



THIRD ITEM ON THE AGENDA

Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Technical cooperation priorities and action plans regarding freedom of association and effective recognition of the right to collective bargaining**I. Introduction**

1. The International Labour Conference, at its 97th Session (June 2008), discussed the Global Report, *Freedom of association in practice: Lessons learned*. The Report provided information on recent trends and developments concerning actual practice with regard to the rights to organize and bargain collectively. According to procedures under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, after the discussion of each Global Report, the Technical Cooperation Committee of the Governing Body has to draw up a plan of action for promotional activities in the area of the rights and principles concerned. This paper is based on the abovementioned Global Report and its discussion at the Conference, and is submitted to the Committee as a plan of action for the next four years.
2. In June 2008 the International Labour Conference also adopted the ILO Declaration on Social Justice for a Fair Globalization. This Declaration underlines the fact that freedom of association and the effective recognition of the right to collective bargaining are particularly important to enable the attainment of the ILO's four strategic objectives.

II. Key areas of concern

3. The ILO Declaration on Fundamental Principles and Rights at Work recognizes the shared responsibility of the ILO and its member States to promote freedom of association and collective bargaining. ILO assistance is provided in the form of advocacy, awareness raising, training, advisory services and technical cooperation for capacity building and development of institutions.

4. Effective tripartism is essential for ILO technical cooperation in this area, with the participation of employers' and workers' organizations as well as governments, from the planning stage, through implementation, to the evaluation phases. For this, the Bureaux for Employers' and Workers' Activities and their specialists in the field need to be fully involved throughout the process.
5. Technical cooperation projects on freedom of association and collective bargaining aim to ensure sustainable impact through results in six interrelated areas. A technical cooperation project may impact on more than one of these areas. Extensive examples of ILO projects and activities indicating the countries or regions covered were provided in the Global Report. It is proposed that the ILO should continue to focus on the six areas of concern listed below, subject to the guidance provided by the Committee.

A. Labour law reform

6. National legislation has an essential role in safeguarding the rights to freedom of association and collective bargaining. Development of appropriate legal frameworks in conformity with international labour standards allows for a sound industrial relations environment, encourages economic growth while improving protections for workers and employers, and extends freedom of association to categories of workers who might otherwise be deprived of those rights. In response to requests by ILO constituents, assistance is provided with legislative reforms involving tripartite meetings to examine labour codes, consultations on applicable legislative amendments, and efforts to disseminate laws once adopted. The ILO International Training Centre in Turin will also continue to provide training on participatory labour law reform.

B. Building capacity of labour administrations

7. A key component of technical cooperation is the building of institutional capacity to enable governments to implement labour legislation and deal with industrial relations disputes. In cooperation with the Turin Centre, technical assistance is also offered in the form of training for the judiciary on freedom of association and collective bargaining principles and rights, including workshops for supreme court judges as well as labour inspectors and other government officials who have responsibility for enforcing labour law. In view of the fundamental role of parliaments in the ratification of Conventions and in adapting national legislation, such training will also continue to be targeted at parliamentarians.

C. Strengthening employers' and workers' organizations

8. Building capacity of the social partners is an essential component of ILO technical assistance. Employers' and workers' organizations need solid knowledge and capacity to exercise the fundamental principles and rights at work. Collective bargaining requires a considerable degree of awareness raising for the social partners and training for their representatives. Training also helps to create a network of national experts on labour standards.
9. The Bureau for Workers' Activities supports the development of representative, independent and democratic trade unions in ILO member States through technical assistance, training and field work. Specialists in subregional offices provide continuous support to trade unions in their activities. Their services include the production of workers'

education manuals and audiovisual materials, training on labour standards and negotiation skills, and support to trade union campaigns and organizing strategies.

10. The Bureau for Employers' Activities is working to strengthen the capacity of employers' organizations to represent and serve their members. Strong and representative organizations are a testimony to freedom of association in practice and an essential precondition for effective social dialogue. They also play an important role in delivering industrial relations training and services to their members, including collective bargaining skills that contribute to the promotion of freedom of association and the effective recognition of the right to collective bargaining at the enterprise level.
11. Activities will continue to focus on capacity building to enable employers' organizations to address members' needs. Efforts will be made to tap extra-budgetary resources to promote freedom of association and effective recognition of the right to collective bargaining for employers' organizations through: (1) strengthening their advocacy and representation capacity to maximize effective participation of employers' organizations in policy dialogue and thereby creating an enabling environment for freedom of association and collective bargaining and labour law reform; (2) strengthening the capacity of employers' organizations to provide their members with advice, guidance and services on freedom of association and collective bargaining; (3) identifying and documenting good social dialogue and collective bargaining practices as a means of increasing employment, productivity and competitiveness.
12. The ILO also provides assistance in the form of joint union and management training programmes, including joint workshops, for negotiation skills. Training can serve to establish a network of trainers among trade union officials. Training offered to employers' organizations can facilitate social dialogue, for example, to develop their negotiation and bargaining skills and to help them realize productivity gains in effective labour–management cooperation.
13. In many countries, trade union pluralism prevails but in certain cases there are problems concerning issues of representativeness of trade unions and employers' organizations. The ILO will continue to help countries and constituents, upon request, to establish criteria and methods for determining trade union representation, in the light of the conclusions and recommendations of the supervisory bodies.
14. A component of technical cooperation activities for vulnerable groups includes training, capacity building and direct assistance to social partners in their ongoing work with vulnerable groups such as migrant workers. One example is the guidance provided through an ILO manual developed to help trade unions meet the unique needs of migrant workers. Workers in the rural sector, another important vulnerable group, also require training and capacity building. The Turin Centre has developed a series of activities in this regard. Technical assistance activities should also help to strengthen the capability of the employers' and workers' organizations to reach out to the informal economy.

D. Developing tripartism and institution building

15. Tripartism is the cornerstone of the ILO. In some countries, the ILO has helped in establishing tripartite institutions, such as tripartite labour advisory committees, together with the training of the committee members and secretariats. In recent years, various sectoral action programmes have focused on capacity building for social dialogue, workplace cooperation and institutionalized collective bargaining. International tripartite meetings (or joint meetings for the public service sectors) address the improvement of institutionalized labour–management relations at enterprise and industry or service levels.

Training needs are identified and policies are discussed. Greater assistance is needed for the constituents in the use of sector-specific codes of practice, guidelines and international recommendations applicable to social dialogue, including freedom of association and collective bargaining. The Social Dialogue Sector has a key role in this area.

E. Dispute prevention and settlement

16. Strengthening the capacity of governments and social partners for dispute prevention and dispute settlement is important for the exercise of freedom of association and collective bargaining. Frameworks for conflict resolution and mediation can be developed through the establishment of independent tripartite arbitration councils, or equivalent joint bodies in public services, and through training and mentoring of arbitrators, training for conciliators, and the dissemination of public awareness materials. The ILO is providing such support through technical cooperation projects and has developed, in collaboration with the Turin Centre, training packages aimed at building the capacity of conciliators, mediators, labour inspectors and other key labour ministry officials.

F. Advocacy and information dissemination

17. The effects of advocacy and information sharing on the promotion of freedom of association and collective bargaining cannot be underestimated. Products and activities such as videos, radio programmes and media training workshops provide opportunities to disseminate information. News coverage, television debates, and the printing of publicity material have made the fundamental principles and rights at work more visible. The resulting public knowledge serves to inform individuals of their rights and, in case of need, on the means to defend those rights. An effective strategy for spreading information has been to use local language radio and newspapers.

III. A plan of action

18. The plan of action on freedom of association and collective bargaining is aimed at strengthening and streamlining existing ILO activities in the six areas noted above and mobilizing both large-scale technical cooperation projects and smaller scale activities involving technical assistance and advice, research and training.
19. The ILO will continue to respond to requests arising directly out of work of the Conference Committee on the Application of Standards and the Governing Body Committee on Freedom of Association. In the first instance, the responsibility for this follow-up lies with the International Labour Standards Department, supported as required by other units in the Office and the field offices responsible for the countries concerned.
20. A whole range of ILO activities can be envisaged to promote freedom of association and collective bargaining. To make the follow-up to the ILO Declaration on Social Justice for a Fair Globalization operational in this area, the promotion of the fundamental principles and rights at work needs to be mainstreamed in the work of technical units at headquarters and the field structure as well as the Turin Centre. This is particularly important as the ILO Decent Work Country Programmes (DWCPs) are taking off at national level. It requires the identification of issues and priorities by the field offices in close consultation with the tripartite constituents in member States, through national tripartite reviews and dialogue.

21. Action to promote the ratification of ILO Conventions Nos 87 and 98 will continue with a view to meeting the overall objective of universal ratification by 2015. A further step can be taken to enable exchange of knowledge and experience among the non-ratifying countries on a regional or subregional basis to improve respect for and promotion of the principles and rights concerned. In some of the countries concerned, constituents can be assisted in their own tripartite analysis of the legal and practical obstacles to ratification and to implementation of their principles and provisions. On the basis of the results of such analyses, national tripartite action plans can be prepared and implemented to overcome the obstacles identified.
22. Research and knowledge development, including the identification and sharing of best practices, are other important elements of the proposed plan of action. Research facilities available to the ILO, should continue to survey practical aspects of implementing freedom of association and collective bargaining principles in various national contexts and evaluate their socio-economic outcomes. Furthermore, research efforts will continue to strengthen ILO knowledge on collective bargaining trends and coverage worldwide. This will strengthen the ILO's knowledge base and thus facilitate its work and its advocacy functions.
23. The rights to organize and to bargain collectively may also be promoted by a number of multilateral organizations and international actors in their policies and approaches (for example, development finance institutions, regional and bilateral trade agreements), and through initiatives such as international framework agreements and corporate social responsibility schemes. The Office will continue to monitor and actively influence such initiatives in the manner deemed necessary by the Governing Body.
24. The ILO should continue to provide training and capacity building to enable employers' and workers' organizations to effectively promote fundamental principles and rights, particularly on freedom of association and collective bargaining, ensure the involvement of those organizations throughout the implementation process, and share successful experiences. Greater availability of training for labour administrations at national and regional levels can also help to spread a better awareness and knowledge of the principles and rights concerned and promote more effective implementation of those principles.
25. There is a need to maintain a sectoral perspective and pay specific attention to sectors and categories of workers and employers that need such attention. Freedom of association and collective bargaining rights should be extended to all those who do not enjoy them, including rural and migrant workers and those in the informal economy or in export processing zones.
26. Large-scale projects that span a significant period and include specific investment in terms of human resources and budget can cover a combination of the objectives and activities enumerated in previous paragraphs. Such projects can be designed for any specific country or group of countries and have to be elaborated in consultation with the social partners. The first step is usually a national study on the obstacles to implementing the principles and rights concerned. The active participation of the tripartite constituents, who are the future beneficiaries of the project, is essential. Projects for large-scale activities require funding beyond the regular ILO budget.
27. Since the establishment of the Declaration Programme, about US\$58 million have been received to implement projects related to freedom of association and the effective recognition of the right to collective bargaining. The bulk of these funds were received between 2000 and 2003. Since then, there has been a gradual decline in expenditure on activities directly linked to freedom of association and collective bargaining, from a peak of some US\$10 million in 2003 to about US\$2.5 million in 2007. The figures suggest that,

while donors recognize the overall importance of ILO technical cooperation projects, promoting freedom of association and collective bargaining is rarely expressed as a separate or specific goal, despite the consensus that freedom of association and collective bargaining contribute to the establishment of good governance and democracy.

28. The Independent Declaration Expert–Advisers recommended, in their report to the March 2008 Governing Body, that an appeal should be launched to the donor community for substantial and durable extra-budgetary resources for technical cooperation in order to meet the high and ever-increasing demands expressed by governments and by employers’ and workers’ organizations for capacity-building activities related to freedom of association and the right to collective bargaining.
29. *The Governing Body may wish to endorse this plan of action to promote freedom of association and the effective recognition of the right to collective bargaining, as outlined in paragraphs 18–28 above, and to request that it be kept informed, through the Committee on Technical Cooperation, of the implementation of the activities proposed.*

Geneva, 2 October 2008.

Point for decision: Paragraph 29.