



# Governing Body

347th Session, Geneva, 13–23 March 2023

Institutional Section

INS

**Date:** 31 January 2023

**Original:** English

Sixth item on the agenda

## Final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance

Report of the Co-Chairpersons

### Purpose of the document

This document contains the final report on the work of the tripartite working group, which was established in 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 (see the draft decision in paragraph 21).

**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.344/INS/9; GB.344/INS/PV; 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/INS/PV; GB.337/INS/12/1(Rev.1).

## ▶ Introduction

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1. The tripartite working group on the 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](#).<sup>1</sup>
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 decided that the TWGD would be composed of 14 Government members from each of the four regions and the Employers' and Workers' groups' secretariats, and that all interested governments could attend and participate in the discussions. The Governing Body also decided that the TWGD would submit a first report at its 341st Session (March 2021),<sup>2</sup> thereby setting the initial duration of its functioning. This duration was extended twice by the Governing Body, in March 2021 and in March 2022.
3. The TWGD held seven meetings and submitted three progress reports to the Governing Body, at its 341st Session (March 2021),<sup>3</sup> 343rd Session (November 2021)<sup>4</sup> and 344th Session (March 2022).<sup>5</sup>
4. The TWGD carried out its functions in accordance with [the terms of reference](#) which were adopted at its first meeting and updated at its third meeting. The TWGD appointed the Government members of Nigeria and Switzerland as its Co-Chairpersons.
5. In accordance with the decision taken by the Governing Body at its 344th Session (March 2022), this document is the final report of the TWGD to the Governing Body. It contains highlights of its seven meetings, the progress made and the way forward. All the documents arising from the work of the TWGD have been published on a dedicated [web page](#).

## ▶ Summary of the working group's discussions

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6. Over the past two years, the TWGD discussions focused primarily on the promotion of the ratification of the [Instrument for the Amendment of the Constitution of the International Labour Organisation, 1986](#) ("the 1986 Amendment"), the possible removal of obstacles to ratification and the necessary preparations for the effective implementation of the 1986 Amendment once it enters into force.

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<sup>1</sup> GB.337/INS/PV, para. 448; see also GB.337/INS/12/1(Rev.1).

<sup>2</sup> GB.340/INS/PV, para. 342; see also GB.340/INS/18/1.

<sup>3</sup> GB.341/INS/9; see also GB.341/INS/PV, paras 266–282.

<sup>4</sup> GB.343/INS/4; see also GB.343/INS/PV, paras 158–176.

<sup>5</sup> GB.344/INS/9; see also GB.344/INS/PV, paras 314–332.

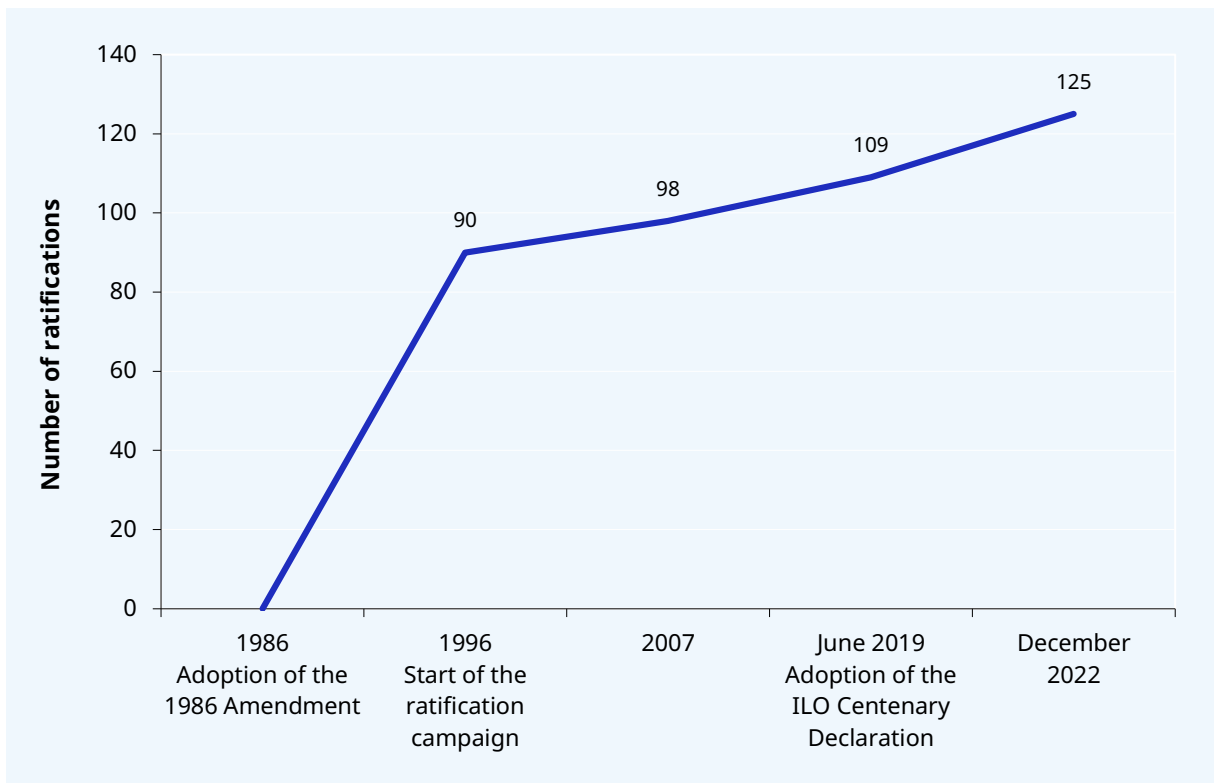
7. At its [first meeting](#) (11 December 2020), the TWGD held an initial exchange of views on the democratization of ILO governance.
8. At its [second meeting](#) (21 January and 1 February 2021), based on participants' responses to a [questionnaire](#), the TWGD agreed to focus its dialogue on the functioning of the Governing Body and the entry into force of the 1986 Amendment. Most importantly, the TWGD approved a [resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance](#), which aimed at removing obstacles to ratification by confirming the manifestly outdated nature of part of article 7(3)(b)(i) of the 1986 Amendment. The resolution was adopted by the International Labour Conference at its 109th Session (2021).
9. At its [third meeting](#) (28 June 2021), the TWGD continued reviewing the status of ratification of the 1986 Amendment and progress made.
10. At its [fourth meeting](#) (8 September 2021), the TWGD discussed, in the light of a [background note](#) prepared by the Office, the measures required to implement the 1986 Amendment upon its entry into force, including consequential amendments to the relevant standing orders and the adoption or revision of regional protocols on the process for the distribution of seats for the purposes of Governing Body elections.
11. At its [fifth meeting](#) (3 and 14 February 2022), the TWGD agreed to recommend to the Governing Body that it should extend its duration for 12 months, and in this context, invite the Co-Chairpersons to continue to hold consultations, bilateral or otherwise, on the issue of democratization of the ILO's tripartite governance. It requested the Director-General to pursue and further intensify promotional activities in relation to the 1986 Amendment.
12. At its [sixth meeting](#) (19 July 2022), the TWGD discussed, in the light of a [background note](#) prepared by the Office, the role and functioning of the tripartite Screening Group and the Officers of the Governing Body with a view to rebalancing regional representation and rendering the coordination among governments more effective and influential.
13. At its [seventh meeting](#) (15 November 2022), the TWGD reviewed the ratification status of the 1986 Amendment and received an oral presentation by the Government group Chairperson concerning the group's deliberations related to democratization beyond the 1986 Amendment, namely the strengthening of the Government group's voice in the ILO's tripartite structure, and the promotion of regional balance, transparency and inclusiveness in forums.

## ► Progress made and the way forward

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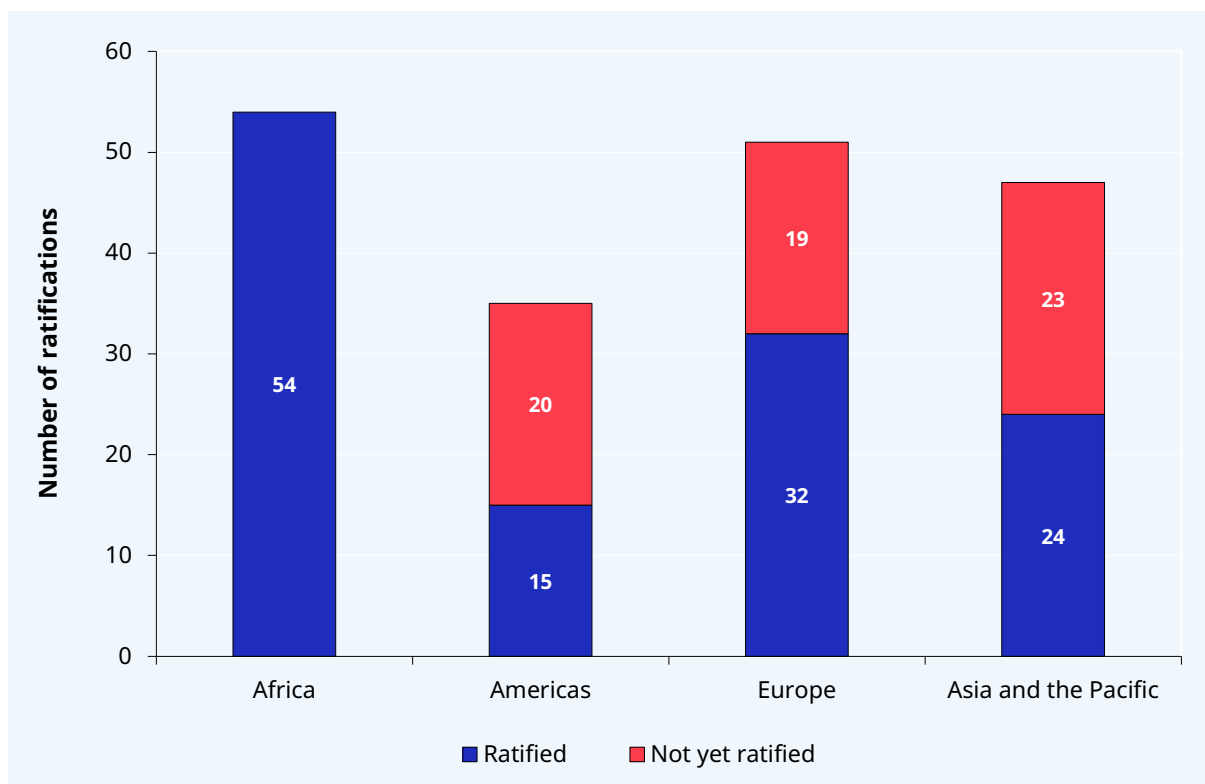
14. Following ratifications by Peru on 22 September 2022, the Gambia and Sao Tome and Principe on 8 November 2022, and Samoa on 8 December 2022, the 1986 Amendment has been ratified by 125 Member States, that is, two thirds of ILO Member States (see figure 1).

► **Figure 1. Evolution of the number of ratifications of the 1986 Amendment**



15. Africa is the only region where all countries have ratified the 1986 Amendment (see figure 2). The ratification rate in the other three regions is 63 per cent in Europe (32 ratifications among 51 Member States), 43 per cent in the Americas (15 ratifications among 35 Member States) and 51 per cent in Asia and the Pacific (24 ratifications among 47 Member States). A total of 16 ratifications have been registered since the adoption of the ILO Centenary Declaration for the Future of Work in 2019 and its accompanying [resolution](#) calling for the completion at the earliest opportunity of the process of ratification of the 1986 Amendment.

► **Figure 2. Number of ratifications per region**



16. Only three more ratifications from among eight Members of chief industrial importance (Brazil, China, France, Germany, Japan, Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America) are needed for the 1986 Amendment to take effect. The previous and current Directors-General sent formal communications, in June 2021 and November 2022 respectively (see appendix), to the foreign ministers and labour ministers of those countries and the Office increased its promotional activities. The Co-Chairpersons continued to hold bilateral discussions, mainly with European countries and Members of chief industrial importance.
17. The ILO Members were now kept updated of progress in ratification of the 1986 Amendment through three channels: the standing item on the agenda of the March and November sessions of the Governing Body;<sup>6</sup> the report of the Director-General to the Governing Body; and the annual report of the Chairperson of the Governing Body to the International Labour Conference, in accordance with the resolution on the principle of equality among ILO Member States and the fair representation of all regions in the ILO’s tripartite governance.
18. The TWGD also addressed options for the way forward. 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. The promotional activities had entered a critical final stage, as only three ratifications by Members of chief industrial importance were needed for the entry into force. The TWGD called upon Member States, and in particular the Members of chief industrial importance that had not yet ratified the 1986 Amendment, to examine ratification as a matter

<sup>6</sup> GB.332/INS/PV, para. 294(a).

of priority. Many Government members expressed frustration about the fact that, in the absence of willingness from Members of chief industrial importance to accept the 1986 Amendment, the increasing number of ratifications from other Member States could not produce any practical effect. There was also a general sense among TWGD members that the eight Members of chief industrial importance should take due account of the collective will of the 125 Member States that had already accepted the constitutional amendment, and reconsider their position accordingly.

19. The TWGD expressed the hope that the new Director-General would bring fresh ideas and invited him to approach the Members of chief industrial importance at the appropriate level. In addition, the majority of the Government members called upon the employers' and workers' organizations from those Members of chief industrial importance that had not yet ratified the 1986 Amendment to join the efforts to promote its ratification through tripartite discussions within their respective countries. Some Government members suggested that meetings of the Government group and regional groups could also be used as forums for engaging in discussions with the Members of chief industrial importance.
20. The TWGD held rich discussions throughout its work. Participants demonstrated strong support and commitment to furthering the democratization and inclusiveness of ILO governance. The TWGD has given rise to renewed interest in the ratification of the 1986 Amendment and focused attention on the legal and practical implications of its entry into force. While the TWGD has now completed its work, the spirit of the ILO Centenary Declaration for the Future of Work will continue to guide the ILO and its Members in actively seeking ways to bring about the entry into force of the 1986 Amendment.

## ▶ Draft decision

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### 21. The Governing Body:

- (a) **took note of the final report of the tripartite working group on the full, equal and democratic participation in the ILO's tripartite governance;**
- (b) **welcomed the significant progress made in the ratification of the 1986 constitutional amendment since the establishment of the working group;**
- (c) **urged the eight Members of chief industrial importance which have not yet ratified the 1986 constitutional amendment to consider favourably such ratification in the shortest possible time;**
- (d) **requested the Director-General to take all necessary initiatives aimed at bringing the 1986 constitutional amendment into effect and keep the Governing Body regularly informed.**

## ▶ Appendix

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International  
Labour  
Organization

### ▶ The Director-General

25 June 2021

Dear

I have the pleasure to inform you that on 18 June 2021 the International Labour Conference meeting at its 109th Session adopted a resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance. A copy is attached herewith.

This resolution aims at removing obstacles to ratification of the Instrument for the Amendment of the Constitution of the ILO, 1986 by declaring that the notion of "socialist" States of Eastern Europe referred to in article 7(3)(b)(i) of that Instrument no longer corresponds to the current geopolitical situation and is therefore considered obsolete. It also calls upon Member States, and in particular the States of chief industrial importance, which have not yet ratified the 1986 Amendment, to examine its ratification as a matter of priority.

I trust that consistent with the collective will of ILO tripartite constituents expressed in the above mentioned Conference resolution, your Government will carefully examine the possibility of ratifying the 1986 Amendment in the very near future. To date, the Amendment has received 116 ratifications, and therefore, nine more ratifications - including at least three from Members of chief industrial importance - are required before the Amendment enters into force. Hence, your Government's formal acceptance of the Amendment would be of decisive importance.

I thank you for giving due consideration to this important matter.

Yours sincerely,

A handwritten signature in black ink that reads 'Guy Ryder'.

Guy Ryder



International  
Labour  
Organization

▶ The Director-General

8 November 2022

Dear

I have the honour to write with respect to ongoing efforts to promote the ratification of the 1986 instrument of amendment of the ILO Constitution. As the entry into force of that instrument is among key priorities of the International Labour Organization, I am determined to work closely with your Government to bring this long-delayed reform of the ILO's governance structure to completion.

As you are aware, the International Labour Conference resolution on the Centenary Declaration for the Future of Work called for the completion, at the earliest opportunity, of the process of ratification of the amendment in order to definitively democratize the functioning and composition of the governing bodies of the ILO.

To date, the amendment has received 124 ratifications, out of 125 ratifications required, but three ratifications from Members of chief industrial importance, including , would still be needed before this reform can take effect. Hence, your Government's formal acceptance of the amendment would be of decisive, if not historical, importance.

I am confident that my appeal to your Government's acumen and sagacity will meet your kind attention and that the ILO can pursue with your Government's assistance the path of reform and democratization.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Hougbo', with a stylized flourish above it.

Gilbert F. Hougbo