



# Governing Body

341st Session, Geneva, March 2021

## Institutional Section

INS

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## Report of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance in the spirit of the Centenary Declaration

### Report of the Co-Chairpersons

#### Purpose of the document

This document presents the outcome of the two meetings of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance, which were held in December 2020 and January 2021. The Governing Body is invited to take note of the report of the tripartite working group, extend its duration for a period of 12 months and transmit a draft resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance to the 109th Session (June 2021) of the Conference for possible adoption (see the draft decision in paragraph 8).

**Relevant strategic objective:** All.

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

**Policy implications:** None at this stage.

**Legal implications:** Possible adoption of a Conference resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance.

**Financial implications:** None at this stage.

**Follow-up action required:** Subject to the decision of the Governing Body, transmission of the draft resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance to the 109th Session (June 2021) of the Conference.

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**Related documents:** [GB.340/INS/PV](#); [GB.340/INS/18/1](#); [GB.337/PV](#); [GB.337/INS/12/1\(Rev.1\)](#).

1. The tripartite working group on full, equal and democratic participation in the ILO's tripartite governance (TWGD) was established by the Governing Body at its 337th Session (October–November 2019) to serve as a platform for focused dialogue and for developing proposals on the full, equal and democratic participation in the ILO's tripartite governance, in the spirit of the ILO Centenary Declaration for the Future of Work.<sup>1</sup>
2. At its 340th Session (October–November 2020), the Governing Body decided that the TWGD shall be mandated to discuss, develop and present proposals to the Governing Body on the full, equal and democratic participation of the ILO's constituents in the Organization's tripartite governance by ensuring a fair representation of all regions and establishing the principle of equality among Member States. The TWGD would be composed of 14 Government members from each of the four regions and the Employers' and Workers' groups' secretariats while all interested governments could attend and participate in the discussions. The Governing Body also decided that the TWGD should hold two meetings before March 2021 and that it should submit a report for its consideration at the 341st Session (March 2021).<sup>2</sup>
3. The TWGD met virtually for the first time on 11 December 2020 and appointed the Government members of Nigeria and Switzerland as its Co-Chairpersons. It adopted terms of reference, reviewed the status of ratification of the 1986 Instrument for the Amendment of the Constitution of the ILO (the 1986 Amendment) and held an initial exchange of views on the scope and limits of democratization of ILO governance. It agreed that its members should be invited to express their views on the understanding and scope of the notion of democratization of the ILO's governance for the purpose of informing the discussions at its second meeting.
4. As a result, on 16 December 2020, a questionnaire approved by the two Co-Chairpersons was sent for the consideration of the members of the TWGD and other interested governments, who were invited to communicate their replies to the Office by 6 January 2021. Members were also invited to communicate concrete proposals on the priorities and possible future plan of work of the TWGD. Replies to the questionnaire were received by the Workers' and Employers' groups' secretariats (joint response) and the Governments of 38 Member States.
5. The TWGD held its second meeting virtually on 21 January and 1 February 2021. The TWGD considered a number of key issues arising from the replies and on this basis its members had a preliminary exchange of views on a possible future programme of work. There was agreement in the TWGD that it should focus its dialogue on the functioning of the Governing Body and the entry into force of the 1986 Amendment.
6. In addition, the TWGD examined and proposed a Conference resolution on the principles of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance (see the appendix). The resolution aims at removing obstacles to ratification by confirming the manifestly outdated nature of part of the provision of article 7(3)(b)(i) of the 1986 Amendment. While the adoption of the resolution had majority support of the social partners and Member States, three Government members (France, Germany, the United Kingdom of Great Britain and Northern Ireland) objected

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

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

and considered addressing alternative ways to achieving fair representation of all regions to ILO governance.

7. Furthermore, the TWGD considered that without it being turned into a permanent body, its duration should be extended for one year to enable the working group to pursue its work and develop further proposals in accordance with its mandate. In accordance with paragraphs 14 and 15 of the terms of reference of the TWGD, the working documents together with the summary records of proceedings of its two meetings, have been published on a dedicated [web page](#).

## ► Draft decision

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8. **The Governing Body took note of the report of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance and decided to:**
  - (a) **transmit the resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance contained in the appendix of document GB.341/INS/9 to the 109th Session of the Conference for possible adoption;**
  - (b) **extend the duration of the tripartite working group for a period of 12 months;**
  - (c) **request the tripartite working group to present a progress report and a final report for its consideration at the 343rd (November 2021) and 344th (March 2022) Sessions, respectively.**

## ► Appendix

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### Resolution on the principle of equality among ILO Member States and fair representation of all regions in the ILO's tripartite governance

The General Conference of the International Labour Organization, meeting in Geneva at its 109th Session, 2021,

*Recalling* that the Instrument for the Amendment of the ILO Constitution, 1986, was adopted with 352 votes in favour, 44 votes against and no abstentions principally for the purpose of rendering the membership of the Governing Body as representative as possible including by eliminating the seats guaranteed for the Members of chief industrial importance;

*Noting* that to date, 114 Member States have ratified the 1986 instrument of constitutional amendment, and 11 additional ratifications, including at least three ratifications from Members of chief industrial importance, are required for the amendment to take effect;

*Recalling* that according to the ILO Centenary Declaration for the Future of Work, the full contribution of the ILO's constituents to the endeavour towards social justice can be assured only through their full, equal and democratic participation in its tripartite governance;

*Recalling also* its Resolution on the Centenary Declaration for the Future of Work, which calls for the completion, at the earliest opportunity, of the process of ratification of the Instrument of Amendment to the ILO Constitution, 1986, in order to definitively democratize the functioning and composition of the governing bodies of the ILO;

*Mindful* that the reference to the "socialist" States of Eastern Europe in article 7(3)(b)(i) of the 1986 instrument of constitutional amendment has given rise to concern and has been invoked by certain Member States as an impediment to ratification due to profoundly changed factual circumstances;

*Underscoring* the need for fair representation of all regions and establishing the principle of equality among Member States;

*Acknowledging* the ongoing work of the tripartite working group on full, equal and democratic participation in the ILO's tripartite governance,

1. Declares that the notion of "socialist" States of Eastern Europe referred to in article 7(3)(b)(i) of the 1986 instrument of constitutional amendment no longer corresponds to the current geopolitical situation and is therefore considered obsolete;
2. Calls upon Member States, and in particular the States of chief industrial importance, which have not yet ratified the 1986 instrument of constitutional amendment to examine the ratification of the said instrument as a matter of priority;
3. Invites the Governing Body to intensify its efforts for the completion of the process of ratification of the 1986 instrument of constitutional amendment and further invites the Chairperson of the Governing Body to include in the annual report of the Chairperson to the Conference a specific section on this topic;

4. Invites the Governing Body to request the Director-General to intensify his promotional activities by reaching out to all Member States that have not yet ratified the 1986 instrument of constitutional amendment and present their responses at every session of the Governing Body.