Bureau of Workers Activities (ILO)
ADMITRA	Labour Administration Branch (ILO, dissolved)
CEMAC	Economic and Monetary Community of Central Africa
HIV/AIDS	Human Immune Deficiency Virus/ Acquired Immune Deficiency Syndrome
C 87	ILO Convention 87 concerning freedom of association and protection of the right to organise (1948)
C 98	ILO Convention 98 concerning the application of the principles of the right to organise and to bargain collectively (1949)
C 144	ILO Convention 144 concerning tripartite consultations to promote the implementation of international labour standards (1976)
C 150	ILO Convention 150 concerning labour administration: role, functions and organisation (1978)
C 154	ILO Convention 154 concerning the promotion of collective bargaining (1981)
CEPGL	Economic Community of the Great Lakes Countries
CODEV	Development Cooperation Department (ILO)
Constituents	Members of the ILO (governments and the recognized workers' and employers' organizations of the member States)
CSR	Corporate social responsibility
CTA	Chief technical advisor
Declaration	ILO Declaration on Fundamental Principles and Rights at Work and its follow-up
DECLARATION	InFocus Programme to promote the Declaration (ILO)
DWCP	Decent Work Country Programme (ILO)
ED/DIALOGUE	Executive Director of the Social Dialogue Sector (ILO)
EU	European Union
GENDER	Bureau for Gender Equality (ILO)
GB	Governing Body (ILO)
GLLAD	Department for Government, Labour Law and Administration (ILO, dissolved)
ICFTU	International Confederation of Free Trade Unions
IFI	International Focus Initiative (ILO)
IFP	International Focus Programme (ILO)
IFP/DIALOGUE	InFocus Programme on Social Dialogue, Labour Law and Labour Administration (ILO) (until 2002: InFocus Programme on Strengthening Social Dialogue)
ILC	International Labour Conference (ILO)
ILO	International Labour Organization/ International Labour Office
ILO/AIDS	ILO programme on HIV/AIDS
Institute	International Institute for labour Studies (ILO)
INTEGRATION	Policy Integration Department (ILO)

IOE	International Organization of Employers
LEG/REL	Labour Law and Labour Relations Branch (ILO, dissolved)
MDG	Millennium Development Goal
MERCOSUR	Common Market of the Southern Cone
MNE	Multinational enterprise
MULTI	Multinational Enterprise Programme (ILO)
NATLEX	National labour law database (ILO)
NGO	Non-governmental organisation
NORMES	International Labour Standards Department (ILO)
NPG	National Policy Group (INTEGRATION)
OECD	Organization for Economic Co-operation and Development
P&B	Programme and Budget (ILO)
PFAC	Programme, Financial and Administrative Committee (GB)
PRODIAF	Programme Régional de Promotion du Dialogue Social en Afrique Francophone (Belgium financed TC project implemented by IFP/DIALOGUE)
PRSP	Poverty Reduction Strategy Paper
PSI	Programme support income
RB	Regular Budget
RBTC	Regular Budget Technical Cooperation
RELPROF	Industrial Relations and Labour Administration Department (ILO, dissolved)
Resolution	Resolution concerning Tripartism and Social Dialogue (ILC 90th session, June 2002)
SAFEWORK	InFocus Programme on Safety and Health at Work and the Environment (ILO)
SECTOR	Sectoral Activities Department (ILO)
IFP/SKILLS	In Focus Programme on Skills, Knowledge, Employability (ILO)
SRO	ILO Sub regional Office
STAT	Bureau of Statistics (ILO)
TC	Technical cooperation
Thematic review	Thematic review of Office-wide implementation of the Resolution concerning Tripartism and Social Dialogue, 2004 (GB.292/TC/6)
TRAVAIL	Working Conditions and Environment Department (ILO)
UEMOA	West African Economic and Monetary Union
UN	United Nations
UNDAF	UN Development Assistance Framework
UNDP	UN Development Programme
w/y	Work years
XB	Extra-budgetary funds

1 Executive Summary

1.1 Background

Background of the evaluation

The evaluation of the Evaluation of the InFocus Programme on Social Dialogue, Labour Law and Labour Administration (IFP/DIALOGUE) is in compliance with the ILO evaluation strategy examined by the Governing Body in November 2002 (GB285/PFA/10) to evaluate all ILO's eight InFocus Programmes over two biennia.

This document presents findings, conclusions and recommendations of the evaluation team. Some findings relate to general ILO programme and management issues requiring Governing Body Office-wide action. Thus, recommendations are addressed, as appropriate, to the Governing Body, the Director-General and the management of IFP/DIALOGUE.

Background of the programme

The ILO's comparative advantage in promoting social dialogue, labour law and labour administration is anchored in its tripartite structure and access to the tripartite constituents at national and international level, its standard-setting and advocacy work and its global knowledge base on labour legislation and industrial relations.

IFP/DIALOGUE's mandate is twofold, one is to provide support to government agencies, tripartite bodies and social partners on technical matters concerning labour law, labour administration and social dialogue, the other is to promote the concept and notion of social dialogue and tripartism as a means and end for sound industrial relations, inclusive social and economic policies and social peace at national, regional and global level.

IFP/DIALOGUE was established as a result of the recognition that tripartism and social dialogue was insufficiently appreciated as a tool for balanced social and economic development and the realization of labour standards. Social dialogue is a foundation component of the Decent Work Agenda and both a means and an end to realize decent work.

1.2 Summary of conclusions

Promoting the ILO's unique mandate within a global context and response to new challenges

The ILO is recognized as *the* competent and authoritative international organisation in the areas of labour law, labour administration and industrial relations, even though other institutions also have an "offer" to make in these areas. IFP/DIALOGUE has strengthened and expanded this recognition. As debates on global governance of the global economy recognize the importance of the governance of labour and the importance of labour law, labour administration and social dialogue, the ILO is seen as ever more relevant.

However, at the same time the ILO faces an increasing competition in the area of labour law reform from other international agencies, in particular the World Bank.

The ILO has found some responses to emerging trends, challenges and opportunities. Still, there is an unquenched demand from constituents for a more comprehensive response on

industrial relations and collective bargaining in the context of a changing and globalizing labour market.

Social dialogue and corporate social responsibility

Another area where the ILO has a comparative advantage is in the emerging agenda of Corporate Social Responsibility (CSR). There is a very strong component of social dialogue in many of these initiatives. CSR is a topic of great importance to ILO's constituents, one in which the ILO has unique expertise and approaches to contribute and one with funding possibilities. Many large MNEs are looking to the ILO to help establish "multi-stakeholder collaborations", composed of suppliers/producers, the purchasing companies, trade unions, and labour inspectorates.

Given these facts, the ILO has so far under-utilized the potential. In order to stay relevant, the ILO should tackle CSR issues more actively. The upcoming InFocus Initiative is an opportunity to do so. As CSR is closely related to social dialogue, IFP/DIALOGUE has a key contribution to make in the Initiative. Innovative approaches in Cambodia, which brought together trade unions, local manufacturers, multinational buyers and the Cambodian government, demonstrates how work in this area can develop.

Mainstreaming social dialogue and tripartism at international level

There has been some success in including tripartism and social dialogue at regional cooperation agreements and some international organisations, yet it remains patchy. social dialogue and tripartism are still not common elements of international agendas. In particular, within the development community there is not yet a full understanding and appreciation of the benefits of social dialogue. Therefore ILO should continue its efforts to effectively promote social dialogue among key international agencies and donors.

The Office can make greater use of the opportunities of donor coordination mechanisms at country level, such as UNDAF to mainstream its approaches. It can make wider known its achievements, such as those in using social dialogue in the elaboration of PRSPs.

IFP/DIALOGUE's knowledge strategy

The ILO is a knowledge-based institution, and knowledge is one of the ILO's greatest assets. It defines the quality and credibility of its technical advice. IFP/DIALOGUE has developed a large array of publications and knowledge tools which are generally perceived to be of high quality and useful for practitioners. There is increasing demand for them.

Some ILO officials observed that research capacities, in particular in comparative labour law and industrial relations, have declined over the past years. Also the databases on good practices in labour administration and the national labour law have not been updated since 2002. This decline of capacity is a danger for ILO's continued relevance in the area of comparative labour law, labour administration and industrial relations. In order to secure its position as a global centre of excellence, the ILO needs to renew its capacity to do research, maintain databases and keep up with global discussions.

The Institute is also conducting research on industrial relations topics, but it has defined and pursued its own research agenda without much coordination with IFP/DIALOGUE.

Promoting social dialogue at national level

The evidence from the case studies supports that the approach of IFP/DIALOGUE is flexible and responsive to different national situations and changing demands. Activities at

national level are basically well focussed and effective; national constituents are generally satisfied.

This is mainly due to the programme's demand driven approach, a careful analysis of the entry point for support and its strategy that links promotional with technical advisory and capacity building activities, implementing them in close cooperation with other technical departments. Demand for support from member States is high and increasing, in particular in the area of labour law and labour administration.

An important element of IFP/DIALOGUE's support have been topical country studies and analyses, that capture national experiences and facilitate regional exchange. Ratifications of the key Conventions on social dialogue and labour administration, in particular C 144, have risen since the inception of IFP/DIALOGUE. Many countries have established or strengthened legal frameworks, institutions, machinery or processes for bipartite and tripartite social dialogue or dispute settlement as a result of IFP/DIALOGUE's support. The establishment of tripartite councils in transition economies played an important role in facilitating their smoother transition.

IFP/DIALOGUE's interventions have increased acceptance and wider use of social dialogue and tripartism in supported countries and have strengthened the participation of social partners in policy making. However, success and sustainability of promoting tripartite practices were found highly contingent on a favourable socio-political environment and national commitment by all tripartite partners.

Continuing challenges at national level

The weakest element in IFP/DIALOGUE's strategy to strengthen social dialogue is the still lagging capacities of the parties of social dialogue, in particular of the workers' and employers' organisations. However, many problems are structural and lie outside the immediate sphere of influence of the ILO.

IFP/DIALOGUE could do more to facilitate the contact between national constituents and relevant civil society organizations and involve such groups in social dialogue. Despite strong efforts made to promote gender equality in constituents' organisations and in social dialogue, the challenges remain considerable. IFP/DIALOGUE's and national partners should continue the efforts.

Organizational structure within Sector 4

The current organizational structure and labelling of Sector 4 and the programme has caused some confusion among constituents and blurred the profile of IFP/DIALOGUE. A clear counterpart or entry point is desirable for ministries of labour, analogous to ACTRAV and ACT/EMP for workers' and employers' organisations.

Many areas of overlap between IFP/DIALOGUE, ACTRAV and ACT/EMP have existed, such as strengthening collective bargaining and its institutions, promoting tripartism and strengthening social partners. The delineation of responsibilities for these areas and the coordination between these three departments within Sector 4 need to be reexamined. Nonetheless, at individual level, there are various instances of good cross-unit collaboration between staff, including field specialists.

Mainstreaming social dialogue within the ILO

Social Dialogue and tripartism are in the DNA of the ILO. While everybody is aware of the necessity of tripartism and social dialogue not all officials and units have found ways to

incorporate and implement them in their operations. Not all staff, especially externally recruited project staff, have a full understanding of tripartism. Mechanisms for transmitting the culture of tripartism and social dialogue to new officials and workable performance indicators for mainstreaming social dialogue need to be developed.

Complementarity with supervisory mechanism for international labour standards

IFP/DIALOGUE's programme on labour law, including comparative research and advice to constituents, supports the application and implementation of all ILO Conventions and is a strategically important element of promoting Conventions and Recommendations. It is complementary to the supervisory machinery in a "carrot and stick" sense.

Labour administration and labour inspection

Separating labour inspection from labour administration weakened the ILO's capacity to provide a comprehensive and integrated service to constituents on both labour inspection and labour administration. Ministries of labour and other clients do not understand the separation because labour inspection is an integral part of national labour administrations. Labour inspection is also a major entry point for work on labour administration.

Due to different perceptions of the issue, the collaboration between IFP/DIALOGUE and SAFEWORK on labour inspection has not been easy and efficient. Current approaches on labour inspection are very much focused on occupational safety and health; other aspects of labour inspection are insufficiently addressed. There is no clear capacity and responsibility for labour inspection in the context of labour administration and labour relations.

Resource management and sustainability of extra-budgetary resources

IFP/DIALOGUE managed both its regular budget and its extra-budgetary resources effectively, and resources have been adequate to address programme priorities and anchor core capacities.

The programme delivery depends to a large extent on extra-budgetary funds. The partnership with DECLARATION has been an important factor for generating extra-budgetary resources. However, with the likely downturn in extra-budgetary funds through the DECLARATION programme, other strategies are needed. The current high dependency raises concern that the level of activities in face of growing demand and expectations will not be sustainable.

Collaboration management

IFP/DIALOGUE has collaborated effectively with other ILO programmes and units where there have been thematic overlaps. There are many examples of good practice in collaboration. Still, there is potential for more systematic harvesting of the benefits of working together. Collaboration with some units, such as the Institute, MULTI, GENDER and SAFEWORK can be further improved.

Field capacities

The presence of field specialists with expertise in labour law is rather low. At the same time, there is a concern for programme capacities in dealing with rising demands for advice from member States, many of which are dealt with at headquarters. An improved field presence in labour law would likely alleviate some of the constraints at headquarters, however, this option should be considered only as long as a core headquarters staff capacity can be maintained.

Results-based performance management

Management arrangements have been appropriate and approaches innovative, assuring results-orientation and accountability.

IFP/DIALOGUE plans and reports results through indicators under the matching operational objectives within strategic objective 4. Most of the planned performance targets for the respective biennia were achieved and many even over-achieved. Only gender targets were underachieved.

The quality of P&B indicators is generally good. Somewhat unspecific indicators that require indicators themselves need definitions by country or region.

Monitoring of implementation and progress reporting is conducted through regular meetings of technical and regional teams within the unit. This team-based monitoring approach has turned out to be efficient and effective.

1.3 Summary of recommendations

Continued international relevance

- 1) The exchange and collaboration with other institutions that are involved in areas where the ILO has a core competence, such as labour law, needs to be intensified; the objective must be to achieve recognition of the ILO's expertise and competence.
- 2) IFP/DIALOGUE should re-balance its work programme to ensure advisory services to constituents on industrial relations in the context of a rapidly changing labour market. The reorganization with SECTOR will provide an opportunity to address sector and industry specific industrial relations and collective bargaining.
- 3) IFP/DIALOGUE management should develop plans for a strategic role in the InFocus Initiative on Corporate Social Responsibility for the 2006-07 biennium. A mechanism needs to be explored for the Office to provide an entry point for MNEs that need advice on industrial relations and social dialogue related issues.
- 4) IFP/DIALOGUE should continue promoting social dialogue at international and regional levels. It should develop a strategy to target a small number of key international organisations including development agencies to mainstream tripartism and social dialogue and persuade them to use ILO inputs in labour related activities. This should include making better use of the opportunities that donor coordination mechanisms at country level offer.
- 5) In order to secure its position as a global centre of excellence, the ILO needs to renew its research capacities in comparative labour law and industrial relations. IFP/DIALOGUE and the Institute should develop a closer coordination for research on industrial relations.

Effectiveness and impact at national level

- 6) IFP/DIALOGUE should, in collaboration with ACTRAV and ACT/EMP, increase efforts to strengthen the parties of social dialogue.
- 7) IFP/DIALOGUE, in collaboration with the Gender Bureau, needs to continue its good efforts to address gender issues in social dialogue.

The ILO's internal approach to social dialogue

- 8) The senior management of the Social Dialogue Sector should review the structure and labelling of the units and areas of work within IFP/DIALOGUE to assist constituents to better understand their functions. IFP/DIALOGUE should create a clear entry point for ministries of labour and other government agencies. Consideration should be given to improved mechanisms for collaboration between IFP/DIALOGUE and ACTRAV and ACT/EMP.
- 9) More effort should be made to promote the culture of tripartism and social dialogue within and outside the Office. IFP/DIALOGUE, in cooperation with ACTRAV and ACT/EMP, should set out internal indicators with a view to promoting tripartism and social dialogue. For the next biennium, Sector 4 should identify and work more closely with a number of other units, programme and projects within the Office, including Decent Work Country Programmes.
- 10) The ILO senior management should examine how to improve ILO's services to constituents on labour inspection. The Office should re-establish a clear capacity and responsibility for labour inspection as an integral part of labour administration.

Effectiveness of programme management

- 11) IFP/DIALOGUE should intensify efforts to mobilize more extra-budgetary resources to assure sustainability of funding on its own. In addition to collaboration with DECLARATION, the programme should explore new possibilities of funding. Strategic alliances with donors at national level can also be a way to mobilize funds locally.
- 12) The internal management arrangements practiced in IFP/DIALOGUE, which are team-based and results-focused, are an example of good practice that could be disseminated within the Office.
- 13) Within existing resource levels, management should review the balance between field and headquarters specialists in labour law, labour administration and social dialogue to ensure that demands from member States will be met, particularly in the area of labour law. This should also include consideration of additional shared labour law/international labour standards specialist positions in the field.

2 Introduction and Evaluation Methodology

2.1 Background

The ILO's evaluation of the InFocus Programme on Social Dialogue, Labour Law and Labour Administration (IFP/DIALOGUE)¹ is one of eight InFocus Programme evaluations mandated by the ILO Governing Body. The evaluation focuses on the strategies and performance of IFP/DIALOGUE within the larger context of the ILO's collective effort to promote and mainstream social dialogue and tripartism.

The purpose of the evaluation is to provide insight on the mandate, continued relevance, effectiveness and efficiency of IFP/DIALOGUE's strategies, programme approach and interventions in promoting social dialogue and strengthening mechanisms and institutions of social dialogue and assisting member States to improve their labour law and labour administration. This will include consideration of whether the programme should be continued, discontinued or modified.

Specific aims of the evaluation were to:

1. Assess the ILO's comparative strengths in this niche as compared to other international organizations, as well as choice and development of partnerships.
2. Assess the continued relevance, effectiveness and efficiency of IFP/DIALOGUE's strategies and programme to attain its goal including the appropriateness of IFP/DIALOGUE's operational objectives, performance indicators and targets as set out in the Programme and Budgets.
3. Review evidence of the shorter and longer term direct and indirect effects on the national (and regional) partners and institutions that IFP/DIALOGUE's programme strategies aim to strengthen.
4. Review governance and management practices that characterize IFP/DIALOGUE. Special attention will be given to the internal mainstreaming of social dialogue and collaboration with other ILO programmes and services, in regard to accountability, fostering synergy and mutual support;
5. Review the involvement of tripartite constituents in IFP/DIALOGUE's work and their roles and complementarity to IFP/DIALOGUE's work.

The main client for the evaluation is the Governing Body, which is responsible for governance-level decisions on the findings and recommendations of the evaluation. The evaluation is also intended to provide a basis for improved decision-making by the ILO management.

2.2 Evaluation methodology

The evaluation has been designed and implemented in line with the ILO's evaluation framework, endorsed by the Governing Body in November 2002 (GB.285/PFA/10). The

¹ In November 2004 IFP/DIALOGUE changed its name to DIALOGUE and became a department. The strategy and organizational structure remained unchanged although effective 1 April 2005, a reorganization of DIALOGUE and the Sectoral Activities Department was announced and is currently underway.

evaluation process followed the methodology indicated in the Terms of Reference, which are provided in Annex A.

A desk-based review analyzed selected project and programme documentation, key performance criteria and indicators, to compare and assess IFP/DIALOGUE's development and performance over time.

Other sources of information are interviews at headquarters and a survey of IFP/DIALOGUE technical specialists. The *Thematic review of Office-wide implementation of the resolution concerning tripartism and social dialogue* (GB.292/TC/6), which was elaborated by the DIALOGUE sector and presented to the TC Committee of the GB in March 2005 was also taken into account. To the extent possible, the perceptions of constituents and key target groups on major progress and significant achievements was gathered and summarized.

Three national and subregional case studies provided material to assess the importance and usefulness of IFP/DIALOGUE's work within member States. These were Senegal, Cambodia and Romania with a larger view of Southeast Europe. Please refer to the annex for an overview of the case studies. Each case study entailed a review of country-level project documentation followed up by interviews with constituents. One field mission to Romania and Hungary was undertaken to collect local evidence. Each case study looked at where progress is being made and at issues being addressed.

2.3 Limitations of the evaluation

This evaluation could not review the entirety of work carried out over the past five years, nor could it assess all aspects of its performance and impact. The evaluation has therefore focused on major issues of particular interest to the Governing Body that have not been addressed in other evaluations related to social dialogue, labour law and administration. A particular interest has been the ILO's strategic niche and mandate in this area and its success in mainstreaming tripartism into ILO programmes and into national programmes and international agendas. The considerations here go beyond the scope of IFP/DIALOGUE and look at the broader approach of the ILO.

2.4 Structure of the report

The Report is structured in eight chapters. Chapter 3 provides a descriptive overview of the programme's rationale, logic and history, and chapter 4 delineates important aspects of programme implementation. Chapter 5 presents major findings related to the programme's global results. These include a discussion of its continued relevance and the ILO's strategic niche and mandate on social dialogue, labour law and administration. Chapter 6 analyses the programmes effectiveness and impact at national level. Chapter 7 looks at the strategic fit of the programme within the ILO, and chapter 8 finally reviews organizational and management issues.

3 Programme Logic and History

3.1 The rationale and logic of the programme at formation

The *InFocus Programme on Strengthening Social Dialogue* was established in 1999 as part of a major reorganization of the ILO that introduced four main sectors and eight international focus (InFocus) programmes. It was proposed in the Director General's report to the 87th session of the ILC as the only InFocus programme within ILO's Social Dialogue (Sector 4), and is responsible for the strategic objective of strengthening tripartism and social dialogue.

The setting up IFP/DIALOGUE was part of a larger ILO strategy to strengthen tripartism and social dialogue as part of the decent work vision. Tripartism and social dialogue are not only part of the decent work agenda; they are also a process for achieving decent work. They are both a means and an end.

The Director General's *Decent Work* report (1999) identified the changing external environment that inhibited support for tripartism and social dialogue and charted a strategy for creating support. It recognized that support for tripartism and social dialogue lagged behind support for international labour standards, and that it demanded a particular focus.

The P&B for 2000-2001² laid out the rationale for creating the IFP:

114. Social dialogue is one of the most critical factors influencing the achievement of the ILO's overarching objective of social justice through decent work in stable and democratic societies. It plays a pivotal role in identifying the important labour and social concerns of ILO constituents and thereby defines the programme of work of the ILO. (...)

115. Increasingly, constituents are also interacting with specific interest and advocacy groups active in civil society. Business is concerned with stakeholders' attitudes and goals. Trade unions are reaching beyond organized labour for partnerships on specific issues. Governments are engaging more widely in policy consultations. International organizations are themselves reaching out and responding to different expressions of opinion in their fields of competence. The ILO must understand, monitor and benefit from this evolution to ensure that its tripartite analysis and policy proposals both express and are shared by as wide a public as possible.

116. The ILO's standards, fundamental principles and rights at work (...) cannot be realized, however, if governments and the social partners do not have the capacity to exercise their rights, or without an institutional framework to facilitate social dialogue on specific substantive issues. Social dialogue plays a key role in promoting the effective participation of the social partners in setting and achieving sustainable development objectives (...).

117. Despite the ILO's past efforts and the efforts of the ILO's constituents, there remains a widespread lack of recognition, understanding and support for the important role of social dialogue, especially in involving workers' and employers' representatives and ministries of labour and employment in the design and implementation of critical economic and social policies. (...) Consensus building on difficult issues contributes to social harmony and political stability.

The same document also states the objectives of the IFP:

118. The InFocus Programme on Strengthening Social Dialogue is designed to promote the benefits of social dialogue, both as an end in itself, and as a means of action essential for the success of all the ILO's Strategic Objectives. It aims to

² GB.276/PFA/9 paragraphs 114 and 124.

promote the use of social dialogue at all levels by the ILO's constituents and others as appropriate. Simply stated, the task of the InFocus programme is to rapidly move social dialogue to the top of the economic and social development agenda, where it belongs. It will generate innovative approaches to enhancing and widening understanding, acceptance and the use of social dialogue in the twenty-first century.

IFP/DIALOGUE primarily contributes to all Operational Objectives under ILO's Strategic Objective 4 on strengthening tripartism and social dialogue. The original programme strategy was described as follows:

120. During the first stage (the 2000-01 biennium), the programme will give priority to the first and most basic of these objectives, promoting social dialogue as such, with a combination of knowledge accumulation, technical service and a substantial advocacy campaign. (...)

121. (...) Therefore, during the next biennium (...) the InFocus programme will develop and launch an action plan to strengthen the institutions, machinery and processes of social dialogue in ILO member States, as well as in regional groupings and international organizations. (...)

Furthermore, the strategy included an advocacy campaign for social dialogue, the integration of cross-cutting themes of gender and development and the collaboration with other technical areas.

3.2 Evolution of IFP/DIALOGUE's strategy

The strategy as set out in the P&B for 2000-2001 was basically followed through. IFP/DIALOGUE developed a substantial research and publication programme as well as a large portfolio of technical projects. Its advocacy work included a campaign to ratify and apply the Tripartite Consultation Convention, 1976 (No. 144) and was supported by a series of brochures and other media products.

During the second biennium, 2002-2003, the strategy evolved and additional elements were added. Most importantly the ILO's activities on government, labour law and labour administration were merged with the activities to strengthen social dialogue and thus broadened the scope and mandate of IFP/DIALOGUE significantly. The decision to merge the two units was taken "to provide a more streamlined and integrated service to constituents"³ and to make better use of synergies between the two programmes.

Thematic overlaps existed because the activities on labour law and labour administration did not focus on governments alone, but an important element of their strategy was to promote the active involvement of social partners. This move also reflected IFP/DIALOGUE's growing emphasis on institutions of social dialogue and the promotion of ILO legal instruments for social dialogue, most importantly Core Conventions No. 87 and No. 98 and Priority Convention No. 144.

In order to mainstream tripartism and social dialogue within technical programmes, collaboration with other programmes and departments of the ILO was intensified. IFP/DIALOGUE worked to promote social dialogue in actions supporting the Declaration, on child labour, skills development, HIV/AIDS and other areas. Gender issues became an increasing concern. Efforts to ensure a gender dimension to social dialogue were pursued through publications and in the technical cooperation projects that IFP/DIALOGUE backstopped.

³ ILO Programme Implementation Report 2002-03, GB.289/PFA/10, paragraph 92.

The Resolution concerning tripartism and social dialogue adopted by the 90th Session of the International Labour Conference reaffirmed the Office's mandate.

In the third biennium of 2004-2005, the strategy was further refined. Not simply ratification, but the effective implementation of Conventions was pursued. Besides C 144 emphasis was placed on promoting the Labour Administration Convention, 1978 (No. 150), the Collective Bargaining Convention, 1981 (No. 154) as well as a number of sectoral Conventions that were to be followed up in conjunction with SECTOR. Reflecting its stronger expertise on labour law and labour administration, support to institutions of social dialogue was expanded.

Promoting the use of tripartism social dialogue as a tool in formulating and achieving national and international development goals became a priority. The gender strategy was refined and again the focus shifted from one of research and advocacy to one of implementation.

As part of the Office's endeavour to create greater coherence between its programmes, mainstreaming social dialogue into other technical programmes has remained a strategic priority. In consequence, a new mainstreamed strategy "Expanding the influence of social partners, social dialogue and tripartism" was included into the P&B for 2006-2007.

3.3 Organizational arrangements

IFP/DIALOGUE is placed in the Social Dialogue Sector (Sector 4) that also comprises the Bureaux for Workers' and Employers' Activities (ACTRAV and ACT/EMP) and the Sectoral Activities Department (SECTOR).

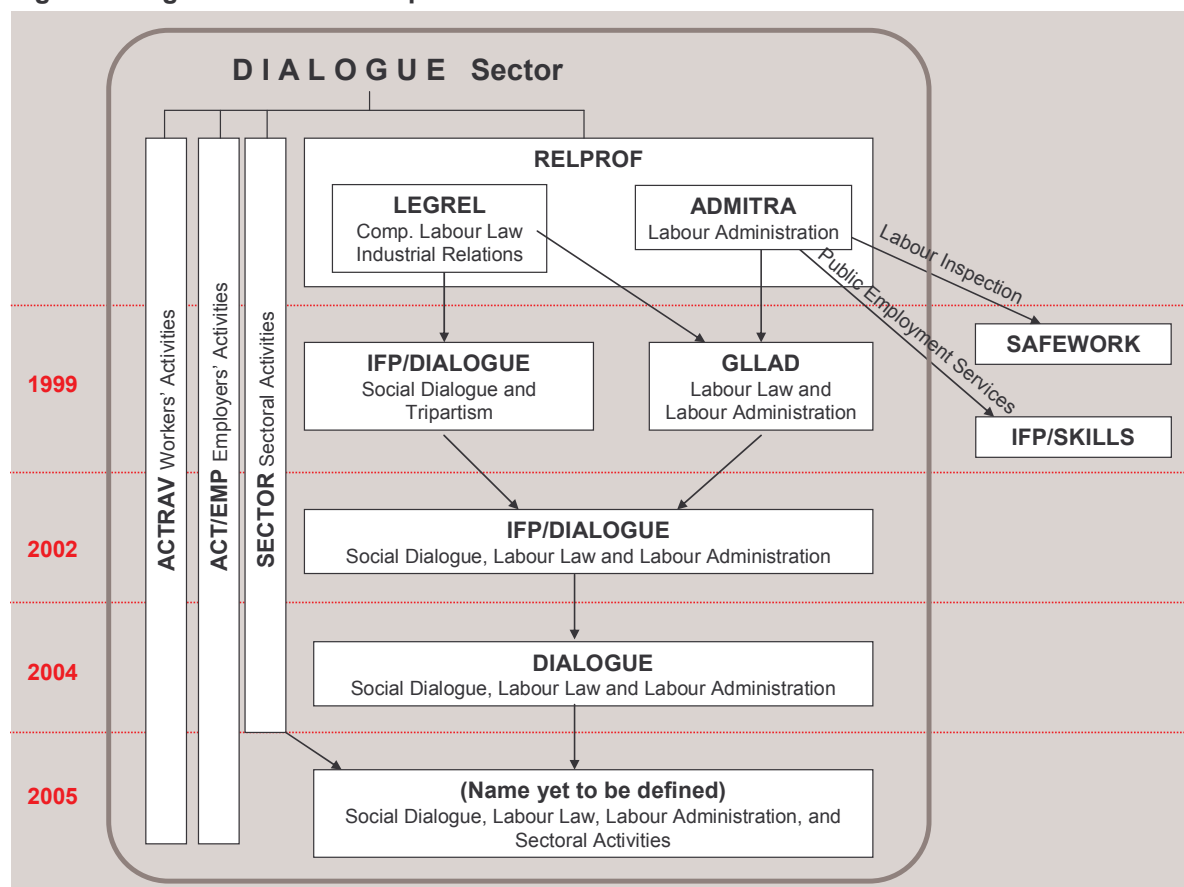
At its creation IFP/DIALOGUE was part of a restructuring of work previously falling under the Department RELPROF (professional relations) that comprised the two services LEGREL (labour law and industrial relations) and ADMITRA (Labour administration). In addition to IFP/DIALOGUE, a separate unit called GLLAD (Government, Labour Law and Labour Administration) was formed after the dismantling of RELPROF. Two key elements of ADMITRA's work migrated out of Sector 4: Labour inspection was absorbed by IFP/SAFEWORK, and the support for Public Employment Services moved into IFP/SKILLS.

GLLAD was a unique concentration of services, designed to serve labour ministries and other relevant government agencies to better facilitate and participate in social dialogue. In 2002 GLLAD was merged with IFP/DIALOGUE to create the *InFocus Programme on Social Dialogue, Labour Law and Labour Administration*, although the short title IFP/DIALOGUE remained unchanged.

In November 2004, the work of the InFocus programme became a Department, and in April 2005 the decision was taken to reorganize DIALOGUE with the Sectoral Activities Department into one department.

Figure 1 summarizes the institutional history of IFP/DIALOGUE.

Figure 1: Organizational development of IFP/DIALOGUE



IFP/DIALOGUE was originally staffed with 8 professional and 6 general service staff and had a total regular budget allocation of US\$ 4.7 million⁴. Mainly due to the merger with GLLAD in 2002, financial and human resources are now significantly higher. For the current biennium IFP/DIALOGUE's has 16 professional staff⁵ and 8 support staff in headquarters and 10.5 regular budget professional staff in the field; its regular budget resource allocation is US\$ 8.3 million.

⁴ Including staff, non-staff and RBTC resources.

⁵ Two of these positions contribute to providing support to the International Industrial Relations Association and to the International Society for Labour and Social Security Law.

4 Programme Implementation

4.1 Strategy components and means of action

Implementation of the IFP strategy has followed five major themes⁶:

1. Strengthen legal frameworks, institutions, machinery and processes of tripartite and bipartite social dialogue and promote sound industrial relations at enterprise, national, sectoral and subregional levels.
2. Increase the number of member States which frame their labour laws and other employment-related legislation based on ILO standards and advice, involving a tripartite consultative process.
3. Strengthen labour administrations in their policy-making capacity, responsibility in the implementation of decent work policies and the enforcement of labour law.
4. Assist member States to establish and strengthen labour courts, tribunals and dispute resolution mechanisms so that individual or collective disputes are dealt with more efficiently, effectively and equitably.
5. Increase participation of social partners in economic and social policy-making in regional or subregional groupings and enhance links with relevant international institutions.

In addition, addressing gender issues in social dialogue has been an important element.

The means of action IFP/DIALOGUE has employed to meet its objectives have evolved over the biennia, in accordance with the strategy approved by the ILC, and as a consequence of the merger with GLLAD. They have included:

1. Research and building the knowledge base about social dialogue, labour law and labour administration; comparing and analysing different national practices and building a good practice database; and serving as an ILO and global clearing-house on information related to social dialogue.
2. Guidance and tools development.
3. Practical demonstration via technical cooperation projects, especially to promote and facilitate social dialogue at all levels.
4. Advisory services to constituents on labour law, labour administration and social dialogue.
5. Advocacy for tripartism and social dialogue, mainly through publications, and campaigns for ratification of certain instruments, especially C 87, C 98, C 144, C 150 and C 154 and a number of sectoral Conventions.
6. Collaboration with other units to promote social dialogue within technical programmes.
7. Networking with external partners.

⁶ Quoted from IFP/DIALOGUE public webpage.

4.2 Partners of programme implementation

National partners have included ministries of labour and their specialised agencies and the labour administrations. In some instances, separate ministries of labour do not exist and the functions may exist across a range of ministries. In promoting social dialogue within PRSPs, IFP/DIALOGUE has worked with ministries of finance and economic affairs.

An important partner in many countries has been national tripartite institutions. In several countries, IFP/DIALOGUE helped in the establishment of such institutions. From time to time, IFP/DIALOGUE has worked at sectoral level, or with a specialised tripartite institution, usually in conjunction with another unit within the Office.

Following the merger of GLLAD, a further partners have been labour courts and labour judges as well as parliamentarians.

In recent years IFP/DIALOGUE has also partnered with regional cooperation agreements, such as ASEAN, UEMOA, CEMAC and MERCOSUR.

It is explicitly part of IFP/DIALOGUE's mandate to work with workers' and employers' organisations and these have been important partners for the programme.

There have been a limited number of partnerships with national academic institutions in publications and research.

In addition, in the implementation of its national level programmes IFP/DIALOGUE coordinates and cooperates closely with other ILO projects and programmes.

In a few occasions IFP/DIALOGUE has also liaised with international agencies at national level to promote tripartism within the development community in the country.

At international level, IFP/DIALOGUE has partnered with a number of organizations, which have included other parts of the UN system, and the World Bank and regional development banks. A number of European Union institutions and networks involved the Office in their meetings on labour law, industrial relations and social dialogue and frequently invited the Office to participate in its conferences and meetings. The most significant of these is the European Foundation for the Improvement of Living and Working Conditions.

Just as IFP/DIALOGUE works with workers' and employers' organisations at national level, it has worked with them at international level. These include the IOE, the ICFTU and the Global Union Federations.

Two international professional societies are closely linked with IFP/DIALOGUE. The secretariat of the International Industrial Relations Association (IIRA) is hosted by the ILO and supported with a part-time secretary from IFP/DIALOGUE. This important global network has a very close relationship with IFP/DIALOGUE. The International Society for Labour and Social Security Law (ISLSSL) has also, de facto, been run from the headquarters offices of IFP/DIALOGUE, which has assisted with conferences and publications.

IFP/DIALOGUE has worked with other ILO units and programmes to mainstream social dialogue into the global agenda of the ILO.

4.3 Programme achievements with regard to implementation

The strategy laid down in successive Programme and Budget documents shifted over the biennia, with an initial emphasis on knowledge and advocacy, and then an increasing focus on implementation. The strategy was appropriate and developed logically over successive

biennia. IFP/DIALOGUE implemented the strategy effectively and flexibly. It quickly adapted to changing needs of member States and constituents, as it took on a larger than anticipated portfolio of technical cooperation activities funded from extra-budgetary resources.

The strategies were implemented and broadly succeeded over time, in making the activities of IFP/DIALOGUE more regular and mainstream. The programme generally met or exceeded the targets laid down in the P&B. Targets on gender equality were under achieved, although IFP/DIALOGUE is making efforts to improve delivery in this regard.

An examination of implementation reports against Programme and Budget objectives and indicators has shown a solid performance in those aspects reported against. Discussions with the programme staff and a review of activities confirmed that results reported in subsequent implementation reports aligned consistently to where ILO's work had been focused.

2000-2001 Biennium		
Operational objective 4a: Recognition of social dialogue To promote social dialogue so that its fundamental role as an instrument of democracy and rights at work, negotiations for consensus building and economic and social development is better understood and more widely accepted and used		
Indicator	Target	Outcome
4a.1. ILO member States in which social partners participate in the adoption of social and economic policies and programmes and labour legislation.	10 member States	15 member States and 1 other entity
4a.2. International organizations and regional or subregional groupings that integrate social and labour dimensions in policies, action plans and institution building.	i) 2 international organizations ii) 5 regional and subregional groupings	i) 12 international organizations ii) 2 regional and subregional groupings
Operational objective 4b: Institutions of social dialogue To strengthen institutions, machinery and processes of social dialogue in ILO member States		
Indicator	Target	Outcome
4b.1. Cases in which constituents use ILO recommendations (including conclusions of sectoral meetings), advice, practical tools or research to strengthen the institutions, machinery or processes of social dialogue.	40 cases in 30 member States	52 cases in 40 member States
4b.2. Member States that adopt policies and implement, ratify or take formal steps towards the ratification of ILO Conventions addressing the institutions or practice of social dialogue.	i) 12 member States ratify or take formal steps towards the ratification of Conventions on freedom of association and collective bargaining as specified under operational objective 1a. ii) 10 member States adopt policies. iii) 10 ratifications of C.144. iv) 15 ratifications of Conventions covering specific sectors.	i) 14 member States ii) 6 member States iii) 7 ratifications iv) 35 ratifications in 20 member States.

4b.3. Member States in which tripartite or bipartite institutions, mechanisms or processes address gender equality issues.	15 additional member States	4 additional member States
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2002-2003 Biennium		
Strategic objective 4b: Governments and institutions of social dialogue – The legal frameworks, institutions, machinery and processes for social dialogue are strengthened		
Indicator	Target	Outcome
4b.1. Member States that ratify ILO Conventions addressing the institutions or practice of social dialogue	i) 10 ratifications of Convention No. 144 ii) 15 ratifications of Conventions covering specific sectors	i) 7 ratifications of Convention No. 144 ii) 42 ratifications covering specific sectors
4b.2. Member States that adopt legislation based on ILO standards and advice, with the involvement of the social partners	10 additional member States	19 member States or other entities adopted new labour legislation, and in another 3, legislative proposals were tabled
4b.3. Member States that establish or strengthen legal frameworks, institutions, machinery or processes for social dialogue	20 additional member States	31 countries and 2 regional groupings
4b.4. Member States in which social dialogue institutions or processes specifically address gender issues	15 additional member States	9 countries and 3 regional groupings
4b.5. Member States that ratify or take practical steps to apply the Labour Administration Convention, 1978 (No. 150).	10 additional member States	5 ratifications and 10 countries undertaking practical steps to apply the Convention
4b.6. International organizations and regional or subregional groupings that integrate social dialogue into labour-related policies, action plans and institution building	i) 2 international organizations ii) 5 regional or subregional organizations	i) 3 international organizations ii) 9 regional or subregional organizations.

2004-2005 Biennium		
Operational objective 4b: Governments and institutions of social dialogue – The legal frameworks, institutions, machinery and processes for social dialogue are strengthened and used.		
Indicator	Target	Outcome*
4b.1: Applying social dialogue Conventions Member States that ratify and effectively apply ILO Conventions addressing the institutions or practice of social dialogue.	(i) 3 ratifications of Convention No. 144; (ii) 5 ratifications of Convention No. 154; (iii) 5 member States implement Convention No. 144 more effectively; (iv) 15 ratifications of Conventions in specific sectors.	

4b.2: Adopting legislation using social dialogue Member States that adopt legislation based on ILO standards and advice, with the involvement of the social partners.	10 additional member States that adopt labour laws or other employment-related legislation based on ILO advice and involving a tripartite consultative process.	
4b.4: Gender-responsive dialogue institutions Member States where social dialogue institutions or processes, labour administrations and labour laws are more gender-responsive.	(i) 5 member States increase the number of women represented in social dialogue institutions; (ii) 5 member States increase the number of issues that are addressed in a gender responsive way through social dialogue institutions and processes; (iii) 5 member States where gender-responsive tripartite consultations are undertaken in the drafting of labour laws; (iv) 5 member States improve gender balance in relation to procedures established under Convention No. 150.	
Indicator 4b.5: Stronger labour administrations Member States that strengthen labour administrations in their policy-making capacity, their responsibility for the implementation of decent work policies and their enforcement of labour law.	(i) 5 member States modernize their labour ministries; (ii) 5 member States upgrade the skills of officials in labour administrations; (iii) 5 member States ratify Convention No. 150.	
4b.6: Expanded use of social dialogue Member States and regional or subregional groupings where social dialogue is more widely used for consensus building, economic and social development, and good governance.	(i) 3 regional or subregional groupings that integrate a tripartite approach to economic and social policy-making; (ii) 10 member States that include the social partners in the PRSP process; (iii) 5 member States that extend the subject matters of social dialogue.	
4b.7: Improved conditions in specific sectors Member States where constituents use social dialogue to target and take effective action to improve working and living conditions in specific economic sectors.	15 cases where Conventions are ratified or legislation is adopted to provide for improved working conditions in a specific economic sector.	

* Implementation report will be presented in GB March 2006.

Conclusion

The programme has generally met its targets and has a good record of achievement.

5 The Programme's Global Results

5.1 The ILO has a unique mandate and niche

The ILO's Strategic Policy Framework for 2006-2009 re-emphasizes tripartism and social dialogue as strategic assets of the ILO as a global player, in particular in shaping globalisation: "Tripartism is the key that can open the door to a fair globalization."⁷

The ILO has a considerable comparative advantage in its expertise in industrial relations and labour law. Given its low level of resources, as compared to other international and inter-governmental organisations, it "punches above its weight". Constituents believe that the ILO has the prime responsibility among international agencies to advise on social dialogue, labour law and labour administration. This was also confirmed by all interviews with national and international constituents and partners. The fact that the ILO is based on three constituents, its participative tripartite approach, its long experience, and the global comparative perspective are reasons that the ILO is seen as competent, credible and unbiased. Every constituency – government, employers and workers – can, and have, asked the ILO to advise at national and international level.

It should be noted that Article 10 (2) of the ILO's constitution says that the Office shall:

- b) accord to governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection;

Demands for ILO expertise and ILO support in social dialogue, labour law, labour administration and industrial relations are actually increasing. This is even the case where other institutions have a stronger presence in country and more financial resources to offer.

The perceived need for ideas and policy solutions for the governance of labour at global and national level is increasing, thus the ILO's "niche" and the opportunities for mainstreaming its concepts and tripartite approach are widening. In the face of globalization, there is a growing recognition that governance of the labour market is essential to a globalized economy, and that efficiency and rights are not exclusive, but complementary. Once it is accepted that rules are needed for the world of work, the next step is a discussion about how those rules are set, at various levels – globally, nationally and at the enterprise. And here, the ILO's philosophy and expertise in tripartism and social dialogue are unmatched by any other international organisation.

However, as the Romania case also shows (see box 1), the ILO does face challenges from the international financial institutions, principally the World Bank, which has been actively intervening in the field of labour law in an increasing number of countries. The Bank has recommended the revision of labour codes in a number of member States as a measure, it says, to improve the climate for foreign investment. Governments have been attracted to World Bank advice because macroeconomic and legal reforms are often conditionalities for loans and financial assistance. This has been a cause of concern to all constituents, especially the social partners who feel that they are usually not consulted or involved in the process, as the Romania case demonstrates.

⁷ GB.291/PFA/9 paragraph 32.

Box 1: Labour code reform in Romania

The current Romanian labour code had been adopted in 2003 after negotiations with workers' and employers' organizations and incorporating ILO's advice. In January 2005, the Romanian Ministry of Labour, Social Solidarity and Family proposed substantial amendments to the labour code. This reform initiative has been linked to commitments to the IMF and World Bank. The amendments relied on proposals drawn up by a Danish consultant, recommended by the World Bank, who did not consult with the social partners.

The trade unions objected to the government proposals, which they saw as cutting back unions' influence in labour affairs, and launched substantive protest actions that mobilized many people. They agreed, however, to hold parallel negotiations on potential changes with employers' associations, as soon as the latter have reached a joint decision on the matter.

They demanded that the government ask the ILO to provide comments on the proposed amendments to the labour code. In March 2005, the Government agreed and submitted the proposed amendments to the ILO for a second opinion.

The ILO provided comments to the government of Romania shortly after. The amendments introduced to the labour code in June 2005 incorporated some of the comments made by the Office, for example with respect to the non-competition clause. Also, the introduced amendments did not endorse the proposals made by the World Bank consultant such as those putting fixed-term contract of employment on equal footing with open-ended employment contract or those aimed at abolishing the procedure of extension of collective agreements.

The case demonstrates that national partners recognize ILO's particular competence and credibility in labour law and administration matters and particularly esteem its tripartite approach. It is a tribute to the respect in which the ILO is held that its views are sought and often seen as authoritative, despite the fact that its financial resources are so much smaller than the IMF or World Bank.

Workers' organizations have particularly sought the ILO's assistance in labour law in an increasing number of countries, where the World Bank has recommended changes to labour codes to improve the climate for foreign investment. Workers' organizations often feel that they have less influence on decision-making in these situations, and value the ILO's input.

Romania is not the only country in the region where the Bretton Woods institutions have intervened in labour law. In Bulgaria, Bosnia and Herzegovina, Croatia and Serbia, the involvement of the Office has been sought by member States following requests by the IMF or World Bank to revise labour codes or re-visit general agreements which were the result of tripartite social dialogue. The ILO has responded to these.

In Eastern Europe the European Union has been advising accession countries on the adoption of the *acquis communautaire*, which includes provisions on a very wide range of subjects also covered by the ILO. Yet this has been less problematic than the World Bank's involvement because European Union standards are more compatible with the ILO's and there has been some coordination with the European Commission (EC) at Brussels.

5.2 Facing new challenges and opportunities

Industrial relations and globalization

As successive reports to the Governing Body and ILC have pointed out, globalization has posed immense challenges to long-standing approaches in labour law, labour administration and industrial relations, for all constituents. The World Commission on the Social Dimensions of Globalization has addressed many of these challenges.

The labour market and industrial relations have evolved rapidly. Global production chains and the outsourcing of business processing from advanced economies to emerging economies have become a common practice and unusual work and employment relationships have multiplied. Whole new sectors have developed in the space of a few years such as, for example, call centres in India. These labour market developments have thrown up demands for new approaches to collective bargaining. The effective

involvement of MNEs in collective bargaining and institutions of social dialogue is one of the great globalisation challenges.

The ILO, and in particular IFP/DIALOGUE, is best positioned to offer concepts and ideas to arising needs, such as industry wide collective bargaining across national boundaries or collective bargaining across the supply chain. However, IFP/DIALOGUE has not yet been able to meet these needs. IFP/DIALOGUE has responded partly, and what it has been able to do shows that more can and should be done. Certainly the challenges are so rapid and diverse that responses to all of them have not been – perhaps cannot be – possible. However, IFP/DIALOGUE should focus more on developing knowledge, tools and answers to these challenges as they will increasingly determine constituents’ needs and demands.

Corporate social responsibility and social dialogue

Another area where the ILO has a comparative advantage is in the emerging agenda of corporate social responsibility (CSR). Many of the CSR initiatives refer explicitly or implicitly to international labour standards. Moreover they are very closely related to issues of labour law, labour administration and social dialogue. A previous report for the Governing Body noted that “the number of international [CSR] initiatives concerned with accreditation, certification, monitoring and inspection that [the Office] had knowledge about increased from three in 1998 to 12 by the end of 2002” and they have undoubtedly increased further since then.

There is a very strong component of social dialogue in many of these initiatives as many are composed of MNEs, trade unions and NGOs. CSR is very much at the top of the agendas of ILO’s constituents and it is an area of major demand for the expertise and services of the ILO – and in particular of IFP/DIALOGUE.

Many MNEs, recognizing ILO’s unique advantage in these issues, are now looking to the ILO to help establish “multi-stakeholder collaborations” composed of suppliers/ producers, the purchasing companies, trade unions, and labour inspectorates. The *Better Factories Cambodia* project, managed by IFP/DIALOGUE has provided an example of how these collaborations might look, and demonstrated the ILO’s relevance in the corporate social responsibility “universe”. As CSR is an attractive issue to certain donors, the topic also offers new funding possibilities as the case of the *Better Factories Cambodia* project demonstrates as well. That such projects and coalitions are sought to be emulated speaks for itself.

Addressing CSR related issues was a part of IFP/DIALOGUE’s mandate at its creation (compare P&B 2000-2001, paragraph 115 as quoted above). However, IFP/DIALOGUE did not find enough clear “entry points” to intervene, or to work with those MNEs which wanted to use its expertise. The CSR issue was not developed further in the Programme and Budget until 2006-07, when an Office-wide InFocus Initiative on CSR was introduced. IFP/DIALOGUE’s active involvement in this work can contribute much.

Box 2: Innovative approaches to factory monitoring in Cambodia

The *Better Factories Cambodia* project has successfully experimented with an innovative approach in improving working conditions and dialogue through a combination of factory monitoring, direct remedial assistance, and capacity building.

The ILO hired and trained a team of independent monitors to make unannounced visits to garment factories, based on a checklist of over 500 items. The checklist, based on Cambodian labour law and International Labour Standards, covers conditions as diverse as freedom of association, wages, working hours, sanitary facilities, machine safety and noise control. The monitoring process is considered by the Government, unions and employers in Cambodia to be credible, transparent

and independent. It has also gained the attention of a number of international retailers and buyers, such as Nike, Gap, Sears and Disney.

The monitors provide three stages of reports with recommendations on improving conditions in factories. First, individual reports to the factories with suggested improvements; second, after time for discussion and follow-up action, the monitors again visit the factories to determine progress. The findings from the second report are made public through synthesis reports summarizing overall improvements made in a group of factories. At the third stage of monitoring and each stage thereafter, the monitors again visit the factories to determine progress, and factories are named and progress on implementation is identified in all subsequent synthesis reports. All the synthesis reports are available at www.betterfactories.org/ilo.

In order to ensure a rigorous and continuous cycle of improvement of working conditions, as well as improving quality and productivity, the project also provides direct remedial assistance to factories, and a range of training opportunities. The assistance ranges from good practice sheets to a 12-month modular training course. The topics covered include workplace cooperation, dispute resolution, occupational safety and health, working conditions, globalisation and change processes. Each factory involved in the factory remediation programme has established a Productivity Improvement Committee to reinforce dialogue on a range of issues. The project also has close links to the ILO's Cambodia Labour Dispute Resolution Project, which has successfully established the Arbitration Council, considered to be the first credible dispute resolution body in Cambodia.

The project collaborates with the Cambodian Ministry of Labour and Vocational Training, the Ministry of Commerce, Cambodian workers' and employers' organizations, multinational buyers, NGO's and local training institutions. It also has developed relationships with a number of donors and international partners, including AFD, USAID, World Bank, ADB. Local resource mobilization has been very effective in the context of the project.

The project grew out of a 1999 trade agreement between the US and Cambodian governments. The US Government offered trade privileges to Cambodia in return for demonstrated improvements in factory working conditions. It was agreed that the ILO, through a USDOL funded project, would help the industry make those improvements. This indirect link between trade and labour standards initially made the project controversial in some circles. However, the positive results for both workers and employers, and for the Cambodian economy in general, has helped convince most of the sceptics.

While making it possible for Cambodia to receive bonus quotas due to measurable improvements in working conditions during the term of the US-Cambodian trade agreement (which expired at the end of 2004, along with the MFA), the improvements that have resulted from the work of the project have also helped Cambodia to survive in the new quota-free environment. Cambodia is seen to have a comparative advantage in the region in the area of labour standards, as confirmed by a World Bank Survey.⁸ Data shows that since the end of the MFA, employment levels have been maintained, and the volume and value of imports have increased.

The project work has created a win-win situation for all parties involved. Local factory owners have seen productivity improve, labour turnover decrease, and orders increase. Workers have seen improvements in working conditions and dialogue, and also in some cases a decrease in working hours accompanied by an increase in overall wages. The monitoring information has also been used by international buyers in determining the extent of their orders. Some are considering relying primarily or exclusively on ILO monitoring results, to avoid the multitude of audits and monitoring visits presently being carried out in each factory by different groups. The Government has benefited from training through the project, as well as an improved image for investment, and a more competitive garment industry.

The project is now working closely with the constituents to implement a sustainability strategy, so that the activities of the project will be locally run by 2009. The strategy involves working more closely with local institutions, putting into place a world-first information management system, increasing local funding and resource-generating activities, and continuing to build local competence.

The project is an example of how the ILO could make effective use of its unique advantage in tripartism to address CSR and globalisation-related challenges. MNEs found the project very

⁸ *Cambodia: Corporate Social Responsibility and the Apparel Sector Buyer Survey Results*, Foreign Investment Advisory Service (World Bank Group), Washington, December 2004.

effective and would like to see similar projects in other countries. While acknowledging that no two countries, and therefore, no two projects are identical, the ILO should examine the principles underlying the *Better Factories* project, and consider how they might be implemented in other countries. This will be relevant also in the context of the upcoming InFocus Initiatives on EPZs and on CSR.

5.3 Mainstreaming social dialogue and tripartism into international agendas

Promoting social dialogue and tripartism at international organisations and regional groupings

Bringing tripartism and social dialogue to the top of international agendas has been a declared objective of IFP/DIALOGUE.

Since more and more decisions are taken at intergovernmental and supra-national level, the focus of IFP/DIALOGUE has rightly placed increasing emphasis in recent years on promoting tripartism and social dialogue at international organizations and regional groupings. IFP/DIALOGUE's strategy has recorded some successes.

IFP/DIALOGUE can report that over the past two biennia 15 international organisations and 11 regional or sub-regional groupings have integrated social dialogue into labour-related policies, action plans and institution building. This being said, recognition of social dialogue and tripartism are still not common elements of international agendas and their effective use at international level remains patchy. Therefore ILO should continue its efforts to effectively promote social dialogue among key international and regional organisations.

Tripartism and social dialogue in the broader development context

There is an increasing trend towards international development agencies coordinating more effectively at international and national level. These processes revolve around global and national frameworks, such as the MDGs, the Agenda 21, the conclusions of the World Social Summit at international level, and the PRSP process at national level. Not only has the ILO subscribed to these goals and initiatives, it also has a unique contribution to offer with its tripartite approach.

In current development discourse, there is an almost complete consensus on concentrating on the Millennium Development Goals (MDGs). However, the contribution that labour law, labour administration and sound industrial relations can make towards realisation of the MDGs is not widely appreciated or understood.

MDG 8 "Develop a global partnership for development" is very much about participation, democratisation, good governance and balanced socio-economic development – all of which require tripartism and social dialogue, good labour law, effective labour administration and sound industrial relations. These form part of the enabling environment, the political-institutional framework that development theory increasingly recognizes as crucial. INTEGRATION has recently elaborated fact sheets that explain the ILO's contribution to the MDGs.

Some international development agencies do consult with and involve social partners in the planning and implementation of their programmes. Some of the Nordic countries do this through a formal mechanism. The UK's Department for International Development has adopted a policy on labour standards and poverty alleviation following consultation with social partners, and convenes a forum to review the topic several times a year.

However, many international development agencies have not embraced the involvement of national and global social partners in their operations. It is also rather the exception than the rule that social dialogue and tripartite processes and institutions are woven into the technical design of development approaches. Hence there is still a need and opportunity for the ILO to “advertise” the benefits of tripartism. IFP/DIALOGUE has many successful pilot projects and examples to showcase. In particular, it can make wider known its achievements in using social dialogue in the elaboration of PRSPs (see box 3).

Box 3: Promoting a tripartite approach in the elaboration of PRSPs

Together with INTEGRATION/NPG, SECTOR, ACTRAV and ACT/EMP, IFP/DIALOGUE is implementing a global pilot project “Capacity building for effective social dialogue in PRS and PRSP in selected low-income countries” in seven pilot countries that promotes and facilitates the use of tripartite consultations in the elaboration of PRSPs. The experiences with this approach in Cambodia and other countries were encouraging.

It had become clear that employers and workers – and often the labour ministries – were not participating in this important anti-poverty process. By first providing focused technical assistance to these groups on PRSPs and then working on tripartite involvement, their participation has increased in a number of member States. In addition, the content of the plans has begun to reflect issues of concern to constituents, including employment and gender equality.

In Cambodia for example the Interim PRSP did not contain any reference to decent work issues whereas the full PRSP with participation of social partners contains an analysis of the important link between rural and urban economies and the role of employment intensive investment. The experience of participation was not an easy one as the government was reluctant at first to allow broad participation, and democratic traditions are not yet anchored in society. But the PRSP process has facilitated the possibility of improving participation.

One interviewed Cambodian trade union representatives who was directly involved in this process expressed his great satisfaction with the outcomes of the project and underlined how important it is to give trade unions along with other stakeholders a voice in the PRSP elaboration and its implementation. A possibility to extend this approach to more countries is to advertise the good experiences from these case studies among the donor communities at national and international level.

Efforts by the ILO to mainstream social dialogue and tripartism within the international development community at *national* level have been rather the exception than the rule. Not only are contacts with donors at national level a way to advocate and familiarize them with the benefits of a tripartite approach but they are also a way to mobilize resources as the *Better Factories Cambodia* project demonstrates, where contacts at local level established links to the World Bank that will engage in the project after ILO’s support ends.

In countries with established development agency coordination mechanisms (such as the Consultative Group Indonesia or coordination of UN agencies at national level in the UNDAF context), the local ILO Office can explore how social dialogue or innovative ILO approaches in this area can be more effectively promoted among other international agencies and donors.

The wider implementation of decent work country programmes (DWCP) will be an opportunity to raise ILO’s profile and visibility in social dialogue and will facilitate the coordination with other donors.

5.4 Global networks and partnerships

In general, IFP/DIALOGUE has made effective use of global networks and partnerships.

IFP/DIALOGUE’s good working relationship with the European Union has enabled accession countries in Central and Eastern Europe to rapidly adopt institutions based on tripartism and social dialogue. This assisted the transition process to take place with a

relative absence of social conflict, and also eased the accession of many countries into the European Union.

There are many other crossovers. For example, a European Union funded project in Bulgaria in 2004 on Corporate Social Responsibility used training materials adapted from the manual prepared by IFP/DIALOGUE *Promoting National Social Dialogue: An ILO Training Manual*.

The International Industrial Relations Association (IIRA) and the International Society for Labour and Social Security Law (ISLSSL) are both highly interconnected with IFP/DIALOGUE. The members of these two scholarly bodies have close personal links with ILO. These bodies are conduits for a two-way flow of research and ideas between the ILO and the academic world. This work does not have the obvious impact of, say, project activity, but the kind of knowledge that is generated from this type of contact is invaluable.

A specialised network is the European meeting of Labour Court judges in which the ILO participates. As IFP/DIALOGUE provides training to judges in a number of transition and developing countries, this is a most useful partnership.

The ILO's participation in other global networks and partnerships such as the UN Global Compact and UNAIDS can also have strategic impact for ILO's constituents. Employers' and workers' organizations, especially the latter, see such partnerships as very valuable, as they are a way of making their voice heard in fora they might not otherwise reach.

5.5 IFP/DIALOGUE's knowledge strategy

As the Director-General has pointed out "A clear comparative advantage of the ILO lies in its knowledge and information on labour and social issues and trends around the world. There is nothing natural in this advantage. Indeed, it is highly competitive."⁹

Research

Especially in the beginning of the programme, research has been an important function of IFP/DIALOGUE; in later years focus shifted more towards implementation. When the Programme was created, there was a Senior Research and Policy Development Officer who was responsible for developing and coordinating a research programme. When he retired, the research functions were assigned to a researcher who was recruited from the Institute and whose task was focused on developing a more integrated research strategy and agenda building on work he was already doing in the Institute as well as developing new areas of work i.e. social dialogue indicators. When he returned to the Institute, another staff member within IFP/DIALOGUE continues to pursue this area of research work.

Technical specialists at headquarters do some applied research but their main task is the technical backstopping of projects and advice to member States. This was a consequence of the programme's gradual shift from knowledge development to implementation.

Two researchers at the Institute are also conducting research on industrial relations topics. There was a conscious effort by IFP/DIALOGUE to develop a closer working relationship. Largely though, the Institute has defined and pursued its own research agenda without much coordination with IFP/DIALOGUE.

Some officials in ACTRAV, ACT/EMP and IFP/DIALOGUE voiced their concern that over the past few years the ILO has lost some of its research capacities in the area of

⁹ Programme and Budget 2004-2005, para 84.

industrial relations and recommend that the ILO increase them again. They also perceived this as part of a shift away from “classic” industrial relations and collective bargaining towards social dialogue, which was seen by some observers to be a somewhat vague concept.

Some IFP/DIALOGUE staff observed that research capacities, in particular in comparative labour law, have declined over the past years and should be improved, too.

Publications, tools and guidelines

IFP/DIALOGUE has been prolific in generating and publishing applied knowledge. Publications have been written either by staff or external consultants, often academics. The target audience consists mainly of practitioners. Without lacking scholarship they are not academic in tone, but accessible and useable.

Two thirds of all working papers are on social dialogue related issues as well as about half of all guidelines and other publications produced by headquarters. The remainder divides to approximately equal parts between labour administration and labour law.

There has been high demand for publications, especially the series of working papers. Surveyed regional specialists also confirmed unanimously that publications produced by IFP/DIALOGUE at headquarters were a very useful tool in their work at country level and that there was a high demand for them by national constituents.

Apart from the list of publications produced by headquarters, which is posted on the public web site, IFP/DIALOGUE keeps an updated list of all publications and knowledge tools, which includes those produced by projects in the field. For each publication a contact person is specified for facilitating sharing of knowledge and tools across projects and regions. This constitutes a good practice, which should be imitated by all ILO programmes.

A special mention should be made of the *Labour Legislation Guidelines*, also available on-line and in CD-ROM format. It is the single most requested publication produced by IFP/DIALOGUE. This easy to use tool can take those responsible for drafting labour law through a step-by-step process. Similar tools on, for example, good governance in labour administration or social dialogue practices could be developed.

Academics, who teach labour law and industrial relations in both developing and developed countries, found IFP/DIALOGUE’s publications useful and of high quality, too.

Databases

Other useful tools for national legislators and social partners are the web based International Observatory of Labour Law that provides national labour law profiles of 23 countries (9 developing and 14 OECD countries) and the web based database of Good Practices in Labour Administration. They provide more interpretation and guidance than the older labour standards NATLEX database of national labour law maintained by NORMES which only relates to international labour standards. It is unfortunate that both databases have not been updated and expanded since 2002. However, IFP/DIALOGUE has recently recruited a new young labour law specialist who will be in charge of this task.

Statistics

There is an absence of quantitative indicators for social dialogue although there is a need for them. Social dialogue is often perceived as a “soft” issue, and objectively comparing social dialogue mechanisms and assessing progress has been difficult. The Programme and

Budget 2004-05¹⁰ indicated that “authoritative social dialogue indicators will be developed as part of the ILO’s overall decent work indicators” to support ILO’s advisory work.

IFP/DIALOGUE worked with the Bureau of Statistics to develop social dialogue indicators, but until a meeting of experts can take place and develop a standard for approval by the International Conference of Labour Statisticians, there are no quantitative indicators on social dialogue and tripartism.

Maintaining the knowledge base

However, the high quality of ILO knowledge in labour law, labour administration and industrial relations is threatened, as some professional staff in IFP/DIALOGUE believe. They observe that the knowledge and research capacity of IFP/DIALOGUE in some of the technical areas has declined, both in keeping, updating and expanding the databases and in doing comparative labour law and industrial relations research. This is a consequence of experts being too absorbed in coping with a big load of project technical backstopping and an increasing demand from constituents for direct support and advice. Another serious factor is the imminent retirement of a group of senior staff with many years of experience and institutional knowledge. Management is aware of the problem and is currently recruiting new staff.

5.6 Conclusions and recommendations

Conclusions

Promoting the ILO’s unique mandate within a global context and response to new challenges

The ILO is recognized as *the* competent and authoritative international organisation in the fields of labour law, labour administration and industrial relations, even though other institutions also have an “offer” to make in these areas. IFP/DIALOGUE has strengthened and expanded this recognition. As debates on global governance of the global economy recognize the importance of the governance of labour and the importance of labour law, labour administration and social dialogue, the ILO is seen as ever more relevant.

However, at the same time the ILO faces an increasing competition in the area of labour law reform from other international agencies, in particular the World Bank.

The ILO has found some responses to emerging trends, challenges and opportunities. Still, there is an unquenched demand from constituents for a more comprehensive response on industrial relations and collective bargaining in the context of a changing and globalizing labour market.

Social dialogue and corporate social responsibility

Another area where the ILO has a comparative advantage is in the emerging agenda of Corporate Social Responsibility (CSR). There is a very strong component of social dialogue in many of these initiatives. CSR is a topic of great importance to ILO’s constituents, one in which the ILO has unique expertise and approaches to contribute and one with funding possibilities. Many large MNEs are looking to the ILO to help establish “multi-stakeholder collaborations”, composed of suppliers/producers, the purchasing companies, trade unions, and labour inspectorates.

¹⁰ GB.286/PFA/9, Paragraph 238

Given these facts, the ILO has so far under-utilized the potential. In order to stay relevant, the ILO should tackle CSR issues more actively. The upcoming InFocus Initiative is an opportunity to do so. As CSR is closely related to social dialogue, IFP/DIALOGUE has a key contribution to make in the Initiative. Innovative approaches in Cambodia, which brought together trade unions, local manufacturers, multinational buyers and the Cambodian government, demonstrates how work in this area can develop.

Mainstreaming social dialogue and tripartism at international level

There has been some success in including tripartism and social dialogue at regional cooperation agreements and some international organisations, yet it remains patchy. social dialogue and tripartism are still not common elements of international agendas. In particular, within the development community there is not yet a full understanding and appreciation of the benefits of social dialogue. Therefore ILO should continue its efforts to effectively promote social dialogue among key international agencies and donors.

The Office can make greater use of the opportunities of donor coordination mechanisms at country level, such as UNDAF to mainstream its approaches. It can make wider known its achievements, such as those in using social dialogue in the elaboration of PRSPs.

IFP/DIALOGUE's knowledge strategy

The ILO is a knowledge-based institution, and knowledge is one of the ILO's greatest assets. It defines the quality and credibility of its technical advice. IFP/DIALOGUE has developed a large array of publications and knowledge tools which are generally perceived to be of high quality and useful for practitioners. There is increasing demand for them.

Some ILO officials observed that research capacities, in particular in comparative labour law and industrial relations, have declined over the past years. Also the databases on good practices in labour administration and the national labour law have not been updated since 2002. This decline of capacity is a danger for ILO's continued relevance in the area of comparative labour law, labour administration and industrial relations. In order to secure its position as a global centre of excellence, the ILO needs to renew its capacity to do research, maintain databases and keep up with global discussions.

The Institute is also conducting research on industrial relations topics, but it has defined and pursued its own research agenda without much coordination with IFP/DIALOGUE.

Recommendations

- The exchange and collaboration with other institutions that are involved in areas where the ILO has a core competence, such as labour law and labour administration, needs to be intensified; the objective must be to achieve recognition of the ILO's expertise and competence.
- IFP/DIALOGUE should re-balance its work programme to ensure advisory services to constituents on industrial relations in the context of a rapidly changing labour market. The reorganization with SECTOR will provide an opportunity to address sector and industry specific industrial relations and collective bargaining.
- IFP/DIALOGUE management should develop plans for a strategic role in the InFocus Initiative on Corporate Social Responsibility for the 2006-07 biennium. A mechanism needs to be explored for the Office to provide an entry point for MNEs that need advice on industrial relations and social dialogue related issues.

- IFP/DIALOGUE should continue promoting social dialogue at international and regional levels. It should develop a strategy to target a small number of key international organisations including development agencies to mainstream tripartism and social dialogue and persuade them to use ILO inputs in labour related activities. This should include making better use of the opportunities that donor coordination mechanisms at country level offer.
- In order to secure its position as a global centre of excellence, the ILO needs to renew its research capacities in comparative labour law and industrial relations. IFP/DIALOGUE and the Institute should develop a closer coordination for research on industrial relations.

6 Effectiveness and Impact at National Level

IFP/DIALOGUE has delivered support to a very large number of countries both with technical cooperation projects and through advisory services and missions from technical specialists at the request of member States. IFP/DIALOGUE strategy at national level is to link promotional with technical, advisory and capacity building activities, implementing them in close cooperation with other technical departments.

6.1 Strengthening and improving national labour law and labour administration

The main means of action are technical advice on legal drafting and institutional reform and capacity building mainly for members of the national labour administration but also to the judiciary and social partners.

Only a quarter of all TC projects particularly or exclusively focus on labour law and labour administration, but many TC projects that deal with social dialogue and industrial relations in a broader sense have labour law and labour administration components. Much of the national support in the area of labour law and labour administration is carried out by the technical specialists at SROs and headquarters. Comments on draft laws and labour codes are mostly provided by headquarters specialists. Over the last five years the specialists of formerly GLLAD later IFP/DIALOGUE have provided comments to labour codes of dozens of countries. How appreciated and important this support has been, could be seen in the case of Romania (see above box 1).

Good results have been achieved in improving national labour law. According to information from the implementation reports, from 2000 to 2003, over 50 member States adopted legislation based on ILO standards and advice, which far exceeded the programme's expectations. In many countries the assistance lasted over several years until the final adoption of the legislation in parliament in order to ensure adequate treatment in the policy-making organs and adequate implementation.

Another element of IFP/DIALOGUE's work in the area of labour law and labour administration is to contribute to the professional development of labour court judges and staff in a number of jurisdictions. Very positive achievements in this area were registered in South Eastern Europe (see box 4).

Box 4: Training the judiciary in South Eastern Europe

In Romania IFP/DIALOGUE trained a number of professional and lay judges. Romania has fully tripartite labour courts, but had no training provision. Practical sessions, involving case studies and role-plays were organised – and highly appreciated. The judges reported that the training had been very useful and had helped them to better execute their functions.

The Budapest SRO has established a network on labour law for South Eastern Europe. This is another example of a small, low profile intervention, which has been highly effective. Meeting once a year, the network provides very practical skills and knowledge updates.

6.2 A multifaceted approach to promoting social dialogue at national level

IFP/DIALOGUE aims to promote bipartite and tripartite social dialogue at national level with a three-fold strategy: (1) Promote the concept and mainstream the use of social dialogue as a means and end; make it a standard practice in industrial relations and in the elaboration of economic and social policies; (2) establish and strengthen mechanisms and

institutions of social dialogue and sound industrial relations (including dispute settlement); (3) strengthen the parties of social dialogue.

The corresponding means of action are (1) advocacy and building of national commitment, (2) technical advice and institution building and (3) capacity building of partners. All revised social dialogue/ industrial relations projects include the three strategic elements and corresponding means of action, but with different foci according to national needs.

ACTRAV and ACT/EMP are strategic partners in all three strategic areas but in particular for the promotion of collective bargaining and the strengthening of workers' and employers' organisations.

The strategy is mainly implemented by TC projects. Approximately 75% of all TC projects implemented by IFP/DIALOGUE over the past five years are in the area of industrial relations and social dialogue. Other support includes technical advice from technical specialists at SRO and to a lesser extent from headquarters.

Regional tripartite conferences and meetings

One tool of the ILO for promoting tripartite dialogue more widely is regional tripartite conferences or meetings. Asked in a survey of field specialists, most specialists basically agreed that, compared to other means of action, the benefits of tripartite regional conferences or workshops outweigh and justify their costs. Workers' specialists came to a slightly more positive assessment than employers' specialists or social dialogue specialists. Still, two comments from workers' specialists also highlight the problems, which were shared by many:

"Tripartite regional conferences are very useful in themselves. By bringing delegates from different countries together under one roof, this assures the sharing and exchange of experiences and knowledge at a reasonable cost. However, since such meetings do not oblige governments to bear the expenses of worker delegates and employer delegates, one finds that only a few countries respect the tripartite requirements of the ILO. (...) The full value of such meetings can only be realised if the ILO puts some mechanism in place that would ensure the full participation of both workers and employer delegates."

"We often encounter problems in the national implementation of conclusions of regional or subregional tripartite activities. In future, follow-up strategies and their support by the ILO should therefore be elaborated together with the conclusions."

Country studies for defining entry points and facilitating cross-regional exchange

A good practice, IFP/DIALOGUE has elaborated and published many topical country studies and analyses. The country studies (e.g. on institutions of collective bargaining or aspects of the labour administration) take stock and assess the current legal and institutional framework as well as in some cases of the socio-economic situation of the country and analyse strengths, weaknesses and needs for reform. Particular national experiences and comprehensive policy advice is also often captured in publications and made available to a larger public.

These country studies, which consider the views of all tripartite constituents, serve multiple purposes: For IFP/DIALOGUE they help define a successful entry point if done at the beginning of an intervention. If done at the middle or end they capture lessons learned. In addition they feed into the knowledge base of comparative labour law and good practices.

For the partners these studies create transparency and encourage dialogue among the constituents. Published – and in some instances even translated into other languages – they

facilitate inter-regional exchange and are valuable and low-cost inputs for policy makers at national level. For PRODIAF country studies have been an elementary component of its strategy.

6.3 Establishment of national institutions and mechanisms for social dialogue and dispute settlement

Over the past two biennia, 71 countries have established or strengthened legal frameworks, institutions, machinery or processes for bipartite and tripartite social dialogue or dispute settlement as a result of IFP/DIALOGUE's support according to information from the implementation reports.

Tripartite institutions have contributed to social peace and political stability. All interviewed partners saw this as the greatest benefit. In Cambodia, as a result of the establishment of the tripartite dispute resolution mechanism, labour conflicts have reduced or could be solved in a more efficient and sustainable way. All tripartite partners highly welcomed this development.

In Central and Eastern Europe the ILO helped in the transition process by supporting the countries to set up national tripartite bodies (see box 5). Even though the European Union might now be expected to be a more powerful factor in shaping labour policy, the ILO is still perceived as an important partner. This point was made strongly by social partners in Hungary and Romania during the evaluation field mission.

Box 5: Tripartite councils in Eastern Europe

At a very early stage in the transition – even before the formal “collapse” of the old regimes in the case of Hungary – ILO missions played a key role in advising on industrial relations and labour law reform, assisting in the establishment of trade unions and employers' organisations and constructing tripartite councils. Several projects were also set up in the early years of transition.

The role of the ILO has been acknowledged, in a study by the European Foundation for the Improvement of Living and Working Conditions:

One of the common characteristics of the new Member States and candidate countries is the existence of institutionalised tripartite cooperation in the form of fairly stable standing bodies at national level. (...) All of these countries set up a standing tripartite body for national-level social dialogue before the mid-1990s and these bodies have acquired a legal foundation almost everywhere. It should be noted that international organisations, most notably the International Labour Organisation (ILO) and the EU, played a facilitating role in the birth of these tripartite institutions. (Our emphasis)¹¹

Tripartite councils played an important role in creating social peace during a difficult phase with high inflation, soaring unemployment and a collapsing social security system.

With the successful entry of one group of states into the European Union, the Office has been switching resources to Southeast Europe, and applying the lessons learnt. Tripartite councils have been established in ten Southeast European countries and one territory (Kosovo as defined by UN resolution 1244).¹²

The councils will continue to have important functions. One study, for the European Foundation for the Improvement of Living and Working Conditions, noted that

National-level tripartite social dialogue is one of the key institutions of industrial

¹¹ *National-level tripartism and EMU in the new EU Member States and candidate countries*. In European Industrial Relations Observatory on-line, <http://www.eiro.eurofound.ie/2004/03/study/tm0403102s.html>, accessed 3 June 2005.

¹² For a list of these, their legal basis and competencies, see Appendix 3, Youcef Ghellab and Marketa Vylitova, *Tripartite Social Dialogue in the Countries of South Eastern Europe*, ILO Budapest SRO, 2005.

relations in [the new member states]. Some of them have already made attempts to settle some of the major problems of the transition through comprehensive socio-economic agreements between the government and the social partners

Such tripartite councils, using the ILO, as a reference point, have also been established in other transition states and may, if those countries follow a similar trajectory, play a similar role.

6.4 Acceptance and use of tripartism and social dialogue at national level

Project evaluations reveal that in countries where technical cooperation projects of IFP/DIALOGUE have been carried out or concerted technical advice has been provided, considerable progress could be recorded in terms of acceptance and wider use of social dialogue. However, the success and sustainability were found highly contingent on a favourable socio-political environment and national commitment by all tripartite partners. Greatest progress could be made where all tripartite partners experienced social dialogue as a useful or even indispensable tool and where there has been some tradition of social concertation.

ILO national partners of the case studies demonstrated a good understanding and commitment to social dialogue. Especially pronounced was the support voiced by the national constituents from Senegal, one factor has certainly been the long-lasting support of ILO (see box 6).

Box 6: Promoting social dialogue in francophone Africa

The *Programme Régional de Promotion du Dialogue Social en Afrique Francophone* (PRODIAF) has been ILO's highly successful flagship project for the promotion of social dialogue in Africa. Expanded from pilot initiatives in three countries in 1996, PRODIAF is now working in 22 countries in francophone Africa on means of mediation in collective labour conflicts by labour inspectorates and establishing and building capacity of social dialogue institutions. Even in countries with social or political conflicts and deficient democracies, the constituents have succeeded in establishing institutions of social dialogue with support from PRODIAF.

Applying a strictly demand-driven approach, the type and intensity of support provided to the countries has varied according to the needs and demands of national partners and institutions. To define the entry point, a country analysis was made for each country at the beginning of the support to take stock of existing social dialogue mechanisms and analyse the specific needs of the constituents.

As one of the first countries, Senegal has participated in PRODIAF since 1997. Senegal had already some tradition and mechanisms of tripartite social dialogue and was in that aspect somewhat more advanced than other countries in the region. The support of PRODIAF has concentrated on supporting the Senegalese constituents to elaborate the *Charte Nationale du Dialogue Social*, which was signed by all tripartite partners in 2002, and setting up the *Comité National du Dialogue Social*.

Senegalese constituents reported that the institutions and mechanism of social dialogue, which were built with the support of the ILO, have significantly improved trust in labour relations and contributed to more social peace. Social partners have also made an effort to involve the informal economy. In the context of PRODIAF Senegalese constituents have shared these positive experiences with their colleagues from other countries and could also advise them on how to improve their national social dialogue mechanisms.

In its current last and final phase, PRODIAF is building up a region-wide network of social dialogue practitioners and experts in the region, which will serve as a resource for knowledge and support even after PRODIAF ends. Additionally PRODIAF promotes and supports tripartite mechanisms at the level of the three regional groupings (CEMAC, UEMOA and CEPGL) of which the participating countries are members. PRODIAF significantly improved the understanding and knowledge of social dialogue in the African context. In SROs without a social dialogue specialist, the regional workers' and employers' specialists even say they turn to PRODIAF for advice.

The participation of social partners in policy making and the legislative process is still lagging. In most countries such tripartite approach is not a tradition and it is this area where national practice deviates most from the “gold standard” promoted by IFP/DIALOGUE. The *Thematic review* made the observation that there had been some progress in involving social partners in the design or formulation of laws and policies but that it was rather rare that they were also involved in implementation or evaluation of these laws and policies.

The evaluation team could also observe this in Romania. Officials of the Ministry of Labour, Social Solidarity and Family saw tripartite consultations more as a formality. Although social partners were given a formal chance to comment on draft laws and regulations their inputs were not necessarily taken into account in the actual legal drafting of the bill. The reasoning was that the social partners were viewed as lacking competence. Senegalese and Hungarian government officials, on the other hand, recognised that a tripartite approach produces better outcomes in the long run but they admitted it was a rather demanding and process-heavy undertaking. They, too, deplored the limited capacity of social partners to provide substantive inputs and be effective “watchdogs”.

Extending social dialogue to include other civil society organizations

The ILO seems to have been rather reluctant to broaden social dialogue to also include other civil society organizations although this has been explicitly part of IFP/DIALOGUE’s strategy: “the InFocus programme will assist ILO constituents who wish to better exploit the potential benefits of alliances and partnerships with community-based groups, women’s organizations, NGOs and other groups in civil society.”¹³ Yet, judging from project documents and evaluations, links to other civil society groups have been rather scarce.

IFP/DIALOGUE could do more to facilitate the contact between national constituents and relevant civil society organizations and involve such groups in social dialogue, bearing in mind that tripartite constituents will be consulted as appropriate in the selection of and relationships with other civil society organizations with which the International Labour Organization might work.

Without diluting the tripartite nature of social dialogue, it can be useful for some labour issues to include other competent organizations, such as women’s organizations or organizations representing the informal economy. These have been occasionally involved in Senegal, and constituents saw their participation as very productive. Where networking with civil society groups can strengthen and benefit national constituents, constituents should be encouraged to reach out to such groups. Some of the more progressive partners already do this anyway. In Romania, for example, the leaders of one trade union and one employers’ organisation participate in the Romanian Social Forum, the national spin-off of the World Social Forum which tries to build a discussion platform on social justice.

6.5 Strengthening parties of social dialogue

All interviewed partners and constituents agreed that the weakest point for the success and sustainability of IFP/DIALOGUE efforts at country level is the limited personal and financial capacity of the national partners, in particular of the workers’ and employers’ organisations.

¹³ P&B 2000-2001 (GB.276/PFA/9), paragraph 122.

Labour administration officials and – together with ACTRAV and ACT/EMP – social partners have been strengthened to participate in social dialogue, addressing their capacity gaps. Interviewed partners who had benefited from advisory or capacity building activities perceived them as useful and felt more competent in their respective jobs. Yet all partners declared that there is a continuing need for capacity building.

Capacity building of national constituents should therefore be an ongoing priority. However, many problems are structural and lie outside the immediate sphere of influence of the ILO. In many countries the ministries of labour undergo frequent internal restructuring and changes in leadership. Nearly worldwide, ministries of labour are losing their relative influence – including resources – against ministries of economy and finance. In many countries the judiciary is politically controlled and government administration not free of corruption. Workers' and employers' organisations are often fragmented, weak, unrepresentative and far from being independent.

Confronted with this situation, it is important for IFP/DIALOGUE to work with those partners among the recognized national constituents that have strategic leverage and commitment, in order to get best value from resources.

Addressing gender equality

Improving the equal representation of women and men in constituents' organisations and including a gender perspective in collective bargaining and social dialogue have been important elements of IFP/DIALOGUE's support. Gender issues have been addressed in most technical cooperation projects and were subject of research papers. In this area, however, the challenges and needs remain considerable. IFP/DIALOGUE's strong efforts should continue, and gender issues should be treated as an ongoing priority.

Partners can and should be reminded of their accountability for progress. Working closely with ACTRAV and ACT/EMP, this includes further work with constituents to address gender imbalance in their membership, leadership and delegations to the ILC.

IFP/DIALOGUE should also intensify collaboration with the Gender Bureau, which also has a strategic interest in advancing gender equality through social dialogue. In this context it should be mentioned that the Gender Bureau dedicated its US\$ 1 million worth, surplus financed *Gender Equality Partnership Fund* entirely for gender-related capacity building of social partners.

6.6 Conclusions and recommendations

Conclusions

Promoting social dialogue at national level

The evidence from the case studies supports that the approach of IFP/DIALOGUE is flexible and responsive to different national situations and changing demands. Activities at national level are basically well focussed and effective; national constituents are generally satisfied.

This is mainly due to the programme's demand driven approach, a careful analysis of the entry point for support and its strategy that links promotional with technical advisory and capacity building activities, implementing them in close cooperation with other technical departments. Demand for support from member States is high and increasing, in particular in the area of labour law and labour administration.

An important element of IFP/DIALOGUE's support have been topical country studies and analyses, that capture national experiences and facilitate regional exchange. Ratifications of the key Conventions on social dialogue and labour administration, in particular C 144, have risen since the inception of IFP/DIALOGUE. Many countries have established or strengthened legal frameworks, institutions, machinery or processes for bipartite and tripartite social dialogue or dispute settlement as a result of IFP/DIALOGUE's support. The establishment of tripartite councils in transition economies played an important role in facilitating their smoother transition.

IFP/DIALOGUE's interventions have increased acceptance and wider use of social dialogue and tripartism in supported countries and have strengthened the participation of social partners in policy making. However, success and sustainability of promoting tripartite practices were found highly contingent on a favourable socio-political environment and national commitment by all tripartite partners.

Continuing challenges at national level

The weakest element in IFP/DIALOGUE's strategy to strengthen social dialogue is the still lagging capacities of the parties of social dialogue, in particular of the workers' and employers' organisations. However, many problems are structural and lie outside the immediate sphere of influence of the ILO.

IFP/DIALOGUE could do more to facilitate the contact between national constituents and relevant civil society organizations and involve such groups in social dialogue. Despite strong efforts made to promote gender equality in constituents' organisations and in social dialogue, the challenges remain considerable. IFP/DIALOGUE's and national partners should continue the efforts.

Recommendations

- IFP/DIALOGUE should, in collaboration with ACTRAV and ACT/EMP, increase efforts to strengthen the parties of social dialogue.
- IFP/DIALOGUE, in collaboration with the Gender Bureau, needs to continue its good efforts to address gender issues in social dialogue.

7 The ILO's Internal Approach to Social Dialogue

7.1 IFP/DIALOGUE's fit within the broader ILO strategy

Social dialogue is one of the ILO's strategic objectives. IFP/DIALOGUE's core mandate is a direct contribution. Social dialogue is both a means to achieve Decent Work and an end in itself. Having a programme with a focus on tripartism and social dialogue is therefore a logical extension and consequence of the strategic objective and is necessary to achieve the Decent Work agenda.

Social dialogue promotes and strengthens fundamental principles and rights at work, employment goals and social protection and thus contributes to all ILO's Strategic Objectives. Because of their crosscutting nature tripartism and social dialogue complement all ILO strategies and policies. By strengthening and improving the framework and support for tripartism and social dialogue and by helping to put into place modern labour law codes, IFP/DIALOGUE establishes an enabling environment for other ILO programmes.

The follow-up to the Resolution concerning Tripartism and Social Dialogue (ILC 90th session, June 2002) was a responsibility undertaken by Sector 4 as a whole, and indeed by the entire Office, but was also embraced by IFP/DIALOGUE. The programme has played an important role in the follow-up of the Resolution through practical activities. The close collaboration of ACTRAV, ACT/EMP and IFP/DIALOGUE is required to make the Resolution meaningful.

As Decent Work Country Programmes are rolled out, IFP/DIALOGUE will have an increasingly important role to play, as tripartism and social dialogue are an integral part of country programmes

7.2 Coherence between strategic components of the programme

Blurred profile

The creation of IFP/DIALOGUE has strengthened the recognition of the term and concept of social dialogue; it improved services to constituents and sharpened ILO's profile.

At the same time the creation of the IFP has created some confusion over the labelling and structure of the sector and the programme, which has been compared to a "Russian doll": Inside the Social Dialogue Sector there is the IFP (now department) on Social Dialogue within which there is a Social Dialogue technical team. This ambiguous labelling has been confusing for constituents and even ILO staff and has blurred the profile of IFP/DIALOGUE.

Among constituents and also within the Office there is some confusion about the difference between social dialogue and tripartism. There exists more certainty about tripartism, collective bargaining and industrial relations, and workers' and employers' organizations tend to be more comfortable with these concepts than the terminology of social dialogue.

No clear entry point for governments

IFP/DIALOGUE's original mandate was a wider promotion of tripartism and social dialogue, including strengthening social partners.

While the integration of GLLAD into IFP/DIALOGUE was sensible, as it released synergies and enhanced delivery of the strategy it also led to a dual mandate. Prior to merging, GLLAD stood in relation to governments in the same way as ACTRAV stands to workers' organizations and ACT/EMP stands to employers' organizations. It was not called "ACTGOV", but was conceived to function in much the same way.

While there is no contradiction between these two mandates, a consequence of the merger was that the profile and structure to outsiders became more blurred and there was no obvious "entry point" for governments. This would not be necessary for technical issues such as, say HIV/AIDS, where ministries would be able to contact the appropriate unit directly if necessary, but is for those issues that relate to their own capacity and functions – labour law, labour administration and inspection, tripartite and social dialogue institutions.

On the positive side the combination of the three technical areas favoured a more comprehensive approach and better, integrated services to member States on issues related to the governance of labour. IFP/DIALOGUE makes efficient use of thematic inter-linkages and synergies between its three areas of work.

Overlap with mandates of ACTRAV and ACT/EMP

There are many areas of overlap between IFP/DIALOGUE, ACTRAV and ACT/EMP, such as strengthening collective bargaining and its institutions, promoting tripartism and strengthening social partners. Drawing boundaries between the respective mandates and activities has not been easy despite regular activities to ensure coordination.

Because IFP/DIALOGUE shares some objectives with ACTRAV and ACT/EMP there have sometimes been difficulties in drawing the boundaries between the respective mandates and activities of IFP/DIALOGUE and the two Bureaux. This need not be more than a minor irritant, and ways to avoid the difficulties can be found.

However, ACTRAV and ACT/EMP have some reservations that promoting social dialogue and tripartism is the core mandate of IFP/DIALOGUE. They believe that this should be a joint endeavour and would like to have a more explicit and prominent role. There appears to be a need for a more explicit delineation of responsibilities and closer coordination between the three units, possibly framed in a formal cooperation agreement. The integration of SECTOR does provide an opportunity for a re-examination of the coordination needed between what will now be three departments.

However, at individual level, there are various instances of good cross-unit collaboration between staff. The survey of workers', employers' and dialogue field specialists showed that overlap of areas of work is not seen as a problem, and cooperation among field specialists is in general regular and productive.

7.3 Promotion of ILO Conventions: support for labour law as a complement to the supervisory machinery

Supporting the promotion and application of all ILO standards

IFP/DIALOGUE fulfils a crucially important role in the promotion of all ILO Conventions and Recommendations. By promoting C 144, IFP/DIALOGUE supports the establishment of tripartite councils for tripartite consultations on international labour standards.

Technical advice on labour law is closely linked to the promotion of ILO Conventions and Recommendations and is thus besides the supervisory machinery ILO's main tool to promote the application of international labour standards. Whereas NORMES supports the

ILO's supervisory bodies in monitoring compliance with ratified Conventions and taking action when compliance is violated, IFP/DIALOGUE has taken on a promotional and technical advisory role. It provides positive incentives and advises member States at their request on how to adjust their labour law to be in accordance with international labour standards and international good practices. The two departments are therefore complementary in a "carrot and stick" sense.

IFP/DIALOGUE tries to ensure that laws not only conform to international labour standards but that laws are workable and enjoy as much support as possible. IFP/DIALOGUE does not only promote ratification, but the effective implementation of these instruments.

IFP/DIALOGUE and NORMES collaborate closely. Each time the compatibility of a certain legal provision with ILO Conventions is in question, the technical specialists of the NORMES department are asked for their expertise. According to headquarters officials from both departments this division of tasks between the two units seems to basically function well. Collaboration between international labour standards and social dialogue technical specialists in the field was also reported to be intensive and productive.¹⁴

Promoting the ratification and application of Conventions on social dialogue and labour administration

IFP/DIALOGUE has had lead responsibility for the promotion of Conventions C 144, C 150 and C 154. It shares responsibility with DECLARATION to promote Conventions 87 and 98 because freedom of association and the right to collective bargaining are the *conditio sine qua non* for social dialogue. In addition, IFP/DIALOGUE promotes the ratification and implementation of a number of sectoral Conventions in its technical field, including C 151.

Ratifications of the key Conventions have risen since the inception of IFP/DIALOGUE, which can partly be linked to the promotional effort (see table 1). For example, interviewed representatives of the Senegalese government declared that the support received from the PRODIAF project had been a factor in Senegal's ratification of C 144 in 2004. Many TC projects have directly related to promoting C 87 and C 98. Ratifications of Conventions 150 and 154, which are not given comparable resources for promotion, are still quite low.

¹⁴ The survey of field specialists reporting to IFP/DIALOGUE revealed that in SROs with ILS specialists DIALOGUE specialists cooperate with them on average in half of all their areas of work. The cooperation usually consisted of regular exchange and coordination of approaches and workplans. Cooperation in work related to promotion of the ratification and advice for implementation of Conventions collaboration was especially intense including instances of sharing of resources and responsibilities.

Table 1: Ratification levels of relevant ILO Conventions before and after 2000
(i.e. before and after IFP/DIALOGUE operations)

ILO Convention and year in which it was passed	Ratifications until January 2000	Total ratifications in share of member States (175) in January 2000	Ratifications until July 2005	Total ratifications in share of member States (178) in July 2005
Conv. 87 (1948)	126	72 %	144	81 %
Conv. 98 (1949)	144	82 %	154	87 %
Conv. 144 (1976)	93	53 %	115	65 %
Conv. 150 (1978)	46	26 %	64	36 %
Conv. 154 (1981)	30	17 %	37	21 %

Source: ILOLEX database

7.4 Labour inspection as a core component of labour administration

Prior to 1999, labour administration and labour inspection operated within one envelope, ADMITRA. Since then, labour inspection has been an integral component of ILO's InFocus Programme on Safety and Health at Work and the Environment (SAFEWORK).

During interviews, doubts were raised of the effectiveness of this approach in providing a well-rounded support for labour inspection and labour administration that can answer constituents' needs and demands. Ministries of labour are not aware of and do not understand this separation within the ILO. Labour inspectorates carry out many other functions in addition to safety and health. Depending on the particular jurisdiction, these may include aspects of the employment relationship, wages, child labour, equality and dispute resolution, to name a few. The ILO has been promoting the concept of an integrated inspectorate, with one workplace, one inspector. However, current ILO activities on labour inspection are very much focused on occupational safety and health (OSH); other aspects of labour inspection remain insufficiently addressed – despite the strong need and demand of constituents for a more integrated approach to labour inspection.

The collaboration between IFP/DIALOGUE and SAFEWORK on labour inspection has not been easy and efficient. The main reason is the different perceptions of the issue. IFP/DIALOGUE sees labour inspection in the broader context of labour administration and labour relations whereas SAFEWORK considers it mainly to be related to (monitoring) occupational safety and health.

There is no clear capacity and responsibility for labour inspection in the context of labour administration and labour relations. Although IFP/DIALOGUE has the technical expertise, it currently has neither a mandate nor adequate resources to address the demand.

Labour inspection is a key area for ministries of labour and a frequent entry point for governments to seek ILO's advice on a broader range of labour administration and labour relations issues. ILO officials supporting social dialogue in headquarters and the field¹⁵ therefore indicated that the separation of labour inspection from labour administration

¹⁵ Field technical specialists were asked through a survey, 6 replied. For both statements "Constituents' demands in the area of labour inspection can be answered satisfactorily." and "Collaboration with SAFEWORK in the area of labour inspection is satisfactory." the average reply value was 2.5 with 4 being "strongly agree" and 1 being "strongly disagree".

constitutes a real constraint in providing advisory services to national constituents. One field specialist commented: “Labour inspection is an essential element of labour administration and should be re-integrated into the system of labour administration. This is the way this service is organised in member States within this subregion.”

Public employment services were also separated from labour administration, but this has not been a difficulty in the same way. It is an important element of labour administration, although it is not a key entry point for advice. As reported, collaboration with IFP/SKILLS has also been fairly good.

7.5 Mainstreaming social dialogue and tripartism into other ILO programmes

Social dialogue and tripartism are conceptually integrated into all ILO’s technical programmes. Two examples worth noting:

- The Global Employment Agenda has recognized that social dialogue is an “overarching value”.
- The report *Social Security - a new consensus*, which brings together the report and discussion from the 89th session of the ILC in 2001, recognises that strengthening and expanding social dialogue is central to extending social security to workers in the informal economy.

Some technical programmes within the Office have successfully mainstreamed social dialogue and tripartism in all aspects of their work and have a long tradition of doing so. ILO/AIDS, for example, has promoted and used tripartism and social dialogue as part of the response to the pandemic that threatens us all. ILO’s programme on crisis response uses social dialogue as a key instrument for consensus building and reconstruction after economic or natural crises. The ILO’s Sectoral Activities programme has always worked in a tripartite way. Because its focus has been global tripartite meetings, it is accustomed to working with all constituents and arriving at a consensus.

The *Thematic review* for the follow-up of the 2002 Resolution, however, highlighted that not all technical sectors have fully implemented tripartism and social dialogue in their operations and that not all staff, especially externally recruited CTAs, have a full understanding of tripartism. What can be called the corporate culture of tripartism and social dialogue is weaker among certain parts of the Office than others. Mechanisms for transmitting the culture of tripartism to new officials have not been developed. These findings can be confirmed by interviews the evaluation team conducted with officials of various departments at headquarters. For ILO officials of some technical areas social dialogue appeared to be an abstract concept rather than a practical tool they systematically employ in the implementation of their technical work. On the other hand, there are also some excellent examples of mainstreaming social dialogue into technical work, even where there has been no organised link with IFP/DIALOGUE.

IFP/DIALOGUE has been successful in working with some parts of the ILO, in mainstreaming social dialogue and tripartism. Together with the ED/DIALOGUE it has produced guidance and provided assistance to other units by request.

On the other hand, the term “mainstreaming” is frequently used without there being adequate appreciation that it is a two-way process. Social dialogue and tripartism do not occur in a vacuum but deal with concrete issues, such as, for instance, employment promotion, working conditions or vocational training. Here, other units can provide

technical inputs to the institutions that IFP/DIALOGUE and indeed, ACTRAV and ACT/EMP seek to establish and animate.

This two-way exchange seems to work fairly well among SRO field specialists as a survey revealed. There are also instances of close cooperation between social dialogue TC projects and TC projects of other technical areas but cooperation always depended on personal relations among the individuals.

The wider implementation of decent work country programmes (DWCPs) will be an opportunity to further mainstream social dialogue at country level and foster an integrated approach to tripartism. One reason is that DWCPs are being designed in close consultation with tripartite partners and another is that DWCPs as a results-based management tool at country level will allow to better track the contribution of ILO activities at country level to ILO strategic objectives and mainstreamed strategies, including strategic objective No. 4 and the future mainstreamed strategy No. 5 of the P&B 2006-07.

7.6 Conclusions and recommendations

Conclusions

Organizational structure within Sector 4

The current organizational structure and labelling of Sector 4 and the programme has caused some confusion among constituents and blurred the profile of IFP/DIALOGUE. A clear counterpart or entry point is desirable for ministries of labour, analogous to ACTRAV and ACT/EMP for workers' and employers' organisations.

Many areas of overlap between IFP/DIALOGUE, ACTRAV and ACT/EMP have existed, such as strengthening collective bargaining and its institutions, promoting tripartism and strengthening social partners. The delineation of responsibilities for these areas and the coordination between these three departments within Sector 4 need to be reexamined. Nonetheless, at individual level, there are various instances of good cross-unit collaboration between staff, including field specialists.

Mainstreaming social dialogue within the ILO

Social Dialogue and tripartism are in the DNA of the ILO. While everybody is aware of the necessity of tripartism and social dialogue not all officials and units have found ways to incorporate and implement them in their operations. Not all staff, especially externally recruited project staff, have a full understanding of tripartism. Mechanisms for transmitting the culture of tripartism and social dialogue to new officials and workable performance indicators for mainstreaming social dialogue need to be developed.

Complementarity with supervisory mechanism for international labour standards

IFP/DIALOGUE's programme on labour law, including comparative research and advice to constituents, supports the application and implementation of all ILO Conventions and is a strategically important element of promoting Conventions and Recommendations. It is complementary to the supervisory machinery in a "carrot and stick" sense.

Labour administration and labour inspection

Separating labour inspection from labour administration weakened the ILO's capacity to provide a comprehensive and integrated service to constituents on both labour inspection and labour administration. Ministries of labour and other clients do not understand the

separation because labour inspection is an integral part of national labour administrations. Labour inspection is also a major entry point for work on labour administration.

Due to different perceptions of the issue, the collaboration between IFP/DIALOGUE and SAFEWORK on labour inspection has not been easy and efficient. Current approaches on labour inspection are very much focused on occupational safety and health; other aspects of labour inspection are insufficiently addressed. There is no clear capacity and responsibility for labour inspection in the context of labour administration and labour relations.

Recommendations

- The senior management of the Social Dialogue Sector should review the structure and labelling of the units and areas of work within IFP/DIALOGUE to assist constituents to better understand their functions. IFP/DIALOGUE should create a clear entry point for ministries of labour and other government agencies. Consideration should be given to improved mechanisms for collaboration between IFP/DIALOGUE and ACTRAV and ACT/EMP.
- More effort should be made to promote the culture of tripartism and social dialogue within and outside the Office. IFP/DIALOGUE, in cooperation with ACTRAV and ACT/EMP, should set out internal indicators with a view to promoting tripartism and social dialogue. For the next biennium, Sector 4 should identify and work more closely with a number of other units, programme and projects within the Office, including Decent Work Country Programmes.
- The ILO senior management should examine how to improve ILO's services to constituents on labour inspection. The Office should re-establish a clear capacity and responsibility for labour inspection as an integral part of labour administration.

8 Effectiveness of Programme Management

8.1 Resource management and budget adequacy

Over the past six years, the ILO has devoted resources in the range of US\$ 85 million to promoting social dialogue, labour law and labour administration. Of this sum, roughly one third has come through regular budget resources, with the rest being programmed through extra-budgetary projects.

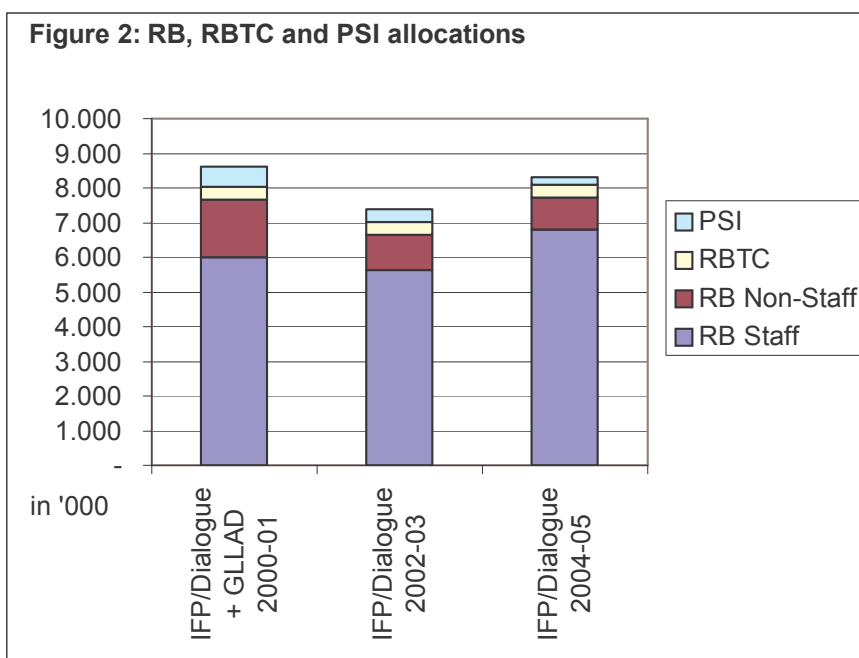
As discussed in earlier sections, the programme has carried a broad mandate and juggled a complex and diverse portfolio of technical work. Despite these challenges, it has delivered the programme effectively.

Regular budget resource levels of IFP/DIALOGUE have been fairly constant over the past six years, constituting approximately 18% of the sector's resources. The programme has also used RBTC and PSI as a share of total resources, as indicated in Figure 2 below.

Table 2: Resource allocations in '000 US\$

Org. unit	Biennium	RB		RBTC	PSI	Total
		Staff	Non-Staff			
IFP/DIALOGUE	2000-01	3,328	695	342	0	4,364
GLLAD	2000-01	2,673	981	0	604	4,258
IFP/DIALOGUE	2002-03	5,636	1,005	364	387	7,391
IFP/DIALOGUE	2004-05	6,812	922	363	201	8,298

Source: Figures provided by BUDGET



Staff resources and management

IFP/DIALOGUE was originally staffed with 8 professional and 6 general service staff and had a total regular budget allocation of US\$ 4.7 million¹⁶. The merger of IFP/DIALOGUE and GLLAD brought a nearly 80% increase in its regular budget resources and 70% increase in its number of staff. For the current biennium IFP/DIALOGUE has had 16 professional staff¹⁷ and 8 support staff in headquarters (see table 3).

Table 3: Staff allocations per biennium in w/y

From both RB and PSI funds*

Org. unit	Biennium	P	GS	Total
IFP/DIALOGUE	2000-01	16	12	28
GLLAD	2000-01	17	8	25
IFP/DIALOGUE	2002-03	34	15	49
IFP/DIALOGUE	2004-05	32	15	47

*PSI financed: in 2000-01: 3¼ P w/y for GLLAD; in 2002-03: ½ P w/y for IFP/DIALOGUE.

Source: Figures provided by BUDGET

The distribution of staff across the three technical areas of IFP/DIALOGUE is fairly balanced. The merger of IFP/DIALOGUE and GLLAD nominally increased the number of technical experts in the thematic area of labour law and labour administration from six professional staff (without the director) to the current composition of four labour administration, five labour law and four social dialogue specialists – apart from the director and deputy director.

IFP/DIALOGUE is organized in a matrix structure with regional teams as one dimension and the three technical areas – labour law, labour administration and social dialogue – as the other. The technical teams, including field staff, are responsible for ensuring consistency and quality in policy advice and technical standards in the three technical areas.

The evidence received from interviews suggests that this arrangement has proved effective and efficient. There is close teamwork among the specialists. Some interviewed professional staff, however, perceived the separation between the three technical areas as somewhat artificial, although from a management perspective, this made the programme very operational. Language skills and regional expertise cannot be as easily traded as technical expertise. Specialists regularly work on all three areas when dealing with their region. Some therefore suggested that it would be preferable to opt for more versatile staff profiles that can cover all technical areas, especially when recruiting new staff.

Extra-budgetary resources

IFP/DIALOGUE's programme delivery has depended heavily on extra-budgetary resources. For the current and last biennium expenditure of extra-budgetary resources for promoting social dialogue, labour law and labour administration has been in the range of US\$ 16 million. Only a small share of these resources has been under the direct control of

¹⁶ Including staff, non-staff and RBTC resources.

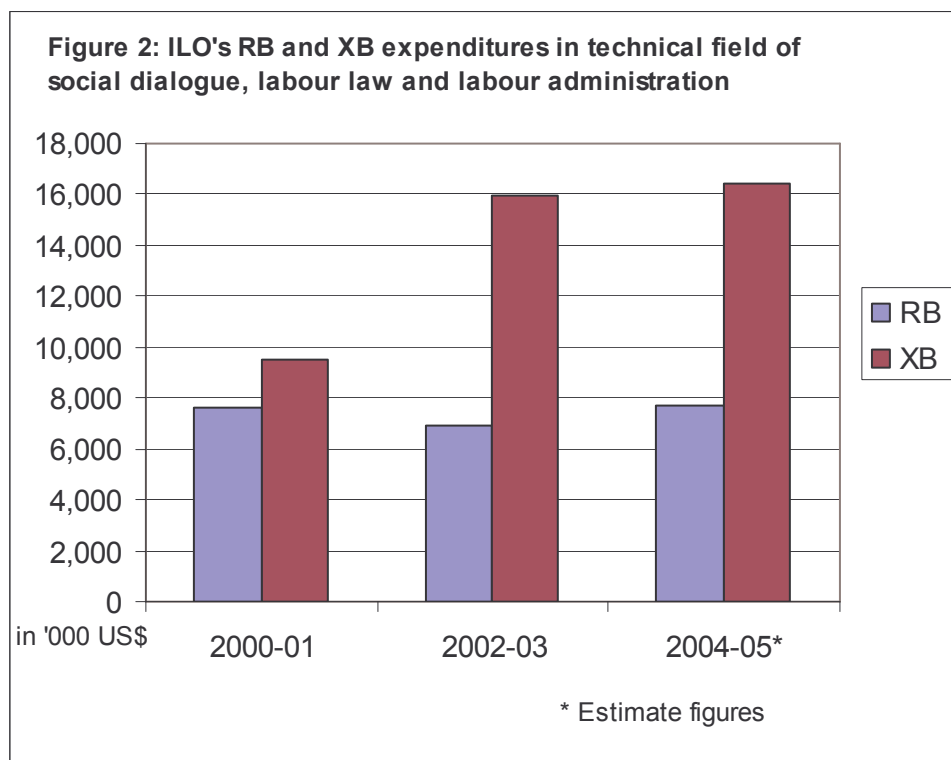
¹⁷ One of these positions is dedicated to providing support to the International Industrial Relations Association.

IFP/DIALOGUE, as nearly all projects were administratively decentralized. However, the programme has been responsible for technical coordination and support to these projects.

There was a sharp increase of extra-budgetary resources in 2001 and 2002, but the levels allocated have since been fairly stable. Since 2001, the ILO's extra budgetary resources for promoting social dialogue and tripartism have made up between 6% and 7% of the Office's extra-budgetary allocations, which is a fairly high share compared with most other programming areas.

Nearly half (49%) of these extra-budgetary resources have been mobilized by DECLARATION, with this share being fairly constant over the past years. Roughly three quarters of all of ILO's TC projects in the area of promoting freedom of association and collective bargaining, which were mobilized and designed by DECLARATION, are implemented together with IFP/DIALOGUE. While DECLARATION assists the field in the administrative backstopping, IFP/DIALOGUE, that disposes of the necessary technical expertise, does the technical backstopping of the projects.

The United States Department of Labour has been the ILO's major donor in the technical field of social dialogue, labour law and labour administration. Additional support has come from Belgium, Italy, Switzerland, Norway, Spain, the UK, the Netherlands, France, Canada, Portugal, the European Commission and UNDP.



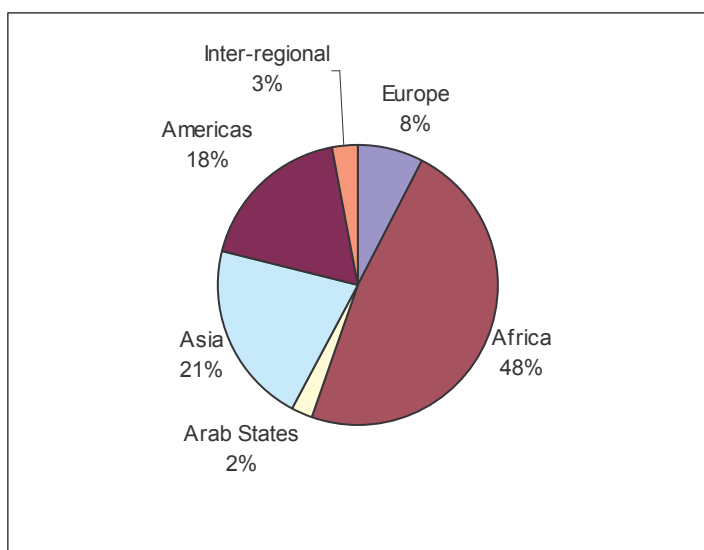
Source: RB figures provided by BUDGET; XB figures from CODEV's annual TC performance reports

Wide regional outreach

IFP/DIALOGUE has a wide regional outreach. Through extra-budgetary TC projects in the technical area of social dialogue, labour law and labour administration the ILO has reached 72 countries over the past five years. Many additional countries have received support from the SRO or headquarters technical specialists. Regional emphasis of TC activities has

been placed on Africa: 39 African countries received 48% of all TC funds from 2000 to 2005 (see figure 3).

Figure 3: Regional distribution of XB funded TC projects in the technical area of social dialogue, labour law and labour administration 2000-2005



TC projects are an important element of IFP/DIALOGUE national level strategies but not the only one. Technical specialists at SROs and headquarters play an equally important role. They provide technical and political advice at request and are especially important for countries with little or no TC activities. In Europe and Central Asia, for example, advice from SRO and headquarters technical specialists was the main means of action. Only four countries in this region benefited from extra-budgetary funded TC activities (8% of all IFP/DIALOGUE's TC funds), but the ILO has provided assistance to nearly all member States in this region, most of which was on social dialogue and labour law.

Part of IFP/DIALOGUE's strategy is to encourage and facilitate regional exchange and cross-country learning. Nearly half of all TC projects therefore cover two or more countries.

Project backstopping

About 80% of all TC projects are decentralized to the regions. All evidence suggests that IFP/DIALOGUE assures a sound technical backstopping of projects. The interviewed CTAs of decentralized projects were highly satisfied with the technical support received by regional specialists and specialists in headquarters. Surveyed regional specialists confirmed that communication with CTAs was good and with headquarters specialists very good.

In order to limit the financial burden on regular budget funds IFP/DIALOGUE employs a mode by which TC projects pay for technical advisory missions by headquarters specialists out of their projects funds. This has proven a good practice, and IFP/DIALOGUE officials also see the guaranteed technical backstopping of projects by headquarters an asset for resource mobilization.

The collaboration between IFP/DIALOGUE and DECLARATION in the implementation of projects is unproblematic and efficient though essentially informal. Personal contacts between responsible desk officers at headquarters are reported to be excellent, and major decisions are taken jointly. CTAs report regularly to both DECLARATION and IFP/DIALOGUE, though the CTAs' interaction with DECLARATION at headquarters

varies by project. In the case of the *Better Factories Cambodia* project the CTA and IFP/DIALOGUE officials collaborated closely with the DECLARATION communications officer in devising the project's communication strategy.

Resource outlook

There is some concern within the Social Dialogue Sector whether the level of extra-budgetary resources can be maintained. Many TC projects end in 2005, with a considerable drop in resources expected from within the DECLARATION extra-budgetary portfolio.

IFP/DIALOGUE staff is working to mobilize new funds, in particular from the European Commission. However, as already discussed, generating extra-budgetary resources in the areas of industrial relations and labour law has less appeal to donors than, say, fundamental principles and rights at work.

There are no apparent bottlenecks in delivery of TC projects. From 2001 onwards, the delivery rate has been between 65% and 73%, which follows the average trend of the Office.

8.2 Governance and management

The results-based performance management

As was shown in section 3.3, most of the planned performance targets for the respective biennia were achieved and many even over-achieved. Only gender targets were generally underachieved.

The chosen P&B indicators have been generally appropriate. The creation of specific, measurable and realistic P&B indicators has been a challenge, particularly in defining and measuring qualitative change. Sector 4 has progressed well in developing meaningful indicators. The P&B indicators are all at the level of outcome. All indicators measure if and to what extent ILO instruments and advice are being used by the specified partners (member States, constituents or international organisations). Targets project the expected number of specified partners that will have ratified Conventions, adopted ILO advice, created institutions, used tripartite practices etc.

Gender-specific indicators and targets have been incorporated throughout all biennia. Regular adjustments of the wording of indicators and the values of targets from one biennium to the next have taken place to improve substance and better reflect reality. For example indicator 4b.2 of the P&B 2000-01¹⁸ was split into two indicators 4b.1 and 4b.2 for the following biennium to include the participation of social partners as another quality.¹⁹

With efforts to better measure qualitative change, some indicators, especially in the P&B of the present and upcoming biennia, are somewhat unspecific. For example, indicator 4b.5 on stronger labour administrations in the P&B 2004-2005:

Member States that strengthen labour administrations in their policy-making capacity, their responsibility for the implementation of decent work policies and their enforcement of labour law.

¹⁸ 4b2: "Member States that adopt policies and implement, ratify or take formal steps towards the ratification of ILO Conventions addressing the institutions or practice of social dialogue".

¹⁹ 4b.1: "Member States that ratify ILO Conventions addressing the institutions or practice of social dialogue", 4b.2: "Member States that adopt legislation based on ILO standards and advice, with the involvement of the social partners".

and its targets:

- (i) 5 member States modernize their labour ministries;
- (ii) 5 member States upgrade the skills of officials in labour administrations;
- (iii) 5 member States ratify Convention No. 150.

raises the question how and by which criteria the upgrading of skills or the modernization of ministries are going to be measured. The indicator requires own indicators. However, this problem can be overcome if IFP/DIALOGUE defines these somewhat unspecific indicators by country or region and tracks progress specific to countries. IFP/DIALOGUE generally seems to do this.

This being said, the overall quality of indicators and targets is good.

P&B targets are being planned by the regional teams, who define the countries for which progress is expected. The technical teams are then responsible for implementation and progress reporting. The many country studies carried out in the context especially of TC projects help establish the baseline conditions. Further development of social dialogue indicators could help to better measure progress in social dialogue at national level.

Work planning and managing for results

The management of IFP/DIALOGUE has been very focussed on results. At the beginning of each biennium a workplan for the entire unit is prepared, broken down to specific areas of work that individual staff are responsible for. The regional teams meet monthly to ensure that the workplan is being implemented and discuss progress, priorities and obstacles. In addition the technical teams meet quarterly to address issues specific to the work in technical areas. The teams report at the monthly meetings of all IFP/DIALOGUE staff. Implementation management is thus basically done by the teams, which seems to work very well. All interviewed staff confirmed a good and efficient teamwork.

The management of IFP/DIALOGUE has individual meetings with each P staff to review performance and give feedback. At the end of each biennium a meeting with all field specialists is being organized.

Four times a year the IFP/DIALOGUE team meets to review the delivery, progress and lessons learned of the TC projects in its portfolio. The deputy director of IFP/DIALOGUE said that major lessons learned also from project reviews and evaluations are captured and stored electronically, which is a good practice. The evaluation team, however, did not review the data captured.

Collaboration management

IFP/DIALOGUE has sought and made effective use of collaboration with practically all units where there was a thematic overlap. Notwithstanding, just like the collaboration with DECLARATION, collaborations are essentially informal. The evaluation team did not become aware of any formal collaboration agreement or memorandum of understanding between two units. The following table summarizes the collaboration relations with other units (in alphabetical order).

Table 4: Overview of internal collaborations of IFP/DIALOGUE

ILO unit	Content	Form of collaboration	Perception by units
ACTRAV and ACT/EMP	Capacity building of workers' and employers' organisations, collective bargaining, tripartite institutions, mainstreaming of social dialogue	Close cooperation, especially between field specialists.	Collaboration in field seen as excellent, in headquarters some qualifications by the two Bureaux, who wish to be involved more closely in matters concerning collective bargaining and promotion/ mainstreaming of social dialogue.
DECLARATION	Promotion of C 87 and C 98	Intense but informal collaboration. Joint implementation of TC projects. DECLARATION does administrative backstopping and IFP/DIALOGUE the technical backstopping of these projects.	Collaboration perceived as excellent by both sides.
GENDER	Advancing gender equality	Exchange but not much cross-unit collaboration. IFP/DIALOGUE has explicit gender strategy and gender indicators, it participated in first gender audit in 2001.	Both units said that contact is good but could work more closely together.
Institute	Research on industrial relations	Loose coordination, exchange of information, Institute informs IFP/DIALOGUE about its research agenda.	Collaboration seen as basically good but not very intensive.
INTEGRATION/ NPG	Promoting social dialogue in elaboration of PRSPs	Joint technical backstopping and implementation of global TC pilot projects on PRSPs.	Collaboration perceived as excellent by both sides.
INTEGRATION/ STAT	Development of social dialogue indicators	STAT drives work on social dialogue indicators but coordinates closely with IFP/DIALOGUE.	Collaboration as such seen as efficient but no universally accepted indicators yet.
MULTI	Corporate social responsibility	Some exchange of information, little coordination.	Both sides aware that more can be done.

ILO unit	Content	Form of collaboration	Perception by units
NORMES	Promotion of ILO Conventions	Division of labour: NORMES controls compliance, IFP/DIALOGUE assists member States in application and implementation. Coordinated advice to member States in labour law and labour administration in matters related to Conventions.	Collaboration basically perceived as good by both sides with some minor reservations by NORMES.
SAFEWORK	Labour inspection	Cooperation in advice to member States in labour administration matters related to labour inspection.	Collaboration on single issues seen as satisfactory but IFP/DIALOGUE sees separation of labour inspection from labour administration as strategically unwise.
SECTOR	Sectoral level collective bargaining, promotion of related Conventions	Regular coordination. Technical labour law advice to member States by IFP/DIALOGUE on sectoral Conventions.	Collaboration seen as good.
TRAVAIL	Working and employment conditions	Exchange and coordination. Technical inputs by TRAVAIL for IFP/DIALOGUE projects and advice to member States.	Collaboration seen as good.
ITC TURIN	Capacity building of constituents	Close cooperation, coordination of workplans.	Collaboration seen as excellent by both sides. The absolute number of participants in social dialogue related trainings and their share of all ILO participants has steadily increased over recent years. ²⁰

In addition, IFP/DIALOGUE has advised and assisted other ILO technical departments on how to mainstream tripartism and social dialogue into their approaches. Interviewed staff from technical units was satisfied with the assistance received.

Field capacities

Interviewed technical specialists at headquarters and SROs observe an increasing demand for technical advice from member States, especially from ministries of labour and government agencies in the area of labour law and labour administration. Part of the increasing demand is a consequence of technical cooperation activities. Most of the support to member States in the area of labour law and labour administration is delivered

²⁰ The rate was 7.1% in 2003. The number of participants in ITC TURIN trainings for Sector 4 (social dialogue, workers' and employers' activities) has even doubled from 2000 to 2003, and their share has steadily increased from 12% to 18% of total participants.

by SRO or headquarters technical specialists. Only approximately 25%, in terms of number and budget allocated, of all TC projects over the past five years were on the subject area of labour law or labour administration as opposed to 75% on social dialogue/ industrial relations.

There are 10.5 regional specialists in the technical field of IFP/DIALOGUE; related technical fields have an even stronger presence: There are 15 specialists each for workers' and for employers' activities and 14.5 for international labour standards. The distribution of IFP/DIALOGUE field specialists to the three technical fields is as follows (one specialist can cover one or two technical areas): social dialogue/labour relations 8, labour administration 7, labour law 3 (see table 5). This shows a rather low field presence of labour law specialists.

Table 5: Field technical specialists by subregion and area of expertise

Subregion	Title
SRO Lima	Labour Law & Labour Administration
SRO Budapest	Social Dialogue
SRO Manila	Labour Relations & Labour Administration
SRO Port-of-Spain	Labour Relations & Labour Administration
SRO Cairo*	Labour Law (& International Labour Standards)
SRO Moscow	Social Dialogue
SRO Bangkok	Social Dialogue
SRO Harare	Social Dialogue & Labour Administration
SRO San José	Labour Law & Labour Administration
SRO New Delhi	Social Dialogue & Labour Administration
SRO Addis Ababa	Social Dialogue & Labour Administration

* Combined international labour standards/ labour law specialist shared 50%-50% with NORMES.

Technical specialists at headquarters expressed concerns about Office limitations of capacity. These concerns were also echoed in the field. Although the Office still copes with demand, current programme capacities do not allow for programme expansion. There is concern that the current workload in dealing with demands for direct support of national constituents and technical backstopping of technical cooperation projects has been to the detriment of reflection, research and comparative labour law activities, which constitute the foundation of ILO's advice.

More technical specialists with expertise in labour law would likely filter some of the demand at SRO level and could thus partly disburden headquarters staff. However, an improved field presence in labour law should be considered only as long as headquarters staff capacity in labour law can be maintained. Headquarters staff are needed to ensure quality and a coherent ILO response on labour law issues.

One solution, which is also supported by some SROs, is to provide training to field specialists to enable them to cover all three technical areas: social dialogue, labour law and labour administration, and also international labour standards in SROs without an international labour standards specialist.

Another solution would be to have additional shared international labour standards/ labour law field specialists positions. There was a very strong and consistent agreement by all surveyed field specialists reporting to IFP/DIALOGUE to the statement that international

labour standards and labour law is a good thematic fit and that having more shared labour law/international labour standards field specialists would be a good idea.

The need for social dialogue specialists seems less urgent. First, their field presence is already quite high. Second, most technical cooperation projects are in this area and can cover much of the demand of member States in this field. This of course applies only to subregions that have TC projects with a CTA; in South Eastern Europe, for example, the social dialogue field specialist does most of the technical work in member States in the region. Third and finally, workers' and employers' specialists can also cover large parts of work in this technical area. They have much competency in promoting tripartism and strengthening institutions and mechanisms of social dialogue and already work much on these areas as was confirmed by the survey of surveyed workers' and employers' specialists. With little extra support by IFP/DIALOGUE they could jointly provide much of the support to all constituents – including governments.

8.3 Conclusions and recommendations

Conclusions

Resource management and sustainability of extra-budgetary resources

IFP/DIALOGUE managed both its regular budget and its extra-budgetary resources effectively, and resources have been adequate to address programme priorities and anchor core capacities.

The programme delivery depends to a large extent on extra-budgetary funds. The partnership with DECLARATION has been an important factor for generating extra-budgetary resources. However, with the likely downturn in extra-budgetary funds through the DECLARATION programme, other strategies are needed. The current high dependency raises concern that the level of activities in face of growing demand and expectations will not be sustainable.

Collaboration management

IFP/DIALOGUE has collaborated effectively with other ILO programmes and units where there have been thematic overlaps. There are many examples of good practice in collaboration. Still, there is potential for more systematic harvesting of the benefits of working together. Collaboration with some units, such as the Institute, MULTI, GENDER and SAFEWORK can be further improved.

Field capacities

The presence of field specialists with expertise in labour law is rather low. At the same time, there is a concern for programme capacities in dealing with rising demands for advice from member States, many of which are dealt with at headquarters. An improved field presence in labour law would likely alleviate some of the constraints at headquarters, however, this option should be considered only as long as a core headquarters staff capacity can be maintained.

Results-based performance management

Management arrangements have been appropriate and approaches innovative, assuring results-orientation and accountability.

IFP/DIALOGUE plans and reports results through indicators under the matching operational objectives within strategic objective 4. Most of the planned performance targets for the respective biennia were achieved and many even over-achieved. Only gender targets were underachieved.

The quality of P&B indicators is generally good. Somewhat unspecific indicators that require indicators themselves need definitions by country or region.

Monitoring of implementation and progress reporting is conducted through regular meetings of technical and regional teams within the unit. This team-based monitoring approach has turned out to be efficient and effective.

Recommendations

- IFP/DIALOGUE should intensify efforts to mobilize more extra-budgetary resources to assure sustainability of funding on its own. In addition to collaboration with DECLARATION, the programme should explore new possibilities of funding. Strategic alliances with donors at national level can also be a way to mobilize funds locally.
- The internal management arrangements practiced in IFP/DIALOGUE, which are team-based and results-focused, are an example of good practice that could be disseminated within the Office.
- Within existing resource levels, management should review the balance between field and headquarters specialists in labour law, labour administration and social dialogue to ensure that demands from member States will be met, particularly in the area of labour law. This should also include consideration of additional shared labour law/international labour standards specialist positions in the field.

Annex

Terms of reference

Evaluation of the InFocus Programme on Social Dialogue, Labour Law and Labour Administration (IFP/DIALOGUE)

Introduction

1. The ILO is carrying out an evaluation of the InFocus Programme on Social Dialogue, Labour Law and Labour Administration (IFP/DIALOGUE²¹). The evaluation is one of eight InFocus evaluations mandated by the Governing Body. The evaluation will be submitted to the Programme and Finance Committee of the Governing Body in November 2005.

2. The terms of reference have been prepared in line with the ILO's evaluation framework, endorsed by the Governing Body in November 2002 (GB.285/PFA/10). In accordance with ILO guidelines for independence, credibility and transparency, responsibility for the evaluation will be based in the Evaluation Unit. The evaluation team will be composed of one senior external consultant and two ILO independent evaluators without prior links to IFP/DIALOGUE.

3. The evaluation will be participatory. Consultations with member States, international and national representatives of trade union and employers' organizations, ILO staff at headquarters and in the field, UN partners, and other stakeholders will be done through interviews, meetings, focus groups, and electronic communication. An evaluation network mailing list for distribution of documents and messages as well as a dedicated electronic mailbox for the evaluation for stakeholder comment and input will be established.²² Final versions of all evaluation documents will be the responsibility of the evaluation team.

Background on IFP/DIALOGUE

History and organizational approach

4. IFP/DIALOGUE was established in 1999 as part of a major reorganization of the ILO that introduced four main sectors and eight in-focus programmes. IFP/DIALOGUE is placed in the Social Dialogue sector that also comprises the units for Employers' Activities (ACT/EMP), Workers' Activities (ACTRAV) and Sectoral Activities (SECTOR).

5. IFP/DIALOGUE was part of a restructuring of work previously falling under the Department RELPROF (professional relations) that comprised the two services LEGREL (labour law) and ADMITRA (labour administration). In addition to the creation of IFP/DIALOGUE, a separate unit called GLLAD (Government, Labour Law and Labour

²¹ IFP/DIALOGUE changed its name in November 2004 to DIALOGUE. All other structures remained the same.

²² The evaluation team and secretariat can be reached at the following contact points: eval_dialogue@ilo.org; telephone (022) 799-7055; fax: (022) 799 8515.

Administration) was formed after the dismantling of RELPROF. In 2002, these two were merged into the single programme. Since this time, IFP/DIALOGUE has been responsible for coordinating ILO's work in strengthening the institutions and processes of social dialogue, as well as anchoring the ILO's technical support in the areas of labour administration and labour law. Its staff for the current biennium includes 16 professional staff²³ and 8 support staff in headquarters and 12.5 regular budget professional staff in the field.

Mission statement, strategy and objectives

6. IFP/DIALOGUE states its aim as “to promote social dialogue so that its fundamental role as an instrument of democracy and rights at work, and negotiations for consensus building and economic and social development is better understood and more widely accepted and used” (intranet website). It contributes to the ILO's Strategic Objective 4 to strengthen tripartism and social dialogue. Most specifically, it pursues operational objective 4b, which is to strengthen legal frameworks, institutions, machinery and processes for social dialogue and promote their use.

7. Social dialogue is not only an objective of the Decent Work Agenda but also an instrument for achieving decent work. IFP/DIALOGUE is thus at the very core of the ILO's mandate and maintains especially close relations to the ILO's tripartite constituents. Because of the instrumental character of social dialogue, IFP/DIALOGUE has close links to all the other three sectors, as well as Gender, Integration and Turin. IFP/DIALOGUE actively promotes the ratification and implementation of Conventions 144, 150 and 154. It also supports and complements the campaign to promote the ILO's Follow up to the Declaration on Fundamental Principles and Rights (DECLARATION). Moreover, it supports ILO follow up to the International Labour Conference Resolution concerning tripartism and social dialogue, which was endorsed by the Governing Body of November 2002.

8. IFP/DIALOGUE is organized in a matrix structure with regional teams on one dimension and teams for each of the three technical areas – labour law, labour administration and social dialogue – on the other. The technical teams, including field staff, are responsible for ensuring consistency and quality in policy advice and technical standards in the three technical areas.

9. In the field of labour administration the focus lies on organizational development and strengthening good governance. The focus in the field of labour law is building technical legal competence and supporting labour law development and reform. The field of social dialogue concentrates on advocacy of the potential of social dialogue and institutional capacity building for social dialogue.

10. IFP/DIALOGUE's main means of action are noted as:

- Advisory services and technical assistance to workers' and employers' organizations and labour ministries and providing expertise to constituents through technical specialists at the headquarters and in the regions,
- Capacity building and competency development of partners (e.g. on organizational development of labour administration institutions, on legal drafting in technical areas, or on mediation and conciliation techniques),

²³ One of these positions is dedicated to providing support to the International Industrial Relations Association.

- Research (e.g. on labour law reform, good governance in labour administration, the success factors of social dialogue or the role of social dialogue in enhancing productivity, competitiveness and job security),
- Production and dissemination of manuals and guidelines on specific technical aspects of social dialogue (e.g. labour law guidelines, guidelines for the assessment of labour administrations).

Client

11. The principal client for the evaluation is the Governing Body, which is responsible for governance-level decisions on the findings and recommendations of the evaluation. The evaluation is also intended to provide a basis for improved decision-making by ILO management.

Purpose and scope

12. The purpose of the evaluation is to provide insight on the mandate, continued relevance, effectiveness and efficiency of IFP/DIALOGUE's strategies, programme approach and interventions in strengthening and broadening the use of social dialogue mechanisms and institutions, particularly as they support core Conventions and related instruments for promotion of social dialogue and tripartism. This will include consideration of whether the programme should be continued, discontinued or modified.

13. The scope of the evaluation will involve review of:

- a) The ILO's comparative strengths in this niche as compared to other international organizations, as well as choice and development of partnerships.
- b) The appropriateness of IFP/DIALOGUE's operational objectives, performance indicators and targets as set out in the Programme and Budgets, and recommend alternatives, if warranted.
- c) The evidence of the shorter and longer term direct and indirect effects on the national (and regional) partners and institutions that IFP/DIALOGUE's programme strategies aim to strengthen.
- d) Governance and management practices that characterize IFP/DIALOGUE. Special attention will be given to the internal mainstreaming of social dialogue and collaboration with other ILO programmes and services, in regard to accountability, fostering synergy and mutual support;
- e) The involvement of tripartite constituents in IFP/DIALOGUE's work and their roles and complementarity to IFP/DIALOGUE's work.

Evaluation methodology

14. A review of strategy, including partnerships and main means of action, with focus on evolution of the programme over time will be supported through a series of interviews and review of related documentation. The interviews will explore the extent of positive changes in policies and practices that can be attributed to ILO advocacy and service efforts.

15. A desk-based review will analyze selected project and programme documentation, key performance criteria and indicators, to compare and assess the coherence and continuity of IFP/DIALOGUE's project work over time. Attention will be given to main means of action, implementation performance, target groups and their perceptions of major

progress and significant achievements, as well as notable products and outputs in IFP/DIALOGUE's main means of action. Application of good practices, including monitoring and evaluation, and use of lessons learned will also be considered.

16. IFP/DIALOGUE's longer-term impact mainly comes about through strengthening of capacities of national institutions for social dialogue and through promoting a participatory decision-making culture in socio-economic policies. A series of case studies will provide means of documenting the usefulness of Dialogue's technical work within member States. Field missions will be selected according to where Dialogue has worked over a longer period of time, and also where its work is considered innovative with need to know more about its effects. A minimum of two sub-regional field missions is planned. Case studies will also consider integration of strategies and approaches within countries around the broader Decent Work Agenda, and will consider the roles and responsibilities of others within and outside the ILO in reinforcing this process.

17. Drawing from available project and country programme evaluations, an analysis of how results are being planned, monitored and progress reported will be prepared and policies and practices reviewed. Similarly, the evaluators will review programme-level performance indicators and targets to determine their continued relevancy and appropriateness to recommend any needed changes. Interaction and synergies between IFP/DIALOGUE and other technical sectors and programmes, external partnerships and networking will be reviewed.

18. The sustainability of national efforts and linkages to global and regional partnerships and initiatives will be reviewed. IFP/DIALOGUE's contribution to international development goals and frameworks including millennium development goals and the national PRSPs will also be considered.

19. Because of the cross-cutting nature of social dialogue, mainstreaming social dialogue and tripartism into the ILO's work is an organizational priority. Their incorporation into other strategic objectives will be considered. Cross-cutting issues of gender, poverty reduction and social inclusion will also be taken into account in the evaluation. This will include review of follow up to the gender audit conducted by the Bureau of Gender in 2001.

Outputs

20. The following written outputs will be produced:

- A summary report of findings and recommendations, prepared by the evaluation unit, to be presented to the November 2005 Governing Body, including a written response from the programme.
- A more detailed evaluation report primarily intended for internal learning.
- Background documentation and analysis on which the findings, conclusions and recommendations are based.

Timeframe and management arrangements

21. The evaluation will be conducted by a senior external evaluator with support from the ILO evaluation unit. The ILO evaluation unit will be responsible for the overall management of the evaluation.

22. The proposed evaluation timeframe is from January to September 2005. A proposed time table is shown below.

Task	Time frame
Consultations on draft terms of reference	February 2005
Formation of evaluation team	February 2005
Desk review	February 2005
Finalization of terms of reference	March 2005
Elaboration of detailed evaluation work plan	March 2005
Staff and constituent interviews	March-April 2005
Case studies	March-April 2005
Draft findings report	May 2005
Final evaluation report	September 2005
Governing Body discussion	November 2005

Overview of case studies

Cambodia

Case study	Major themes	Project characteristics	Unique aspects
Garment Sector Working Conditions Improvement in Cambodia, now known as “Better Factories Cambodia” project <u>TC projects</u> CMB/00/M50/USA CMB/02/M51/USA CMB/05/M02/GAP CMB/04/M03/CMB	Industrial relations, tripartite social dialogue, improvement of working conditions through independent monitoring,	<u>Donor</u>: US DOL (US endowment to DECLARATION) plus small contributions by France and the GAP Foundations and the Cambodian government, World Bank will contribute from 2006 in phase out stage <u>Budget</u> with all add-ons and prolongations until 2006: US\$ 3.1 mill. (mainly from US donation to DECLARATION) <u>Timeframe</u>: 2000-2006 (of ILO support) 2006-2009 phase out stage of project <u>Management</u>: decentralized project with CTA, technical backstopping by IFP/DIALOGUE in headquarters, admin backstopping in SRO Bangkok, occasional support by DECLARATION in headquarters.	(For more details see box 2.) Participative and innovative approach to factory monitoring in garment industry with participation of MNEs Integrated approach: independent labour monitors, arbitration court, linked with policy advice and trainings Linked to trade and export promotion Exemplary phase out strategy Refined communications strategy
Support for an independent arbitration council in Cambodia (related to “Better Factories” project and managed by same CTA) <u>TC project</u> CMB/03/M01/USA	Industrial relations, arbitration in labour conflicts in garment sector	<u>Donor</u>: US DOL <u>Budget</u> : US\$ 0.2 mill. <u>Timeframe</u>: 2003-2005 <u>Management</u>: decentralized project with CTA (same CTA as “Better Factories” project), technical backstopping by IFP/DIALOGUE in headquarters, admin backstopping in SRO Bangkok.	
Labour Dispute Resolution in Cambodia <u>TC projects</u> CMB/00/M53/USA CMB/02/M50/USA	Industrial relations, labour dispute resolution for all sectors	<u>Donor</u>: US DOL (US endowment to DECLARATION) <u>Budget</u> : US\$ 1.5 mill. <u>Timeframe</u>: 2002-2006 <u>Management</u>: decentralized project with CTA, technical backstopping by IFP/DIALOGUE in headquarters, admin backstopping in SRO Bangkok, occasional support by DECLARATION in headquarters.	Formal and informal dispute prevention and resolution mechanisms
Capacity building for effective social dialogue in PRS and PRSP in selected low-income countries <u>TC projects</u> INT/02/M79/UKM	Social dialogue, involving tripartite social partners in elaboration of PRSPs	<u>Donor</u>: DFID (TC/RAM) <u>Budget</u> (global): US\$ 0.8 mill. <u>Timeframe</u>: 2003-2006 <u>Management</u>: centralized project without CTA, implementation, admin and technical backstopping	(For more details see box 3.) Pilot project to promote involvement of social partners in PRSP and mainstream social dialogue into national

		jointly by IFP/DIALOGUE and INTEGRATION/NPG in headquarters with support from field offices.	and international agendas
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Senegal

Case study	Major themes	Project characteristics	Unique aspects
Promotion du Dialogue Social en Afrique Francophone (PRODIAF) <u>TC projects</u> RAF/97/M14/BEL RAF/00/M03/FRA RAF/04/M02/BEL	Promoting concept of tripartite social dialogue, building and strengthening institutions and mechanisms of social dialogue	<u>Donor</u>: Belgium with small add-on by France <u>Budget</u> with all add-ons and prolongations until 2007: US\$ 2.7 mill. <u>Timeframe</u>: Pilot phase 1997-99, full implementation: 1999-2007 <u>Countries</u>: regional project: 22 countries in francophone Africa (all countries of the regional groupings CEMAC, UEMOA and CEPGL plus Morocco) <u>Management</u>: CTA, technical backstopping by IFP/DIALOGUE in headquarters, administrative backstopping in SRO Senegal	(For more details see box 6.) ILO's flagship project for social dialogue in Africa Successive expansion from 3 to now 22 countries, flexible demand driven approach Country studies Approach: promotion, institution building, capacity building of partners Recent focus regional network and social dialogue mechanisms in regional groupings
Country case study for follow up to 2002 resolution	Promoting tripartism and social dialogue as tools for problem solving and policy development for issue of common concern of all tripartite partners	<u>Funding</u>: largely surplus and RBTC funded with contributions of ACTRAV and ACT/EMP <u>Budget</u>: ca. US\$ 0.6 mill. (global) from different sources, different units, mainly surplus funds <u>Timeframe</u>: 2004-2007 <u>Countries</u>: global project of 5 countries: Turkey, Mongolia, Bahrain, Peru, Senegal <u>Management</u>: no CTA, technical backstopping by local focal point (in Senegal: workers' specialist in SRO Senegal, second focal point STEP specialist from Sector 3, also much exchange with PRODIAF), admin backstopping by project officer under Executive Director of Social Dialogue Sector in headquarters, supported by SROs or local ILO offices	Pilot projects to demonstrate value of tripartism and social dialogue as tools for achieving decent work through specific constituent-driven country programmes Tripartite national constituents choose issue of common interest; in Senegal: extension of social protection to informal economy social dialogue (with focus on transport sector) Not IFP/DIALOGUE but joined effort of entire Sector 4 with support from technical departments Different progress in 5 countries; in Senegal good progress, good results, high constituent satisfaction
Support and advice received from SRO Senegal	Labour administration, institutions of social dialogue	RB or RBTC funded, support from specialists at SRO Senegal at request of national constituents	

Romania and South Eastern Europe

Case study	Major themes	Project characteristics	Unique aspects
Support and advice received from SRO Budapest Training of labour court judges Comment provided to labour code	Strengthening the labour law, strengthening the judiciary, promoting tripartism and social dialogue, supporting institutions of social dialogue	RB or RBTC funded support from specialists at SRO Budapest and IFP/DIALOGUE at headquarters at request of national constituents	(For more details see box 1, 4 and 5) Comment on labour code Training of judges Support for establishment of tripartite councils Other support

Methodology of case studies

- Desk review of TC documentation, project documents, progress and evaluation reports, published country studies etc.
- Interviews with CTAs (PRODIAF, Better Factories Cambodia)
- Field visit to Bucharest and Budapest
- Interviews with constituents (for Senegal and Cambodia: interviews with constituent delegations to the ILC)
- Interviews with other partners (Romania only)
- Interviews with field technical specialists (Romania only).