

III

Resolution concerning the recurrent discussion on social dialogue ¹

The General Conference of the International Labour Organization, meeting at its 102nd Session, 2013,

Having undertaken a recurrent discussion on social dialogue in accordance with the ILO Declaration on Social Justice for a Fair Globalization, to consider how the Organization may respond more effectively to the realities and needs of its Members through coordinated use of all its means of action,

1. Adopts the following conclusions;
2. Invites the Governing Body of the International Labour Office to give due consideration to the conclusions and to guide the International Labour Office in giving effect to them; and
3. Requests the Director-General to:
 - (a) communicate the conclusions to relevant global and regional international organizations for their attention;
 - (b) prepare a plan of action to give effect to the conclusions, for consideration of the Governing Body;
 - (c) take into account the conclusions when preparing future programme and budget proposals and facilitating extra-budgetary activities; and
 - (d) keep the Governing Body informed of implementation.

Conclusions concerning the recurrent discussion on social dialogue

I. GUIDING PRINCIPLES AND CONTEXT

1. Social dialogue and tripartism constitute the ILO's governance paradigm for promoting social justice, fair and peaceful workplace relations and decent work. Social dialogue is a means to achieve social and economic progress. The process of social dialogue in itself embodies the basic democratic principle that people affected by decisions should have a voice in the decision-making process. Social dialogue has many forms and collective bargaining is at its heart. Consultations, exchanges of information and other forms of dialogue between social partners and with governments are also important.

2. Social dialogue is based on respect for freedom of association and the effective recognition of the right to collective bargaining. These founding principles of the ILO, as stated in the ILO Constitution and its Declaration of Philadelphia are applicable to all Members, as set out in the ILO Declaration on Fundamental Principles and Rights at Work. These rights cover all workers in all sectors, with all types of employment relationships, including in the public sector, the informal economy, the rural economy, export processing zones, micro, small and medium-sized enterprises (MSMEs), and domestic and migrant workers.

3. Social dialogue and tripartism are key methods for implementing the ILO's strategic objectives. They also play a key role in facilitating consensus on economic and social policies, advancing sustainable development, and making labour law and institutions effective as set out in the ILO Resolution concerning

¹ Adopted on 19 June 2013.

tripartism and social dialogue (2002), and the ILO Declaration on Social Justice for a Fair Globalization (2008).

4. In light of the prospect of persistent unemployment, poverty, inequality, and the pressure on enterprises, the International Labour Conference, at its 98th Session in 2009, adopted the Global Jobs Pact, which recognized the crucial role of social dialogue in designing policies to address national priorities. It also highlighted the role of effective social dialogue, including collective bargaining on measures to avoid job losses, protect wages, facilitate the adaptability of enterprises and ensure sustainable recovery. The social partners are the primary actors in the real economy and their engagement in bipartite and tripartite processes is as important in times of crisis as in other times. The economic and financial crises since 2008 were addressed through social dialogue in some countries, including through collective bargaining, saving jobs and maintaining pay levels. Regrettably, in some others, reforms affecting both the public and private sectors limited the scope for social dialogue, weakened collective-bargaining mechanisms and restricted the autonomy of social partners.

5. In the public service, collective bargaining in some countries played a role in retaining jobs and ensuring the continued provision of public services, notwithstanding the crisis.

6. Restrictions on freedom of association and the right to collective bargaining remain a challenge around the world. While in some countries collective bargaining coverage has increased, coverage of workers by collective bargaining has declined in many countries. Social partners in a number of countries are not fully equipped to tackle the various challenges they face, including the drop in the labour share of national income.

7. The organization of production along increasingly complex global supply chains and the dynamic nature of regional economic integration have created new challenges and spaces for cross-border social dialogue.

8. References to ILO standards, principles and rights at work are to be found in a growing number of multilateral, regional and bilateral agreements. Equally, the actions and spheres of influence of other multilateral institutions intersect with the mandate of the ILO, which should constitute the main point of reference in this area. This provides both opportunities and challenges.

II. MEASURES TO PROMOTE SOCIAL DIALOGUE

9. Members, with the support of the Organization, should:

- (1) Renew their commitment to social dialogue and tripartism, based on full respect for freedom of association and the right to collective bargaining, consistent with the ILO Declaration on Fundamental Principles and Rights at Work and consider the ratification and effective implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
- (2) Respect the independence and autonomy of workers' and employers' organizations and refrain from interfering in their establishment, functioning and administration.
- (3) Ensure that collective bargaining is carried out in observance of the autonomy of the parties.
- (4) Ensure respect for the rule of law, including through effective labour inspection and enforcement and the strengthening of dispute prevention and resolution mechanisms, recognizing that these are the responsibilities of governments.
- (5) Ensure that, in the context of the promotion of social dialogue, the rights to freedom of association and collective bargaining are inclusive and

accessible to all workers and employers and their representative organizations.

- (6) Strengthen and facilitate social dialogue at all levels in the public sector and the private sector.
- (7) Enhance, through appropriate public policies and the promotion of international cooperation, the role of social dialogue in facilitating balanced, inclusive and sustainable social and economic development.

10. The governments of ILO member States are encouraged to take steps to ensure coordination and consistency in their positions in the ILO and in other forums in respect of fundamental principles and rights at work. These efforts could include, where appropriate, mechanisms for effective consultation among concerned ministries and with social partners.

III. FRAMEWORK FOR ACTION

11. Based on this recurrent discussion and the established and expressed needs of the Members, the ILO is called upon to:

A. *Strengthen institutions and processes of social dialogue*

12. To that effect, the ILO should:

- (1) Support the preconditions for effective social dialogue, as called for by the conclusions concerning the recurrent discussion on fundamental principles and rights at work (2012); and support the constituents' efforts to give effect to the measures to promote social dialogue mentioned above.
- (2) Recalling the campaign for the ratification and effective implementation of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), undertake a campaign on the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144); the Labour Relations (Public Service) Convention, 1978 (No. 151); and the Collective Bargaining Convention, 1981 (No. 154); and promote the Collective Agreements Recommendation, 1951 (No. 91); the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113); the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152); the Collective Bargaining Recommendation, 1981 (No. 163); and the Employment Relationship Recommendation, 2006 (No. 198).
- (3) Increase its capacity to carry out or provide informed and evidence-based research as well as legislative and policy analysis on means of promoting and effecting social dialogue.
- (4) Support the effective participation of social partners in labour law development through tripartite consultations with targeted technical assistance and capacity building activities.
- (5) Assist labour administrations to improve the governance and efficiency of their core functions, including labour law enforcement, labour inspection, and provision of services and information to the public in view of the conclusions of the general discussion on labour administration and labour inspection (2011). Support efforts of labour administrations to organize consultations with social partners and to improve data collection, analysis and dissemination.
- (6) Expand its assistance to strengthen and improve the performance of labour dispute prevention and resolution systems and mechanisms, including for the effective handling of individual labour complaints, through research, expert advice, capacity building and exchange of experiences.

- (7) Promote tripartite social dialogue institutions and/or policy-making mechanisms through evidence-based policy advice, exchange of experiences and technical cooperation. Reinforce research on the role of tripartite social dialogue in response to crises as well as economic and political transitions.
- (8) Promote gender equality, and increase and strengthen women's participation and engagement in social dialogue mechanisms.
- (9) Scale up research on the socio-economic outcomes of different collective bargaining systems and the role of coordination and provision of information in shaping these outcomes. Research should identify factors that contribute to the effectiveness of collective bargaining in different contexts. The ILO should also widely and regularly disseminate information through the most appropriate means on global trends and challenges for the constituents in collective bargaining.
- (10) Reinforce technical assistance and evidence-based policy advice to build institutions for social dialogue between the social partners, including collective bargaining, in some countries and improve their effectiveness in others.
- (11) Develop knowledge on the application of collective agreements and means to enhance their inclusiveness in the context of Recommendation No. 91, in particular with respect to the protection of workers in MSMEs, vulnerable workers and those in non-standard forms of employment.
- (12) Provide advice consistent with the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94) on the strengthening of workplace cooperation as a tool for anticipating and facilitating change in a manner that addresses the needs of employers and workers.
- (13) Promote social dialogue and the role of social partners in the design, governance and implementation of economic, employment and social protection policies, at both national and international levels.
- (14) Convene a meeting of experts on cross-border social dialogue to analyse contemporary experiences, challenges and trends, as well as the role and value added of the ILO.
- (15) Promote the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and develop a comprehensive policy and strategy for ILO engagement with enterprises. In this respect, improve coordination throughout the ILO with appropriate involvement of worker and employer representatives.
- (16) Consider including, through its Governing Body, an item for discussion on decent work in global supply chains at an International Labour Conference, not later than 2016, in light of support expressed during this recurrent discussion.

*B. Provide support to the tripartite actors
of social dialogue at all levels*

13. To that effect, the ILO should:

- (1) Build and strengthen the capacity of constituents, including national labour administrations, to promote, facilitate and engage in social dialogue and collective bargaining, taking into consideration the diversity of systems and national circumstances.
- (2) Provide assistance upon request to relevant governments and workers' and employers' organizations to establish or improve mechanisms for social dialogue within the framework of regional and subregional integration.
- (3) Facilitate exchange of experiences for labour administrations as well as for workers' and employers' organizations at all levels, including through policy dialogue, targeted training and twinning programmes and the use of innovative strategies and platforms for sharing knowledge and expertise.

C. Enhance policy coherence

14. To that effect, the ILO should:

- (1) Exercise its mandate to engage in a proactive manner with international organizations and institutions, such as the International Monetary Fund, World Bank, World Trade Organization, G20, and the Organisation for Economic Co-operation and Development, and with regional organizations and mechanisms of regional integration to promote the Decent Work Agenda and ILO standards and principles; and promote the active involvement of social partners across the UN system and in other global forums.
- (2) Further strengthen its capacities to support constituents through integrated and coherent policy advice, encompassing rights at work, employment, social protection and social dialogue.
- (3) Highlight the value of effective social dialogue in implementing its strategy for the adoption of full and productive employment and decent work as an explicit goal of the global development agenda beyond 2015.

D. Actively promote social dialogue and participation of social partners in its activities

15. To that effect, the ILO should:

- (1) Strengthen the engagement of social partners in the design and implementation of Decent Work Country Programmes (DWCPs), technical cooperation agreements and public–private partnerships across all four strategic objectives of the ILO.
- (2) Make social dialogue, including collective bargaining, a central element of DWCPs and technical cooperation activities, in line with the needs of constituents affected.