



Governing Body

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Institutional Section

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Report of the Tripartite Working Group on full, equal and democratic participation in the ILO's tripartite governance

Report of the Co-Chairpersons

Purpose of the document

This document contains a report on the work of the tripartite working group, as requested by the Governing Body at its 341st Session (March 2021) (see the draft decision in paragraph 15).

Relevant strategic objective: All.

Main relevant outcome: Enabling outcome B: Effective and efficient governance of the Organization.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: None.

Author unit: Office of the Legal Adviser (JUR).

Related documents: GB.343/INS/PV; GB.343/INS/4; GB.341/INS/PV; GB.341/INS/9, GB.340/INS/PV; GB.340/INS/18/1; GB.337/PV; GB.337/INS/12/1(Rev.1).

▶ Establishment and mandate

1. The tripartite working group on full, equal and democratic participation in the ILO's tripartite governance (TWGD) was established by the Governing Body at its 337th Session (October–November 2019) 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.¹
2. At its 340th Session (October–November 2020), the Governing Body decided that the TWGD would be mandated to discuss, develop and present proposals to the Governing Body on the full, equal and democratic participation of the ILO's constituents in the Organization's tripartite governance by ensuring a fair representation of all regions and establishing the principle of equality among Member States. It also decided that the TWGD would be composed of 14 Government members from each of the four regions and the Employers' and Workers' groups' secretariats while all interested governments could attend and participate in the discussions.²
3. The TWGD carried out its functions on the basis of the terms of reference adopted at its first meeting and updated at its third meeting. The working group appointed the Government members of Nigeria and Switzerland as its Co-Chairpersons and renewed their appointment at its third meeting.³
4. At the beginning of its work, all participants received a questionnaire inviting their views on the understanding and scope of the notion of democratization of the ILO's governance and their proposals on the priorities and possible future plan of work of the TWGD. Based on the replies received, there was general agreement that the TWGD should focus its dialogue on the functioning of the Governing Body and the entry into force of the Instrument of Amendment to the ILO Constitution, 1986 (1986 Amendment).⁴

▶ Meetings

5. The TWGD held its first meeting on 11 December 2020, and its second meeting on 21 January and 1 February 2021. It presented its report to the Governing Body at its 341st Session (March 2021). At that session, the Governing Body decided to extend the duration of the TWGD for a period of 12 months and requested the working group to present a progress report and a final report for its consideration at the 343rd (November 2021) and 344th (March 2022) Sessions, respectively. The Governing Body also transmitted to the Conference the resolution on the principle of equality among ILO Member States and fair representation of all regions in the

¹ GB.337/PV, para. 449 and GB.337/INS/12/1(Rev.1).

² GB.340/INS/PV, para. 342 and GB.340/INS/18/1.

³ In accordance with paragraphs 14 and 15 of the terms of reference of the TWGD, the working documents, the summary records of proceedings and the reports to the Governing Body, have been published on a dedicated [web page](#).

⁴ GB.341/INS/9, para. 5.

ILO's tripartite governance proposed by the TWGD. The resolution was adopted by the Conference at its 109th Session (2021).⁵

6. The TWGD held its third and fourth meetings on 28 June 2021 and 8 September 2021, respectively. It presented a progress report to the Governing Body at its 343rd Session (November 2021). At that session, the Governing Body took note of the progress report and requested the Director-General to intensify the promotional activities in relation to the 1986 Amendment pursuant to the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance.⁶

► Progress made and the way forward

7. The fifth meeting was held on 3 and 14 February 2022 on the basis of a revised agenda.⁷ As per previous meetings, the TWGD reviewed the status and prospects of ratification of the 1986 Amendment. The TWGD noted that pursuant to its request, the Co-Chairpersons had continued to hold bilateral discussions, mainly with European countries and Members of chief industrial importance. The TWGD invited the Co-Chairpersons to carry out further discussions before the 344th Session (March 2022) given that all the planned bilateral meetings had not yet been completed and several requests for further discussions had been received
8. The TWGD noted that following the deposit of the ratification by Ireland on 17 September 2021, the 1986 Amendment had been ratified by 117 Member States. Ireland's ratification brought to eight the number of further ratifications required for the 1986 Amendment to enter into force, including at least three ratifications from Members of chief industrial importance.⁸ The TWGD also noted the information received by the Office on ratification prospects coming from the four Member States of the African region which had not yet ratified the 1986 Amendment, namely Cabo Verde, Gambia, Liberia and Sao Tome and Principe. Information was also received from four Member States from other regions, namely Brazil, Islamic Republic of Iran, Philippines and Turkmenistan. It was noted, in particular, that a number of countries, such as Cabo Verde, Liberia and Sao Tome and Principe, had completed the parliamentary approval procedure and that the instruments of ratification were expected to be deposited very shortly.
9. Overall, the TWGD welcomed the renewed interest in the ratification of the 1986 Amendment and the momentum gained since the adoption of the Centenary Declaration for the Future of Work and the establishment of the working group. While the progress made was encouraging, more tangible results were necessary, and promotional activities by the Director-General should be pursued and intensified. The social partners and the majority of the Government members underlined once again that the entry into force of the 1986 Amendment was and should remain the priority in order to definitively democratize the functioning and composition of the governing bodies of the ILO, as stated in the Resolution on the Centenary Declaration.

⁵ GB.341/INS/9 and GB.341/INS/PV, paras 266-282.

⁶ GB.343/INS/4 and GB.343/INS/PV, paras 158-176.

⁷ In the progress report, the Co-Chairpersons had informed the Governing Body that the TWGD had extended an invitation to the Governments of India and Italy – the two Members of chief industrial importance that have ratified the 1986 Amendment – to share their respective experiences at its fifth meeting. The TWGD was subsequently informed that none of the two Governments would take the floor at its fifth meeting.

⁸ In fact, since the establishment of the TWGD in November 2019, there have been seven new ratifications of the 1986 Amendment (Albania, Djibouti, Ireland, Portugal, Republic of Moldova, Somalia, Spain).

10. In addition, the TWGD discussed at length its recommendations to the Governing Body on the basis of separate proposals made by the Co-Chairpersons on the one hand, and a number of countries from the Asian region and a regional group on the other, namely Bangladesh, Islamic Republic of Iran, Pakistan, Philippines, Thailand, and the Group of Latin American and the Caribbean Countries (GRULAC).
11. In the view of the countries from the Asian region and GRULAC, the TWGD had further scope to work under the mandate vested in it by the Governing Body decision to attain ILO-wide democratization, and therefore, pending the entry into force of the 1986 Amendment, other aspects and issues of the ILO governance should be examined with a view to further promoting equality and fair representation of all regions. The TWGD offered the most suitable forum for such discussions, and therefore, it was necessary to seek the extension of its tenure. The mandate of the TWGD was broad enough to cover the additional aspects and issues of ILO governance that could be discussed. Those discussions would not divert from the ongoing efforts for the entry into force of the 1986 Amendment that remained the principal objective.
12. Concretely, it was proposed that the duration of the TWGD be extended for a further period of 12 months with a view to discussing additional topics and developing proposals, including but not limited to the following:
 - (a) ensuring fair, equitable and balanced geographical representation of all regions in the overall governance of the ILO;
 - (b) enhancing promotional activities by the Director-General to accelerate the pace of ratification of the 1986 Amendment; and
 - (c) striving to fully implement the principle of equality among the Member States including through addressing matters pertaining to equal representation of Member States in governance structures and processes of the ILO, including screening groups, speaking rights of observer governments in their role as regional coordinators or chairpersonship of the Government group, and representation of the Government group Chairperson among the Governing Body officers.
13. Different views were expressed around the two sets of proposals. The representative of the secretariat of the Employers' group was in principle favourable to the continuation of the work of the tripartite forum with a view to maintaining the current momentum whereas the representative of the secretariat of the Workers' group expressed reservations about the advisability of further extending its duration. The Africa group considered that the tenure of the TWGD should be extended while the promotion of the ratification of the 1986 Amendment should remain a priority. The group of industrialized market economy countries (IMEC) expressed support for the proposals of the Co-Chairpersons while indicating that the proposal submitted by countries from the Asian region and GRULAC could be reflected in the report. The Co-Chairpersons gave assurances that should the Governing Body approve the extension of the duration of the TWGD, the agenda of future meetings would continue to be determined through collective engagement.
14. At the end of lengthy exchanges,⁹ the TWGD reached consensus on the following conclusions and recommendations for the consideration of the Governing Body:
 - (a) The TWGD recalled the [resolution on the ILO Centenary Declaration for the Future of Work](#), which calls for the completion, at the earliest opportunity, of the process of

⁹ The summary record of proceedings of the fifth meeting is published on a dedicated [web page](#).

ratification of the Instrument of Amendment to the ILO Constitution, 1986, in order to definitively democratize the functioning and composition of the governing bodies of the ILO;

- (b) The TWGD also recalled the [Resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance](#), adopted on 18 June 2021, which calls upon Member States, and in particular the States of chief industrial importance, which have not yet ratified the 1986 instrument of constitutional amendment to examine the ratification of the instrument as a matter of priority; and
- (c) The TWGD recommended that the Governing Body:
 - (i) extend the duration of the tripartite working group for a period of 12 months, and in this context, invite the Co-Chairpersons to continue to hold consultations, bilateral or otherwise, on the issue of democratization of ILO's tripartite governance; and
 - (ii) request the Director-General to pursue and further intensify promotional activities in relation to the 1986 Amendment pursuant to the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance adopted at the June segment of the 109th Session (2021) of the International Labour Conference.

▶ Draft decision

15. The Governing Body:

- (a) **took note of the report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;**
- (b) **decided to extend the duration of the tripartite working group for a period of 12 months, and in this context, invited the Co-Chairpersons to continue to hold consultations, bilateral or otherwise, on the issue of democratization of ILO's tripartite governance;**
- (c) **requested the Director-General to pursue and further intensify the promotional activities in relation to the 1986 constitutional amendment pursuant to the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance adopted at the June segment of the 109th Session (2021) of the International Labour Conference; and**
- (d) **requested the tripartite working group to present a final report for consideration at its 347th Session (March 2023).**