



## ► ILO Brief

July 2020

# Employers and workers negotiating measures to prevent the spread of COVID-19, protect livelihoods and support recovery: A review of practice<sup>1</sup>

The COVID-19 pandemic has brought unprecedented change to the world of work and to society as a whole. ILO estimates<sup>2</sup> point to significant losses in global working hours equivalent to hundreds of millions of full-time jobs in the formal and informal economies, and subsequent pressures on business solvency, conditions of work and employment, and livelihoods in the wake of the virus. Responding to the health and economic consequences of the pandemic, and moving from crisis response to recovery – including the resumption of economic activities – requires well-designed solutions that take account of workplace realities.

Building trust and confidence through dialogue between organized representatives of employers and workers will be crucial for reducing conflict and ensuring that policies are adapted to the needs of these key labour market players. The [ILO Constitution](#),<sup>3</sup> the two fundamental conventions – 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 \(No. 98\)](#) – a variety of additional international labour standards and, more recently, the [ILO Centenary Declaration on the Future of Work](#) all recognize the central importance of free, independent, legitimate and democratic organizations of workers and employers, and the joint action they take, including collective bargaining. It is vital to ensure that the steps taken in response to the current crisis do not undermine the rights to freedom of association and collective bargaining, which also

represent, as highlighted in this brief, key enabling tools for recovery.<sup>4</sup>

This brief reviews how the social partners – employers, their organizations and workers’ organizations – have engaged with each other in social dialogue, including collective bargaining, in the context of the crisis. It presents a number of responses, organized by subject, and four summaries of more in-depth background notes<sup>5</sup> that show in greater detail how bipartite dialogue between employers and trade unions was used to mitigate the crisis.

## Social dialogue can help shape the crisis response and mitigate the impact on the labour market

A central pillar of the ILO’s policy framework for responding to the COVID-19 crisis calls to “strengthen social dialogue, collective bargaining and labour relations institutions and processes”.<sup>6</sup> Governments play a central role in policy-making, and many have engaged with representatives of workers’ and employers’ organizations through processes of tripartite social dialogue.<sup>7</sup> In many countries, tripartite agreements and government policy action have been complemented and reinforced by collective agreements between the social partners from the national to the enterprise level. In addition, effective

1 This Policy Brief was prepared by the ILO Inclusive Labour Markets, Labour Relations and Working Conditions Branch (INWORK) in partnership with Freedom of Association (LIBSYND) and Fundamentals Principles and Rights at Work (FUNDAMENTALS). Valuable inputs were received from the ILO Bureaux for Workers’ (ACTRAV) and Employers’ Activities (ACT/EMP).

2 [ILO Monitor: COVID-19 and the world of work. Updated estimates and analysis](#), fifth edition, ILO, Geneva, 30 June 2020.

3 See in particular the 1944 Philadelphia Declaration, annexed to the ILO Constitution.

4 See [ILO standards and COVID-19. FAQ](#), version 2.1, ILO NORMES, Geneva, 29 May 2020.

5 ILO Background notes on labour relations and COVID-19 on [Australia](#), [Colombia](#), [Germany](#), [Italy](#) and [Tunisia](#), September 2020.

6 [Pillar 4: Relying on social dialogue for solutions](#), ILO Policy Brief on COVID-19, Geneva, 2020.

7 [The need for social dialogue in addressing the COVID-19 crisis](#), ILO Policy Brief, Geneva, May 2020.

workplace cooperation can help ensure safe and productive workplaces in such a way that it respects collective bargaining and its outcomes, and does not undermine the role of trade unions.

Dialogue between employers or their organizations and workers' organizations has led to joint responses to the COVID-19 crisis covering entire national economies, including broad economic and social policy commitments, agreements tailored to specific industries and occupations, and negotiations and workplace cooperation

in enterprises. The social partners have addressed a variety of topics, ranging from, but not limited to, safety and health, the facilitation of telework/work from home, flexible working time arrangements, cost reduction measures, income support for workers and the resumption of economic activities. Such participative approaches can ensure that effective and equitable solutions are found for those affected by the crisis, using collective bargaining and workplace cooperation to bring them – through their representatives – into the process.

## ► Protecting workers' health and limiting the spread of the virus at workplaces

### Health and safety protocols, principles of physical distancing and hygiene rules

In many countries, the social partners have taken a variety of steps to help stop the spread of COVID-19 at the national, sectoral and enterprise and workplace level. In Belgium, for example, the National Labour Council, a joint body of the social partners, has agreed on principles of physical distancing to protect workers and prevent the spread of the virus at workplaces.<sup>8</sup> In Uganda, the Federation of Uganda Employers and the National Organisation of Trade Unions together recommended a set of principles for physical distancing and hygiene,<sup>9</sup> and in Nigeria, the social partners agreed to promote occupational safety and health at work.<sup>10</sup> On the sectoral level, for example, in the Austrian food retail sector,<sup>11</sup> a collective agreement boosting sanitary provisions covers all supermarkets in the country.<sup>12</sup> On the enterprise level, in the United States of America, for example, the United Food and Commercial Workers International Union announced an agreement with a meatpacking and food processing company to strengthen safety measures and enhance personal protective equipment in production plants;<sup>13</sup> in Indonesia, some employers and trade unions are collaborating through occupational safety and health committees to prevent the spread of COVID-19.

#### ► Securing safe working conditions and continuous business operations through a negotiated agreement

In [Colombia](#),<sup>14</sup> hundreds of workers at the largest banana plantations in Urabá decided to stop working in response to what they perceived as unsatisfactory health and safety conditions in the wake of the coronavirus pandemic. This prompted Augura (employers' organization of banana producers) and SINTRAINAGRO (agricultural workers' union) to negotiate and sign the [Bio Security Protocol](#). The Protocol covers 22,000 workers in Urabá's banana plantations and contains provisions on occupational safety and health including personal protective equipment, physical distancing during working hours and transport, hand washing, and the cleaning and disinfection of work premises and equipment. Workers over 65 and those with pre-existing medical conditions are exempted from work for the duration of the containment measures. They will receive the legal minimum salary plus an 8 per cent supplement after having exhausted their leave days for the current and the following period. Joint union-management health and safety committees are monitoring the implementation of the Protocol, which worksite visits have shown is being followed by the vast majority of plantations. The Protocol enabled banana production for national and international markets to continue uninterrupted while allowing over 900 vulnerable workers to stay at home and receive the benefits provided therein.

8 COVID-19 and the world of work. [Country policy responses – Belgium](#), ILO (last updated 22 June 2020). For the text of the agreement, see [Qu'est-ce que la distanciation sociale?](#)

9 COVID-19 and the world of work. [Country policy responses – Uganda](#), ILO (last updated 4 June 2020); ["New job challenge: COVID-19"](#), in New Vision (23 March 2020), p. 47.

10 [Memorandum of Understanding](#) between the Nigeria Employers' Consultative Association, the Nigeria Labour Congress and the Trade Union Congress of Nigeria.

11 On the international level UNI Global Union has signed a [Declaration](#) with four multinational food retailers – with a combined global workforce of a million workers – to protect supermarket workers and customers during the COVID-19 pandemic.

12 [Frontline supermarkets: unions team up with businesses to boost Austria's COVID-19 containment efforts](#), UNI Global Union Europe, 24 March 2020.

13 [UFCW and JBS Announce Increased Pay and Enhanced Protective Equipment for Meatpacking Workers on Frontlines of Coronavirus Pandemic](#), UFCW, 19 April 2020

14 [Collective agreement on a Bio Security Protocol against COVID-19 in Colombia's banana plantations](#), ILO Background note, September 2020.

► **Tripartite agreement on health and safety protocols opened the door for bipartite dialogue at sectoral and enterprise level**

In [Italy](#), two tripartite protocols adopted at national level have been transposed into the Presidential Decrees of 22 March and 26 April 2020. The relevant tripartite social dialogue opened the door for bipartite dialogue at both sectoral and enterprise level, resulting in tailored solutions to the COVID-19 crisis in almost all sectors (e.g. banking, chemical and pharmaceutical, construction, energy, food, logistics and transport, manufacturing, retail). At the enterprise level, the protocols helped companies and trade unions to reach agreements on measures to protect employees from infection, including in companies previously hit with spontaneous strikes. Furthermore, both protocols provide for the creation of an enterprise committee.<sup>15</sup> Company-specific protective measures have been included in enterprise-level agreements of companies operating, for example, in the automotive, electronic, garment and home appliance sectors.

## Negotiating and facilitating telework/work from home

In some occupations, telework/work from home can help curb the spread of the virus and allow employees to reconcile work and care responsibilities while supporting continued business operations. In [Côte d'Ivoire](#), for example, a nationwide bipartite memorandum of

► **Supporting business solvency, retaining jobs and securing incomes**

## Short-time work schemes and wage moderation

To help companies cope with the impact of COVID-19 and protect against job losses, several countries (e.g. Argentina, Botswana, Brazil, France and Germany)<sup>20</sup> have introduced, among other policy measures, the possibility of temporary wage subsidies (work-sharing schemes).<sup>21</sup> Under the relevant programmes, employers whose

understanding signed between the workers' and employers' organizations on the Commission Indépendante Permanente de Concertation lay the groundwork for a joint COVID-19 response recommending that telework be implemented wherever possible.<sup>16</sup> An example of the interactions between sectoral and enterprise-level bargaining is to be found in Germany, where the social partners in Germany's chemical industry, the IG BCE union and the employer confederation BAVC, concluded a sectoral crisis agreement promoting working time flexibility instruments and enterprise-level bargaining on telework,<sup>17</sup> whereby companies are free to negotiate local agreements on remote working with works councils.

## Negotiating and facilitating shift work and staggered working hours

By organizing work in shifts or staggering working hours, companies can minimize the number of workers on the premises at any given time and thus facilitate respect for the principles of physical distancing. On the sectoral level, for example, Denmark's Financial Sector Employers' Association and the Finansforbundet trade union reached an agreement that sets the framework for the gradual reopening of workplaces.<sup>18</sup> The agreement provides for more working time flexibility. Employees will, with the employer's agreement, be able to work from home every day, and employers may require work to be done outside normal working hours (8 a.m. – 5 p.m.) at no extra pay. On 4 May 2020, in Italy, the social partners in the banking sector signed a protocol on reorganization of work. The main new feature is that work can be organized in shifts and that working hours can be spread out between 7 a.m. and 7.30 p.m.<sup>19</sup>

businesses have been affected by COVID-19 may be eligible for a government-supported wage subsidy, with amounts differing between countries and schemes. Wage subsidies are frequently used together with other measures, such as tax rebates or (subsidized) loans to enterprises. Collective agreements at different levels can set out tailored solutions that take into account the conditions in particular sectors or companies, which may include a top-up of the wage subsidy that is paid by the company and may be financed by reducing other benefits.

15 Both protocols provide for the creation of an enterprise committee composed of trade union representatives at enterprise level, the enterprise doctor and external consultants if deemed appropriate by the company. The committee is responsible for the enforcement and assessment of the protocol's guidelines in the enterprise. Should the enterprise committee prove impossible to create, the second protocol provides for the creation of territorial committees composed of joint health and safety bodies, territorial representatives for health and safety and representatives of social partners.

16 COVID-19 and the world of work. [Country policy responses – Côte d'Ivoire](#), ILO (last updated 2 June 2020); [Protocole d'accord relatif aux mesures à prendre pour la gestion de la situation née du COVID-19](#), CIPC, 25 March 2020.

17 Planet Labor: [Germany: chemical industry social partners strike crisis agreement](#) (No. 11774), 27 March 2020).

18 Planet Labor: [Denmark: Financial sector agreement giving more flexibility to companies and employees to resume activity](#) (No. 11869, 22 April 2020).

19 Planet Labor: [Italy: Banking sector social partners sign new protocol on reorganization of work amid gradual lifting of lockdown](#) (No. 11905, 4 May 2020).

20 [Temporary wage subsidies](#), ILO Factsheet, Geneva, 21 May 2020.

21 Ibid.

On the sectoral level, for example, a collective agreement reached by South Africa's National Textile Bargaining Council was extended by the Minister of Employment and Labour to guarantee six weeks of full pay for 80,000 garment workers.<sup>22</sup> At both sectoral and company level, in Austria,<sup>23</sup> France<sup>24</sup> and Germany,<sup>25</sup> for example, collective agreements introduced and regulated wage subsidy schemes and often improved short-time benefits for workers. Finally, tripartite agreements can generate opportunities for consultations and negotiations between the social partners at sectoral or enterprise level. This has been the case, for example, in Ethiopia<sup>26</sup> (encouraging consultations of workers' and employers' organizations for revising existing salary scales to maintain business continuity), the Russian Federation<sup>27</sup> (recommendation that the social partners should preserve jobs and ensure business continuity) and Sri Lanka<sup>28</sup> (companies are expected to engage with workers' councils on pro-rated wages).

The background note from Germany illustrates in greater detail how negotiated support schemes are allowing companies to retain qualified workers and stay ready for a reopening of factories and the economy. At the same time, several of these schemes provide relief to workers by securing incomes and security to the company by precluding any wage increases before the end of 2020.

## Use of leave arrangements

The social partners in a number of countries have discussed the use of various leave arrangements during the periods of suspended or reduced economic activity. In Uruguay, an agreement in the construction industry provided for unpaid leave for 45,000 workers, with a compensatory payment for those who have an active account with the Social Security Bank (Banco de Previsión Social).<sup>30</sup> On the company level, several COVID-19 related agreements have been concluded in Brazil,<sup>31</sup> for example, including agreements with carmakers halting production for four weeks with full pay.<sup>32</sup> In Argentina, an online travel agency that had placed a part of its workforce on leave until 30 September 2020 agreed to pay 50 per cent of salaries during that period.<sup>33</sup> In Hungary, the KASZ

### ► Supporting companies and securing workers' incomes through social partner agreements

In [Germany](#), the collective bargaining round of the metal and electrical sector was suspended with a view to regulating the impact of the crisis for companies and workers. A specific crisis-related package aimed at safeguarding employment was agreed between Gesamtmetall (employers' organization in the metal working sector) and IG Metall (metal workers' union in Germany) in North Rhine-Westphalia on 20 March 2020.<sup>29</sup> The social partners signed the "Future in Work Agreement" (which was originally developed during the 2008 global economic crisis) and the complementary "Solidarity Agreement 2020". The agreements include arrangements for short-time work and secure the net remuneration of employees at around 80 per cent, of which the Federal Employment Agency's public employment scheme covers 60 per cent (67 per cent for workers with children). The remaining amounts will be paid by cutting back special payments and an employer's allowance of 350 euros per full-time employee. Moreover, the Solidarity Agreement offers opportunities for improved child-care arrangements.

(Hungarian Trade Workers Union) concluded an agreement with a food retail chain providing workers – many of them retirees working part-time – with a postponement option to stop work for several weeks while continuing to receive their full salary (the accumulated hours missed must be worked as overtime, once the crisis is over).<sup>34</sup>

The Australian background note illustrates in greater detail how a set of agreed measures can support businesses by increasing flexibility while helping workers strike a balance with other responsibilities, such as care tasks, effectively balancing workers' needs and firms' business requirements.

22 See Republic of South Africa: "Regulation Gazette", No. 11082, in Government Gazette (Vol. 658, 7 April 2020, No. 43210).

23 COVID-19 and the world of work. [Country policy responses – Austria](#), ILO (last updated 20 June 2020).

24 COVID-19 and the world of work. [Country policy responses – France](#), ILO (last updated 25 June 2020).

25 COVID-19 and the world of work. [Country policy responses – Germany](#), ILO (last updated 18 June 2020); T. Schulten and T. Müller: [Kurzarbeitergeld in der Corona-Krise. Aktuelle Regelungen in Deutschland und Europa](#) (Hans Böckler Stiftung, April 2020).

26 COVID-19 and the world of work. [Country policy responses – Ethiopia](#), ILO (last updated 4 May 2020); B.T. Dubero, [Protocol on workplace response to coronavirus COVID-19](#) (Ethiopia) (DLA Piper, Lexology, Ethiopia, 1 April 2020).

27 COVID-19 and the world of work. [Country policy responses – Russian Federation](#), ILO (last updated 1 July 2020); see the [full text](#) of the agreement.

28 COVID-19 and the world of work. [Country policy responses – Sri Lanka](#), ILO (last updated 7 April 2020); "Historic tripartite deal reached on Wages Board pay for employees during COVID-19", in FT Daily (13 May 2020).

29 [Sicherheiten für die Beschäftigten in der Metall- und Elektroindustrie](#), IG Metall 2020, 27 March 2020.

30 "Acuerdo en la construcción: licencia especial para 45.000 trabajadores para evitar contagión", in El País (21 March 2020).

31 "Acordos negociados pelas entidades sindicais para enfrentar a pandemia do coronavírus – COVID-19", in Estudos e pesquisas (Inter-Union Department of Statistics and Socio-Economic Studies, No. 91, 16 April 2020).

32 [Brazil: Collective agreements in response to COVID-19](#), IndustriALL, 4 May 2020.

33 "Despegar suspende y reduce horarios de casi el 30% de sus empleados", in El Cronista (20 April 2020).

34 [Frontline supermarkets: Hungarian unions work with SPAR to contain COVID-19](#), UNI Global Union Europe, 23 March 2020.

► **Reaching agreement on greater flexibility while improving work-life balance**

In [Australia](#), the Australian Chamber of Commerce and Industry, the Australian Industry Group, the Australian Services Union and the Australian Council of Trade Unions agreed on a temporary set of measures to provide support to businesses and employees during the pandemic, such as flexibility hours for those working from home (in terms of minimum shift and working hours), allowing staff to work more flexibly across classifications (without reductions in remuneration) and leave flexibility, including double leave on half-pay. The agreement further allows employers to direct employees to take leave during business shut-downs or having regard to their personal circumstances. Initially, these measures applied only to the [Clerks – Private Sector Award](#)<sup>35</sup> 2010, which was run as a test case. Having heard submissions from the social partners, on 8 April 2020 the Fair Work Commission made determinations varying 99 awards, which cover most people who work in Australia.<sup>36</sup> The determinations provide employees with two weeks of unpaid pandemic leave and the ability to take twice as much annual leave at half their normal pay if their employer agrees. In the public sector, following a submission by the Community and Public Sector Union (CPSU) the Australian Public Service Commission extended paid leave to casual staff affected by COVID-19. According to the CPSU, this covers about 9,000 casual workers.

## Promoting intra- and inter-company mobility

Many businesses have been affected negatively by the COVID-19 crisis. Within a single company or a sector, some operations may have been restricted, suspended or experienced a fall in demand, while others may have experienced staff shortages. To help remedy this situation, the social partners have reached agreements to promote mobility, both inside and between companies. On the sectoral level, for example, the social partners in Flanders (Belgium) negotiated a framework agreement allowing employers in the care sector to exchange workers.<sup>37</sup> The workers participate on a voluntary basis and the agreement sets out the conditions for such exchanges and offers employees guarantees regarding their terms of employment. In Denmark, the above-mentioned agreement in the financial sector stipulates that, while

companies may need to assign tasks, teams and resources differently in the circumstances and employees will need to adapt, any changes are subject to dialogue between the manager and employee, and particular consideration will be given to families with children. On the enterprise level, a food processing company in France signed an agreement with the trade unions SNI2A CFE-CGC and the CFDT.<sup>38</sup> The agreement addresses workers experiencing a period of under-activity by encouraging training or redeployment to other activities. Employees can volunteer to reinforce establishments or services that are in high demand. These measures are in lieu of short-time arrangements and help to prevent layoffs.

## Negotiating and promoting re- and upskilling

The period of reduced economic activity may be an opportunity for workers to develop new skills, potentially enhancing their future employment prospects and productivity. The social partners in some countries have reached agreements to support such processes. On the sectoral level, for example, in the Danish hospitality sector an agreement between the social partners 3F and HORESTA and the Agency for Labour Market and Recruitment provides for the option of upgrading employees' skills instead of dismissals.<sup>39</sup> Companies pay only the training fee; salaries are reimbursed through different funds. In France, an agreement between the metal industry employers' organization, UIMM, and three of its trade union organizations (CFE-CGC, CFDT and FO) on work organization during the COVID-19 epidemic stresses inter alia that this period can be used to maintain and develop employees' skills, in particular through training.<sup>40</sup>

## Sustaining business and protecting workers in particularly affected sectors in supply chains

In countries where particularly affected sectors represent key engines of growth, even temporary closures can have serious negative human and public health consequence, and the economic impact of the COVID-19 crisis on producing countries in supply chains – for example, the Asian garment industry – has been substantial.<sup>41</sup> Negotiated by the International Organisation of Employers, the International Trade Union Confederation and IndustriALL Global Union, the statement [COVID-19: Action in the Global Garment Industry](#) calls for measures

<sup>35</sup> [Awards \(modern awards\)](#) are legal documents that outline the minimum pay rates and conditions of employment. There are more than 100 industry or occupation awards that cover most people who work in Australia. Unions and employers' organizations do not have a formal status as co-determinants of the industry awards; they can make submissions stating their views, but have no direct role in their determination.

<sup>36</sup> [Modern awards update – AM2020/12 – Variation of awards – Additional Measures During the Covid-19 Pandemic](#), Australian Fair Work Commission, 9 April 2020.

<sup>37</sup> COVID-19 and the world of work. [Country policy responses – Belgium](#), ILO (last updated 22 June 2020); [Akkoord over uitlening personeel in zorgsector](#), ACV, 3 April 2020.

<sup>38</sup> Planet Labor: [France: agreement on activity management and job preservation at Danone](#) (No. 11838, 15 April 2020).

<sup>39</sup> [Danish response to mitigate the financial impact of the COVID-19 pandemic](#), Fagbevægelsens Hovedorganisation, 28 April 2020.

<sup>40</sup> See [Accord national du 3 avril 2020 portant sur les modalités d'organisation du travail pour faire face à l'épidémie de COVID-19](#).

<sup>41</sup> [Recommendations for garment manufacturers on how to address the COVID-19 pandemic](#), ILO Regional Office for Asia and the Pacific, 15 April 2020.

to support garment manufacturers and to protect garment workers' incomes, health and employment. At country level, the trust built between representatives of a group of Myanmar export manufacturers and the Industrial Workers' Federation of Myanmar during the

negotiation of a [Freedom of Association Guideline](#) led them to jointly approach a number of brands with a view to taking concrete action in support of the industry, aligned with the above statement.<sup>42</sup>

## ► Public health and social protection measures must be tailored to working and living conditions in the informal economy

Driven by the need to put food on the table, many informal economy workers and entrepreneurs may be forced to continue working even if doing so exposes them to the risk of contagion or they fall ill. Health guidelines and social protection schemes need to address the realities and specificities of the informal economy and involve relevant representative organizations if they are to address the actual situation and challenges.<sup>43</sup> Member-based organizations in the informal economy have been raising awareness and providing access to preventive measures that protect health and reduce the risks of contagion.

Organizations of informal economy workers and entrepreneurs in a number of countries (e.g. India, South Africa, the United States of America and Eastern Europe) are calling for income-support measures during the pandemic, among other policies, to enable them to stay at home and support public health objectives.<sup>44</sup> For informal economy enterprises, public payments supporting business solvency are crucial, given that most owners do not have extensive savings. If combined with incentives for enterprise registration, such payments could encourage the transition to formality. In Tunisia, for example, the social partners reached an agreement ensuring that 100

per cent of the salaries of about 1.5 million private-sector workers were paid during COVID-19-related closures in April 2020.<sup>45</sup> Under the agreement, enterprises had 30 days to declare employees, without late penalties, to benefit from the policy. The agreement may have positive side effects in terms of the formalization of jobs in the country.

The crisis can dramatically amplify poverty and inequality by disproportionately affecting vulnerable people working in the informal economy. Immediate responses require a multi-track strategy.<sup>46</sup> As economies gradually reopen, member-based organizations in the informal economy must advocate and negotiate safe returns to work (for example, health guidelines and measures must take into account the working conditions in different sectors of the informal economy) and ensure, with the local authorities, that workers and entrepreneurs in the informal economy have access to, for example, marketplaces. Workers' and employers' organizations can play an important and active role, developing their relations with member-based organizations and facilitating the transition from the informal to the formal economy.<sup>47</sup>

## ► From crisis response to recovery

Attention is now inevitably turning to the reopening of factories and companies. This has to be done safely, avoiding accidents or fresh outbreaks of the virus. Employers and their organizations have negotiated guidelines and criteria with trade unions that will be applied when governments allow business operations to resume.

On the sectoral level, the social partners in France's agri-food industry, for example, have published a [Guide](#) to help companies prepare for deconfinement and/or the resumption of activity. The guide states that it is in the interest of companies to draw up an activity resumption plan in consultation with employees' representatives. It

recommends continuously updating a single risk assessment document, but also helping employees to return to work by providing training, instructions and, if necessary, psychological support in addition to other health measures. It also answers questions on the resumption of activities with regard to customers/suppliers and how to manage production capacity. In Uruguay, the bipartite agreement mentioned earlier paved the way for a tripartite agreement in which the government and representatives of employers' organizations and the trade union SUNCA negotiated the conditions for the resumption of activities in the construction sector.<sup>48</sup>

42 [Myanmar during the COVID-19 Crisis: Working together to Protect the Health and Welfare of Workers and supporting the payment of Workers and Factories](#), IndustriALL, 12 May 2020.

43 [COVID-19 crisis and the informal economy. Immediate responses and policy challenges](#), ILO Brief, May 2020.

44 L. Alfors: [Pandemic: Informal workers urgently need income replacement and more protections](#) [blog post], Women in Informal Employment: Globalizing & Organizing (WIEGO), 23 March 2020.

45 T. Connell: [Union win: No layoffs in Tunisia private sector in COVID-19](#), Solidarity Center AFL-CIO (20 April 2020); see the [full text](#) of the agreement in Arabic.

46 COVID-19 crisis and the informal economy, op. cit., footnote 43.

47 See [Transition from the Informal to the Formal Economy Recommendation, 2015 \(No. 204\)](#).

48 See footnote 30; "[¿Qué establece el acuerdo entre el gobierno, el Sunca y los empresarios de la construcción?](#)", in El Observador (12 April 2020).

On the enterprise level, the two tripartite protocols agreed in Italy and mentioned earlier led to more specific safety provisions on the resumption of activities. These included information-sharing prior to the return to work, medical screening, door-to-door medical and psychological support and a gradual resumption in order to monitor the effectiveness of the safety measures put in place. In France, an online retailer and several trade unions (CGT, Sud, FO and CFDT) negotiated measures accompanying the resumption of activities that are detailed in a company agreement, following a legal battle over protections for employees.<sup>49</sup> The agreement provides for a three-phase return to work: 50 per cent of the workforce will return on a voluntary basis during the first phase and 80 per cent during the second phase; by the third phase, the retailer's warehouses will be fully operational with no staff limitations. Managers will be informed that they are prohibited from putting any pressure on workers to volunteer.

A final example comes from Singapore, where a national tripartite agreement has paved the way for enterprise-level negotiations and consultations on wage adjustments and on avoiding and managing retrenchment in the wake of COVID-19.<sup>50</sup> The agreement includes the obligation to consult with the relevant unions on different topics and recommends various measures as alternatives to retrenchment, including training/upskilling and redeployment of employees to alternative areas of work within the company. Moreover, employers are called on to review and restore any adjustments made when their businesses recover.

Looking ahead, it may be necessary to make creative and strategic use of technology for social dialogue during periods where face-to-face contact is impossible. In Brazil, for instance, agreements were being negotiated and approved in virtual assemblies, allowing union members to debate and vote on proposals remotely.<sup>51</sup>

## ► A human-centered recovery agenda: preliminary conclusions on the role of effective social dialogue between workers and employers

ILO instruments and supervisory body comments regularly stress the importance of bipartite social dialogue for tackling crisis situations<sup>52</sup> – and **social dialogue has definitely proved its value during the early stages of the COVID-19 crisis response**. As illustrated in the above examples, the social partners in many countries exercised trust, responsibility and commitment in negotiating, often in a short period of time, balanced and wide-ranging measures to protect health, support jobs and preserve the continuity of business operations. This shows the benefits of having functioning and effective social dialogue structures and processes in place that, when a crisis like COVID-19 strikes, can immediately facilitate discussions and agreements on anti-crisis measures.

In several countries, the COVID-19 crisis has sparked industrial disputes, and it can be assumed that further challenges and tensions will arise as factories prepare to restart production. Crises such as this dramatically increase the importance of having in place effective institutional mechanisms for preventing and managing conflict. Unilateral responses may appear more convenient and rapid in the short run, but effective dialogue has a proven record of generating targeted, practical and equitable solutions to the type of challenges now facing the world of work.

Looking ahead, labour markets worldwide are currently affected by a severe recession – and will continue to be so for the foreseeable future. The pandemic has exposed a number of underlying weaknesses in the ability to respond to shocks in the world of work; the recovery agenda should aim to return, not simply to the pre-crisis situation, but instead to a “better normal”,<sup>53</sup> with sound labour relations enabling sustainable outcomes. In view of the scale and intensity of the present and future economic and social effects of the pandemic, it is more critical than ever that full advantage be taken of the very broad scope of measures available to promote dialogue between employers and their organizations, on the one hand, and workers’ organizations, on the other. The following section outlines some critical considerations to bear in mind when fostering the role of bipartite social dialogue – supported by ILO instruments and technical assistance.

- 1. Governments have a crucial role to play in facilitating effective social dialogue:** Ensuring that appropriate and comprehensive legal and institutional frameworks for social dialogue are in place, and that the social partners’ independence and the outcomes of social dialogue are respected, are key conditions for effective social dialogue.<sup>54</sup> In many cases, governments have effectively engaged with the social

49 L. Alderman: “Amazon Reaches Deal with French Unions in Coronavirus Safety Dispute”, in The New York Times (16 May 2020).

50 See the [full text](#) of the updated tripartite advisory.

51 “Acordos negociados pelas entidades sindicais para enfrentar a pandemia do coronavírus – COVID-19”, op. cit., footnote 31.

52 See the [Employment and Decent Work for Peace and Resilience Recommendation, 2017 \(No. 205\)](#), paras 7.k, 8.i and Part IX; the ILO [2009 Global Jobs Pact](#); ILO: [Freedom of association: Compilation of decisions of the Committee on Freedom of Association](#), 6th edition (Geneva, 2018), paras 1437, 1527 and 1546; ILO: [Report of the Committee of Experts on the Application of Conventions and Recommendations](#), Report III (Part 1B), International Labour Conference, 101st Session, 2012, para. 167.

53 [New normal? Better normal!](#) ILO Op-ed, 1 May 2020.

54 See ILO: [A recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the ILO Declaration on Social Justice for a Fair Globalization](#), 2008, Report VI, 107th International Labour Conference, 2018.

partners and reached a tripartite consensus on many legislative, regulatory and financial measures to mitigate the economic and social impact of the pandemic. Governments have also been instrumental in providing sufficient space and support for bilateral social dialogue. For example, many governments have facilitated negotiations on short-time work schemes by financing wage subsidies for the workers concerned.

- 2. Early crisis responses illustrate the relevance and complementarity of different forms and levels of social dialogue:** As highlighted in ILO standards,<sup>55</sup> the social partners should be consulted on the legislative and regulatory measures, whether national or sectoral, providing economic and social responses to the effects of the pandemic,<sup>56</sup> and collective bargaining should be possible at the national, regional, sectoral, occupational and company levels.<sup>57</sup> In that context, it is crucial to make the best use of the specific added-value and complementarity of social dialogue mechanisms – including complementarities between tripartite and bipartite social dialogue mechanisms – at different levels.<sup>58</sup> The results obtained by the National Textile Bargaining Council in South Africa demonstrate how well-developed sectoral bargaining institutions can deliver rapid, inclusive results in a crisis. By promoting synergies between forms of dialogue, and between different levels of negotiation, the Italian example shows how tripartite social dialogue opened the door for bipartite dialogue at sectoral and enterprise level on negotiated tailored solutions to the COVID-19 crisis.
- 3. Social dialogue in general, and collective bargaining in particular, should be able to take place in all sectors of activity,<sup>59</sup> whether public<sup>60</sup> or private:** Effective dialogue between representatives of workers and employers aimed at identifying concerted solutions is all the more important for

sectors particularly affected by the current crisis. The examples in this brief are bipartite responses negotiated in a variety of sectors, e.g. agriculture, tourism, manufacturing and retail. At the same time, sectors of activity in which developing collective representation structures has been a challenge, and which tend to feature a high degree of informality, often still lack the institutional framework and enabling environment that would help them develop concerted responses to the challenges affecting them. For several of these sectors and occupations, the ILO has adopted specific standards, all of which emphasize the need to promote social dialogue, including collective bargaining.

- 4. The impact of the crisis on groups that are more vulnerable to adverse labour market outcomes should be taken into account:** The current crisis has spotlighted the particular vulnerability of certain categories of workers (for example, workers in diverse forms of work arrangements,<sup>61</sup> self-employed workers,<sup>62</sup> workers in the informal economy<sup>63</sup> and domestic workers<sup>64</sup>) and enterprises (including micro and small enterprises<sup>65</sup>). Vulnerable categories of employers and workers should be given the tools and opportunities to make their voices heard in appropriate channels of representation and social dialogue mechanisms that facilitate gender-responsive outcomes.<sup>66</sup> In a number of countries, workers' and employers' organizations have made progress towards affiliating these groups and/or delivering services to them.<sup>67</sup> In the context of the COVID-19 crisis, the Colombian agreement mentioned earlier particularly addresses older workers and workers with vulnerable health status. In Australia, the Australian Public Service Commission extended paid leave to casual staff affected by COVID-19, thus taking account of diverse work arrangements. In addition, and more broadly, social dialogue

55 See, among others, the [Collective Bargaining Convention, 1981 \(No. 154\)](#) and [Collective Bargaining Recommendation, 1981 \(No. 163\)](#); the [Consultation \(Industrial and National Levels\) Recommendation, 1960 \(No. 113\)](#), the [Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No. 144\)](#) and the [Tripartite Consultation \(Activities of the International Labour Organisation\) Recommendation, 1976 \(No. 152\)](#); the [Rural Workers' Organisations Convention, 1975 \(No. 141\)](#) and the [Rural Workers' Organisations Recommendation, 1975 \(No. 149\)](#), para. 5; the [Co-operation at the Level of the Undertaking Recommendation, 1952 \(No. 94\)](#).

56 See [Recommendation No. 113](#); [Freedom of association: Compilation of Decisions of the Committee on Freedom of Association](#), op. cit., footnote 52, paras 1525 and 1536 to 1551. Numerous ILO conventions and recommendations require governments to conduct effective tripartite consultations on the implementation of their provisions.

57 See [Recommendation No. 163](#), para. 4; [Report of the Committee of Experts on the Application of Conventions and Recommendations](#), op. cit., footnote 52, para. 222.

58 See [Recommendation No. 163](#), para. 4.

59 See [Convention No. 154](#), Art. 1.

60 See in particular the [Labour Relations \(Public Service\) Convention, 1978 \(No. 151\)](#) and the [Labour Relations \(Public Service\) Recommendation, 1978 \(No. 159\)](#). See also ILO: Report of the [Committee of Experts on the Application of Conventions and Recommendations](#), Report III, Part 1B, 102nd International Labour Conference, 2013.

61 ILO: [Non-standard employment around the world: Understanding challenges, shaping prospects](#) (Geneva, 2016).

62 Concerning the applicability to self-employed workers 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 principles of freedom of association and collective bargaining, see [Report of the Committee of Experts on the Application of Conventions and Recommendations](#), op. cit., footnote 52, paras 71 and 209; ILO: [Report of the Committee of Experts on the Application of Conventions and Recommendations](#), Report III (Part IVB), 81st International Labour Conference, 1994; [Compilation of decisions of the Committee on Freedom of Association](#), op. cit., footnote 52, paras 387 and 1285.

63 See the [Transition from the Informal to the Formal Economy Recommendation, 2015 \(No. 204\)](#).

64 See the [Domestic Workers Convention, 2011 \(No. 189\)](#) and the [Domestic Workers Recommendation, 2011 \(No. 201\)](#).

65 See the [Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 \(No. 189\)](#).

66 ILO: [Negotiating for gender equality](#), Issue Brief No. 4 (Geneva, 2016).

67 ILO: [Interactions between Workers' Organizations and Workers in the Informal Economy: A Compendium of Practice](#) (Geneva, 2019).

mechanisms should provide, where relevant, a space for the tripartite partners to raise awareness of fundamental principles and rights at work and to monitor the COVID-19 response, in particular in relation to the risk of their infringement and of greater informality.

- 5. Dialogue between the social partners, including collective bargaining during the early stages of the crisis, has addressed a broad set of issues:** The multi-faceted effects of the pandemic underline, as do ILO standards, how important it is for social dialogue mechanisms to create the space for workers' and employers' organizations to address all the issues affecting the economic and social interests of their members and provide the means for a sustainable recovery.<sup>68</sup> As illustrated by the examples mentioned in this brief, workers and employers have together addressed subjects such as health and safety at work, employment policies, cost reductions and preventing staff cuts, wages, working time, the protection of small businesses, the transition to the formal economy, social protection, the reconciliation of work and family responsibilities, and the arrangements for social dialogue, including collective bargaining, during lockdowns and when the economy restarts.

## What the ILO can do: Tools and responses in support of the social partners

ILO instruments provide guidance for bipartite social dialogue and are supplemented by ILO policy research, knowledge products, training tools and technical advice and assistance. Guided by its instruments and the comments of supervisory bodies, the ILO works actively to ensure that the social partners are in the best possible position to regulate the labour market through social dialogue.

Effective social dialogue is predicated on strong, independent and representative workers' and employers' organizations. Strengthening their capacity and resilience enables such organizations to participate more effectively in the design and implementation of the measures and policy responses that will be needed to address the economic, social and environmental challenges stemming from the COVID-19 crisis.

Since the beginning of the crisis, the ILO Bureau for Employers' Activities (ACT/EMP) has been strengthening employers' and business membership organizations to help their members deal with the crisis response, formulate policy proposals and engage in effective dialogue. To this end, ILO ACT/EMP has developed a set of

COVID-19-related tools that can be customized, such as guides for employers on COVID-19, safe return to work and teleworking, a questionnaire for assessing the impact of COVID-19 on enterprises and a business continuity tool.<sup>69</sup>

The crisis is affecting businesses around the world and many employers' and business membership organizations are facing uncertain times. They are concerned about membership retention in the short, medium and long term. ILO ACT/EMP will thus put even more emphasis on helping constituents develop strategies for organizational resilience and leadership. At the same time, it will continue to help employers' and business membership organizations implement strategic planning and organizational development tools, establish new services, and adapt and deploy business environment analysis tools.

In line with its policy framework, the ILO Bureau for Workers' Activities (ACTRAV) has worked with workers' organizations on strengthening their capacity to formulate proposals for discussion and negotiation in tripartite and bipartite social dialogue settings, in order to achieve and implement the broadest possible consensus on the way forward. Its tools and regional webinars have focused on:

- Identifying the right policy mix to address economic recovery measures; promote employment retention measures in the short term; reduce unemployment and promote employment services in the medium term; promote social protection and public health measures; reinforce occupational safety and health measures (including in relation to the return to work); support the creation of new economic and formal entities; and promote workers' rights;
- Promoting stronger bipartite dialogue, including through collective bargaining agreements or agreements between employers' and workers' organizations, on how to address the common labour market and workplace challenges through information and negotiation mechanisms;
- Implementing tailor-made, targeted and innovative strategies (including new communication strategies) to reach out to the most vulnerable and seriously affected workers (women workers, older workers, young workers, informal and platform workers, migrant workers, etc.); adapting and developing new services (e.g. counselling services on occupational safety and health, psychosocial risks, violence, harassment and stress, social protection); and extending those services to workers who are traditionally underrepresented in the trade union movement and those who are not in formal employment.

<sup>68</sup> Regarding the material scope of consultations, see in particular [Recommendation No. 113](#) and [Compilation of decisions of the Committee on Freedom of Association](#), op. cit., footnote 56, paras 1517 to 1569. In addition, numerous conventions and recommendations require governments to conduct effective tripartite consultations when implementing their provisions. Regarding the material scope of collective bargaining, see in particular [Convention No. 154](#), Arts 2 and 5.2. See also [Report of the Committee of Experts on the Application of Conventions and Recommendations](#), op. cit., footnote 52, paras 215 to 221, and [Compilation of decisions of the Committee on Freedom of Association](#), op. cit., footnote 52, paras 1289 to 1312.

<sup>69</sup> See the [ILO ACT/EMP webpage](#).

The ILO works with the State and the social partners to support the development of well-designed legal and regulatory frameworks that meet the needs of the key labour market actors and promote sound industrial relations. By providing technical advice and assistance, supported by action-oriented tools (e.g. [Collective bargaining. A policy guide](#) and its associated training curriculum, and the recently updated and expanded [IRLex](#), a comparative global database on industrial relations), the ILO is able to work with member States to strengthen laws, regulations and institutions promoting an enabling environment for sound industrial relations. This enabling framework is of particular importance when it comes to empowering workers' and employers' organizations to partner in the design and implementation of negotiated solutions in the face of COVID-19 and in future crises.

The ILO also supports governments and social partners at all levels by providing capacity building, including through the recently launched participatory training curriculum called the [Industrial Relations Toolkit \(IR Toolkit\)](#). The toolkit aims to develop the skills needed to engage in effective labour-management relations, including collective bargaining, workplace cooperation and grievance handling. ILO technical advice often cuts across multiple disciplines, responding to the very specific needs of the Organization's constituents. For example, it often addresses expertise in labour relations institutions and processes together with the technical issues subject to bargaining, including in the context of a crisis such as the current global pandemic, supporting dialogue-driven solutions in the areas of wages, working time and managing transitions induced by the crisis.

The [Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#) – most recently updated in 2017 – is an important policy instrument aimed at promoting sound industrial relations throughout the operations of multinational and national enterprises, including in supply chains. Its [company-union dialogue](#) procedure “gives effect to the need to support dialogues involving multinational enterprises and the representatives of the workers affected, in particular trade unions, on the application of the [Declaration's] principles”. Where a company and a trade union voluntarily agree to use ILO facilities to meet and talk, without prejudice, the ILO will provide a neutral ground for discussion of issues of mutual concern.<sup>70</sup>

<sup>70</sup> See ILO: [Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy](#) (MNE Declaration), fifth edition (Geneva, March 2017), Annex II, p. 23.

## Workers' and employers' representatives need a seat at the table for a human-centred recovery agenda

Given the key role played by employers, employers' organizations and workers' organizations in the crisis response, and in recognition of their continued relevance in supporting a robust recovery – both economic and social – these organizations themselves must continue to receive support. They must continue to fulfil their mandates to formulate solutions through effective social dialogue and collective bargaining. The State can play a critical role in this respect, ensuring an enabling environment that provides for the full realization of freedom of association and effective recognition of the right to collective bargaining at national, sectoral and enterprise level.

The economic and human costs of the crisis continue to mount and will likely do so for some time. Protecting workers, securing livelihoods, supporting businesses and managing transitions during – and in the aftermath of – the crisis can only succeed to the extent that policy measures reflect the needs and interests of those most directly affected. Building confidence through trust and dialogue is crucial to making policy measures effective. A human-centred recovery is best guaranteed when those affected – through their representatives – have a seat at the table.

### Contact details

International Labour Organization  
Route des Morillons 4  
1211 Geneva 22  
Switzerland

Conditions of Work and Equality Department  
T: +41 22 799 6754  
E: [inwork@ilo.org](mailto:inwork@ilo.org)  
[www.ilo.org/collectivebargaining](http://www.ilo.org/collectivebargaining)