



## **Response to the EC Consultation Paper**

### **“Preparing the European Commission Communication on Civil Society Organisations in Development”**

The response of the ILO Office concentrates on a number of issues directly related to the ILO mandate, its unique tripartite structure and in particular the ILO’s activities in strengthening the capacity of workers’ and employers’ organisations as key civil society organizations (CSOs). It builds on the ILO response to the European Commission Green Paper on inclusive growth and sustainable development<sup>1</sup> and the European Commission consultation on trade and development<sup>2</sup>.

The ILO has had considerable success in advocating and supporting nations to adopt and respect basic labour rights, including the freedom of association, the right to organize and collective bargaining. Independent workers’ and employers’ organisations (social partners) play an important role in social and economic policy-making worldwide. These experiences form the basis for this response to the Consultation Paper.

With this response to the Consultation Paper, the ILO Office wishes to:

- recall the **fundamental rights and principles**, notably core labour standards, and other relevant instruments<sup>3</sup> which should serve to provide the framework for the EU’s engagement with CSOs;
- emphasise the role of CSOs in general and **social partners** (workers’ and employers’ organizations) in particular in strengthening democracy and governance;
- remind the ILO framework for the **promotion of sustainable enterprises** as adopted by the International Labour Conference (ILC) in 2007<sup>4</sup> bringing together employers, workers and governments of 183 countries;
- recall the **joint conclusions of the EC-ILO Annual High Level Meetings** of 2010<sup>5</sup> and 2011<sup>6</sup> underlining that both institutions will cooperate on promoting social dialogue and international labour standards in EU development cooperation and external assistance;

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<sup>1</sup> [http://www.ilo.org/brussels/WCMS\\_168538/lang--en/index.htm](http://www.ilo.org/brussels/WCMS_168538/lang--en/index.htm)

<sup>2</sup> [http://www.ilo.org/brussels/WCMS\\_168531/lang--en/index.htm](http://www.ilo.org/brussels/WCMS_168531/lang--en/index.htm)

<sup>3</sup> See the overview of relevant ILO instruments adopted by the International Labour Conference (ILC) on page 6

<sup>4</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/documents/publication/wcms\\_093970.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/documents/publication/wcms_093970.pdf)

<sup>5</sup> [http://www.ilo.org/brussels/key-documents/WCMS\\_169533/lang--en/index.htm](http://www.ilo.org/brussels/key-documents/WCMS_169533/lang--en/index.htm)

<sup>6</sup> [http://www.ilo.org/brussels/key-documents/WCMS\\_177138/lang--en/index.htm](http://www.ilo.org/brussels/key-documents/WCMS_177138/lang--en/index.htm)

- recall the joint **Work Programme of the European social partners for 2012-2014**<sup>7</sup>, including notably their involvement in strengthening the capacity building of organizations of employers and workers and social dialogue in North Africa and Arab states.

## **Fundamental rights and principles for an enabling environment for CSOs**

In designing objectives and modalities for engaging with civil society organizations in third countries, it is paramount that the EU draw from the rights and principles enshrined in a number of its fundamental Treaties, including the Lisbon Treaty, the Treaty on the European Union and the Charter of Fundamental Rights of the European Union, as well as the ILO Conventions.

The ILO Office therefore welcomes the Commission's commitment to integrating recent international debates as well as agreed international rights commitments into its approach to engaging with CSOs. Moreover, the ILO Office wishes to emphasize the promotion and protection of core international labour standards as denoted in the ILO Declaration on Fundamental Principles and Rights at Work<sup>8</sup> and the corresponding international labour Conventions<sup>9</sup>. All 27 Member States of the EU have ratified the eight core labour standards noted in the Declaration<sup>10</sup>.

Core labour standards, both in principle and in practice, form the basis for a wide variety of internal and external EU policy discussions and actions in the areas of *inter alia* employment and social affairs, trade, foreign affairs and also development cooperation. Within the context of this Consultation Paper, the inherent value of core labour standards for providing an enabling environment for civil society actors must be emphasised.

The respect for core labour standards is a critical precondition for effective social and political dialogue which, in turn, functions as a catalyst for instilling democratic governance of not only the labour market but societies in general, as repeatedly highlighted through the ILO supervisory system. In addition, effective institutions for social dialogue can considerably facilitate the constructive cooperation between social partners. The ILO, its constituents and the ILO International Training Centre have developed considerable expertise in this regard, which could be of use to the EU.

With reference to **Questions 2 and 3**, core labour standards provide a clear benchmark for progress towards national and economic development objectives. By actively promoting internationally recognized commitments such as core labour standards and supporting actions for their promotion and protection at national level, EU development cooperation can ensure that CSOs are connected to an international legal and institutional context by which they may hold their national governments accountable.

<sup>7</sup> [http://www.ueapme.com/IMG/pdf/EUSD\\_work\\_prog\\_2012-2014.pdf](http://www.ueapme.com/IMG/pdf/EUSD_work_prog_2012-2014.pdf)

<sup>8</sup> [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_095898.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_095898.pdf)

<sup>9</sup> ILO Conventions No. 29, 87, 98, 100, 105, 111, 138 and 182

<sup>10</sup> <http://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/lang--en/index.htm>



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The promotion of core labour standards in itself provides for an operative framework to give effect to the principles for effective development as expressed in the Busan Partnership Document (in relation to **Question 1**) and reflected in the Agenda for Change. EU development cooperation will create space for constructive participation by civil society actors including social partners in all phases of development, thereby promoting ‘democratic ownership’ of the process.

Explicitly tying its development cooperation objectives and modalities to the EU’s international commitments thus anchors the added value and legitimacy of EU external action. In this regard, EU development cooperation would benefit from supporting and/or aligning with the Decent Work Country Programmes<sup>11</sup> (DWCPs) as agreed by the national governments, the employers’ and workers’ organisations.

### **The role of social partners as promoters of democracy and governance**

The ILO Office wishes to acknowledge the specific position of the social partners in engendering democratic principles (most notably values shared with the EU, such as social justice and solidarity) into national social and economic policy-making and development planning.

It must be emphasized, however, that social partners have a societal function which extends beyond that of traditional CSOs in development. Democratic values that employer and worker representatives promote at the enterprise level create a form of participatory democracy that nurtures and sustains support for democracy at higher levels (such as at sector, local, national, regional or international level). The existence of social partners encourages concrete understanding and awareness of the value of democratic concepts such as accountability, responsibility, participation and responsiveness and strongly benefits economic efficiency and inclusive growth.

In this respect, social partners are widely representative of the needs and ambitions of the society in which they are active, and serve a unique purpose of promoting and protecting both fundamental rights as well as specific rights for vulnerable groups (such as migrant workers, domestic workers and pregnant women). The ILO publication ‘Freedom of Association and Development’ provides practical insight into this<sup>12</sup>.

The position of social partners is recognized by the ILO’s Conventions<sup>13</sup> and EU Treaties. Notably, Articles 152 and 154 of the Treaty on the Functioning of the EU underline the special position of employers and workers within the EU and provides for specific EU support to social dialogue including through building and strengthening their capacity.

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<sup>11</sup> <http://www.ilo.org/public/english/bureau/program/dwcp/index.htm>

<sup>12</sup> [http://www.ilo.org/declaration/info/publications/freedomofassociation/WCMS\\_160208/lang--en/index.htm](http://www.ilo.org/declaration/info/publications/freedomofassociation/WCMS_160208/lang--en/index.htm)

<sup>13</sup> See page 6

Social partners are therefore well placed to engage in multi-stakeholder dialogues and to promote and monitor the standards of good governance. This role for social partners would be in line with the proposals included in the EC Communications on core labour standards and decent work, as well as the relevant Council conclusions.

The ILO has a wealth of experience in promoting the development of independent social partners and social dialogue, including the provision of capacity building, training and advisory services, from which the European Commission is invited to draw.

### **Social dialogue as a channel for promoting civil society participation**

Social dialogue traditionally refers to all forms of negotiation, consultation and exchange of information between or among representatives of employers, workers and government on issues of common interest in social or economic policy.

Consultation and dialogue with social partners and other civil society actors helps to ensure that national development priorities and resource allocation reflect the concerns of the broader community. This enhances the accountability and effectiveness of policy-makers, paving the way for the more equitable and efficient allocation of resources, and ultimately more equitable patterns of development, while mitigating secondary effects of poverty such as fragility and conflict.

The experience of the ILO and the EU show that social dialogue is a powerful tool to respond to a wide range of developmental challenges, such as employment promotion, income distribution, improvement of working conditions, the promotion of sustainable enterprises, greening the economy and poverty reduction. In a context of increasing concern about social inequalities and economic imbalances, social dialogue is essential to achieving inclusive and sustainable growth, and to enhance ownership by the civil society actors involved.

In addition to the need for fundamental rights to be promoted and protected as a precondition for social dialogue to exist, the ILO recognizes the need for strong, representative and independent social partners and functioning social dialogue institutions and administrations, as noted in the Resolution concerning tripartism and social dialogue adopted at the 90<sup>th</sup> Session of the ILC<sup>14</sup>.

The ILO Office notes that EU support and technical assistance to labour administrations, social-economic councils and labour councils in third countries could furthermore promote the integration of social dialogue as an institution. The above can serve to respond to **Question 6, 15 and 16**.

Further to **Question 5**, EU development cooperation can enhance the involvement of CSOs in public policy-making processes by actively supporting:

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<sup>14</sup> <http://www.ilo.org/public/english/standards/relm/ilc/ilc90/pdf/res.pdf>



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- the establishment of free and independent civil society actors, including workers' and employers' organizations, with the scope for linking to and supporting other local and international civil society actors;
- the involvement of social partners in meaningful social dialogue processes including national development planning exercises such as Country Strategic Papers designed at the level of the EU Delegations.
- regular contacts and (informal) dialogue with social partners throughout the programming cycles.

The ILO Office can cite examples demonstrating the link between social dialogue, sound governance and inclusive and sustainable development from which the EU is invited to draw<sup>15</sup>.

In providing support for governance reform in third countries, the EU should therefore remain mindful of the social and economic governance characteristics. Support for governance reform should therefore not only be channeled through national governments but also through (networks of) civil society actors, with a particular focus on social partners, with a broadly representative membership base.

EC and ECA analysis have, however, revealed that the current success rate for civil society actors responding to open call for proposals is 5% and that non state actors are perceived as service providers. The ILO Office welcomes the nuanced perception of CSOs which is evident from the Consultation Paper, and encourages the application of a more 'actors-based' approach to development cooperation taken up since 2007. In this context, social partners should be approached as specific actors through EU funding modalities.

### **Enhancing the capacity and legitimacy of CSOs**

The ILO advocates the strengthening of the capacity of social partners and the labour administrations implicated in the social dialogue processes. Capacity building should therefore be targeted at enhancing the role of civil society actors as drivers of dialogue and social and economic change in line with an 'actors-based' approach.

Related to **Question 11 and 12**, the ILO Office notes that different social, economic, trade, human rights and non-state actors budget lines in EU development cooperation could be combined in order to ensure a more integrated approach to integrating CSOs, with a particular focus on social partners, into national social and economic policy-making and development planning. Special provisions should be made for social partners in relation to

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<sup>15</sup> See for example [www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms\\_149655.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_149655.pdf); [www.ilo.org/jobspact/country/lang--en/WCMS\\_127399/index.htm](http://www.ilo.org/jobspact/country/lang--en/WCMS_127399/index.htm) as well as the recent partnership established between the ILO, the Belgian government and the governments of Algeria, Morocco and Tunisia: [http://www.ilo.org/brussels/key-documents/WCMS\\_170625/lang--en/index.htm](http://www.ilo.org/brussels/key-documents/WCMS_170625/lang--en/index.htm)

their role in social dialogue, in alignment with the EU's internal approach to social dialogue as enshrined in the Lisbon Treaty.

In answer to **Questions 13 and 14**; CSOs need to be able to generate constructive policy options contributing to more inclusive social and economic development processes both for their members and society in general. For this, it is critical that they keep up-to-date with development impacting their membership and have the capacity to analyze and mobilize such information.

Social partners in particular are increasingly recognizing the need to build their technical expertise on substantive issues affecting their membership<sup>16</sup> and internal organisations structures and services in order to improve the quality of collective bargaining, wider bipartite social dialogue and tripartite consultations on social and economic policies with the authorities.

Social partners consolidate their influence and impact on development processes where they are cohesive and avoid fragmentation. The EU can render a significant contribution to this by continuing to promote knowledge transfer, partnership building and technical assistance in its development cooperation instruments.

In the context of **Question 10**, the EU should therefore note the potential of national, regional and international networks and organisations of social partner and the broader spectrum of civil society organisations to assist their respective affiliates at the national level through consolidated knowledge sharing and capacity building.

EU development cooperation modalities could furthermore encourage and facilitate CSOs to partner with international organisations in addressing governance deficits within the national context by involving social partners, governments, international organisations and donors. An effective approach to private-public partnerships can also complement the development of public institutions. The ILO notes the Better Work programme<sup>17</sup>, the SCORE programme<sup>18</sup> and the new partnership for the cacao sector in West Africa<sup>19</sup> as promising examples of public-private partnerships.

The ILO Office strongly invites the EU institutions to utilize the expertise of the international and regional organisations of employers and workers as well as of the ILO Office respective workers and employers activities departments (ACTRAV and ACTEMP<sup>20</sup>) in the identification of representative national social partners and their needs and priorities.

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<sup>16</sup> Including the effects of trade shifts, new technologies, new forms of working arrangements, skills and competences, wage developments, defining and implementing national social protection floors, greening the economy, outsourcing and supply chains

<sup>17</sup> [http://www.ilo.org/global/programmes-and-projects/WCMS\\_084616/lang--en/index.htm](http://www.ilo.org/global/programmes-and-projects/WCMS_084616/lang--en/index.htm)

<sup>18</sup> <http://www.ilo.org/empent/Projects/score/lang--en/index.htm>

<sup>19</sup> [http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS\\_162692/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/press-and-media-centre/news/WCMS_162692/lang--en/index.htm)

<sup>20</sup> <http://www.ilo.org/actrav/lang--en/index.htm> and <http://www.ilo.org/public/english/dialogue/actemp/>



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### **Relevant ILO instruments adopted by the International Labour Conference**

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
- Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
- Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976 (No. 152)
- Conclusions concerning tripartite consultation at the national level on economic and social policy, International Labour Conference, 84th session, 1996
- ILO Declaration on Fundamental Principles and Rights at Work”, ILC 86th session, 1998
- Resolution concerning tripartism and social dialogue, International Labour Conference, 90th session, 2002
- ILO 2007 “Conclusions regarding the promotion of sustainable enterprises” International Labour Conference, 96<sup>th</sup> Session, Geneva
- ILO Declaration on Social Justice for a Fair Globalization, International Labour Conference, 97th session, 2008
- ILO 2009. “Recovering from the crisis: A Global Jobs Pact”, Geneva.
- ILO 2011. “Labour administration and labour inspection” International Labour Conference, 100<sup>th</sup> Session, Geneva