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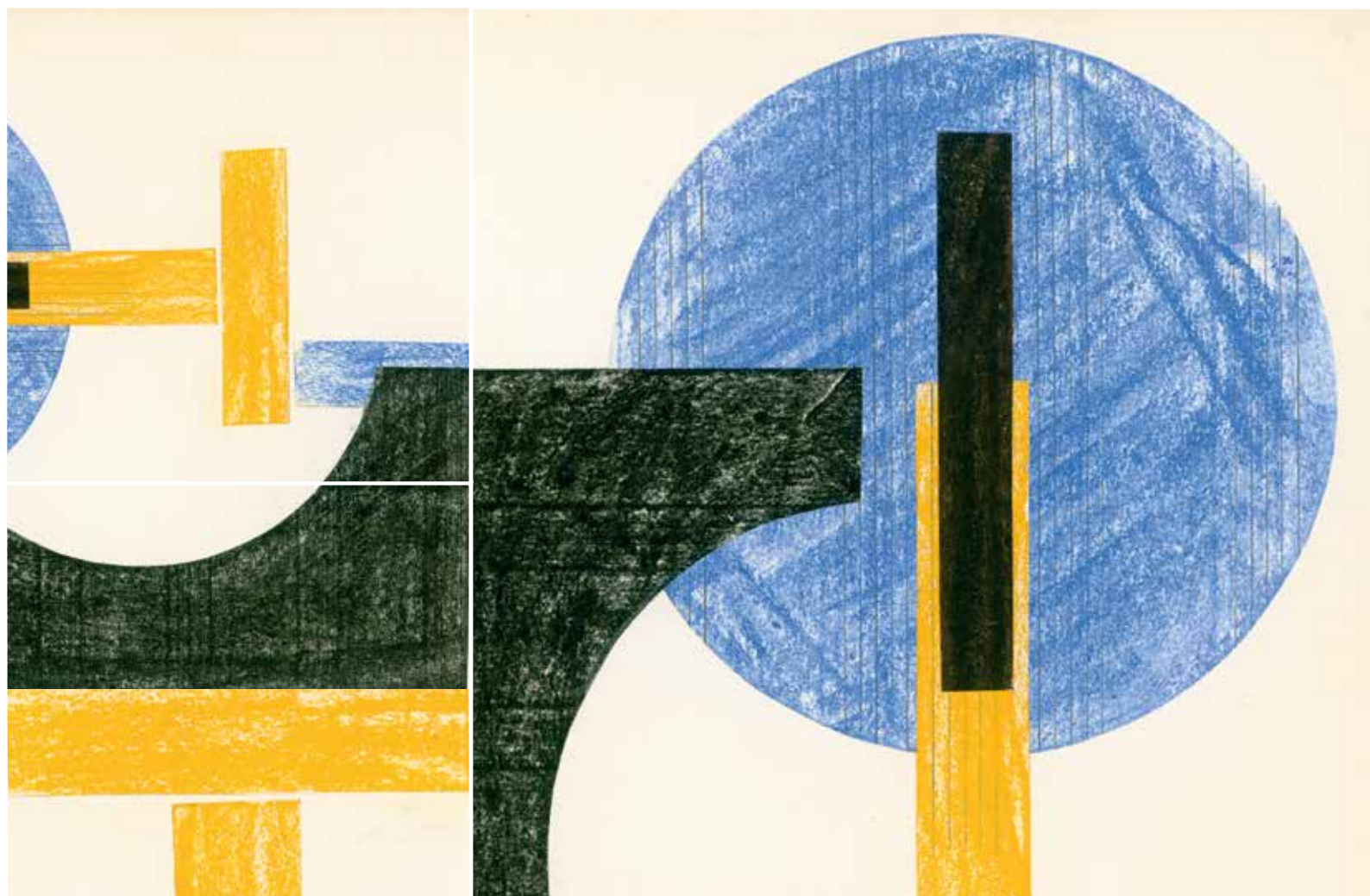


International  
Labour  
Organization

# Final report of the discussion

## Global Dialogue Forum on Challenges to Collective Bargaining in the Public Service

(Geneva, 2–3 April 2014)



Sectoral  
Policies  
Department

**GDFPS/2014/11**

INTERNATIONAL LABOUR ORGANIZATION

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INTERNATIONAL LABOUR OFFICE, GENEVA

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## Introduction

1. The Global Dialogue Forum on Challenges to Collective Bargaining in the Public Service was held at the International Labour Office in Geneva from 2 to 3 April 2014. The Governing Body of the ILO had proposed the convening of the Forum at its 317th Session (March 2013)<sup>1</sup> and approved the Forum's composition at its 319th Session (October 2013).<sup>2</sup> The Office had prepared an issues paper<sup>3</sup> and suggested points for discussion, which would serve as a basis for the Forum's deliberations.
2. The purpose of the Forum was for tripartite participants to discuss the impact of the economic and financial crisis on collective bargaining in the public service and other challenges to the development of good labour relations, with a view to adopting points of consensus on a way forward, based on the 2013 General Survey<sup>4</sup> and discussions on it at the 102nd Session of the International Labour Conference (ILC).
3. The Chairperson of the Forum was Ms Rebecca C. Chato (the Philippines). The Government group coordinator was Mr Bro-Matthew Shinguadja (Namibia). The Employers' and Workers' group coordinators were respectively Mr Paul Mackay and Ms Rosa Pavanelli. The Secretary-General of the Forum was Ms Alette van Leur, Director of the Sectoral Activities Department (SECTOR), the Deputy Secretary-General was Mr John Myers, the Executive Secretary was Mr Carlos Carrion-Crespo, and the Coordinator of secretariat services was Ms May Mi Than Tun.
4. The Forum was attended by 127 participants, including 80 Government representatives and advisers from 41 member States, as well as 29 Worker and 13 Employer participants, and seven observers from intergovernmental organizations (IGOs) and international non-governmental organizations (INGOs).
5. The Secretary-General of the Forum recalled that the last sectoral meeting on the public service sector had been held in 2003. One of the key issues for public administration in the twenty-first century was to provide all citizens with access to public services and social protection, through a strong, independent and ethical public service. Five years after the financial and economic crisis, many member States continued to have difficulty to maintain staffing levels of their workforce and had also reduced services accordingly. Social dialogue was used by some member States to address these issues and could help in the implementation of reforms necessitated by reductions in government revenue or spending. The Labour Relations (Public Service) Convention, 1978 (No. 151), provided for an appropriate, comprehensive and integrated approach to labour relations in the public service and to dispute settlement. The Report of the Committee of Experts on the Application of Conventions and Recommendations on the General Survey<sup>5</sup> noted that the

<sup>1</sup> GB.317/POL/5.

<sup>2</sup> GB.319/POL/4.

<sup>3</sup> ILO: *Collective bargaining in the public service: Bridging gaps for a better future*, Geneva, 2014, [http://www.ilo.org/sector/Resources/publications/WCMS\\_237279/lang--en/index.htm](http://www.ilo.org/sector/Resources/publications/WCMS_237279/lang--en/index.htm).

<sup>4</sup> ILO: *General Survey concerning labour relations and collective bargaining in the public service*, Report III (Part 1B), International Labour Conference, 102nd Session, Geneva, 2013.

<sup>5</sup> *ibid.*

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evolving status and conditions of public servants had brought with it substantial changes in the traditional public service model in the legislation of many countries, and observed that such changes had an impact on the impartiality and independence of the public administration and its capacity and conditions for carrying out its work. It emphasized that the guarantees provided for in Convention No. 151 – on the independence of public employees’ organizations from public authorities and efficiency of the public service – and in other related standards could be effective only if the civil and political rights enshrined in the Universal Declaration of Human Rights and other relevant fundamental international instruments were genuinely recognized, protected and respected. Fulfilling these guarantees would allow governments, public servants and their representative organizations to discharge their shared responsibility for the well-being of the community as a whole.

6. The Chairperson observed that the importance of the public service to ILO member States could not be overemphasized. The public service sector employed more workers than any other service sector or industry worldwide, and was an essential part of economic development. Good governance required transparent, ethical and quality public services delivered by professional and motivated people. Quality public services needed the support of good labour relations systems, including effective mechanisms for negotiation, consultation, and peaceful channels for discussion of professional and workplace issues.
7. The Executive Secretary presented the issues paper,<sup>6</sup> which highlighted that the public service had been the focus of many reform efforts since the 1980s, and also summarized the information available to the Office in order to explore how the dynamics of public service sector labour relations had been affected by the crisis, and the role of social dialogue and collective bargaining in the implementation of reforms. The ILO had monitored the impact of the crises closely. Governments in all regions had experienced declining revenues following the 2008 financial and economic crisis. Public service employment was subject to austerity measures intended to reduce public debt, and might also be affected by other cuts. The Office found that different countries had approached public service sector labour relations in varied ways, in some cases social dialogue had improved and in others it had deteriorated. Evidence showed that women continued to be affected more severely by the crisis. The General Survey of the Committee of Experts (2013) concerning labour relations and collective bargaining in the public service had been published and discussed at the 102nd Session of the ILC. The Committee emphasized that social dialogue in its different forms, and especially collective bargaining between trade union organizations and the public administration, are key to creating the necessary conditions to ensure high-quality services in an array of public institutions as well as properly qualified and motivated public service and a dynamic and depoliticized public governance and administrative culture, with an ethical focus, which fought administrative corruption, made use of new technologies and were based on the principles of confidentiality, responsibility, reliability, transparency in management and non-discrimination.<sup>7</sup> The recurrent discussion on social dialogue at the 102nd Session of the ILC in 2013 had agreed upon a set of conclusions that had guided the preparation of the issues paper.<sup>8</sup> The conclusions from that discussion had encouraged the ILO to continue a promotional campaign on Convention No. 151. Convention No. 151 acknowledged the

<sup>6</sup> ILO, 2014: [http://www.ilo.org/sector/Resources/publications/WCMS\\_237279/lang--en/index.htm](http://www.ilo.org/sector/Resources/publications/WCMS_237279/lang--en/index.htm).

<sup>7</sup> ILO, 2013: [http://www.ilo.org/ilc/ILCSessions/102/reports/reports-submitted/WCMS\\_205518/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/102/reports/reports-submitted/WCMS_205518/lang--en/index.htm).

<sup>8</sup> ILO, 2013: [http://www.ilo.org/ilc/ILCSessions/102/reports/reports-submitted/WCMS\\_205955/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/102/reports/reports-submitted/WCMS_205955/lang--en/index.htm).

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distinct character of labour relations in the public service, in which the government defined the working conditions of its workers, while simultaneously drafting the laws that defined the processes determining those working conditions, and could limit trade union activities.

8. The Employers' group coordinator noted that when the General Survey and conclusions of the Committee of Experts had recognized that the right to collective bargaining for public servants was an important issue. Collective bargaining, dialogue, consultations and conversations were part of the process. The current Forum was a natural extension from those discussions. The representation of private sector employers in such meetings was driven by the fact that public sector policies and actions had an impact on the wider economy. Government action was crucial to responses to different forms of crisis – financial, economic, earthquakes, tsunamis and so on – and public services played a major role in that. He hoped that the Forum would contribute to countries' better preparation to respond to future crises. His group considered social dialogue in the public service to be important and that it also impacted not only on the sector's working conditions, but also the quality of public services which, in turn, significantly impacted the private sector. Business created wealth that was the basis for taxes on enterprises and on workers' incomes. All public services – including education, health and public administration – could have direct positive or negative impacts on the economy as a whole. Countries did not necessarily approach the issue in the same way. Legislation in some countries restricted public sector collective bargaining to negotiation about wage levels; in others, the partners could negotiate on all relevant subjects; while even in countries where collective bargaining in the public service was not available, other forms of social dialogue, such as consultation, were still possible. His group thought therefore that it would be useful for the discussion to be on the broader scope of social dialogue in all its forms, not exclusively about collective bargaining.
9. The Workers' group coordinator stated that the gap between the rich and the poor was widening all across the world. Both in the public and private sectors, most of the jobs created in the last two decades were short-term, part-time, temporary, casual or informal, and largely precarious. Many of these jobs were lower paid than those of previous periods and most of the least protected workers were women. Austerity measures and the privatization of public services undermined service delivery, and trade unions' and workers' rights in many countries around the world. The right to collective bargaining had been restricted or taken away completely from substantial categories of public employees. The deterioration of collective bargaining in the public sector included: deregulation and dismantling of public employment thus removing the right of workers to bargain collectively with the public authorities; the de-institutionalization of social dialogue; the emergence of "yellow" unions as parallel structures; the loss of independence through government interference in trade union election processes; de-registration of trade unions; excessive and complex administrative rules or penalties for strike action; and criminal prosecution of protest actions. She then presented examples of where collective bargaining in the public sector had enhanced the quality of services, and promoted social inclusions and economic recovery, as in the cases of Belgium, Iceland, Finland, Uruguay, Argentina and Brazil. Collective bargaining and dispute resolution mechanisms in the public sector could also promote social peace and discourage corruption. Collective bargaining in the public sector should – by promoting fair labour relations and equality, and creating opportunities for young workers, and encouraging career development – be the model for the private sector. In particular, teachers should have the right to collective bargaining. In conclusion, the Workers' group called for a worldwide action programme with technical assistance to support the ratification and implementation of Convention No. 151 and the Collective Bargaining Convention, 1981 (No. 154).
10. The Government group coordinator welcomed the convening of the Forum. He noted governments' unique position as employers with regard to public service workers in relation to collective bargaining, and governments could be exemplary employers in

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contributing to improvements in working conditions, and constructively working towards resolving labour disputes. Collective bargaining should be used when resolving disputes. The Government group looked forward to participating in constructive dialogue.

- 11.** The Government representative of Colombia addressed the issue of scarce employment data for her region raised in paragraph 26 of the issues paper, observing that in Colombia and other Latin American countries, public administration employment had not been as severely affected by the crisis as in Europe and the United States. Her Government had promulgated a Decree 1092 in 2012 on procedures for negotiating and resolving issues regarding organizations of public employees. In 2013, for the first time in Colombia's history, public service sector collective bargaining had taken place with the country's main workers' unions. Forty national level agreements, 80 regional agreements and 165 municipal level collective agreements improving working conditions for public service workers had now been reached.
- 12.** The Government representative of Congo summarized the development of public sector labour relations in his country as part of a social truce in the context of reconciliation. Social dialogue was employed to address a number of issues including wages, family allowances, health premiums and the retirement age.
- 13.** The Government representative of Trinidad and Tobago considered that tripartite dialogue offered an opportunity to develop and share understanding, empathy and lessons learnt by the social partners. He emphasized the importance of enhancing competitiveness and increasing public service productivity. The public service sector and the private sector should work in tandem to achieve national goals. In his country the public service was the largest employer, with 12 recognized unions representing 23,000 employees. The Government had developed a management system that included training programmes to attract highly qualified workers.
- 14.** The Government representative of Mozambique remarked that the Government attached great importance to social dialogue at all levels, including in the public service sector, to promote social peace, social justice, and economic development. She outlined the tripartite system for social dialogue in Mozambique underlining that her country intended to continue improving collective bargaining in the public service. She was eager to hear other countries' experiences in this area.
- 15.** The Government representative of the Bahamas pointed out that public service workers were generally mostly women, especially in his country. The Forum should take this fact into account during the discussions.
- 16.** The Government representative of Morocco underlined the role of social dialogue – his country's 2011 Constitution included specific reference to fostering social dialogue. Such dialogue was the key to maintaining good labour relations. The 2011 tripartite agreement in the Moroccan public service had included such points as pay increases in public service, training and qualifications, transparency, retirement, pensions, freedom of association and the right to strike.
- 17.** A Worker participant from the Latin American Confederation of Public Servants (CLATE) highlighted the importance of decent wages for public service workers, in accordance with the value of the work done, and which enabled workers to meet their needs. He emphasized the need to strengthen state involvement in the economy and for the creation of decent jobs, which was a particularly appropriate method of dealing with the crisis. He also noted the need to ensure the full exercise of collective bargaining in the public service sector.



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## **First point for discussion: How can collective bargaining contribute to addressing challenges facing the public service, including the impact of the economic and financial crisis?**

18. The Employers' group coordinator stated that the discussion on collective bargaining required some context. From the Employers' perspective, collective bargaining did not always have to result in a collective agreement; it was about both the process and the outcome. The crisis posed serious constraints on the private sector's ability to create employment, while also often limiting governments' ability to respond adequately, as a lot depended on how well prepared they were and the capacity of the entire system. It could have a significant impact on the image of the public service. With regard to the collective bargaining, there was a need to create an environment for socially responsible dialogue. There was also a need for sensible restraint, which required prevention and preparation by all parties.
19. The Workers' group coordinator underscored the contribution of collective bargaining to just and equitable working conditions, gender equality and non-discrimination, harmonious relations at the workplace, the fight against corruption and social peace and how it underpinned the delivery of quality public services. Noting the role of collective bargaining in helping some countries to emerge from the crisis with less inequality, she stressed that while social dialogue was essential in normal times, it became even more so in times of crisis. Her group welcomed the global trend towards increased bipartite consultation and collective bargaining in the public service, and recalled that the 2013 General Survey report observed that Conventions Nos 151 and 154 could be ratified, regardless of the size of the country or the numbers employed in the public service, or the extent of the informal economy. She highlighted the importance of the principles of free, voluntary and good faith negotiations and referred to the view of the Committee of Experts that parties should be free to determine, within the limits of national legislation and of good public order, the content of agreements, adding that "measures taken unilaterally by the authorities to restrict the range of subjects that may be negotiable are often incompatible with the Convention". She concurred with the Committee of Experts that any economic stabilization measures should only come into effect upon the expiry of the existing collective agreements, noting that limitations on the content of future collective agreements, particularly in relation to wages, were only admissible on condition they had been negotiated with workers' organizations in the framework of national legislation and existing collective bargaining structures. Such limitations could only be applied as an exceptional measure, be limited to the extent necessary and not exceed a reasonable period. They also had to be accompanied by safeguards to effectively protect the standard of living of the workers concerned, in particular those who were likely to be the most affected.
20. A Worker participant from Education International stressed that collective bargaining required a structure that was robust, regardless of who or which government was in power. It had to work in good times as well as during times of crisis. It could not be constructed to work only in a particular situation. She stressed the need to build collective responsibility, disagreeing with the view that collective bargaining did not necessarily have to result in a collective agreement, because people who signed such agreements felt responsible for finding solutions and for ensuring that the agreement was respected. The speaker highlighted the need to build quality public services and cited the Finnish education sector as an example which had developed positively during bad and good times.
21. A Worker participant from Belgium noted that, even though his organization had difficulties in identifying public service employer counterparts, there was a long history of social dialogue in the Belgian public service. Social dialogue had helped to address a

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number of difficult issues, especially on wages and dismissals. He noted the negative impact of austerity measures on the public service.

- 22.** A Worker participant from Iceland explained that the 2008 economic crisis, which resulted in the collapse of banks and a 50 per cent drop in the national currency, had had a very negative impact on the country, which relied heavily on imported goods. Traditionally a stable and peaceful nation, Iceland was becoming more volatile. According to the speaker, social dialogue was key to de-escalating the situation. This was particularly relevant to Iceland, where some 80 to 90 per cent of workers were unionized, with an even higher rate in the public services. He provided an example of people forming “a society ready to talk together” and made a plea to the employers and governments to pay due respect to the workers.
- 23.** A Worker participant from the Republic of Korea noted that effective mechanisms for bipartite union-government bargaining in the public service were being established in many places around the world, and that there were many cases in which collective bargaining in public services sectors in general had proven their mettle in helping to overcome the crisis. However, her country was moving in the opposite direction, with the Government refusing to engage in bipartite negotiations on policies that impacted public sector workers’ wages and working conditions. It had also deregistered unions, denying fundamental trade union rights to hundreds of thousands of public sector workers, using the economic crisis and public sector debt to justify unilateral cuts in social services funding. Under its policy for the “normalization” of public institutions, it was forcing employers in charge of public utilities, public transport and public research, among others, to unilaterally revise collective bargaining agreements to cut workers’ benefits, erode their conditions and restrict trade union activities.
- 24.** A Worker participant from Argentina underlined that labour relations in public services sectors could only be sustained in a framework of social dialogue and collective bargaining. The crisis resulted from the absence of dialogue, institutional fragility, structural adjustment and weak decision-making authority. Tripartite social dialogue was essential to overcome crises, as was demonstrated by Argentina. Argentina had made significant progress in collective bargaining in the public services sectors, but not all subsectors were covered – those lacking such bargaining included universities, and provincial or municipal governments. The Forum should recognize the opinion of the Committee of Experts that social dialogue was essential under normal circumstances, and even more so during times of crisis. During 2013, ILO-organized regional meetings on collective bargaining in Latin America had strengthened the governments’ commitment to public sector collective bargaining. The Forum should seize the opportunity to establish a permanent public services sectors workplan.
- 25.** A Worker participant from Samoa observed that in small island states, the public service was the largest and most important employer, and in her region over half of public servants were in the education sector. Pacific states had diverse needs and collective bargaining was essential for sustainable development of the economies. Public sector labour relations could set the standard for equitable working conditions for their small private sectors in which collective bargaining was largely absent, improve the quality of public services, promote equality and decent work, and tackle corruption.
- 26.** A Worker participant from the European Federation of Public Service Unions expressed concern that both the European Commission and the European Central Bank had pressured European governments to unilaterally reform public sector collective bargaining. He appreciated the research conducted by the ILO in collaboration with the European Commission on public sector adjustments which concluded that collective bargaining and social dialogue ensure quality employment, itself a pre-requisite for quality public services. The issues paper provided evidence that cuts in public spending threatened the quality and

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quantity of services in both the short- and long-term. For example, reducing the tax administration workforce jeopardized the State's ability to collect taxes and to investigate tax fraud at a time when public revenue was declining. Similarly, cuts in health services spending encouraged an increase in the migration of health workers from Eastern Europe.

27. A Worker participant from Guinea stated that crises in his country had encouraged the trade unions to work together more closely with the Government and to push for the institutionalization of annual collective bargaining. Negotiations had resulted in several improvements in public sector working conditions, including wage increases, the establishment of a social protection scheme and the fixing of a minimum wage. Another issue that workers wanted to be addressed through collective bargaining was corruption and the existence of fictitious public sector workers.
28. The Government group coordinator stated that collective bargaining should be used as an instrument for change and was a shared responsibility of all the social partners. The duration of any collective agreement should be clear and should identify the areas of consensus, and areas where agreement was not possible should be noted for future reference. To be useful and successful, collective bargaining in the public service required trust between the parties. He observed that the public sector was a barometer for the private sector. Public sector workers should have the same rights and obligations as all other employees. However, he noted that collective bargaining could face challenges as in Namibia, where public sector wage increases negotiated in 2010 had caused fears of increased costs to the private sector, but there was little impact on enterprises, which had responded well to the crisis.
29. The Government representative of the Republic of Korea explained, in response to the comment from the Worker participant from his country, that as the 2013 General Survey had stated, that there were various approaches to public service collective bargaining, and labour relations in public services were based on each country's cultural and historical context. Governments adopted different mechanisms and legislation for labour relations reflecting the need for diversity and flexibility. Restrictions were placed on his country's public sector and teachers' unions due to the nature of their work as public servants. His Government respected the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and public servants had to abide by domestic laws. Public institutions had to take action to cut the public debt, which had been growing rapidly.
30. The Government representative of Austria stated that the current economic and financial crisis had forced his Government to reduce expenditures on the public service. The public sector also needed to adapt to other new circumstances, including new technology and new management processes. The challenge was to find savings that could be used to help finance improvements to the quality of public services rather than reduce the quantity of services or public sector workers. Savings should not, however, be at the expense of public sector staff training. The public service also needed new and younger workers to bring fresh ideas and new knowledge. He emphasized that a well-functioning public administration contributed to social peace and to overcoming economic and financial crises. Challenges needed to be addressed by governments – as employers – jointly with the public service workers. Both sides should work together as equal partners to tackle the problems and to find solutions.
31. The Government representative of Argentina pointed out that collective bargaining was not the only tool to deal with labour issues; other mechanisms existed, such as arbitration, mediation and conciliation.
32. The Government representative of the Netherlands stated that collective bargaining could help to establish good labour relations and was good for the economy. The Forum should take into account that some subjects – such as budget restraints – were under the authority

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of parliament, as explained in Convention No. 151, especially if reforms were requested through democratic processes. Thus not all subjects were appropriate for collective agreements, although they could be addressed by other forms of social dialogue.

33. The Government representative of Spain agreed that collective bargaining could not solve every problem. Collective bargaining should be a tool for change and not a hurdle. It should be founded on the basis of full recognition of joint responsibilities and be used to overcome conflicts or to identify issues that should be addressed.
34. The Government representative of South Africa pointed out that to achieve the maximum benefit from collective bargaining, agreements should be multi-year. Short-term agreements were too labour-intensive to negotiate and to implement. The inability to fully implement short-term collective agreements caused additional unnecessary conflict for the next round of negotiations.

**Second point for discussion: How can the independence and impartiality of the public service – as well as the protection of corruption control officers – be strengthened, notably through collective bargaining?**

35. The Executive Secretary, introducing the second point for discussion, observed that the 2013 General Survey concluded that the multiplicity of employment relationships found in the public service sector could result in a range of problems, including corruption. It was estimated that as much as US\$1 trillion were paid to public officials and workers in bribes each year. The Forum was the first opportunity to discuss how empowering public servants, through collective bargaining for example, could be an effective mechanism to change workplace culture, and improve morale and behaviour in the public service sector.
36. The Employers' group coordinator stated that there were two levels that should be considered under this discussion point. The first was the legal environment and context for collective bargaining. The second was the collective bargaining itself and the specific issues that should be subject to negotiation. The legal infrastructure was the basic setting and an immutable contest that was not changed by collective bargaining. Public sector workers should feel that the value of their work was acknowledged and that they were making a contribution. Corruption control officers should not be the only public servants empowered to address corruption – the scope should be widened to prevent discrimination against whistle-blowers and to ensure wider support for ethics in public service, thereby covering many public servants rather than just one or two. The Forum should also be careful not to infer that differences in contractual forms of employment were the cause of corruption.
37. The Workers' group coordinator stated that her group agreed with the Employers about the need to address corruption as a broader phenomenon. Impartiality and independence were important principles for all public sector workers, especially workers of control bodies. The Workers' group renewed the call, made at the 102nd Session of the ILC, for an international standard to protect workers of control bodies and whistle-blowers. The ILO should analyse these issues to find mechanisms that could ensure good governance, fight corruption and protect workers from retaliation.
38. A Worker participant from Canada supported the proposal for developing international standards of conduct and protection for public financial control officers. He explained that corruption disabled and drained public finances, deterred investment and undermined the

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quality of public services. He shared with the Forum three lessons and recommendations based on Canadian examples. First, any governmental entity tasked to prosecute corruption should be independent. Second, governments should establish appropriate mechanisms to protect whistle-blowers, such as shifting the burden of proof to employers to demonstrate that there was no retaliation. Third, collective bargaining should be promoted to improve working conditions. Concluding, he highlighted the challenge for the public service to attract the best candidates since the private sector offered salaries that were at least 20 per cent higher for comparable positions.

39. Another Worker participant from Canada observed that public officials in Quebec saw themselves as the guardians of the public service. Recent scandals and the revelation of corruption had led to the drafting and adoption of laws to improve the public service and to protect Quebec's public service whistle-blowers. He welcomed the active support of the Organization of American States (OAS), the Organisation for Economic Co-operation and Development (OECD) and other international organizations for measures to protect public service whistle-blowers, and asked whether the ILO could do likewise.
40. A Worker participant from Kenya observed that some of the richest people in his country had either held high-level positions in the Kenyan Government or done business with the Government. A weak procurement system led to exaggerated costs or payments for contracted services. Efforts to solve this problem led to the creation of a commission tasked to fight corruption and to ensure the recruitment of new officials in charge of procurement or financial operations. Collective bargaining and social dialogue were important tools to negotiate their working conditions, and protect their independence and integrity.
41. A Worker participant from the Republic of Korea noted that the ILO's Committee of Experts had encouraged her country to make its laws regarding trade union registration consistent with international standards. She then provided the Forum with two contrasting examples regarding how corruption had been addressed in her country. In the first example, unions had worked – through collective bargaining – with municipal governments to enact regulations protecting whistle-blowers. These consultations were successful despite the fact that the union had been deregistered at the federal level. Second, however, a researcher had been fired from his job after he had published information alleging corruption related to a major public infrastructure project in her country. She also noted that health workers in Guatemala had been killed because they had exposed corruption in the health sector.
42. A Worker participant from Canada explained that in Quebec collective bargaining had improved working conditions for public sector workers and had discouraged discrimination on the basis of gender, religion, race and disability.
43. The Government group coordinator noted that Governments broadly agreed on two points. Firstly, independence and impartiality of the public service were not addressed by collective bargaining in all countries. Secondly, there was no clear agreement on how or even whether corruption should be addressed by collective bargaining.
44. The Government representative of the Netherlands highlighted the importance of having appropriate frameworks to protect whistle-blowers and for public service employees to contribute to the fight against corruption. However, the issue was best addressed by national laws of individual countries and she could not therefore support the Workers' group proposal for a new international labour standard to protect whistle-blowers.
45. The Government representative of the Republic of Korea agreed with the statement from his counterpart from the Netherlands, adding that specific cases should not be part of the general plenary discussion. An international convention on corruption control or whistle-

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blowing would not be suitable as there were situations in which it would be difficult to adapt international standards to specific national cases. His own Government had made efforts, as an employer, to improve its fight against corruption.

46. The Government representative of Spain agreed with previous statements from his counterparts from the Netherlands and the Republic of Korea. Collective bargaining was not well adapted to cover independence and impartiality, nor corruption control, but it was a flexible administrative tool that could be used in different cases to address evolving issues. Social dialogue was a powerful mechanism to address these issues as well, but tripartite international labour Conventions should be reserved for appropriate subjects.
47. The Government representative of Guinea stated that social dialogue was a responsible and good approach that could promote peace and social stability. His Government had enacted legislation to improve working conditions for the public sector, including new regulations to protect whistle-blowers against retaliation. However, training and capacity building on this issue were needed. The Forum should consider three questions on this issue: Why did public sector employees allow themselves to be corrupted? Who were the corrupters? How could corruption be effectively stopped?
48. The Government representative of Morocco stressed that the impartiality and objectivity of the public service was not a subject for collective bargaining, nor was the protection of corruption control workers. He believed Convention No. 151 covered collective bargaining in the public service, and did not extend to other parts of the public sector such as public utilities. Beyond that, there was a qualitative leap from bargaining collectively on the social aspects of public employment – such as workers’ health – and corruption control; in his view, the latter fell under the purview of the State’s power to regulate.
49. The Government representative of Argentina stated that the Government group considered this point to be unclear. In his country, national laws addressed corruption. Employees working under collective agreements could only be dismissed on just grounds. They were afforded every opportunity to defend themselves and could resort to legal proceedings if they felt unjustly treated.
50. The Government representative of the Bahamas referred to the Employers’ intervention on differences in contractual forms of employment and confirmed that the Government – as employer – had the right to enter into contracts that were other than permanent and pensionable employment. However, he emphasized that such contracts must not be detrimental to public service bargaining units or to trade union rights. Regarding whistle-blowers, many jurisdictions already had legislation to address the issue – such as a public disclosure act whereby all staff and office-holders had to declare their assets and liabilities in order to enhance public responsibility. He underlined the need to ensure protection of public servants who might come across highly important information about activities that were significantly detrimental (but not a threat) to the nation, and decided to reveal that discovery to the authorities. He therefore supported the Workers’ group proposal for an international whistle-blower protection standard.
51. The Employers’ group coordinator emphasized that collective bargaining was only part of the wider context of social dialogue. He believed that throughout the discussion, the term “collective bargaining” had been used in a variety of ways, wondering whether some confusion had not arisen as to its intended meaning. There were some issues that could not be resolved through collective bargaining. His group concurred with the views expressed by the Government representatives of the Netherlands and Spain on this point.
52. The Government representative of Cameroon concurred with the statement made by the Government group coordinator. Protection of workers in corruption control bodies should be extended by legislation; in his country, the Government Anticorruption Commission,

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and the Supreme Court also intervened. His Government had likewise strengthened the public service through collective bargaining that had led to significantly reduced temporary contracting in the public service since 2008.

- 53.** The Government representative of the United Republic of Tanzania stated that trade unions and labour law were governed by national labour legislation. Corruption control was an issue for criminal law. The adoption of a resolution on this point would be outside the scope of trade union regulations. He expressed doubts on the extent to which the public service could remain independent, as public servants should serve the Government in power and the electorate. He agreed with the Government representative of the Netherlands that the issue of corruption control should be left to national legislation.
- 54.** An Employer participant from Bangladesh emphasized the importance for the public service of its impartiality, of its independence, and of the protection of whistle-blowers. She stated that collective bargaining was not an appropriate or useful tool for corruption control.
- 55.** The Government representative of Congo stated that in his country the social partners were involved in reducing corruption and in protecting workers of control bodies and their families. The Government had established a National Commission to control corruption, fraud and deception. The legislation which established that Commission also protected whistle-blowers, anti-corruption officials and their families. Other mechanisms, such as budgetary controls, the Public Court of Auditors, and public procurement processes, had been put in place to improve corruption control. Corruption should also be addressed by providing civil servants with a sufficient level of income, reducing their temptation to accept bribes.
- 56.** The Workers' group coordinator agreed with her Employer counterpart regarding the importance of clarity of definitions of terms and expressions used repeatedly, such as "collective bargaining" and "social dialogue". Workers would like an international standard to protect the working conditions of workers of corruption control bodies. Corruption was not just a domestic problem, but an international phenomenon. Collective bargaining could help within the framework of a collective agreement that was already enforced or negotiated to protect workers who were affected because they had exposed corruption. Finally, social dialogue and the participation of social partners in the general discussion on policy should be seen as a democratic tool that could help to make public administration more transparent. Her group did not claim that these were the only instruments to fight against corruption, but the process was an important form of democratic control that could enhance transparency.
- 57.** A Worker participant from Iceland noted that Government representatives had spoken of corruption and the protection of whistle-blowers as national issues to be addressed solely on a national level. However, evoking the example of the American whistle-blower, Edward Snowden, to support his point, he emphasized that corruption and whistle-blowing was also an international issue.

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### **Third point for discussion: What action is necessary to enhance workforce development, career progression, employment conditions, efficiency and performance through social dialogue?**

58. The Executive Secretary, introducing the point for discussion, requested examples of the role that social dialogue, including negotiations and consultations as defined by Convention No. 151, could play in promoting the professionalization of public servants and strengthening their specialized knowledge, considering that it was one of the distinguishing characteristics of the public service and the reason that most tribunals in the world respected the decisions of administrative bodies regarding public service labour issues.
59. The Employers' group coordinator expressed the belief that workforce development or career progression should be considered in the context of the question "what will be my next job?". The discussion should be focused on how public services could be performance-driven, and the enabling factors to support public sector workers and to enhance workforce development and career progression was about much more than social dialogue.
60. The Workers' group coordinator cited the ILO Director-General's Report to the 102nd Session of the ILC in 2013 that "The supposedly 'atypical' [contract] has become typical; the 'standard' [contract] has become the exception",<sup>9</sup> and this was also true in public services. Outsourcing resulted in several forms of precarious contracts and the trend was leading to insecurity, especially for younger workers. Workers were concerned that the impacts of this trend had not been evaluated. Workforce development and training should be negotiated and be based upon permanent and stable forms of work. Investment in the public sector was necessary to ensure efficient and quality public services which contributed positively to the wider economy.
61. A Worker participant from the United Kingdom noted that public sector teachers needed safer workplaces on both a physical and psycho-social level. Collective bargaining helped to ensure safe working conditions which, in turn, made schools safer for the students.
62. A Worker participant from Senegal underlined the importance of a common understanding of collective bargaining which, to avoid conflict, needed to be institutionalized and not used only on an ad-hoc basis. Recruitment of unqualified teachers had become widespread throughout Africa, with lack of training resulting in dreadful working conditions for teachers and poor education quality. Trade unions were interested in engaging in collective bargaining as equal partners, in order to make the public service workplace more attractive.
63. A Worker participant from Canada pointed out that precarious work had become the norm with the socio-economic status of students and teachers more and more impacting the quality of education. Young workers were also increasingly exploited as unpaid interns. A strong public service sector would restore hope.

<sup>9</sup> ILO: *Towards the ILO centenary: Realities, renewal and tripartite commitment*, Report of the Director-General, Report 1(A), International Labour Conference, 102nd Session, Geneva, 2013, para. 71.



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- 64.** A Worker participant from Brazil suggested that outsourcing represented the most prevalent form of privatization and should be prohibited. It increased the cost and reduced the quality of public services while it also undermined equality and fairness by allowing workers to get paid less for the same job. There was a need to return to a public service that was dedicated to workforce development.
  - 65.** A Worker participant from the Organization of African Trade Union Unity (OATUU) noted the importance of training, as better skills led to improved public service results. Training and access to training should be a right for all workers. Countries risked remaining poor if they were without properly trained public service workers.
  - 66.** The Government group coordinator noted that, as his group had not yet conferred regarding discussion on point 3, he was speaking as the Government representative of Namibia. Individuals were important and career development must be tailored towards improving the skills level of each individual, while at the same time ensuring that a whole team of public servants could work together for success through motivation. Employee training and retraining was important to develop the public service. Many public officials in his country had benefited from initiatives aimed at improving career progression. All of these issues should be subjected to collective bargaining as they could not be the sole responsibility of governments. Trade unions were also responsible for engaging the employer to determine issues for social dialogue.
  - 67.** The Government representative of the Bahamas stressed the importance of training and retraining and governments' lead role in this area. Career paths must be established to ensure public servants were given the level of training they needed. More emphasis should be placed on greener public service. Because public buildings were often dilapidated, this had an impact on health and safety and consequently human development. Discussions of all these matters could take place during collective bargaining and in other national discussions.
  - 68.** The Government representative of the Netherlands stressed the importance of employability, drawing attention to the benefits of mobility between the public and private sectors. An ageing population meant that current workers needed constant skills updating and the training of younger people for work in public services was important. The public service should reflect the diversity of society – in age, gender, origin and so on. Social dialogue was important in this regard as it ensured workers' employment resilience in both the public and private sectors. Shared responsibility in this area would benefit everyone.
  - 69.** The Government representative of Spain explained that in his country, legislation allowed for collective bargaining on career progression, lateral transfers, training, employability and non-discrimination.
  - 70.** An Employer participant from Zambia observed that different types of work contracts were used in different economic environments. These were sometimes temporary contracts, and might be referred to pejoratively as precarious. Unions should look at representation of all these varying types of contracts, and career progression from one type of contract to another; their variety should not be seen by trade unions as a limitation to such representation.
  - 71.** A Worker participant from the European Federation of Public Service Unions stressed the contribution that collective bargaining made towards workforce development and which created equal opportunities. Although women's work was still relatively undervalued, collective bargaining had contributed to an increase in female employment and improved pay in the public services. However, more effort was required to ensure fairness and equality at work in public services.

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72. The Workers' group coordinator pointed out that young workers on temporary contracts were afraid that they would either see their working conditions deteriorate or lose their jobs if they joined unions.
73. The Government representative of Argentina reiterated the point made by the Government group coordinator that their group had not been able to discuss this item previously. He emphasized the importance of campaigns to promote the ratification of Convention No. 151, as there had been only 51 ratifications.

#### **Fourth point for discussion: Recommendations for future action by the International Labour Organization and its Members regarding collective bargaining in the public service**

74. The Employers' group coordinator welcomed the Office proposals on this point<sup>10</sup> because they included useful information for member States wishing to move forward on the ratification of Convention No. 151. The ILO was nevertheless already undertaking some of them. It would be more useful for the ILO to document and disseminate information on the wide variety of things different member States were doing on collective bargaining in the public service, paying due attention to how countries were dealing with crises. His group wished to add more regarding the scope of issues for collective bargaining, the link between bargaining in the public and the private sectors and the state of collective bargaining across countries. More information was needed (for example in a database) on what had been useful or not in bargaining in the public service relating to coping with the crisis, what preparations had been made prior to bargaining, what lessons had been learned, and which legislative restrictions or obstacles had been removed. Rather than focus on offering technical assistance, the ILO could put more emphasis on encouraging ratification of Convention No. 151.
75. The Workers' group coordinator made several proposals to address a wide range of concerns raised by her group. They urged governments of countries that had not yet done so to speed up ratification of Conventions Nos 151 and 154. Governments should also establish mechanisms to review how collective bargaining or consultations in their public service functioned currently, with a view to their strengthening, notably by setting up public service collective bargaining councils. Government should not only act as a responsible employer, but in those countries where public service negotiating councils and other national social dialogue mechanisms have been established, government should, together with its social partners, review their functioning and ensure that they worked effectively, met regularly, were sufficiently resourced and that the parties had the requisite economic and social data to inform bargaining. Furthermore, they should, in consultation with the social partners, fully implement the recommendations of the ILO supervisory mechanisms concerning the right to freedom of association and collective bargaining in the public service. The ILO should offer advice and support, including through training, on the implementation of Conventions Nos 87, 98, 151 and 154; integrate the concerns of the public service social partners in its reform process; build on existing initiatives; and ensure strong cooperation between its different departments and the Turin International Training Centre, to strengthen and ensure greater relevance of the Sectoral Activities Programme. It should also establish a small working group, which should include participants of interested global unions, employers and governments, to assist in the initial design,

<sup>10</sup> GDFPS/2014/6.

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implementation and monitoring of a four-year action programme to promote collective bargaining in the public service.

- 76.** The Government group coordinator, noting there could not be a one-size-fits-all approach, urged the ILO to take account of the differences among member States when drawing up its plan of work in this area. Any training should be adapted to the specific needs of each country. He supported the Employers' suggestion to document and disseminate information on collective bargaining approaches, for instance between centralized and decentralized structures, prevalent in different countries and the further need to ensure that such information was shared at regional and international levels. Attention should also be paid to how States dealt with minimum service requirements in cases of public servants' strikes, and the effects of labour migration.
- 77.** The Government representative of Brazil noted that his country, with approximately 10 million public sector workers, had ratified Convention No. 151 only in 2010, and experience with collective bargaining was therefore only recent. Currently, the focus was on how to increase transparency and make the public service more responsive to the needs of society as a whole. This required agreement between public service employees and the government as the employer. While collective bargaining was by no means a panacea, it could contribute to reaching solutions that advanced the public interest.
- 78.** The Government representative of the Netherlands considered that some topics such as budgeting and anti-corruption action were part of rule of law frameworks dealt with elsewhere by different countries' respective national bodies rather than within the ILO. It was more preferable that the social partners focused on their shared responsibility to deliver quality public services. There were other forms of social dialogue besides collective bargaining; it would be helpful to exchange experiences on good practice in this area.
- 79.** The Government representative of Tunisia noted that his country had ratified Convention No. 151 only in 2013. There had therefore been no collective bargaining in the public service, until a tripartite agreement was signed in the presence of the ILO Director-General on 13 January 2014. Among other things, the agreement covered economic and regional development, decent work and employee training. Since his country's revolution, dialogue had been set in motion, leading to the establishment of a tripartite committee. He thanked the ILO and the Government of Norway for their technical and financial support in this process, suggesting that training on collective bargaining in the public service could be a starting point for the promotion of Convention No. 151 and the ILO *Manual on collective bargaining and dispute resolution in the public service* (2011).
- 80.** The Secretary-General of the Forum, in response to a request from the Government representative of Spain for clarification regarding this item of the agenda, explained that Global Dialogue Forums (GDFs) were one of three forms of ILO Sectoral Activities Programme meetings modalities. All such meetings were discussed by the advisory bodies on groupings of sectors, which proposed their themes, and were then approved by the Governing Body. The Forum's outputs, including its proposals, would be submitted for endorsement at the 322nd Session of the Governing Body.
- 81.** In response to a question by a Government representative of the Netherlands about the role of the ILO regarding the second point for discussion, the Executive Secretary reminded participants that in its Report to the 102nd Session of the International Labour Conference, the Committee of Experts had raised concerns about the independence of the public service as a possible consequence of the proliferation of contracts ruled by private sector labour law and other work contracts, as explained in the issues paper. He noted the reference to the protection of corruption control officers was intended to be similar to the protection provided to labour inspectors in the Labour Inspection Convention, 1947 (No. 81) and the

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Labour Administration Convention, 1978 (No. 150), rather than to the general issue of corruption.

82. The Government representative of Argentina underlined the fundamental need to promote Conventions Nos 151 and 154 while also keeping in mind the varied realities of different member States. He proposed more regional and subregional activities be organized that could be more adapted to the specific contexts of countries. The exchange of information on experiences of countries with similar contexts, such as a 2012 meeting on Convention No. 151 for Andean countries, would greatly benefit the ratification of Conventions. His proposal was supported by the Government representative of Brazil.
83. A Worker participant from Argentina noted that the Forum was not an isolated event, but part of an ongoing process. Relevant standards, such as Convention No. 151, were already in place and were not the subject of the discussion, especially as there was also a commitment to promote them globally. Prior to this meeting, there had also been some regional meetings, for example in Brazil for countries from the Latin American and Caribbean Group (GRULAC), which had enabled constituents to discuss and agree on a number of important issues. The Workers' group were presenting a proposal to the Forum with a view to reaching an agreement on a realistic plan of work.
84. The Secretary of the Employers' group emphasized that a two-day meeting was too short to discuss the long list of proposals presented by the Workers. He recalled the nature and purpose of GDFs, which were roundtable meetings providing a forum for discussion and consensus-building on various issues in specific sectors among the constituents. Where consensus could not be reached on a proposed point of consensus it would be dropped.
85. The Government representative of Turkey reported that her country had well-functioning social dialogue mechanisms, where consultative or advisory boards met twice a year, bringing together labour and social security ministries and representatives of public service workers to discuss and find solutions to various issues.

## Discussion of the draft points of consensus

86. At the closing plenary session, the Forum considered two draft documents: GDFPS/2014/7, which included the suggested points of consensus for points for discussion 1–3, drafted by the Office on the basis of the plenary discussions; and GDFPS/2014/8, which included the proposed points of consensus for point for discussion 4, submitted by each of the groups in separately.
87. The Employers' group moved to eliminate the words "Public services are an investment in the enabling environment of each country", and "especially in times of reforms, crisis and recovery" from the introductory statement in the first proposed paragraph regarding the need for "an efficient and high-quality public service", and also underlined the need to refer to economic and social "sustainability".
88. A second paragraph – regarding the setting of conditions of work – was adopted after lengthy discussions and proposals for amendments, notably aimed at recognizing that social dialogue was key to addressing several public service matters, and that collective bargaining was “**a concrete form**” rather than “**the most concrete form**” of social dialogue, which could address workplace issues including wages and health and safety, and contribute to reducing gender inequality and other forms of discrimination.

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- 89.** A third paragraph was adopted with amendments to reflect the desire for a “continuous” (rather than “permanent”) dialogue for “public service workers” (rather than “public servants”, which was a narrower term). It also included an amendment proposed by the Government group coordinator to reflect the wish that quality public services not only to be fostered but also maintained.
- 90.** A fourth paragraph was adopted with an amendment indicating that mechanisms for social dialogue should not be qualified as “robust”, but an Employer group proposal to qualify such mechanisms as “flexible” was dropped. The last sentence was redrafted, as proposed by the Government group coordinator, to indicate that multi-year agreements would allow all parties, not only governments, to engage in planning.
- 91.** Discussion of the proposed paragraph 5 highlighted extensive divergences not only between the Employers’ and Workers’ groups, but also within the Government group. Consensus was finally reached by amending the paragraph to read: “The independence and impartiality of the public service and the protection of the public service workers need to be ensured through legislation. This may include anti-corruption legislation.”
- 92.** A sixth paragraph was adopted with an amendment by the Workers’ group to add a reference to “the implementation of collective agreements”, and not only collective bargaining, as part of the infrastructure to protect the independence and impartiality of the public service. At the request of the Government group coordinator, the statement was not limited to a legal infrastructure. The Forum agreed that no further wording be included to address the second point for discussion.
- 93.** A seventh paragraph was adopted with an amendment proposed by the Workers’ group to add a new first sentence, which resulted in the following wording:

In order to deliver quality public services, governments should undertake proper workforce planning. Governments should consider training, retraining and mobility as being essential in order to ensure career progression and workforce development, including youth employment programmes. These measures should be seen as an important investment in productivity and employability and not only as an expense. They may also be considered a right for public service workers, which would offer the possibility of continued decent employment in the context of changes in technology and restructuring in the full recognition of the fact that personal and professional development is a shared commitment.

This reflected proposals and counterproposals by both the Workers’ and the Government groups’ coordinators. The participants agreed that a paragraph addressing the multiplication of non-standard work contracts was not necessary.

- 94.** The Forum adopted without amendments two additional paragraphs proposed by the Office to reflect consensus on the roles of social dialogue and collective bargaining regarding the third point for discussion.
- 95.** The Government representative of Portugal inquired whether there were sufficient resources available to fund all the proposed recommended future activities.
- 96.** The Government representative of Spain proposed that the recommended future action by the ILO (as outlined in its draft form in document GDFPS/2014/8) be clearly made subject to the availability of funds.
- 97.** The Secretary of the Employers’ group, noting the excessive number of proposals, emphasized necessary limits to what the Office could reasonably undertake and urged that recommendations be accordingly restricted.

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- 98.** The Government representative of Brazil, concurring with the two previous speakers, stated that a reference to budgetary limits would avoid unnecessary further discussion of the recommendations during the forthcoming Governing Body session to which the points of consensus and the report of the Forum would be submitted for approval.
  - 99.** The Government representative of Trinidad and Tobago proposed a new paragraph to read as “The Office should assist constituents in exploring linkages between social dialogue on such issues as public service delivery, labour migration, public service renewal and modernization.” The proposal was adopted.
  - 100.** The Employers’ group coordinator proposed regrouping all research recommendations together. Three paragraphs under that grouping were discussed, amended and adopted. The resulting request that the Office carry out research would include: (i) the scope of topics which could be subject to collective bargaining in the public service; (ii) the scope of “essential services”; and (iii) the diversity of practices in social dialogue, in particular collective bargaining, in a range of countries, including their demographic dimensions. The first two had been proposed by the Government group, while the third had been proposed by the Employers.
  - 101.** The Government group’s proposal that the Office and constituents hold regional seminars to allow exchange of information and good practices on collective bargaining in the public service was adopted without amendment.
  - 102.** The Workers’ group expressed interest in integrating public service sector employers in the meetings and other activities of the ILO, but no consensus could be reached on an appropriate mechanism to carry it out.
  - 103.** A proposal from the Workers to establish an action programme on the promotion of collective bargaining and social dialogue in the public service, building on the existing initiatives and in consultation with the constituents, was adopted.
  - 104.** The Workers’ group made three specific commitments of their own: to strengthen their existing negotiators’ training programmes, focusing on ILO Conventions Nos 87, 98, 151 and 154; to carry out knowledge-sharing programmes and disseminate examples of good practices in social dialogue in the public service among their members; and to strengthen existing coordination mechanisms across public services. These commitments were incorporated into the points of consensus.
  - 105.** The Forum adopted two final paragraphs incorporating the items already approved by the 317th Session of the Governing Body to be carried out by the Sectoral Activities Department during the 2014–15 biennium.
  - 106.** The points of consensus as a whole were adopted as amended.
  - 107.** The Employers’, Workers’ and Government group coordinators, the Secretary-General and the Chairperson of the Forum all welcomed the adoption of the points of consensus and commended the cooperative, stimulating and instructive nature of the debate, recognizing the Forum’s ability to reach consensus on contentious issues.

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## Points of consensus

### **The contribution of collective bargaining in addressing challenges facing the public service, including the impact of the economic and financial crisis**

1. An efficient and high-quality public service is essential to sustainable social and economic development and is of common interest to governments, employers and workers.
2. The conditions of work in the public service are set out through various means, including through constitutional provisions, legislation and regulation. Social dialogue is key to addressing several matters regarding public service. Collective bargaining is a concrete form of social dialogue, as it sets out in agreements the rights and responsibilities of public employers and public workers. A range of issues, including wages and workers' safety, can be determined through collective bargaining. Collective bargaining can contribute to reducing gender inequality and other forms of discrimination.
3. Collective bargaining should be carried out in a wider context of fostering and maintaining quality public services. It should aim to deal not only with technical conditions of work, but also to strive to create conditions that allow public service workers to carry out their duties in a motivated and efficient manner. Collective bargaining can also foster continuous dialogue that allows the public service to anticipate challenges. It can usefully set out areas of agreement and identify areas where consensus is not yet possible, with a view to addressing such issues in the future.
4. Effective collective bargaining requires mechanisms that will function well even in times of crisis. It should be based on good faith and strive to set out the collective responsibilities of the negotiating parties for achieving quality public services. Agreements reached should, if possible, cover several years to facilitate planning.

### **Strengthening the independence and impartiality of the public service, notably through collective bargaining, as well as those public service workers who exercise independent power**

5. The independence and impartiality of the public service and the protection of public service workers need to be ensured through legislation. This may include anti-corruption legislation.
6. Social dialogue, including collective bargaining and the implementation of collective agreements, can be part of the infrastructure that protects the independence and impartiality of the public service. Social dialogue should aim at, among other things, creating transparent conditions in which the public service develops an ethical culture that prevents corruption.

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**Action to enhance workforce development, career progression, employment conditions, efficiency and performance through social dialogue**

7. In order to deliver quality public services governments should undertake proper workforce planning. Governments should consider training, retraining and mobility as being essential in order to ensure career progression and workforce development, including youth employment programmes. These measures should be seen as an important investment in productivity and employability and not only as an expense. They may also be considered a right for public service workers, which would offer the possibility of continued decent employment in the context of changes in technology and restructuring, in the full recognition of the fact that personal and professional development is a shared commitment.
8. Social dialogue should play a role in the design of training and retraining programmes. With the participation of workers' and employers' organizations, these programmes may help to advance public policies determined at a national level, such as mobility between the public and private sectors, or between government services.
9. Collective bargaining, in turn, is a particularly appropriate forum for protecting public workers' interests in continued skills renewal and gainful employment, while preserving the governments' interests in an updated and motivated workforce.

**Recommendations for future action by the International Labour Organization and its Members**

In view of the discussion at the Global Dialogue Forum on Challenges to Collective Bargaining in the Public Service, and subject to the availability of resources, the following future action was recommended:

10. The Office should carry out research on:
  - (a) the scope of topics which may be subject to collective bargaining in the public service, with a view to fostering further dialogue by constituents;
  - (b) the scope of essential services with a view to fostering further dialogue by constituents within the framework of international labour standards;
  - (c) the diversity of practices in social dialogue, in particular collective bargaining, in different countries, including the demographic dimensions of such practices. Such research should provide countries with knowledge to improve their own practices, enable improved responses to situations of crisis and to address obstacles in the ratification of Conventions Nos 151 and 154.
11. The Office should assist constituents in exploring linkages between social dialogue and such issues as public service delivery, labour migration, and public service renewal and modernization.
12. The ILO and constituents should hold regional seminars to allow exchange of information and good practices on collective bargaining in the public service, in order to promote their sense of ownership in the results of social dialogue and collective bargaining.
13. The ILO, in consultation with constituents, should adopt an integrated action programme on the promotion of social dialogue and collective bargaining in the public service, which builds on existing initiatives.



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## **Workers' organizations**

- 14.** Workers' organizations agreed to:
- (a) strengthen existing negotiators' training programmes, focusing on ILO Conventions Nos 87 and 98 and Conventions Nos 151 and 154;
  - (b) carry out knowledge-sharing exchange programmes and disseminate among their members examples of good practice in social dialogue in the public service, including on equality clauses and anti-discrimination policies;
  - (c) strengthen existing coordination mechanisms, such as joint platforms or forums, with a view to facilitating collective bargaining across the public service.

## **Items already approved by the Governing Body**

- 15.** The ILO, in keeping with the Sectoral Programme for 2014–15, as endorsed by the Governing Body at its 317th Session (March 2013), will assist constituents in strengthening capacity to ratify and implement the Labour Relations (Public Service) Convention, 1978 (No. 151), in four countries, using the tools developed during 2011–12. Priority will be given to countries that have included the Convention as a priority in their respective Decent Work Country Programme (DWCPs) or national strategies; or recently ratified it or are expected to do so during the biennium.
- 16.** The ILO and the tripartite constituents will continue to promote decent work in the public service through effective promotion, implementation and use of Convention No. 151, and of relevant instruments, declarations, codes of practice and tools, as well as engage in action-oriented research and dissemination of relevant information on trends and developments in the public service sector.

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**Liste des participants**  
**Lista de participantes**

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