

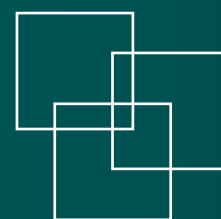


International
Labour
Office
Geneva

No. 113

Voice Matters

Consultation (Industrial and National Levels)
Recommendation, 1960 (No. 113)



SOCIAL DIALOGUE
AND TRIPARTISM
UNIT

GOVERNANCE
AND TRIPARTISM
DEPARTMENT

Voice Matters

Consultation (Industrial and National Levels)
Recommendation, 1960 (No. 113)

Social Dialogue and Tripartism Unit
Governance and Tripartism Department
International Labour Office

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Voice Matters

Consultation (Industrial and National Levels) Recommendation, 1960 (N°113)

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THE ILO AND CONSULTATION

The essential purpose of the International Labour Organization (ILO) is the pursuit of social justice and lasting peace through cooperation between governments, employers and workers – so-called tripartism.

Consultation has been intrinsic to the functioning of the ILO since its foundation in 1919. Many of its international labour standards provide for an obligation on governments to consult with organizations of employers and of workers, while others refer to the creation and maintenance of specific bodies for consultation. Social dialogue between the ILO's tripartite constituents continues to be central to achieving progress in the world of work to this day.

In 1960, the International Labour Conference (ILC) adopted the [Consultation \(Industrial and National Levels\) Recommendation, 1960 \(No. 113\)](#), the subject of this Guide. It provides important, non-binding guidance for member States in their efforts to use and promote consultation in the world of work.

But to what types of consultation does Recommendation No. 113 refer? Between which parties and for what purposes? How is consultation carried out in practice, and what issues can be tabled for discussion? This Guide sets out to answer these and other questions that constituents frequently address to the Office.

ABOUT THIS GUIDE

The Guide aims to:

- present and explain the objectives and main provisions of Recommendation No. 113;
- demonstrate the importance of tripartite and bipartite consultation at sectoral and national levels for consensus-building on policy matters;
- clarify the broad scope of the consultations promoted by the Recommendation;
- explain the flexibility inherent in the Recommendation with respect to the means for and content of consultations;
- provide examples of good practice in operationalising the provisions of the Recommendation in member States.

The Guide is aimed primarily for use by the ILO tripartite constituents and ILO officials, but may also be of interest to academics, researchers, other United Nations (UN) bodies and partner institutions which seek to promote social dialogue.



Recommendation No. 113 – the essentials

■ What?

Consultations and cooperation between and among government, employers' and workers' organizations.

■ Why?

For mutual understanding and good relations between the three parties.

■ How?

By voluntary action of the social partners, promotional action by the public authorities, laws, regulations, or a combination of these means.

■ Scope?

Laws and regulations, national bodies on social, labour and employment-related issues and economic and social development plans.

No.
113

Recommendation No. 113 – the history

The idea of a possible new international labour standard on methods of cooperation between governments, employers' and workers' organizations first arose in the late 1930s. However, the Second World War intervened and the decision to place this item on the agenda of the International Labour Conference (ILC) was shelved.

Some twenty years later, issues of cooperation between public authorities and the social partners were taken up again. The Office prepared a law and practice report for consideration by the ILC at its first discussion on the issue in 1959. The report acknowledged that organizations of employers and of workers, at least in the more industrialised countries, had become "a force of outstanding importance in social and economic life ... (which could) exert a direct influence on the economic process" while, in developing countries, they were rapidly growing and acquiring strength. The pressing need for post-war reconstruction had brought the issue of collaboration between the main actors in the world of work to the fore.

The report noted the existence of several International Labour Standards (ILS) dealing with related issues such as collective bargaining. It proposed therefore to focus on broader forms of collaboration "which concern the preparation and application of general social and economic policies." The report stated that the deliberations should cover tripartite and bipartite collaboration, through both mandatory and voluntary methods, at both national and industry levels.

The report for the following year's Conference noted that the term "collaboration" would be substituted by "consultation and cooperation" in line with delegates' preferences. The proposed Recommendation was discussed and adopted at the ILC in 1960, with a consensus that the scope of consultations should be as broad as possible, to include all matters of mutual interest and concern to employers and workers.



Recommendation No. 113 in detail

The Recommendation urges member States to **take measures to promote effective consultation and cooperation between government and the social partners, as well as between employers' and workers' organizations.**¹

More specifically, it:

- sets out the ultimate **goals** of consultation and cooperation:
 - ...developing the economy as a whole or individual branches thereof;
 - improving conditions of work and raising standards of living.

- identifies who should be the **parties** to these consultations, namely:
 - public authorities;
 - employers' and workers' organizations;
 - without discrimination of any kind against these organizations or between them.

- specifies the **general aims** of consultation and cooperation:
 - promoting mutual understanding and good relations between and among public authorities, employers' and workers' organizations;
 - arriving, to the fullest possible extent, at agreed solutions between employers' and workers' organizations on matters of mutual concern;
 - ensuring that the competent public authorities seek the views, advice and assistance of employers' and workers' organizations in an appropriate manner.

¹ The full text of the Recommendation is reproduced on pp.27-28 of this guide.



- indicates that consultation and cooperation:
 - should be **effective**;
 - may take place at the **industrial** and the **national** levels;
 - should use measures **appropriate** to national conditions.

- provides the assurance that:
 - the rights of employers and workers to **organize** and engage in **collective bargaining** are not in any way affected by such consultation and cooperation.

- outlines the **different means and methods** that may be used:
 - voluntary action by employers' and workers' organizations;
 - promotional action by the public authorities;
 - laws or regulations;
 - a combination of methods.

- suggests some **topics** that might be addressed through consultation:
 - preparation and implementation of laws and regulations;
 - establishment and functioning of national bodies on, for example, vocational training, labour protection, industrial health and safety, productivity or social security;
 - design and implementation of economic and social development plans.

What is meant by consultation and cooperation?

Recommendation No. 113 does not itself define consultation or cooperation. We need to look elsewhere to understand better the meaning of these terms.

Looking first to the dictionary definitions, 'to consult' means 'to seek information or advice', sometimes 'prior to making a decision'. To 'cooperate' goes further, meaning 'to work or act together towards the same end' or 'to associate with others for mutual benefit'.

When the ILC adopted the Recommendation in 1960, it adopted parallel observations which shed more light on the thinking of the Conference Committee at the time.²

The observations include the following illuminating remarks:

« It is recognized that if the viewpoints of all concerned are known, there is a greater likelihood that the measures and policies which public authorities may be called upon to undertake or follow will not only be likely to command greater respect and support but also be more soundly based.»

« This consultation and cooperation may be seen as a reflection of the philosophy of government by consent and of the sharing [...] of responsibility for the well-being of the community as a whole.»

« Consultation and cooperation may also be seen as a reflection of the growing complexity of the problems of modern society and of the extension of the activities of the State in the social field.»

«... consultation and cooperation [...] may be the means of removing misunderstandings or of acquainting employers' and workers' organizations with information [...] helpful to the formulation of their own policies [...]. Sometimes they may be the means for helping all three parties to contribute to [...] solutions that may have eluded each individually.»



² Observations regarding consultation and cooperation between public authorities and employers' and workers' organizations at the industrial and national levels, adopted by the 44th Session of the International Labour Conference, 1960, in: *Tripartite consultation at the national level on economic and social policy*. Report VI, International Labour Conference, 83rd Session, Geneva, 1996. Appendix I pp.49-53

The observations also address the issue of the prerequisites for effective consultation and cooperation. They include that employers' and workers' organizations must feel satisfied that the public authorities genuinely wish to obtain their views and intend to take heed of them.

Nonetheless:

«Just as there must be good faith, confidence and mutual respect, so [...] it must be accepted that each party may reasonably and sincerely hold a separate view.»

And:

«There should be preparedness [...] to understand the point of view of others with a view to finding appropriate compromise wherever possible.»

Finally, it is recognized that the consultations may not always result in a positive agreement:

«...it is well to remember that there can be agreements to differ which may be just as productive of useful results as agreements to agree.»

Benefits of consultation

The benefits of engaging in consultation include:

- It represents an inclusive and democratic approach to decision- and policy-making, enabling the development of a shared understanding of problems and policy alternatives.
- Policies made through consultative processes acquire greater legitimacy because the views of stakeholders are usually reflected in the outcomes.
- Consultation can minimize conflict and promote social peace, particularly during periods of economic crisis or transition, by focusing on problem-solving.
- Employers' and workers' organizations gain access to otherwise inaccessible information, giving them the opportunity to formulate their own positions.
- Consultations keep the social partners better informed about the government's plans and policy orientations.

What different forms may consultation take?

Consultation and cooperation may take many forms, both formal and informal.³

These include:

- informal direct contacts, exchange of correspondence, telephone calls, private meetings – through which the parties may seek to understand each other’s position in a non-threatening context;
- formal direct contacts. In some countries, there is a statutory obligation on government authorities to send draft laws or economic plans to the social partners, soliciting their comments. Social partners may be authorised to attend or to submit written evidence to parliamentary committees, or to participate in public hearings on matters affecting their interests;
- working parties, where the government facilitates discussions between the social partners on a particular topic, for example, the revision of labour or social legislation, in parallel with statutory bodies;
- national conferences, which may involve civil society organizations in addition to the social partners;
- bipartite institutions. These are especially widespread in countries of Western Europe, where the apex employers’ and workers’ organizations have created their own councils, committees or boards to examine matters such as employment, skills, productivity and occupational safety and health; these may be chaired by a mutually nominated third party or by the parties themselves on a rotating basis;
- tripartite (and multipartite) institutions. The most widespread forms are national councils for social dialogue, labour advisory councils and economic and social councils.⁴ They usually have broad mandates in determining national economic and social policy and in advising on social, labour– and employment-related legislation. Similar institutions may also exist at industry/sector level.

3 ILO: [General Survey](#) of the Reports relating to the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), Report III (Part 4B), International Labour Conference, 61st Session, Geneva, 1976.

4 ILO: [Social dialogue](#). *Recurrent discussion under the ILO Declaration on Social Justice for a Fair Globalization*, Report VI, International Labour Conference, 102nd Session, Geneva, 2013.

Gender equality in consultation bodies

An increasing number of national laws include a stipulation that efforts should be made to ensure that women and men are equally represented in institutions. Such efforts are in line with both national constitutional obligations and international commitments to promote gender equality. [Sustainable Development Goal 5](#) includes a target to “ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.”

Across the world, women remain consistently under-represented in social dialogue fora and institutions, which helps explain the general lack of initiatives taken by such bodies to promote gender equality (Briskin and Muller, 2011). The ILO recommends that the founding charters of national social dialogue institutions and other consultation bodies specify a requirement for a gender-balanced composition of their members.



Examples of consultation bodies at national and sectoral levels

Switzerland provides an example of a national-level consultation entity with tripartite-plus membership, in which the social partners hold a majority of seats. The federal Labour Commission comprises 19 members: two representatives from the cantons, two representatives from the scientific community, seven representatives each from employers' and workers' organizations, and one representative from organizations representing women.

The **Netherlands** has three levels of consultation (national, sector and enterprise) as described in the box.

Different levels of consultation in the Netherlands

There are three levels in the Dutch consultative economy:

- National level:
 - the Social and Economic Council (SER) comprises employers' organizations, workers' organizations and independent experts. It provides advice to the government and parliament on a broad range of socio-economic policy issues. The SER often involves other relevant stakeholders in its work.
 - the Labour Foundation (comprising employers' and workers' organizations) provides a forum for bipartite discussion and negotiation, as well as for consultation with government, on more specific or acute issues in the field of labour and industrial relations.
- Sector level: Trade unions and employers' organizations negotiate collective labour agreements on salaries and working conditions for the sector. Both parties are represented in the management of sectoral pension and training funds.
- Company level: Works councils discuss and negotiate with the employer on working conditions (e.g. working hours), general development of the company, health and safety, and other matters that are not covered by collective agreements.

This multi-layered system of consultation ensures a positive climate for problem solving through dialogue, exchange of views and cooperation.

Source: SER: [The power of consultation](#): The Dutch consultative economy explained (The Hague, 2015).

An example of a non-statutory consultation body with a very specific objective comes from **Singapore**. The national-level Tripartite Workgroup on Enhancing Employment Choices for Women was formed in July 2007 and later dissolved once its objectives were attained. Chaired by the Deputy Secretary-General of the National Trades Union Congress (NTUC), it comprised representatives of trade unions, employers and government on an equal footing. Its terms of reference were to recommend measures to help women enter, remain in or return to the workforce, and to pilot good practices, such as flexible and part-time work and other supportive arrangements, to enhance employment choices for women.

Denmark offers an example of a strong partnership between government and the social partners in the area of vocational education and training (VET). An advisory council advises and makes recommendations on VET policy to the Ministry of Education, and also monitors labour market trends. The council consists of 31 members (and 31 deputy members) representing employers, the regions, local government, trade unions, students, school principals and teachers.⁵ It meets 8-10 times a year.

Further examples of sector-level consultation bodies are:

- **Brazil** and **Uruguay**, which have tripartite sectoral committees on occupational safety and health issues in industries such as construction, chemicals, clothing, metallurgy, and oil and gas, and in the rural and health sectors;
- the **Philippines**, where government, employers' and workers' organizations, and domestic workers' associations formed a technical working group to improve conditions for domestic workers at home and abroad;
- **Singapore**, which has Tripartite Sectoral Committees that identify skills gaps and needs in industries such as civil aviation, financial services, hotels, maritime and ports. The Committees work with education and training providers to design courses to address the skills gaps;
- **Chad**, which established in 2016-17 bipartite social dialogue committees in six branches of the public sector (Health and Social Action; Communication and Information; Economic and Financial Administration; Natural Resources; Education; and General Administration) to facilitate consultations between the government (as employer) and workers' representatives on working conditions and other related issues and to resolve labour disputes;⁶
- **Romania**, which has 15 sectoral committees comprising representatives of line ministries, employers, workers and other stakeholders (training providers, professional associations, etc). They participate in the development of sectoral strategies for vocational training and skills development.⁷

5 [Om Rådet for de grundlæggende Erhvervsrettede Uddannelser](#) [About the Council of Basic Business Education], Ministry of Education, 2017.

6 Arrêté n°034/PR/PM/MFPECDS/CNDS/SP/2016. Portant nomination des membres du Comité National du Dialogue de branche de la Santé et de l'Action Sociale; Arrêté n°038/PR/PM/MFPECDS/SG/CNDS/SP/2016 (Education); Arrêté n°051/PR/PM/MFPECDS/SG/CNDS/SP/2016 (Ressources Naturelles); Arrêté n°024/PR/PM/MFPEDS/SG/CNDS/SP/2016 (Administration Economique et Financière); Arrêté n°023/PR/PM/MFPEDS/SG/CNDS/SP/2017 (Communication et Information); Arrêté n°030/PR/PM/MFPEDS/SG/CNDS/SP/2017 (Administration Générale).

7 [Emergency Ordinance No. 28 of 18 March 2009](#) on the Regulation of Social Protection Measures.

Bangladesh: Tripartite Consultative Committee for the Ready Made Garment (RMG) sector

In recent years, the Bangladesh RMG sector has experienced several industrial accidents, including fires and the collapse of Rana Plaza which claimed over 1,200 lives. In response, the Government has committed to improve working conditions and safety, in cooperation with the social partners. A Tripartite Consultative Committee for the RMG sector was established in March 2017; chaired by the Minister of Labour, it comprises senior officials of each constituency.

The Committee's mandate is to monitor the overall situation of the country's RMG sector and review relevant laws, regulations, policies and plans. It will convene at least three times a year and will advise the government on measures to strengthen labour-management relations and improve productivity.

Source: Government of Bangladesh, Ministry of Labour and Employment.
Circular No. 40.00.0000.015.05.001.17.557, 6 March 2017





Which organizations may participate in consultations?

In the ILO, 'consultation' is generally based on the notion of 'the most representative organizations of employers and of workers'. A representative organization is one that genuinely and democratically represents the interests of its members. In most industrial relations systems, representativeness is defined in law, and only organizations that fulfil certain pre-defined conditions may represent employers and workers in tripartite consultation processes as well as in collective bargaining.

Recommendation No. 113 stipulates that consultation and cooperation 'should not derogate from' their rights, including to freedom of association and collective bargaining.

The CEACR and the Committee on Freedom of Association (CFA) have provided clear guidance on representativeness. The organization which is 'most representative' must be determined on the basis of precise, objective and pre-established criteria, among which the independence of the organization concerned is crucial. Other criteria may include its number of members, affiliation to international organizations, geographical and industrial coverage, number of collective agreements concluded, years of operation, physical facilities and influence wielded. Where a government has adopted sound representativeness criteria, organizations assessed as not representative should be able to re-apply for this status after a reasonable period of time has elapsed.

Pre-conditions for effective social dialogue

- respect for the fundamental rights of freedom of association and collective bargaining;
- political will, trust and commitment to engage in social dialogue by all parties;
- strong, independent and representative workers' and employers' organizations;
- technical capacity, knowledge and competencies, and access to information;
- appropriate legal and institutional support;
- practice and experience.

In addition to the social partners, it is not unusual for representatives of other stakeholder groups to be invited to join a consultation - on an ad hoc basis rather than as permanent participants - depending on the subject under discussion. For example, if maritime questions are being addressed, representatives of ship owners and of seafarers may be invited to join the national representatives of employers and workers, respectively.

In **South Africa**, the National Economic Development and Labour Council (NEDLAC) comprises four categories of representatives, namely government, trade unions, employers' organizations and 'nationally representative communities'. Regarding the last category, the [NEDLAC Act](#) of 1994 states:

« The Minister [...] shall in consultation with the executive council identify organizations of community and development interest that (a) represent a significant community interest on a national basis; (b) have a direct interest in reconstruction and development; and (c) are constituted democratically.»

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How are consultations carried out?

Recommendation No. 113 provides flexibility for the parties to the consultation to decide themselves how to go about organizing and reporting on their work, usually based on national custom and established practice.

In many countries, dedicated secretariats are created to support the consultation process; this is almost always the case for statutory institutions, as required by the legislation that governs them. These secretariats have formal instructions (established through decrees, ministerial orders etc.) laying down their responsibilities. These may include assisting the chairperson, organizing and recording minutes of meetings, commissioning research and sourcing pertinent data and information, financial administration, drafting annual reports and maintaining a website or other communication systems.⁸

Tripartite Advisory Commission of Uruguay

In **Uruguay**, the Tripartite Advisory Commission (Decree No. 558/008 of 21 November 2008), a body with specific competence in ILO matters, is governed by the following rules:

1. It holds ordinary monthly meetings and extraordinary meetings when so required.
2. Meetings shall be convened five days in advance, with the exception of extraordinary meetings, which may be convened, upon request by the parties giving their reasons, 72 hours in advance.
3. The agenda shall be determined in advance and new items may only be included with the unanimous agreement of the parties.
4. Items shall be addressed in a double discussion, unless it is unanimously decided otherwise: during the first discussion, the subject shall be presented and debated, and in the second discussion, following further debate, a decision shall be adopted.

⁸ For more information, see N. Lécuyer and R. Pritzer: [Guide for Secretariats of National Tripartite Consultation Bodies in English-speaking African countries](#), African Regional Labour Administration Centre (ARLAC) and ILO, 2003.

5. If one sector is not present, the agenda will still be followed, with the Government delegates being under the obligation to forward a copy of the minutes with the items addressed to the absent sector: where such absence occurs in the meeting at which a decision has to be adopted, this shall not be prevented by such absence.
6. Both the government sector and the social partners shall attend the meetings with their respective positions decided upon, when the matter has been addressed in an earlier meeting.
7. Unless consensus or unanimity is achieved, decisions shall be adopted by a simple majority, with those voting against or abstaining having the opportunity to express their views.

Source: [Ministerio de Trabajo y Seguridad Social \(MTSS\)](#), Se crea una Comisión Consultiva Tripartita que funcionará en la esfera del Ministerio de Trabajo y Seguridad Social, Decreto No. 558/008.

Where consultations are conducted on an informal basis, the participants may themselves decide upon the procedures to be followed. While this approach allows for greater flexibility and reduced administrative costs, it risks giving the impression that the consultations are taken less seriously by the public authorities. Strong leadership for the consultation process can help mitigate this risk, such as through the appointment of a senior and experienced chairperson who commands the respect and confidence of all the participants.



What are the possible outcomes of consultation ?

Consultation may have many different outcomes or outputs. Its aim is not always to conclude a formal agreement.

It may, for example, lead to joint communiqués and statements, notes, opinions or recommendations of a purely advisory nature. On other occasions, under particular circumstances (for example, in a context of external shock), it may result in binding tripartite agreements. And at yet other times, the conclusion may be that the parties ‘agree to disagree’ on a particular issue, with the possibility to return to the table in the future.

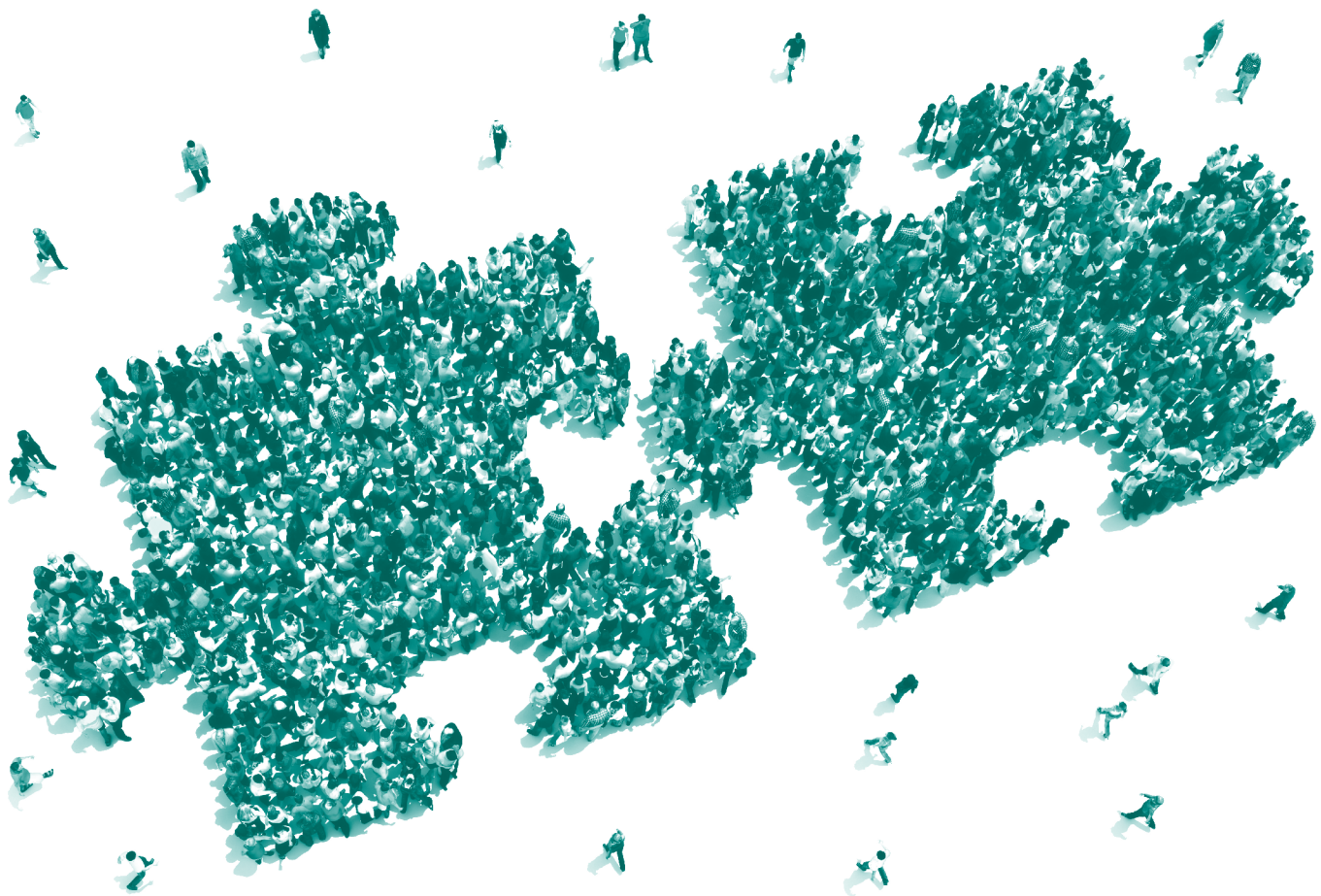
During the global financial and economic crisis of 2008-09, many consultations did aim to conclude social pacts or other formal agreements between government and the social partners. The anti-crisis packages, agreed through urgent consultation by national tripartite bodies (including in tripartite summits, informal meetings and other arrangements), comprised a wide array of measures, ranging from work-sharing arrangements, training opportunities and enhanced social protection to financial support for enterprises and job creation through public infrastructure programmes. Some tripartite responses were triggered by the [Global Jobs Pact](#), adopted by the ILC in June 2009, as in **Bulgaria, Indonesia** and **South Africa**. Tripartite agreements concluded in **Belgium, Chile** and **Poland** were subsequently incorporated into national legislation.⁹

Social dialogue in the construction industry in Argentina

In Argentina, a tripartite National Agreement for the Promotion of Social Dialogue in the Construction Industry was signed in December 2010. This is the first agreement that extends to all production branches and integrates the full value chain in the construction sector. One of its objectives is to promote registered and decent employment in the sector. It includes clauses on the promotion of economic growth, the building of housing for workers and a consensus-based scheme for fixing prices and salaries through a National Dialogue Roundtable. The social partners have also committed to maintaining social peace, through dispute prevention and resolution mechanisms, in order to safeguard key aspects of the industry, such as employment conditions, compliance and investment. The agreement also specifies that productivity will be enhanced through the use of technology to increase cost-efficiency and to improve product quality.

Source: R. Navarro: “[El acuerdo social da su primer paso](#)” [The social agreement takes its first step], Pàgina 12, 20 Dec. 2010.

⁹ For further examples, see: ILO: [National Tripartite Social Dialogue: An ILO guide for improved governance](#) (Geneva, 2013) pp.195-202.



What issues may be addressed through consultation ?

ILO constituents, and especially governments, often seek guidance on what policy matters should, or should not, be put out to consultation with the social partners. Recommendation No. 113 casts these boundaries very wide:

« promoting mutual understanding and good relations between public authorities and employers' and workers' organizations, as well as between these organizations, with a view to developing the economy as a whole or individual branches thereof, improving conditions of work and raising standards of living.»

Recommendation No. 113 lists three specific areas as falling within the subject matter for consultation:

- (i) law-making;
- (ii) establishment and functioning of institutions; and
- (iii) development of economic and social plans.

(i) Regarding *law-making*, employers' and workers' organizations should be consulted on all laws and regulations potentially affecting their interests in the broad area of economic, social or labour policy. The consultation should take place at both the preparation and implementation phases. National bodies for social dialogue are frequently mandated to comment on draft legislation. In **Mauritania**, for example, the Economic and Social Council (ESC) must be requested by both the President of the Republic and the Prime Minister to provide an opinion on all draft laws of an economic and social character with the exception of the budget law. The ESC can be associated in the drafting of such laws.¹⁰ Similarly, in **France**, the opinion of the Economic, Social and Environmental Council must be solicited on draft laws in economic, social or environmental fields.¹¹ In **Sri Lanka**, the National Labour Advisory Council (NLAC) is consulted on the formulation and implementation of laws and regulations affecting the interests of workers and employers.¹² In **the Bahamas**, the National Tripartite Council is mandated to 'review and comment on draft Bills and proposed regulations pertaining to labour and industrial relations'.¹³

In other countries, the consultation bodies may act on their own initiative and offer comments without any prior request or invitation from the government. In **the Netherlands**, the Social and Economic Council (SER) advises government and parliament on the outlines of social and economic policy, including labour and industrial law.¹⁴ As the SER includes members from academia and industry, as well as employers' and workers' representatives, it is able to draw on specialist expertise. In **Côte d'Ivoire**, the Economic and Social Council can, on its own initiative, draw the attention of the President of the State or the President of the Parliament

10 [Loi organique no. 2007-058 relative au Conseil Economique et Social](#)

11 [Constitution du 4 octobre 1958, Titre XI: Le Conseil économique, social et environnemental](#)

12 [National Labour Advisory Council \(NLAC\)](#), Ministry of Labour, Trade Union Relations and Sabaragamuwa Development

13 [National Tripartite Council Act, 2015](#)

14 [Dutch Industrial Organisation Act \(Wet op de bedrijfsorganisatie\)](#), 1950

to reforms in the economic or social sphere that are important for promoting development.¹⁵ Whether or not the advice proffered is taken on board by legislators varies between industrial relations systems. In many English-speaking jurisdictions of Africa, for example, even though the system of labour advisory boards is well established, their role remains purely advisory; governments are not obliged to heed their advice. It should be noted, however, that the ILO Committee on Freedom of Association has stressed the importance of holding consultations with the most representative workers' and employers' organizations, giving them sufficient advance notice.¹⁶

(ii) Regarding *national bodies* in the employment and labour fields, the nature and extent of the social partners' involvement depends heavily upon the mandate of the body in question. For example, if the body addresses Occupational Safety and Health (OSH) issues, then the social partner representatives would normally be appointed based on their qualifications and experience in OSH. Similarly representatives of employers and workers (and of persons protected) should participate in the boards that administer and/or supervise social security institutions¹⁷, at least 'where the administration is not entrusted to an institution regulated by the public authorities or to a Government department responsible to a legislature'.¹⁸

(iii) Some statutes creating consultation bodies have placed heavy emphasis on their role in *social and economic development planning*. For example, the mandate of the Tripartite Commission for Economic and Social Development of the **Republic of Korea**, created in 1999, includes: 'Labour policies concerning workers' employment security and working conditions, etc. and matters concerning industrial, economic and social policies which have a serious effect thereon'. In **Ghana**, the National Tripartite Committee (NTC), established in 2003 serves as a platform for consultation with the social partners on matters of social and economic importance, in addition to its specific labour- and employment-related functions.



15 Loi n° 2001-304 du 5 juin 2001 déterminant la composition et le fonctionnement du Conseil Economique et Social.

16 ILO [Freedom of Association Cases](#). Report No 371, March 2014. Case No 2947 (Spain), Complaint date: 10-MAY-12 – Closed, paras 443 to 445.

17 ILO: [General Survey concerning social security instruments in light of the 2008 Declaration on Social Justice for a Fair Globalization](#), Report III (Part 1B), International Labour Conference, 100th Session, 2011, paras. 550 and 558.

18 [Social Security \(Minimum Standards\) Convention](#), 1952 (No. 102), Article 72; and [Employment Promotion and Protection against Unemployment Convention](#), 1988 (No. 168), Article 29.

How can the ILO help?

The International Labour Office offers technical assistance to member States to help them apply Recommendation No. 113. It aims, in particular, to build the capacity of the tripartite constituents to participate in strong and effective institutions and processes for social dialogue.

Assistance includes:

- support for the creation of national institutions for tripartite or bipartite social dialogue;
- analysis of the functioning, role and impact of national social dialogue institutions (NSDI);
- capacity-building of employers' and workers' representatives to participate fully in the consultation process, including through strengthening their technical knowledge and negotiation skills;
- strengthening NSDI secretariats through more efficient planning, better staffing structures, improved knowledge resources and databases;
- advice to improve the legal and regulatory framework, including on the composition, structure, functioning and competencies of the NSDI;
- sharing of good practices and lessons learned between member States;
- support for the ratification and effective implementation of international labour standards on freedom of association, collective bargaining and tripartite consultation;
- capacity-building of labour administrations both to facilitate and to participate in social dialogue.



Sources of further information

International Labour Conference reports

- *General Survey of the Reports relating to the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)*, CEACR, Geneva. ILC 61st Session 1976, Report III (Part 4B).
- *Tripartite consultation at the national level on economic and social policy*. ILC 83rd Session 1996, Report VI.
- *General Survey concerning the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976 (No. 152)*, CEACR, Geneva. ILC 88th Session 2000, Report III (Part 1B).
- *Social dialogue. Recurrent discussion under the ILO Declaration on Social Justice for a Fair Globalization*, ILC 102nd Session 2013, Report VI.

International Labour Office publications

- *Gender equality and social dialogue: An annotated bibliography*, Geneva: ILO, 2012.
- *National Tripartite Social Dialogue: An ILO guide for improved governance*, Geneva: ILO, 2013.
- Briskin, L. and Muller A.: *Promoting gender equality through social dialogue: Global trends and persistent obstacles*, Working Paper No. 34. Geneva: ILO, 2011.
- Ishikawa, J. *Key features of national social dialogue: A social dialogue resource book* Geneva: ILO, 2003.

Online databases

- **IRLEX**. This ILO Legal Database on Industrial Relations summarizes the legal framework which regulates industrial relations in selected ILO member States.
- **AICESIS-ILO joint database**. The International Association of Economic and Social Councils and Similar Institutions (AICESIS) joined with the ILO to create this on-line, global database on national social dialogue member institutions.
- **NORMLEX** is the ILO database on International Labour Standards (including information on standards, ratifications, reporting, comments of the ILO supervisory bodies etc).
- **NATLEX** is the ILO database on national legislation on labour and social rights.

Recommendation No. 113

– the text

Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)

Recommendation concerning Consultation and Co-operation between Public Authorities and Employers' and Workers' Organizations at the Industrial and National Levels

Adoption: Geneva, 44th ILC session (20 Jun 1960) - Status: Up-to-date instrument.

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-fourth Session on 1 June 1960, and

Having decided upon the adoption of certain proposals with regard to consultation and co-operation between public authorities and employers' and workers' organizations at the industrial and national levels, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twentieth day of June of the year one thousand nine hundred and sixty, the following Recommendation, which may be cited as the Consultation (Industrial and National Levels) Recommendation, 1960:

1.

(1) Measures appropriate to national conditions should be taken to promote effective consultation and co-operation at the industrial and national levels between public authorities and employers' and workers' organizations, as well as between these organizations, for the purposes indicated in Paragraphs 4 and 5 below, and on such other matters of mutual concern as the parties may determine.

(2) Such measures should be applied without discrimination of any kind against these organizations or amongst them on grounds such as the race, sex, religion, political opinion or national extraction of their members.

2. Such consultation and co-operation should not derogate from freedom of association or from the rights of employers' and workers' organizations, including their right of collective bargaining.

3. In accordance with national custom or practice, such consultation and co-operation should be provided for or facilitated--

- (a) by voluntary action on the part of the employers' and workers' organizations; or
- (b) by promotional action on the part of the public authorities; or
- (c) by laws or regulations; or
- (d) by a combination of any of these methods.

4. Such consultation and co-operation should have the general objective of promoting mutual understanding and good relations between public authorities and employers' and workers' organizations, as well as between these organizations, with a view to developing the economy as a whole or individual branches thereof, improving conditions of work and raising standards of living.

5. Such consultation and co-operation should aim, in particular--

- (a) at joint consideration by employers' and workers' organizations of matters of mutual concern with a view to arriving, to the fullest possible extent, at agreed solutions; and

- (b) at ensuring that the competent public authorities seek the views, advice and assistance of employers' and workers' organizations in an appropriate manner, in respect of such matters as--

- (i) the preparation and implementation of laws and regulations affecting their interests;

- (ii) the establishment and functioning of national bodies, such as those responsible for organization of employment, vocational training and retraining, labour protection, industrial health and safety, productivity, social security and welfare; and

- (iii) the elaboration and implementation of plans of economic and social development.



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