

Third meeting of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance

► Background note

Introduction

1. At its 341st Session (March 2021) the Governing Body took note of the report of the Tripartite working group on full, equal and democratic participation in the ILO's tripartite governance (TWGD) and decided by correspondence to transmit the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance to the 109th Session of the Conference for possible adoption. It also decided to extend the duration of the tripartite working group for a period of 12 months and request the TWGD to present a progress report and a final report for its consideration at the 343rd (November 2021) and 344th (March 2022) Sessions, respectively.¹
2. There was general agreement in the TWGD that it should focus its dialogue on the functioning of the Governing Body and the entry into force of the 1986 Instrument of Amendment to the ILO Constitution ("1986 Amendment").² At the 341st Session (March 2021) of the Governing Body, some members of the TWGD reiterated their positions in favour of broadening the discussion beyond the 1986 Amendment while some others preferred focusing on developing proposals to facilitate its ratification and entry into force.³
3. On 29 April 2021, at the request of the Co-Chairpersons, a note including a proposed date and draft agenda for the third meeting of the TWGD was circulated to its members. At the time of preparing this note, the Office had received replies from the Employers' and Workers' group secretariats and 18 governments (Algeria, Argentina, Australia, Barbados, Brazil, Bulgaria, Canada, Chile, Ecuador, Egypt, Gabon, Germany, Indonesia, Japan, Lithuania, the Russian Federation, Slovenia and Zimbabwe). All but one government confirmed their participation in the third meeting on 28 June 2021 from 2:30 to 5 p.m. One government (Japan) would have preferred scheduling the meeting later due to the June sittings of the International Labour Conference.

¹ GB.341/INS/9/Decision.

² GB.341/INS/9, para. 5.

³ GB.341/PV, para. 230 et seq.

Draft agenda

4. At the time of preparing this note, the Office had received three sets of comments concerning the proposed draft agenda circulated on 29 April 2021. First, the Employers' and Workers' group secretariats, while looking forward to focusing the discussion on the promotion and facilitation of the ratification and entry into force of the 1986 Amendment, jointly proposed to retain proposed points a) and c) but to delete the proposed point b) relating to specific aspects of the functioning of the Governing Body requiring review. Second, one government (Zimbabwe) considered it difficult to discuss inclusive regional representation under the proposed point b) in the absence of clarity of that concept which the government considered inconsistent with democratization as envisaged under the 1986 Amendment. Third, as regards the tentative dates of subsequent meetings proposed in the note (e.g. possible meeting in September 2021 before the submission of a progress report to the 343rd Session of the Governing Body and another meeting in December 2021 or January 2022 prior to the submission of the final report to the 344th Session of the Governing Body), one government (Slovenia) pointed out that future meetings of the TWGD should be carefully scheduled to avoid overlap with other ILO meetings.
5. In light of the above and having consulted the Co-Chairpersons, the following revised draft agenda is proposed for the third meeting of the TWGD:
 - Promoting/facilitating the ratification and entry into force of the 1986 Amendment;
 - Agenda and tentative dates of subsequent meetings;
 - Any other business.

Update on the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO and possible further action to promote/facilitate its entry into force

6. As at 31 May 2021, 116 ratifications had been registered, including two from Members of chief industrial importance (India and Italy). Since the second meeting of the TWGD (January-February 2021), two new ratifications (Republic of Moldova and Somalia) have been registered. A further nine ratifications, including at least three from Members of chief industrial importance (from among Brazil, China, France, Germany, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America), are required for the 1986 Amendment to enter into force.
7. The Office has received no further replies to the Director-General's letter of 14 January 2020 to the Member States that have not yet ratified the 1986 Amendment inviting them to consider the call of the Centenary Conference for the ratification of the 1986 Amendment, and, unless they had already done so, to provide comments and explanations on the reasons which have thus far prevented or delayed ratification. It is recalled that at the second meeting of the TWGD, the Government member of Iran stated that the ratification of the Instrument of Amendment had been approved by the Iranian Cabinet and would be considered by the Parliament.⁴ At the 341st Session (March 2021) of the

⁴ TWGD, Second meeting (January-February 2021), [record of proceedings](#), para. 25.

Governing Body, the Government member of Brazil announced that the Government had resumed the process leading to ratification of the Instrument of Amendment.⁵

8. Since the second meeting of the TWGD, the Office has continued its promotional activities for the ratification of the 1986 Amendment. It is regularly updating the dedicated page on the ILO website⁶ and has responded to queries and provided information to interested governments. In addition, the Director-General, Deputy Directors-General and other senior officials have discussed this matter during their meetings with constituents, as appropriate.
9. At its 109th Session in June 2021, the Conference will examine the draft resolution on the principle of equality among ILO among Member States and fair representation of all the regions in the ILO tripartite governance⁷ and may provide additional guidance on the promotion of the ratification of the 1986 Amendment.
10. At the third meeting of the TWGD, members could propose additional steps that might be taken by the Governing Body and the Director-General to intensify efforts for the ratification process of the 1986 Amendment, as suggested in the draft resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance. The TWGD could identify specific ILO meetings scheduled for 2021-2022 during which the 1986 Amendment could be promoted. Subject to the adoption by the Conference of the resolution, members could also provide guidance to the Chairperson of the Governing Body as regards the specific section of the Chairperson's annual report to the Conference to cover the ratification of the 1986 Amendment. In addition, members (including Members of chief industrial importance) could share their experiences with regard to the ratification of the 1986 Amendment and to suggest modalities how such experiences could be effectively brought to the attention of the Members who have not yet ratified the Amendment. Finally, members could share promotional actions they may have taken individually or together with other Member States and make proposals in this regard.

Planning subsequent meetings of the TWGD for the remainder of the period of its mandate

11. Given the very heavy programme of work and meetings of the ILO until the end of the year, including two sessions of the Governing Body and the 109th Session of the Conference due to close on 11 December 2021, the members of the TWGD are invited to consider the following possible dates for the subsequent meetings of the working group to be agreed at its third meeting:
 - fourth meeting, Monday, 6 or Tuesday, 7 September 2021, 2 to 5 p.m., before the submission of a progress report to the 343rd Session (November 2021) of the Governing Body;

⁵ GB.341/PV, para 244.

⁶ [Questions and answers about the 1986 Instrument of Amendment to the ILO Constitution.](#)

⁷ Matters to be considered by the Selection Committee, 109th Session of the International Labour Conference, [ILC.109/D.2](#), Appendix III.

- fifth meeting, Friday, 17 December 2021, 2-5 pm, prior to the submission of the final report of the working group to the 344th Session (March 2022) of the Governing Body;
 - if necessary, an additional meeting in January 2022.
12. Further, it would be necessary that the TWGD give consideration to the topics it wishes to address at its subsequent meetings. This would enable the TWGD to discuss possible goals to be achieved by the expiry of the period of its mandate and to be reported to the Governing Body at its 344th Session (March 2022). This would require having an open discussion on the scope of these discussions, including the main question as to whether the TWGD should dedicate its work solely to the ratification and entry into force of the 1986 Amendment. There is a difference of views between the secretariats of the Employers' and Workers' groups on the one hand and certain Government members on the other hand. The Office believes that it would be useful in the interest of the effectiveness of the work of the TWGD that the matter be clarified and that concrete topics be accordingly identified for discussion, bearing in mind that the TWGD was established by the Governing Body to serve as a platform for focused dialogue and for developing proposals on the full, equal and democratic participation in the ILO's tripartite governance in the spirit of the ILO Centenary Declaration for the Future of Work.⁸

⁸ GB.337/PV, para. 449.