



LABOUR ADMINISTRATION

LABOUR ADMINISTRATION AND SOCIAL DIALOGUE

BUILDING EFFECTIVE INSTITUTIONS OF WORK

Module 6

▶ Module 6. Labour Administration and Social Dialogue: Building Effective Institutions of Work

Summary

This module examines the role of social dialogue in the governance of labour and in the functions of labour administration systems. Drawing on ILO Conventions Nos. 87, 98, 144, 150, 151 and 154, as well as relevant ILO Recommendations, it highlights how consultation, cooperation and negotiation among governments, employers' organizations and workers' organizations contribute to effective, accountable and inclusive labour governance.

It explains how labour administrations can support the institutional and legal frameworks that enable social dialogue, promote bipartite dialogue and collective bargaining, and convene or participate in tripartite and tripartite-plus processes.

The module also examines labour dispute prevention and resolution, the use of social dialogue to manage digitalization, climate transition and crises, and the way in which well-functioning labour administration systems underpin sustainable and resilient industrial relations.

Objectives of the module

- Understand the normative foundations of social dialogue within the ILO framework and its link to good governance and the Decent Work Agenda.
- Identify the key functions of labour administration in promoting sound labour relations and social dialogue, including tripartite, bipartite and tripartite-plus mechanisms and processes.
- Analyze the institutional and legal frameworks that support social dialogue, including the effective right to collective bargaining.
- Understand the role of labour administration in facilitating social dialogue for policy-making at different levels.
- Assess the role of labour administration in supporting harmonious labour relations, including through preventing and resolving labour disputes and ensuring that social dialogue contributes to stability, equity, social peace and industrial peace.
- Examine contemporary challenges and opportunities for social dialogue in addressing transformations in the world of work, such as digitalization, green transition, and crises.



A. Introduction

Social dialogue may be institutionalized or ad hoc. In its institutionalized form, it takes place within established bodies and procedures; in its ad hoc form, it may be convened to address a specific issue, urgent priority or emerging conflict. The ILO defines social dialogue as all types of negotiation, consultation and exchange of information between or among representatives of governments, employers and workers on issues of common interest relating to economic and social policy. Depending on the parties involved, social dialogue may be tripartite, tripartite-plus or bipartite. It may take place at national, regional, local, sectoral, enterprise, international or cross-border level. Social dialogue is both a means to achieve social and economic progress and an end in itself, because it gives people a voice and a stake in their societies and workplaces. The role of labour administration in enabling effective social dialogue varies according to the type and level of the process concerned.¹


One of the fundamental missions of labour administration is to promote harmonious labour relations and effective social dialogue at all levels within their mandate. ILO Convention No. 150 (Labour Administration, 1978) and its accompanying Recommendation No. 158 request to ratifying member states to put in place the organization and effective operation in their territory of a system of labour administration, the functions and responsibilities of which are properly coordinated. The labour administration system shall be responsible for the formulation, implementation and supervision of national labour standards; employment and human resources development; studies, research and statistics on labour; and shall provide support for labour relations. The standards outline as well the importance of the participation by workers and employers and their respective organizations to national labour policy adding that “employers’ and workers’ organizations have essential roles in attaining the objectives of economic, social and cultural progress”.² These arrangements are not discretionary; rather, the existence of such a framework is a fundamental requirement. However, there is no ‘one-size-fits-all’ approach when it comes to implementing social dialogue at any given level. Nonetheless, as it appears from the preparatory work for Convention No.150 the requirements come with a great degree of flexibility as each country determines, in accordance with national practice, the level, form and subject matter of consultation, cooperation and negotiation.³

According to Article 1(b) of Convention No. 150 and Paragraph 1(b) of Recommendation No. 158, the institutional framework for consultation with, and participation by, employers and workers and their organizations forms an integral part of the labour administration system. The scope and procedures for such consultation / collaboration are elaborated further in Articles 2, 3 and especially Articles 5 and 6 of the Convention while the Recommendation expands in further details on scope and modalities of such collaboration (see Paragraphs 2, 3 as well as paras 5 – 21 and 26 of the Recommendation. This encompasses the ‘preparation, administration, co-ordination, checking and review of national labour policies’ in many different policy fields, such as labour standards, labour relations, employment, research

¹ ILO, Labour administration in a changing world of work: Labour Administration Convention, 1978 (No. 150) and Labour Administration Recommendation, 1978 (No. 158), General Survey, ILC.112/Report III(B), 112th Session of the International Labour Conference, 2024, paras 334-341.

² ILO, *Record of Proceedings: Labour Administration – Role, Functions and Organisation*, International Labour Conference, 64th Session, 1978, 22/6.

³ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 10-15 and 342-344.



in labour matters, national policy concerning international labour affairs, as well as in the organization of its own system, structure and field services.⁴

 Convention No. 150 (Article 5)

1. Each Member which ratifies this Convention shall make arrangements appropriate to national conditions to secure, within the system of labour administration, consultation, cooperation and negotiation between public authorities and the most representative organizations of employers and workers, or - where appropriate - employers' and workers' representatives.

2. To the extent compatible with national laws and regulations, and national practice, such arrangements shall be made at national, regional and local levels as well as at the level of the different sectors of economic activity.

Institutionalized social dialogue provides predictable channels through which the parties can meet, exchange information, consult and negotiate. It helps maintain regularity, focus and continuity, while still allowing countries to adapt arrangements to national practice and to the subject matter under discussion.⁵

B. Promoting social dialogue for policymaking

Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial stability and boost economic progress.⁶

According to the ILO working definition, social dialogue includes all types of negotiation, consultation or simply exchange of information between or among representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. Social dialogue can be informal or institutionalised and is often a combination of the two. It can take place at the national, inter-professional, branch, regional or enterprise level or a combination of these.

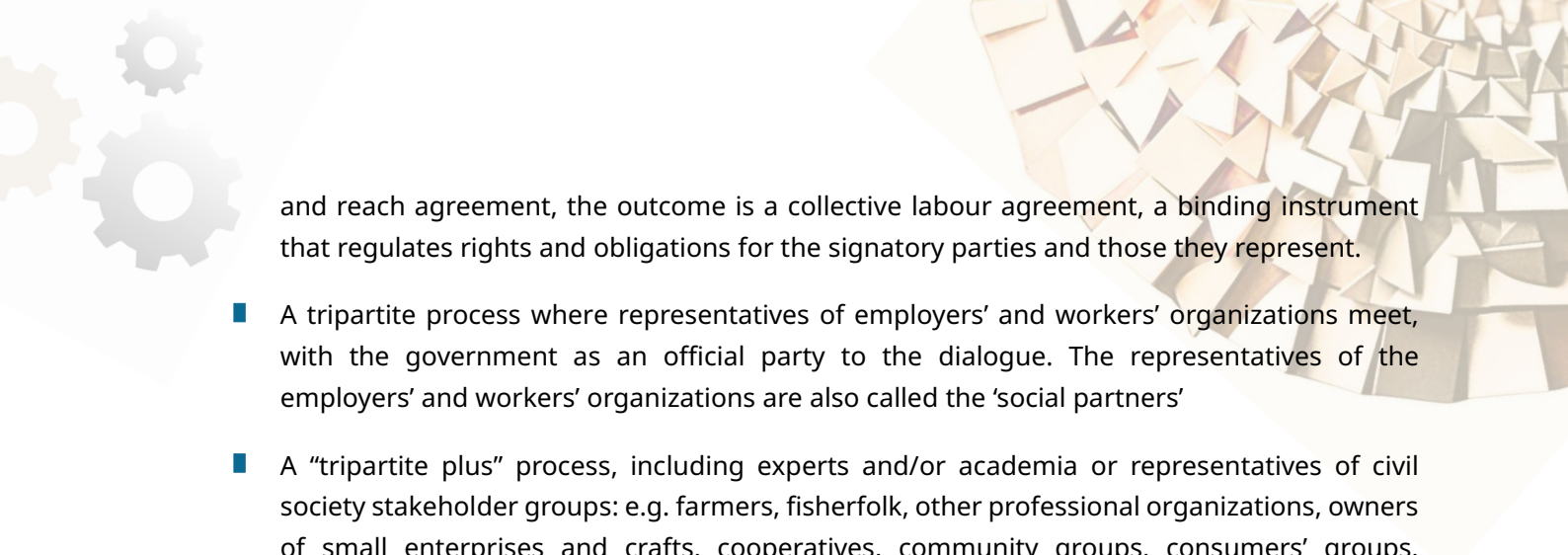
Social dialogue can take different forms:

- Bipartite social dialogue refers to interactions between employer/s (or their representative) and workers' organizations, that agree to exchange information, consult each other or negotiate. It is the foundation of sound industrial relations and is often practised in the form of collective bargaining, workplace cooperation, or other formal or informal interactions between the social partners. Collective bargaining is a key form of bipartite social dialogue. Under the Collective Bargaining Convention, No. 154 it is a voluntary negotiation process through which autonomous and representative parties determine working conditions and terms of employment and/or regulate their relations. When parties negotiate in good faith

⁴ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 198-204 and 342-348.

⁵ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 343-344 and 350-363.

⁶ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 334-336.



and reach agreement, the outcome is a collective labour agreement, a binding instrument that regulates rights and obligations for the signatory parties and those they represent.

- A tripartite process where representatives of employers' and workers' organizations meet, with the government as an official party to the dialogue. The representatives of the employers' and workers' organizations are also called the 'social partners'
- A "tripartite plus" process, including experts and/or academia or representatives of civil society stakeholder groups: e.g. farmers, fisherfolk, other professional organizations, owners of small enterprises and crafts, cooperatives, community groups, consumers' groups, environmental associations...This modality is also called "civil dialogue"

Tripartite social dialogue is very often institutionalized through an institution. Around the world, their names vary, from Economic and Social Councils to tripartite labour advisory Board to name a few.⁷

Such social dialogue bodies can focus on one specific labour issue (e.g. OSH Council, Skills Council, Minimum Wage Board) or deal with wider economic and social policies.

Their functions can be one or a combination of the following: advice to Government or Parliament on policy issues (recommendations for and input to policymaking), including research; direct negotiation; policy implementation; monitoring of policy impact; direct negotiation, agreements' implementation resolution of collective labour disputes, etc.

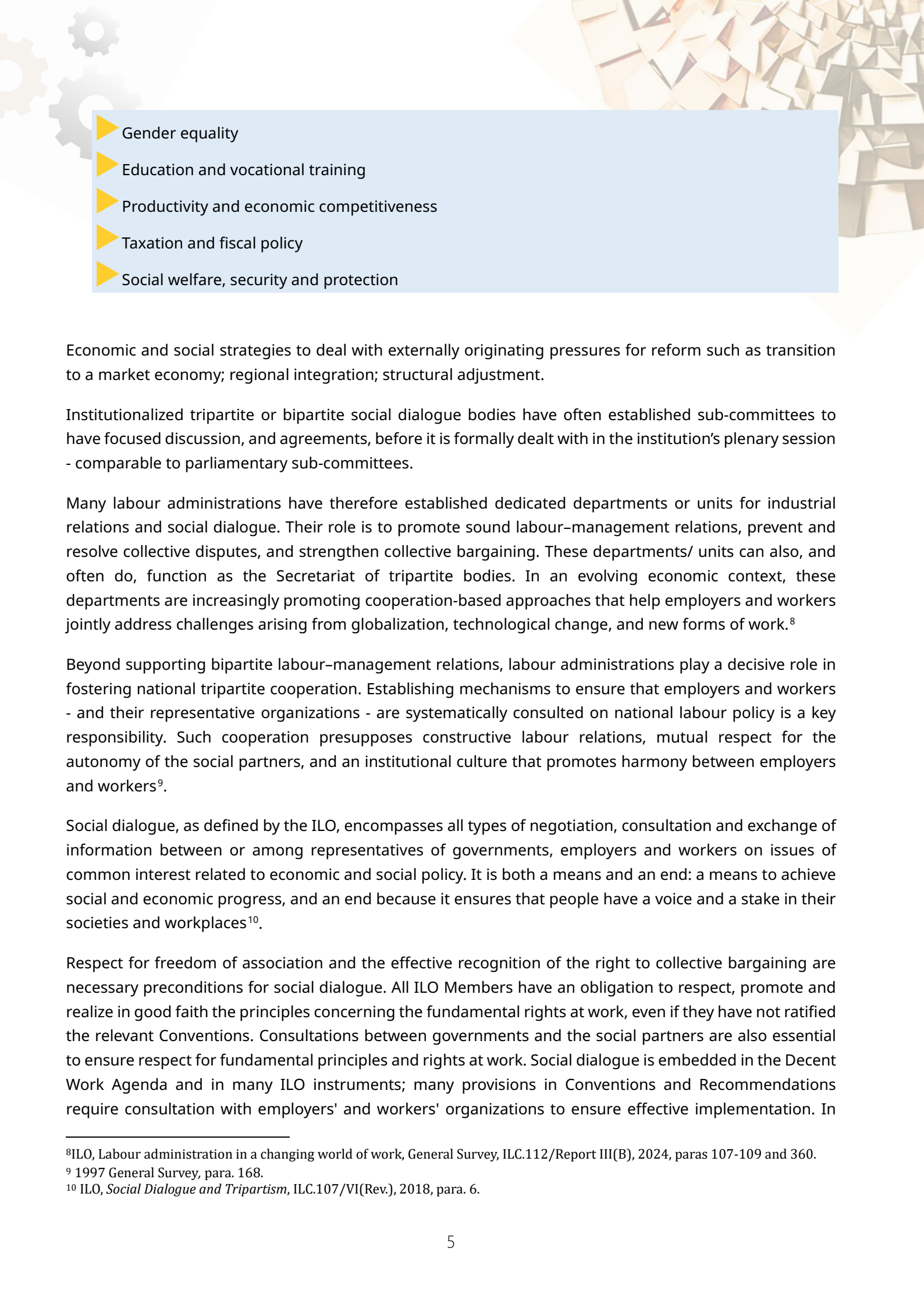
► **Box 1. Examples of Labour Issues Treated by National Labour Councils**

- Wage setting and minimum wage
- Labour legislation
- Working conditions
- Labour market policy
- Labour dispute resolution
- Occupational safety & health
- Industrial policy

► **Box 2. Examples of macroeconomic issues treated by Economic and Social Councils**

- Macroeconomic policy framework and economic growth
- Structural change and transformation of the economy
- Wage increases, inflation and monetary policy
- Employment policy

⁷ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 352-356.

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- ▶ Gender equality
 - ▶ Education and vocational training
 - ▶ Productivity and economic competitiveness
 - ▶ Taxation and fiscal policy
 - ▶ Social welfare, security and protection

Economic and social strategies to deal with externally originating pressures for reform such as transition to a market economy; regional integration; structural adjustment.

Institutionalized tripartite or bipartite social dialogue bodies have often established sub-committees to have focused discussion, and agreements, before it is formally dealt with in the institution's plenary session - comparable to parliamentary sub-committees.

Many labour administrations have therefore established dedicated departments or units for industrial relations and social dialogue. Their role is to promote sound labour-management relations, prevent and resolve collective disputes, and strengthen collective bargaining. These departments/ units can also, and often do, function as the Secretariat of tripartite bodies. In an evolving economic context, these departments are increasingly promoting cooperation-based approaches that help employers and workers jointly address challenges arising from globalization, technological change, and new forms of work.⁸

Beyond supporting bipartite labour-management relations, labour administrations play a decisive role in fostering national tripartite cooperation. Establishing mechanisms to ensure that employers and workers - and their representative organizations - are systematically consulted on national labour policy is a key responsibility. Such cooperation presupposes constructive labour relations, mutual respect for the autonomy of the social partners, and an institutional culture that promotes harmony between employers and workers⁹.


Social dialogue, as defined by the ILO, encompasses all types of negotiation, consultation and exchange of information between or among representatives of governments, employers and workers on issues of common interest related to economic and social policy. It is both a means and an end: a means to achieve social and economic progress, and an end because it ensures that people have a voice and a stake in their societies and workplaces¹⁰.

Respect for freedom of association and the effective recognition of the right to collective bargaining are necessary preconditions for social dialogue. All ILO Members have an obligation to respect, promote and realize in good faith the principles concerning the fundamental rights at work, even if they have not ratified the relevant Conventions. Consultations between governments and the social partners are also essential to ensure respect for fundamental principles and rights at work. Social dialogue is embedded in the Decent Work Agenda and in many ILO instruments; many provisions in Conventions and Recommendations require consultation with employers' and workers' organizations to ensure effective implementation. In

⁸ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 107-109 and 360.

⁹ 1997 General Survey, para. 168.

¹⁰ ILO, *Social Dialogue and Tripartism*, ILC.107/VI(Rev.), 2018, para. 6.



this regard, the freedom of association and collective bargaining Conventions, the governance Conventions, Convention No. 150 and Recommendation No. 158 highlight the role of labour administrations in creating an enabling environment for social dialogue.¹¹

Core principles from Conventions Nos. 87 and 98:

Convention No. 87: all workers and employers should be free to form and join organizations of their own choosing, said organizations have the right to draw up their constitutions and rules, elect their representatives in full freedom, organize their administration and activities, and formulate their programmes. Public authorities must refrain from interference that would restrict this right or impede its lawful exercise.

Convention No. 98: Workers are protected from any act of anti-union discrimination that may result from their union membership or activity. Employers and workers are protected from acts of interference from one another and in particular workers' organizations enjoy a protection against unions under the control of the employer, so called "yellow union". Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and use of voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to regulating terms and conditions of employment by means of collective agreements.

The respect of the principles enshrined in these two Conventions- upheld to the status of Fundamental Principles and Rights at Work- constitute the necessary precondition for all forms of effective social dialogue to exist. From a governance perspective, social dialogue and tripartism embody the principles of effectiveness, accountability and inclusiveness. They are essential to the formulation, implementation and evaluation of social and labour policies, to managing transformations in the world of work, and to advancing the Sustainable Development Goals, particularly SDG 8 on decent work and SDG 16 on effective, accountable and inclusive institutions^{12 13}

Tripartite and bipartite dialogue contribute to effective labour governance by supporting wage-setting, decent working conditions, social protection, occupational safety and health, skills development, and equitable responses to structural change. Moreover, they strengthen social resilience, competitiveness, and sustainable growth. Conversely, strong and well-resourced labour administrations are indispensable for sustaining effective social dialogue: they provide the institutional backbone, facilitate consultation and mediation, and ensure the autonomy and representativeness of the social partners¹⁴ This autonomous regulation by social partners themselves requires a system of institutional support by governments.¹⁵ This institutional support takes different forms, as the government acts in the field of labour relations not only as a regulator and administrator but also as the biggest employer¹⁶.

¹¹ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 103-106 and 335.


¹² ILO, *Social Dialogue and Tripartism*, para. 21.

¹³ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 393-410.

¹⁴ ILO, Resolution concerning the second recurrent discussion on social dialogue and tripartism, International Labour Conference, 107th Session, 2018.

¹⁵ Richard Hyman, "The Role of Government in Industrial Relations", in *Labour Administration in Uncertain Times: Policy, Practice and Institutions*, eds Jason Heyes and Ludek Rychly (Cheltenham, UK: Edward Elgar Publishing, 2013), 95.

¹⁶ Rychly, *Ministries of Labour: Comparative Overview*, 21-22.



For these reasons, strengthening the relationship between labour ministries and social partners should remain a central strategic objective of any labour administration reform. It enhances policy coherence, improves legitimacy, and reinforces the capacity of the system to advance social justice through decent work and sound labour relations¹⁷.

C. Promoting an enabling legal framework for labour relations

Shaping, implementing and maintaining a fair, coherent and transparent framework for labour relations is a fundamental function of labour administration. Such a framework provides the foundation for peaceful industrial relations, ensuring that employers and workers can organize, negotiate and cooperate within clear and predictable rules. Labour administrations therefore play a central role in supporting this framework in accordance with international labour standards.

The labour administration system contributes to industrial peace and stability by supporting an enabling legal and institutional framework that safeguards the right to organize, guarantees the free exercise of freedom of association and promotes voluntary collective bargaining. This role is grounded in Conventions Nos. 87 and 98 and reinforced by Convention No. 150 and Recommendation No. 158, which require arrangements for consultation, cooperation and negotiation between public authorities and the social partners.


Depending on national arrangements, ministries of labour or their functional equivalents commonly initiate, prepare or participate in the preparation of labour legislation and regulations. More broadly, Convention No. 150 treats national labour policy as a dynamic cycle that includes preparation, administration, coordination, checking and review. In this cycle, labour administrations advise policymakers, monitor implementation, provide information on rights and obligations, and help ensure that the framework remains responsive to labour market realities while respecting the roles of government, parliament, the judiciary and the social partners.¹⁸

Creating and maintaining an environment in which social partners can organize freely and independently is another critical task. Labour administrations bear the responsibility of guaranteeing that representative organizations of employers and workers can operate without interference and that their rights are effectively protected. In many countries, this function is institutionalized through a registry of trade unions or employers' organizations within the labour administration. Such registries not only oversee the legal recognition of organizations but usually provide advisory services on matters of law, procedures and compliance. In this way, labour administrations help to preserve freedom of association and equal treatment among social partners, reinforcing their legitimacy as actors in collective bargaining and social dialogue.

While collective bargaining remains a voluntary process between employers or their organizations on one hand and workers' organizations on the other, labour administrations – especially their industrial relations departments or units – play an indispensable facilitative and supportive role. They help create the enabling conditions for bargaining to take place, promote good-faith negotiation, and strengthen the institutional capacity of the social partners. This may include sharing relevant information on the economic situation of

¹⁷ ILO, *Labour Administration and Labour Inspection*, ILC.100/V, 2011, paras 108–114.

¹⁸ ILO, *Labour administration in a changing world of work*, General Survey, ILC.112/Report III(B), 2024, paras 54-57.



specific sectors of activity for the purpose of facilitating interest-based collective bargaining negotiations, developing model agreements, collecting and disseminating data on wages and working conditions, and mediating during disputes to prevent escalation.¹⁹ Additionally, once the negotiations are concluded, the labour administration may also be entrusted with the additional role of registering the collective bargaining agreement for it to have legal effect. Depending on the system of industrial relations, this requirement may or may not be present in the regulatory framework and entities other than the labour administration, such as labour courts or dedicated bodies, may be entrusted with this task.

Recent labour law and industrial relations reforms in many countries illustrate the variety of matters that may require consultation and technical preparation: procedures for recognizing representative organizations, the scope and levels of bargaining, the registration or publication of collective agreements, extension mechanisms where they exist, and mechanisms for preventing and settling collective disputes, including in the context of interest-disputes during ongoing collective bargaining negotiations. The specific content of such reforms must remain consistent with freedom of association, voluntary collective bargaining and national constitutional arrangements.

A further important function of labour administrations is to ensure that workers, employers and the general public have access to clear and timely information about labour laws, employment conditions and collective agreements. By maintaining up-to-date public registries, issuing explanatory guidance and disseminating policy updates, labour administrations strengthen transparency and awareness, empowering both workers and employers to exercise their rights and obligations effectively.

Training and capacity-building initiatives are also integral to this enabling function. Many labour administrations provide education and advisory services to the social partners on labour law and collective bargaining. Such programmes enhance the ability of trade unions and employers' organizations to use the law as a foundation for sound labour relations and encourage participatory approaches to law-making and enforcement. They also serve a preventive function: raising awareness of basic labour rights is likely to reduce the likelihood of disputes and fosters a culture of dialogue and mutual respect.


By ensuring that the legal framework remains relevant, inclusive and effectively applied, labour administrations help translate the principles of the ILO and the UN into practice—particularly those of effectiveness, integrity, participation and non-discrimination. A well-functioning legal framework for labour relations is therefore not only a policy instrument but a living institution: it embodies the State's commitment to uphold justice, equality and social peace in the world of work.

1.1 Promoting and supporting collective bargaining

Labour administration functions in this field must be carried out with full respect for the autonomy of employers' and workers' organizations. Public authorities should not interfere in ways that restrict freedom of association or impede lawful collective bargaining. Their role is to establish and maintain an enabling framework, make services available where appropriate, and provide technical advice on request.

Collective bargaining lies at the heart of sound labour relations and its effective guarantee is considered a fundamental principle and right at work, that ILO Member States need to promote, respect and realize by reason of their sole membership to the organization. International Labour Standards define collective

¹⁹ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 110-114.



bargaining as a process in which representatives of workers' organizations (often trade unions) and one or more employers or one or more the representatives of employers' organizations, negotiate over terms and conditions of employment. A collective bargaining agreement and its attendant negotiations generally covers wages, hours of work, workplace safety, benefits, job security, maternity protection and parental leave grievance procedures, and other terms and conditions of employment found in the workplace as well as grievance handling mechanisms. In general, collective bargaining agreements set terms and conditions of employment that are more favourable than those established in the law. At its heart, collective bargaining is a form of structured conflict prevention and resolution. Instead of leaving disputes over interests for rights not yet recognized unresolved, or resorting to industrial action, the process creates a platform where both sides can communicate, make proposals, and move towards agreements, and generally towards the recognition of new, meliorative rights.

For the ILO, effective collective bargaining takes place most successfully within a framework of labour market governance that upholds fundamental rights, ensures the freedom of association and organization, and fosters a culture of dialogue and cooperation. In such an environment, bargaining not only leads to mutually beneficial agreements but also strengthens democratic participation in the world of work and contributes to decent work and social justice.

Collective bargaining provides enterprises with a mechanism to promote participation and engagement in the workplace and beyond. **When occurring at sectoral and national level, especially in a centralized and coordinated manner, it can help reduce wage inequalities.** The process also contributes to human capital development by increasing training opportunities, supporting skills upgrading, and encouraging long-term employment relationships built on trust and dialogue²⁰.


1.1.1 Trends and dynamics in collective bargaining in Africa

In many countries, collective bargaining has evolved to reflect changes in economic structures, employment patterns, and institutional frameworks. In Africa, for example, several governments have promoted collective bargaining at the branch or sectoral level to ensure industrial stability. This remains the principal level of negotiation in countries such as Nigeria, South Africa, the United Republic of Tanzania, Tunisia and Zimbabwe. However, a trend toward decentralized, enterprise-level bargaining has emerged in countries such as Cameroon, Côte d'Ivoire, Ethiopia, Ghana, Kenya, Namibia and Zambia,

This decentralization, while offering greater adaptability to enterprise-specific realities, also highlights the need for coordination mechanisms so that outcomes at different bargaining levels remain coherent with national objectives and do not undermine broader labour standards. Labour administrations can play a role in putting in place or supporting such coordination mechanisms, in consultation with the social partners and in accordance with national practice.

The right to organize and bargain collectively is enshrined in ILO Convention No. 98 (1949) and further developed in the Collective Bargaining Convention, 1981 (No. 154). Convention No. 154 introduced an important conceptual shift by broadening the definition of collective bargaining beyond traditional negotiations on working conditions and terms of employment. It recognizes collective bargaining as a

²⁰ For further reading see GB.300/ESP/1 paper on Collective Bargaining and the Decent Work Agenda



means of regulating industrial relations themselves and promoting sound relations between employers and workers and their respective organizations.

Today, social partners use collective bargaining to address a wide spectrum of issues that go beyond the traditional wage–working time–conditions triad. Through bipartite negotiations, they engage on matters such as employment and employability, gender equality, skills development, occupational safety and health, and mechanisms to adapt to structural and technological changes.²¹.

1.1.2 The expanding agenda of collective bargaining

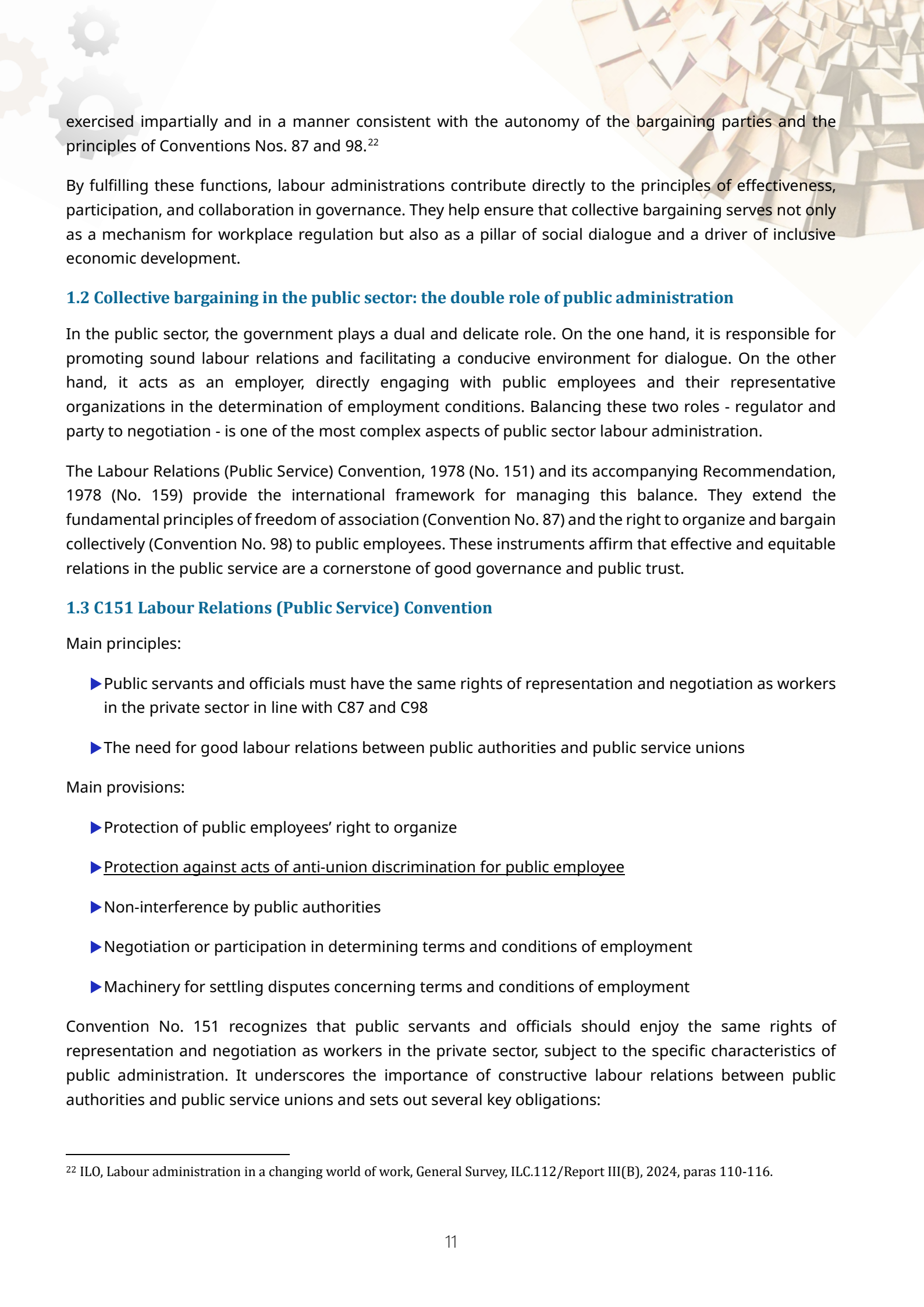
As the world of work evolves, collective bargaining increasingly serves as an instrument for innovation and adaptation. Modern agreements frequently include provisions on:

- ▶ **Labour market and employment:** competitiveness, formalization of unregistered work, and measures to mitigate the effects of relocation of production.
- ▶ **Skills and employability:** lifelong learning, retraining and upskilling, sabbatical or training leave, and savings schemes for education and competence development.
- ▶ **Work–life balance:** equal opportunities, pay equity, parental and family leave, measures to reconcile work and care responsibilities, and positive actions for gender equality.
- ▶ **Working time arrangements:** flexitime, time-saving accounts, and innovative scheduling systems to reconcile productivity with workers' needs.
- ▶ **Health, safety and well-being:** occupational safety and health provisions extended to address stress, violence, mobbing, sexual harassment and discrimination.
- ▶ **Emerging issues:** teleworking, digitalization, data protection, HIV/AIDS prevention, and the inclusion of clauses related to social protection, flexible retirement and active ageing.
- ▶ **New forms of work organization:** performance-linked pay systems, job-sharing, and rules for outsourcing or subcontracting.

These topics illustrate how collective bargaining has become a dynamic tool for regulating not only employment conditions but also the broader social and economic dimensions of work.

Labour administrations can support effective collective bargaining by maintaining an enabling framework, providing reliable labour market and wage data, making advisory services available to the social partners, facilitating access to model clauses or comparative information, and offering conciliation or mediation services when requested or required by law. Where national legislation so provides, they may also register, publish or support procedures for the extension of collective agreements. These functions must be

²¹ For further reading on this issue see GB.300/ESP/1 paper on Collective Bargaining and the Decent Work Agenda



exercised impartially and in a manner consistent with the autonomy of the bargaining parties and the principles of Conventions Nos. 87 and 98.²²

By fulfilling these functions, labour administrations contribute directly to the principles of effectiveness, participation, and collaboration in governance. They help ensure that collective bargaining serves not only as a mechanism for workplace regulation but also as a pillar of social dialogue and a driver of inclusive economic development.

1.2 Collective bargaining in the public sector: the double role of public administration

In the public sector, the government plays a dual and delicate role. On the one hand, it is responsible for promoting sound labour relations and facilitating a conducive environment for dialogue. On the other hand, it acts as an employer, directly engaging with public employees and their representative organizations in the determination of employment conditions. Balancing these two roles - regulator and party to negotiation - is one of the most complex aspects of public sector labour administration.

The Labour Relations (Public Service) Convention, 1978 (No. 151) and its accompanying Recommendation, 1978 (No. 159) provide the international framework for managing this balance. They extend the fundamental principles of freedom of association (Convention No. 87) and the right to organize and bargain collectively (Convention No. 98) to public employees. These instruments affirm that effective and equitable relations in the public service are a cornerstone of good governance and public trust.

1.3 C151 Labour Relations (Public Service) Convention

Main principles:


- ▶ Public servants and officials must have the same rights of representation and negotiation as workers in the private sector in line with C87 and C98
- ▶ The need for good labour relations between public authorities and public service unions

Main provisions:

- ▶ Protection of public employees' right to organize
- ▶ Protection against acts of anti-union discrimination for public employee
- ▶ Non-interference by public authorities
- ▶ Negotiation or participation in determining terms and conditions of employment
- ▶ Machinery for settling disputes concerning terms and conditions of employment

Convention No. 151 recognizes that public servants and officials should enjoy the same rights of representation and negotiation as workers in the private sector, subject to the specific characteristics of public administration. It underscores the importance of constructive labour relations between public authorities and public service unions and sets out several key obligations:

²² ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 110-116.

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- ▶ **Protection of the right to organize** for public employees, ensuring that they can form and join organizations of their own choosing without interference;
 - ▶ **Guarantees of non-interference** by public authorities in the establishment and functioning of these organizations;
 - ▶ **Participation in determining terms and conditions of employment**, whether through negotiation or other participatory mechanisms consistent with national law and practice;
 - ▶ **Provision of independent and impartial dispute settlement mechanisms**, including conciliation, mediation and arbitration, to address collective conflicts in the public service.

These provisions aim to reconcile two imperatives: the autonomy and representativeness of workers' organizations and the effective functioning of the public administration as a provider of essential services to society.

Over the past two decades, profound transformations in public employment have reshaped the landscape of labour relations in the public service. In many countries, governments have undertaken significant reforms to increase the efficiency, accountability and responsiveness of the public sector, ensuring that it contributes to inclusive economic and social development and better meets the needs of citizens.

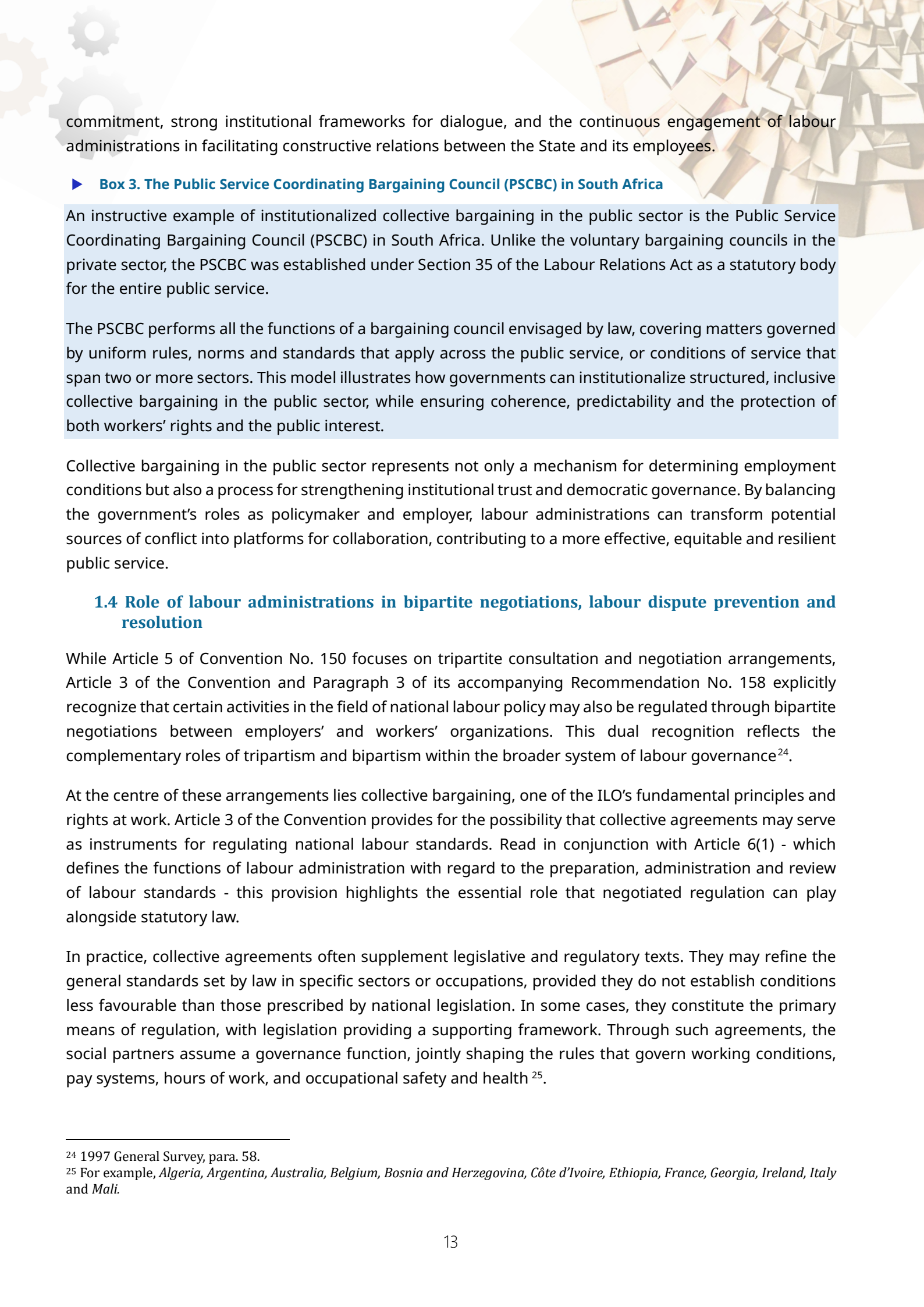
A clear trend has emerged in many countries toward **collective bargaining systems in the public service that approximate those used in the private sector**. Across diverse political contexts, the scope of collective bargaining between unions and public or parastatal employers has progressively expanded. In some contexts, the State has partially withdrawn from direct economic management, leaving large groups of public employees governed by general labour law. In others, where the State maintains a decisive role as employer, mechanisms for co-determination of terms and conditions of employment have become essential to prevent disputes and foster social stability.

This evolution reflects an international movement toward more participatory and negotiated approaches to public employment relations. The adoption of legislation in countries such as Greece and Lithuania, and the deepening of collective bargaining systems in Argentina, New Zealand and Spain, illustrate this trend. These experiences demonstrate that collective bargaining in the public sector not only enhances fairness and efficiency but also improves the legitimacy and quality of public service delivery²³.

Despite significant progress, public employees in many countries remain among the groups whose right to organize and bargain collectively is most frequently restricted. Legal exclusions, administrative barriers and the persistence of discretionary decision-making limit the effectiveness of dialogue in the public sector. In some cases, fiscal constraints or public employment freezes have weakened institutions of negotiation and eroded trust between governments and unions.

In many instances the combination of more precarious employment relationships and incomplete recognition of collective rights has created a period of uncertainty—one that can lead to social tension and inefficiency within public administration. Overcoming these challenges requires renewed political

²³ For further reading see "Labour relations in the public and para-public sector" by Bernard Gernigon ILO 2007



commitment, strong institutional frameworks for dialogue, and the continuous engagement of labour administrations in facilitating constructive relations between the State and its employees.

► **Box 3. The Public Service Coordinating Bargaining Council (PSCBC) in South Africa**

An instructive example of institutionalized collective bargaining in the public sector is the Public Service Coordinating Bargaining Council (PSCBC) in South Africa. Unlike the voluntary bargaining councils in the private sector, the PSCBC was established under Section 35 of the Labour Relations Act as a statutory body for the entire public service.

The PSCBC performs all the functions of a bargaining council envisaged by law, covering matters governed by uniform rules, norms and standards that apply across the public service, or conditions of service that span two or more sectors. This model illustrates how governments can institutionalize structured, inclusive collective bargaining in the public sector, while ensuring coherence, predictability and the protection of both workers' rights and the public interest.

Collective bargaining in the public sector represents not only a mechanism for determining employment conditions but also a process for strengthening institutional trust and democratic governance. By balancing the government's roles as policymaker and employer, labour administrations can transform potential sources of conflict into platforms for collaboration, contributing to a more effective, equitable and resilient public service.

1.4 Role of labour administrations in bipartite negotiations, labour dispute prevention and resolution

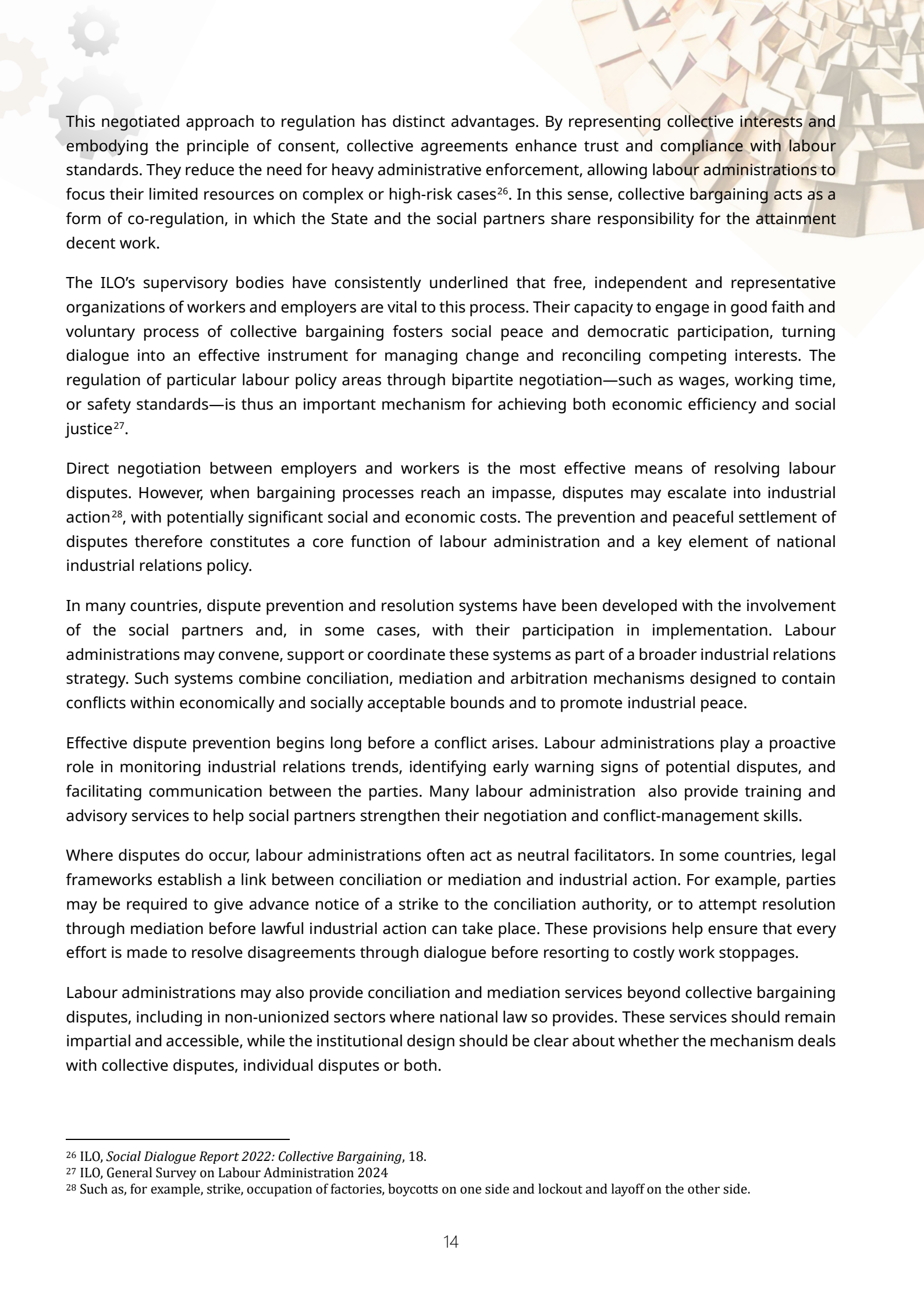
While Article 5 of Convention No. 150 focuses on tripartite consultation and negotiation arrangements, Article 3 of the Convention and Paragraph 3 of its accompanying Recommendation No. 158 explicitly recognize that certain activities in the field of national labour policy may also be regulated through bipartite negotiations between employers' and workers' organizations. This dual recognition reflects the complementary roles of tripartism and bipartism within the broader system of labour governance²⁴.

At the centre of these arrangements lies collective bargaining, one of the ILO's fundamental principles and rights at work. Article 3 of the Convention provides for the possibility that collective agreements may serve as instruments for regulating national labour standards. Read in conjunction with Article 6(1) - which defines the functions of labour administration with regard to the preparation, administration and review of labour standards - this provision highlights the essential role that negotiated regulation can play alongside statutory law.

In practice, collective agreements often supplement legislative and regulatory texts. They may refine the general standards set by law in specific sectors or occupations, provided they do not establish conditions less favourable than those prescribed by national legislation. In some cases, they constitute the primary means of regulation, with legislation providing a supporting framework. Through such agreements, the social partners assume a governance function, jointly shaping the rules that govern working conditions, pay systems, hours of work, and occupational safety and health²⁵.

²⁴ 1997 General Survey, para. 58.

²⁵ For example, *Algeria, Argentina, Australia, Belgium, Bosnia and Herzegovina, Côte d'Ivoire, Ethiopia, France, Georgia, Ireland, Italy and Mali*.



This negotiated approach to regulation has distinct advantages. By representing collective interests and embodying the principle of consent, collective agreements enhance trust and compliance with labour standards. They reduce the need for heavy administrative enforcement, allowing labour administrations to focus their limited resources on complex or high-risk cases²⁶. In this sense, collective bargaining acts as a form of co-regulation, in which the State and the social partners share responsibility for the attainment of decent work.

The ILO's supervisory bodies have consistently underlined that free, independent and representative organizations of workers and employers are vital to this process. Their capacity to engage in good faith and voluntary process of collective bargaining fosters social peace and democratic participation, turning dialogue into an effective instrument for managing change and reconciling competing interests. The regulation of particular labour policy areas through bipartite negotiation—such as wages, working time, or safety standards—is thus an important mechanism for achieving both economic efficiency and social justice²⁷.

Direct negotiation between employers and workers is the most effective means of resolving labour disputes. However, when bargaining processes reach an impasse, disputes may escalate into industrial action²⁸, with potentially significant social and economic costs. The prevention and peaceful settlement of disputes therefore constitutes a core function of labour administration and a key element of national industrial relations policy.

In many countries, dispute prevention and resolution systems have been developed with the involvement of the social partners and, in some cases, with their participation in implementation. Labour administrations may convene, support or coordinate these systems as part of a broader industrial relations strategy. Such systems combine conciliation, mediation and arbitration mechanisms designed to contain conflicts within economically and socially acceptable bounds and to promote industrial peace.

Effective dispute prevention begins long before a conflict arises. Labour administrations play a proactive role in monitoring industrial relations trends, identifying early warning signs of potential disputes, and facilitating communication between the parties. Many labour administrations also provide training and advisory services to help social partners strengthen their negotiation and conflict-management skills.

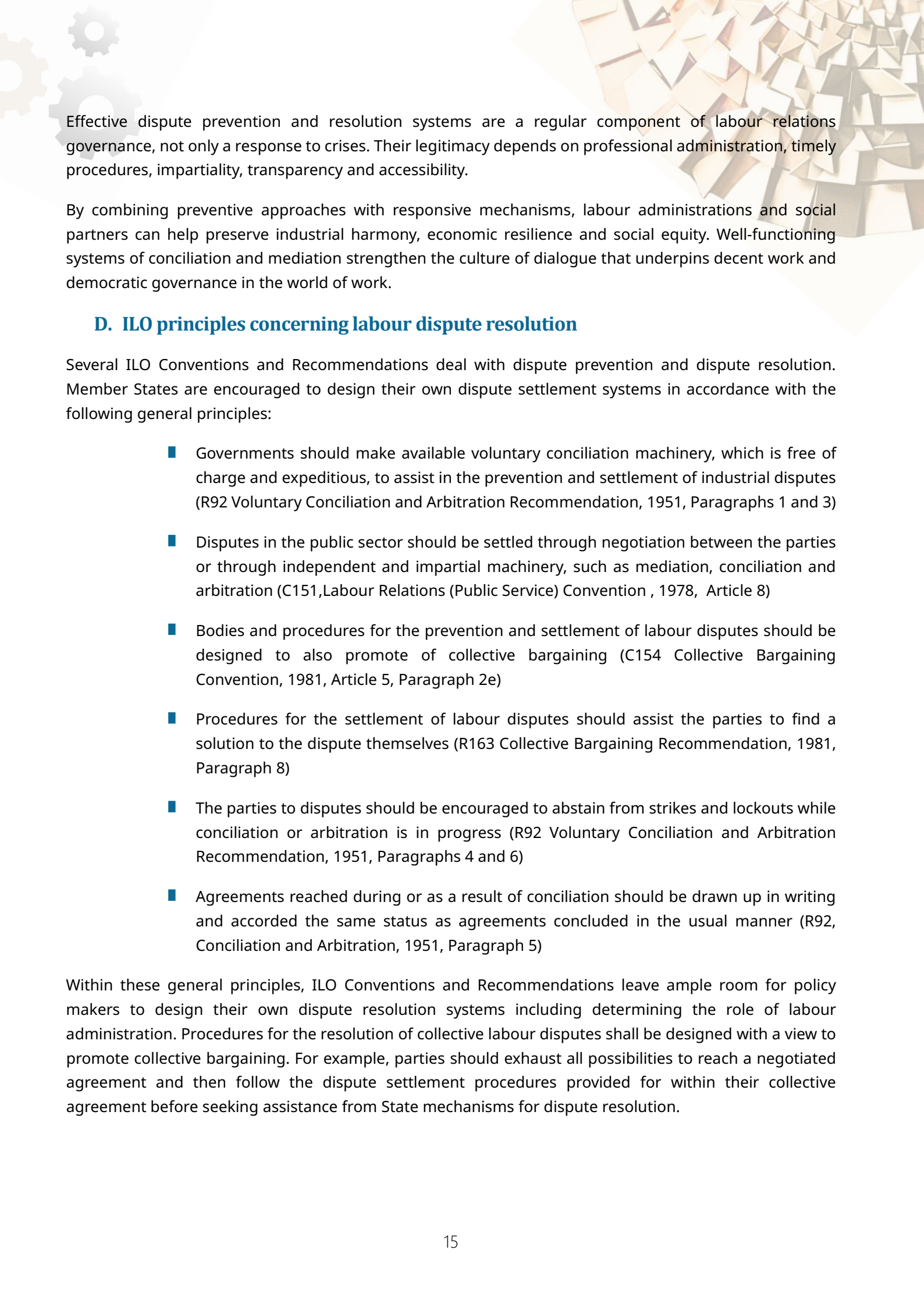
Where disputes do occur, labour administrations often act as neutral facilitators. In some countries, legal frameworks establish a link between conciliation or mediation and industrial action. For example, parties may be required to give advance notice of a strike to the conciliation authority, or to attempt resolution through mediation before lawful industrial action can take place. These provisions help ensure that every effort is made to resolve disagreements through dialogue before resorting to costly work stoppages.

Labour administrations may also provide conciliation and mediation services beyond collective bargaining disputes, including in non-unionized sectors where national law so provides. These services should remain impartial and accessible, while the institutional design should be clear about whether the mechanism deals with collective disputes, individual disputes or both.

²⁶ ILO, *Social Dialogue Report 2022: Collective Bargaining*, 18.

²⁷ ILO, *General Survey on Labour Administration 2024*

²⁸ Such as, for example, strike, occupation of factories, boycotts on one side and lockout and layoff on the other side.



Effective dispute prevention and resolution systems are a regular component of labour relations governance, not only a response to crises. Their legitimacy depends on professional administration, timely procedures, impartiality, transparency and accessibility.

By combining preventive approaches with responsive mechanisms, labour administrations and social partners can help preserve industrial harmony, economic resilience and social equity. Well-functioning systems of conciliation and mediation strengthen the culture of dialogue that underpins decent work and democratic governance in the world of work.

D. ILO principles concerning labour dispute resolution

Several ILO Conventions and Recommendations deal with dispute prevention and dispute resolution. Member States are encouraged to design their own dispute settlement systems in accordance with the following general principles:

- Governments should make available voluntary conciliation machinery, which is free of charge and expeditious, to assist in the prevention and settlement of industrial disputes (R92 Voluntary Conciliation and Arbitration Recommendation, 1951, Paragraphs 1 and 3)
- Disputes in the public sector should be settled through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration (C151, Labour Relations (Public Service) Convention, 1978, Article 8)
- Bodies and procedures for the prevention and settlement of labour disputes should be designed to also promote of collective bargaining (C154 Collective Bargaining Convention, 1981, Article 5, Paragraph 2e)
- Procedures for the settlement of labour disputes should assist the parties to find a solution to the dispute themselves (R163 Collective Bargaining Recommendation, 1981, Paragraph 8)
- The parties to disputes should be encouraged to abstain from strikes and lockouts while conciliation or arbitration is in progress (R92 Voluntary Conciliation and Arbitration Recommendation, 1951, Paragraphs 4 and 6)
- Agreements reached during or as a result of conciliation should be drawn up in writing and accorded the same status as agreements concluded in the usual manner (R92, Conciliation and Arbitration, 1951, Paragraph 5)

Within these general principles, ILO Conventions and Recommendations leave ample room for policy makers to design their own dispute resolution systems including determining the role of labour administration. Procedures for the resolution of collective labour disputes shall be designed with a view to promote collective bargaining. For example, parties should exhaust all possibilities to reach a negotiated agreement and then follow the dispute settlement procedures provided for within their collective agreement before seeking assistance from State mechanisms for dispute resolution.



► **Box 4. Industrial Relations Dispute Settlement Act (2004), Indonesia**

According to the Industrial Relations Dispute Settlement Act (2004), all disputes are required to be resolved first through bipartite bargaining. In the event that bipartite bargaining fails, then one or both of the parties can refer their dispute to the local authorised manpower offices. The local authorised manpower offices will then offer to both parties the option of conciliation or arbitration. In the event that the parties do not select either conciliation or arbitration within seven working days, the authorised manpower offices will transfer the dispute to a mediator. In the event that settlement is not achieved through either conciliation or mediation, the parties may refer their dispute to the Industrial Relations Court.

The main methods of informal dispute resolution are:

- Conciliation/mediation, which may or may not be differentiated; and
- Arbitration

1.1 Conciliation and mediation

Conciliation and mediation are the most widely used methods for extra-judiciary dispute settlement.

The terms “conciliation” and “mediation” are often used interchangeably, although they may have different meanings in different countries. In some countries, conciliation and mediation refer to the same type of procedure, while in others they denote distinct procedures. Sometimes conciliation is distinguished from mediation on the basis that a conciliator does not suggest solutions but acts as a facilitator, helping the parties to settle their differences on their own terms, whereas a mediator may have the authority, and in some cases the duty, to formulate proposals for the settlement of the dispute.

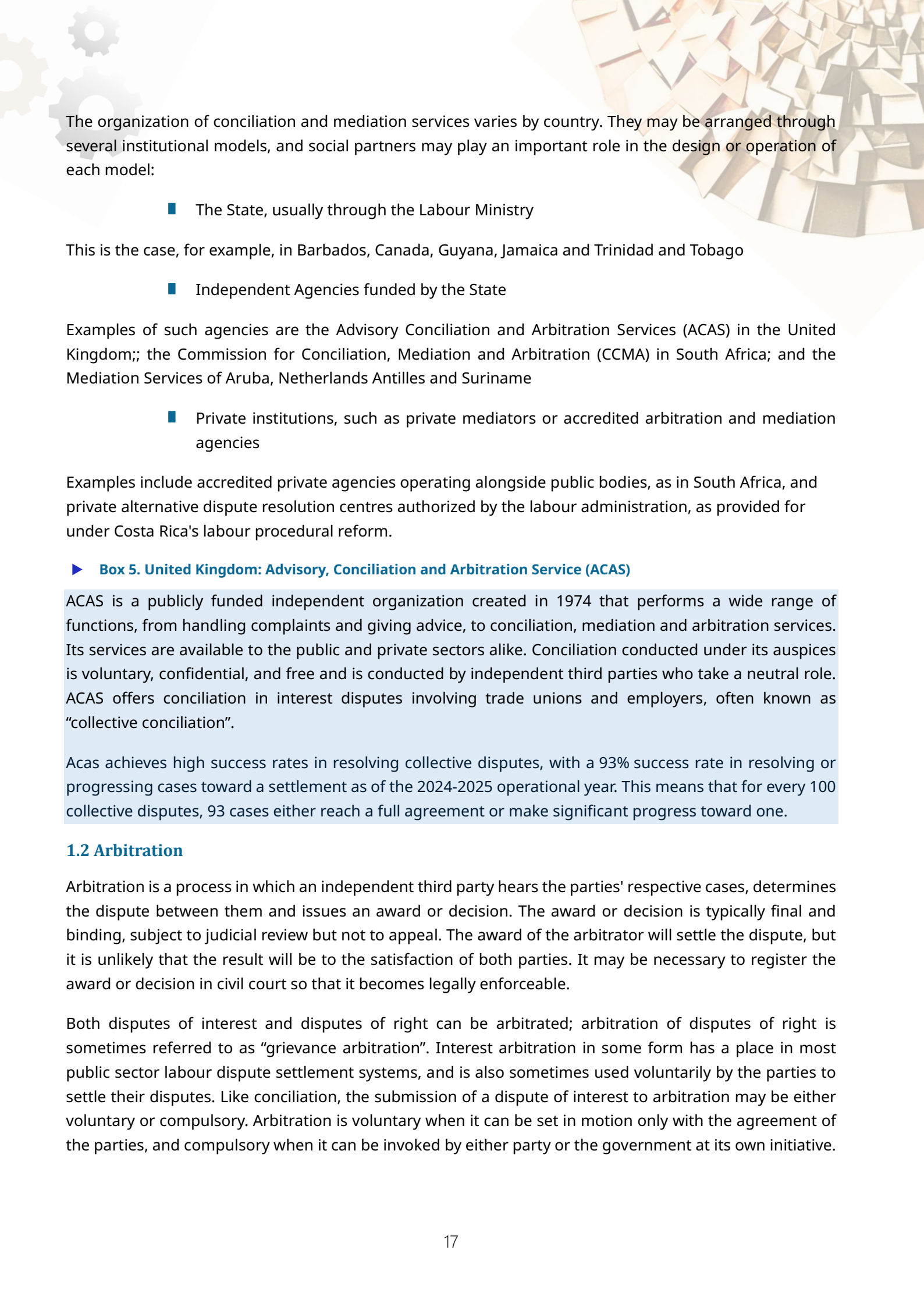
When negotiations have failed or have reached an impasse, parties could use conciliation/mediation to overcome obstacles and resolve the dispute by reaching a mutually agreed settlement.

Conciliation/mediation is the least interventionist form of dispute resolution. The neutral conciliator/mediator facilitates the parties to focus discussions on their interests and explore creative solutions so that the parties may overcome the difficulties that blocked the drafting of a final collective bargaining agreement.

In most industrialized market economy countries, it is by far the most common procedure employed for the settlement of collective interest disputes.

Conciliation/mediation may be voluntary or compulsory. When the parties are free to choose whether to participate in mediation/conciliation and retain full control over the process and its outcome the procedure is voluntary. ILO Recommendation No. 92 deals with voluntary conciliation, as mentioned above.

In some systems, parties to a labour dispute are required to attempt conciliation or mediation before escalating to industrial action such as strikes or lockouts. Such requirements concern participation in a process and should not be understood as obliging the parties to conclude an agreement. Their design should remain consistent with freedom of association principles, including the treatment of essential services and exceptional emergency situations.



The organization of conciliation and mediation services varies by country. They may be arranged through several institutional models, and social partners may play an important role in the design or operation of each model:

- The State, usually through the Labour Ministry

This is the case, for example, in Barbados, Canada, Guyana, Jamaica and Trinidad and Tobago

- Independent Agencies funded by the State

Examples of such agencies are the Advisory Conciliation and Arbitration Services (ACAS) in the United Kingdom;; the Commission for Conciliation, Mediation and Arbitration (CCMA) in South Africa; and the Mediation Services of Aruba, Netherlands Antilles and Suriname

- Private institutions, such as private mediators or accredited arbitration and mediation agencies

Examples include accredited private agencies operating alongside public bodies, as in South Africa, and private alternative dispute resolution centres authorized by the labour administration, as provided for under Costa Rica's labour procedural reform.

► **Box 5. United Kingdom: Advisory, Conciliation and Arbitration Service (ACAS)**


ACAS is a publicly funded independent organization created in 1974 that performs a wide range of functions, from handling complaints and giving advice, to conciliation, mediation and arbitration services. Its services are available to the public and private sectors alike. Conciliation conducted under its auspices is voluntary, confidential, and free and is conducted by independent third parties who take a neutral role. ACAS offers conciliation in interest disputes involving trade unions and employers, often known as “collective conciliation”.

Acas achieves high success rates in resolving collective disputes, with a 93% success rate in resolving or progressing cases toward a settlement as of the 2024-2025 operational year. This means that for every 100 collective disputes, 93 cases either reach a full agreement or make significant progress toward one.


1.2 Arbitration

Arbitration is a process in which an independent third party hears the parties' respective cases, determines the dispute between them and issues an award or decision. The award or decision is typically final and binding, subject to judicial review but not to appeal. The award of the arbitrator will settle the dispute, but it is unlikely that the result will be to the satisfaction of both parties. It may be necessary to register the award or decision in civil court so that it becomes legally enforceable.

Both disputes of interest and disputes of right can be arbitrated; arbitration of disputes of right is sometimes referred to as “grievance arbitration”. Interest arbitration in some form has a place in most public sector labour dispute settlement systems, and is also sometimes used voluntarily by the parties to settle their disputes. Like conciliation, the submission of a dispute of interest to arbitration may be either voluntary or compulsory. Arbitration is voluntary when it can be set in motion only with the agreement of the parties, and compulsory when it can be invoked by either party or the government at its own initiative.



The imposition of compulsory arbitration is not deemed to be in accordance with the principles of freedom of association, other than in essential services or in exceptional emergency situations.

 ILO R92 Voluntary Conciliation and Arbitration Recommendation, 1951 stipulates that *if a dispute has been submitted to arbitration for final settlement with the consent of all parties concerned, the latter should be encouraged to abstain from strikes and lockouts while the arbitration is in progress and to accept the arbitration award.*²⁹

In most countries, rights disputes are adjudicated by a court or tribunal. Rights disputes arising out of the application of collective agreements can be settled by binding arbitration, as is common in United States and Canada.

Governments may also establish specialized labour courts, arbitration tribunals or other bodies for rights disputes or for specific categories of labour disputes. Administrative support for such bodies may be provided by services that also support conciliation machinery, or by separate administrative services.

Parties in some countries have experimented with processes that mix the best of both the interest-based and rights-based processes of mediation and arbitration.

1.3 Labour dispute prevention

There is a growing emphasis on building and maintaining strong relationships between the parties by genuine and effective information sharing, consultation and mutual gains bargaining, as well as dispute prevention and early intervention in conflicts, so that the likelihood of disputes is reduced.

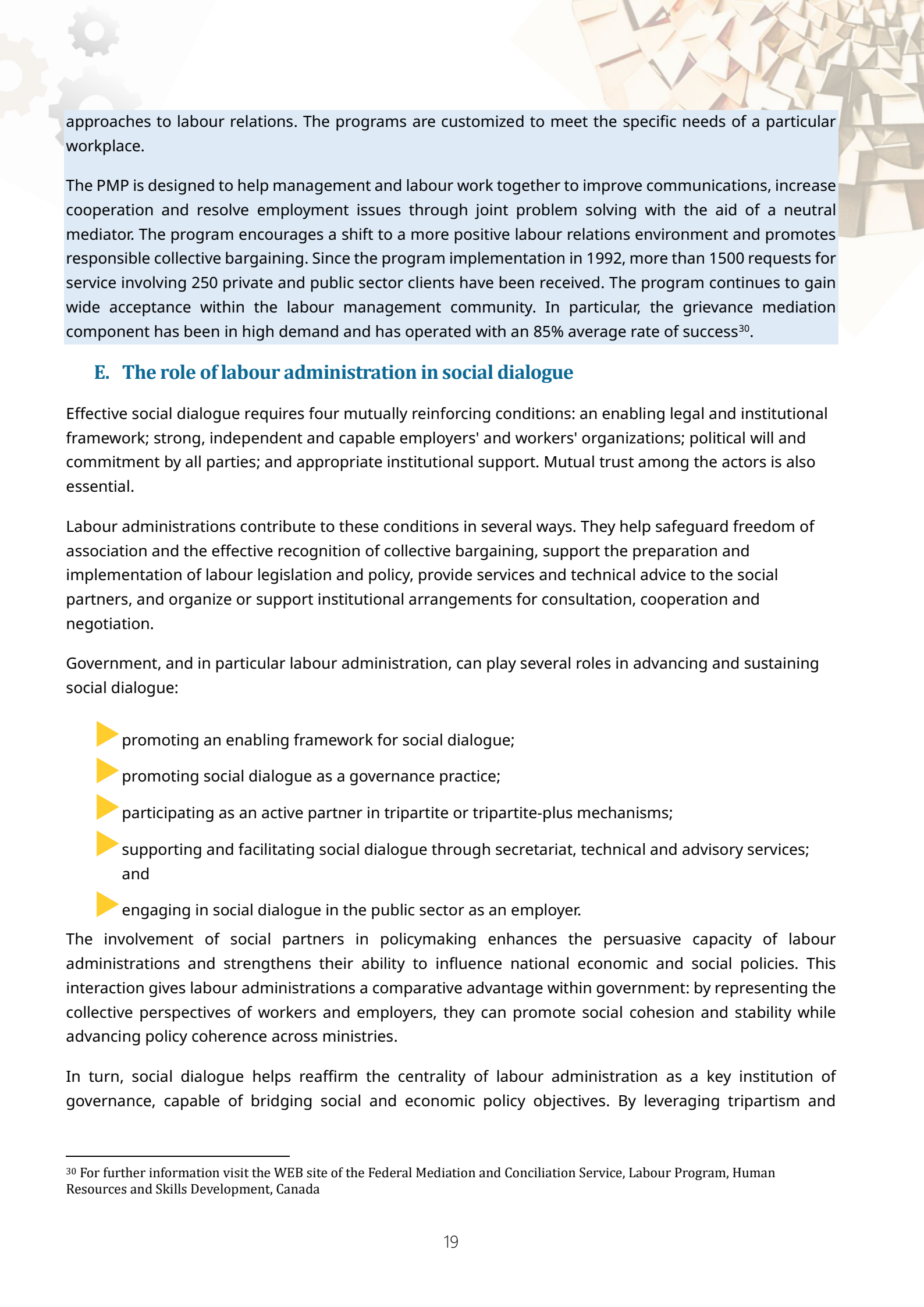
In some countries, the prevention of collective disputes is explicitly mentioned in labour legislation, and labour departments or dispute resolution bodies are empowered to intervene proactively before deadlock is declared. These approaches recognize that conflict is a normal feature of collective labour relations and seek to address it quickly and as close to its source as possible, while respecting the autonomy of the parties.

An important means by which labour administrations can promote a climate that prevents collective disputes is to provide or facilitate training for employers, managers and workers' representatives on labour standards, labour law, problem solving, conflict management and interest-based negotiation techniques. Joint union-management workshops, conducted by mutually acceptable trainers or facilitators, can be useful in improving the quality and outcomes of negotiation processes and reducing the likelihood of escalation.

► **Box 6. The prevention mediation programme in Canada**

To help improve ongoing relationships and keep the lines of communication open between employers and unions, the Federal Mediation and Conciliation Service (FMCS) of Canada offers a comprehensive Preventive Mediation Program (PMP) designed to help parties build and maintain constructive working relationships. A variety of services are offered, but must be jointly requested by the union and the employer. All preventive mediation services are delivered by mediators with extensive experience in both traditional and alternative

²⁹ www.ilo.org/ilolex/english/recdisp1.htm



approaches to labour relations. The programs are customized to meet the specific needs of a particular workplace.

The PMP is designed to help management and labour work together to improve communications, increase cooperation and resolve employment issues through joint problem solving with the aid of a neutral mediator. The program encourages a shift to a more positive labour relations environment and promotes responsible collective bargaining. Since the program implementation in 1992, more than 1500 requests for service involving 250 private and public sector clients have been received. The program continues to gain wide acceptance within the labour management community. In particular, the grievance mediation component has been in high demand and has operated with an 85% average rate of success³⁰.

E. The role of labour administration in social dialogue

Effective social dialogue requires four mutually reinforcing conditions: an enabling legal and institutional framework; strong, independent and capable employers' and workers' organizations; political will and commitment by all parties; and appropriate institutional support. Mutual trust among the actors is also essential.

Labour administrations contribute to these conditions in several ways. They help safeguard freedom of association and the effective recognition of collective bargaining, support the preparation and implementation of labour legislation and policy, provide services and technical advice to the social partners, and organize or support institutional arrangements for consultation, cooperation and negotiation.


Government, and in particular labour administration, can play several roles in advancing and sustaining social dialogue:

- ▶ promoting an enabling framework for social dialogue;
- ▶ promoting social dialogue as a governance practice;
- ▶ participating as an active partner in tripartite or tripartite-plus mechanisms;
- ▶ supporting and facilitating social dialogue through secretariat, technical and advisory services; and
- ▶ engaging in social dialogue in the public sector as an employer.

The involvement of social partners in policymaking enhances the persuasive capacity of labour administrations and strengthens their ability to influence national economic and social policies. This interaction gives labour administrations a comparative advantage within government: by representing the collective perspectives of workers and employers, they can promote social cohesion and stability while advancing policy coherence across ministries.

In turn, social dialogue helps reaffirm the centrality of labour administration as a key institution of governance, capable of bridging social and economic policy objectives. By leveraging tripartism and

³⁰ For further information visit the WEB site of the Federal Mediation and Conciliation Service, Labour Program, Human Resources and Skills Development, Canada



bipartism, labour administrations contribute to inclusive development, mitigate social conflict, and foster public trust in the governance of labour and employment.

Ultimately, the role of labour administration in social dialogue reflects the essence of the Decent Work Agenda: ensuring that progress in productivity, competitiveness and economic growth is accompanied by respect for workers' rights, social justice and participatory governance.


1.1 Promoting an enabling framework for social dialogue

One of the core functions of labour administration is to support a political, legal and institutional environment in which autonomous organizations of employers and workers can operate freely and express their views without interference or fear of reprisal. A stable political and civil climate that guarantees these fundamental freedoms is the foundation upon which all effective systems of social dialogue are built.

The Government, through its labour administration, bears the primary responsibility for fostering such an environment. This requires not only a sound legal framework but also a political culture of openness and inclusiveness, where decision-making processes genuinely take into account the perspectives of social partners. Because public authorities design and implement economic and social policies that profoundly affect employment and working life, their willingness to consult and cooperate with representative organizations is critical for legitimacy, policy coherence and social trust.

The enabling framework for social dialogue begins with the ratification and implementation of key ILO Conventions safeguarding the rights of workers and employers to organize and to bargain collectively—particularly Convention No. 87 (Freedom of Association and Protection of the Right to Organise, 1948) and Convention No. 98 (Right to Organise and Collective Bargaining, 1949). These instruments enshrine the principles of independence, voluntarism and equality of treatment, which are preconditions for genuine dialogue.

A range of other ILO instruments provide complementary guidance to governments in developing conducive conditions for social dialogue:

 **Convention No. 150 and Recommendation No. 158 (Labour Administration, 1978)** – establish that consultation, cooperation and negotiation between public authorities and the social partners must form part of the national labour administration system. Article 5 of the Convention recognizes that employers' and workers' organizations have an essential role in achieving economic, social and cultural progress through such mechanisms. Article 2 further provides for the possibility of entrusting certain labour administration activities to employers' and workers' organizations, thereby reinforcing shared responsibility for policy implementation.



Convention No. 144 and Recommendation No. 152 (Tripartite Consultation – International Labour Standards, 1976) – require governments to ensure effective consultations with employers’ and workers’ representatives at each stage of the ILO’s standards-related activities: from setting the agenda of the International Labour Conference to the supervision of standards’ application and, where relevant, to their revision or denunciation. In many countries, the establishment of a national tripartite consultation body on ILO matters has served as a **catalyst for broader social dialogue**, extending beyond international labour standards to encompass national socio-economic and employment policy.

Recommendation No. 113 (Consultation at Industrial and National Levels, 1960) and the **ILO Resolution concerning Tripartism and Social Dialogue (2002)** – provide practical guidance on how to strengthen consultation structures, promote participatory approaches to decision-making, and ensure that dialogue contributes to economic efficiency, social equity and democratic governance.

These standards together set out the minimum institutional requirements for a functioning system of social dialogue: legal recognition of representative organizations; regular and structured consultation processes; access to information; and mechanisms for follow-up and implementation of outcomes.

Beyond the legal framework, governments must cultivate a culture of participation. This entails transparency in policymaking, respect for dissenting views, and the active encouragement of dialogue not only at the national level but also within sectors, enterprises and communities. Labour administrations can promote this culture by facilitating training for social partners, supporting joint research and data collection, and integrating consultation processes into all major policy cycles.

The use of public communication and media can further reinforce this commitment. By publicly acknowledging the legitimacy of workers’ and employers’ organizations and highlighting examples of successful dialogue, labour administrations can build societal recognition of tripartism as a driver of stability and development. Such visibility also strengthens the credibility of the administration itself as an impartial and collaborative institution.


1.2 Promoting social dialogue

Governments are responsible for promoting a general favourable climate for social dialogue.

This entails adopting appropriate measures to ensure regular, meaningful and effective consultation with the social partners, and establishing **institutional mechanisms** that enable their participation in the formulation, implementation and evaluation of national labour and social policies.

The specific form and functioning of these social dialogue mechanisms—such as their legal basis, mandate, competency, composition, scope and procedures—vary considerably across countries. Some are established by law, others operate through voluntary arrangements or long-standing custom, and many combine elements of both. What they share is the objective of institutionalizing dialogue as an ongoing process rather than an ad hoc event.³¹

³¹ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 350-363.



According to Paragraph 3 of Recommendation No. 113 (Consultation at Industrial and National Levels, 1960), such consultation and cooperation between public authorities and the social partners may be facilitated through a variety of means:

- ▶ voluntary action by employers' and workers' organizations;
- ▶ promotional measures by public authorities;
- ▶ provisions in laws or regulations; or
- ▶ a combination of these approaches.

This flexibility allows each country to tailor its approach to national conditions and traditions, while ensuring that the principles of freedom and mutual recognition, representativeness and inclusiveness, and equality of participation are respected.

Labour administration plays a central role in operationalizing these principles. As an institutional forum for contact, dialogue and negotiation, it functions as the main conduit for social partner participation in labour governance.

Under Article 5 of the Labour Administration Convention, 1978 (No. 150), participation by employers' and workers' organizations in the labour administration system can take three principal forms:

1. **Consultation** – public authorities consult employers and workers, either through permanent tripartite institutions (such as labour advisory councils or national employment boards) or through ad hoc or informal mechanisms. Consultation allows social partners to express their views on draft laws, policy proposals and implementation strategies, ensuring that decisions reflect diverse perspectives and practical realities.
2. **Cooperation** – social partners may participate directly in the management or administration of specific labour programmes or agencies, such as social security funds, vocational training institutions or occupational safety and health councils. This form of shared governance enhances ownership, accountability and the effectiveness of policy implementation.
3. **Negotiation** – employers' and workers' organizations may engage in dialogue with public authorities to reach agreements on national or sectoral matters, e.g. on employment policy, wage determination or labour market reforms. While not all negotiations lead to binding outcomes, the process itself can help to build trust and mutual understanding among the parties.

Together, these forms of participation embody the spirit of tripartism and represent the practical application of the ILO's Decent Work Agenda - which emphasizes dialogue as both a means and an objective for economic and social progress.

While Convention No. 150 and Recommendation No. 158 establish the existence of the broader framework for participation of the social partners in the labour administration system, the Consultation (Industrial and National Levels) Recommendation, 1960, No. 113, offers indications as to the scope and aim of such



participation.³² In addition, tripartite mechanisms for dealing with matters relating to ILO activities are regulated in Convention No. 144, Tripartite Consultation – International Labour Standards, 1976, which establishes specific obligations for governments to hold regular consultations with employers’ and workers’ representatives on matters related to ILO activities. These include the setting of the International Labour Conference agenda, the examination of proposed standards, and the review of measures taken to give effect to ratified Conventions. In many countries, the creation of a national tripartite consultation body on ILO matters has served as a springboard for social dialogue on employment, social protection, and sustainable development policies.

► **Box 7. National practices and adaptation**

In practice, the participation of social partners in labour administration activities varies widely among countries. Some operate comprehensive and highly institutionalized systems, such as national economic and social councils or tripartite commissions with formal decision-making powers. Others rely more on informal consultation mechanisms or joint committees established within ministries of labour.

In countries where institutional dialogue is well developed—such as South Africa, the Philippines and many European countries—tripartite bodies have proven instrumental in guiding reforms, managing crises and shaping employment strategies. In other contexts, governments have progressively formalized informal consultation processes, recognizing that even modest mechanisms can evolve into strong platforms for social dialogue when supported by political will and administrative capacity.

Labour administrations are uniquely positioned to promote, convene and sustain dialogue. Their functions include:

- identifying policy areas suitable for consultation and negotiation;
- ensuring that all representative organizations are invited and that participation is equitable;
- providing data, research and technical expertise in a timely manner to support evidence-based discussions;
- maintaining communication channels among stakeholders between formal meetings; and
- ensuring follow-up, monitoring and evaluation of dialogue outcomes.

In fulfilling these functions, labour administrations help foster social dialogue as a labour governance tool and as a continuous process of joint policy development.

³² Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113) – Para. 4 provides that such consultation and cooperation 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.



1.3 Mechanisms for consultation

Neither Convention No. 150 nor Recommendation No. 158 prescribes a specific form that consultations between governments and the social partners must take. This flexibility reflects the principle that each country should determine, in accordance with its national traditions and institutional context, the arrangements best suited to its governance structure³³. In practice, consultation mechanisms range from informal discussions to highly institutionalized councils and committees with statutory mandates.

Consultations may be limited to hearing the views of the parties concerned, or they may extend to systematic engagement by governments with employers' and workers' organizations on the formulation, implementation and evaluation of labour and social policies, including draft laws, strategies and regulations. Such consultations can take place through permanent advisory committees, councils, or other public bodies, and they represent the primary institutional bridge between labour administration and the social partners.

Across ILO member States, consultation takes two main forms: institutionalized and non-institutionalized mechanisms³⁴.

- **Institutional mechanisms** are formal structures—tripartite or bipartite—established by law or regulation to ensure continuous dialogue.
- **Non-institutional mechanisms** are less formal and rely on voluntary, ad hoc or traditional practices of consultation.

Most countries have developed networks of advisory bodies at the national, regional and sometimes local levels to facilitate this participation. These include economic and social councils, national labour advisory councils, and sectoral joint committees. The institutional architecture of these bodies varies greatly: some have broad economic and social mandates, while others are specialized in employment, wages, occupational safety and health, vocational training, or labour migration.

1.3.1 National Economic and Social Councils

Many States have established economic and social councils (ESCs) or tripartite consultation councils as umbrella institutions for dialogue on national development, social policy and labour issues. These councils are advisory in nature but often have broad influence, extending beyond the field of labour administration to questions of economic planning, investment, or environmental policy.


For example, Algeria's National Economic, Social and Environmental Council, reformed in 2021, now incorporates advisory functions related to environmental protection and sustainable development. Composed of representatives of government, social partners and civil society, it illustrates how tripartite dialogue structures can evolve to address new dimensions of social and economic governance.

1.3.2 National Labour Advisory Councils and sectoral bodies

At the same time, national labour advisory councils remain one of the most common and effective means of consultation on labour and employment policy. Typically linked to the ministry of labour, these bodies

³³ ILO, *Role, Functions and Institutional Development of Labour Administration*, para. 453.

³⁴ ILO General Survey on Labour Administration 2024



advise the minister on legislative proposals, policy reforms and administrative initiatives, and sometimes conduct studies or research on labour matters. In certain countries, such bodies also undertake negotiation functions—for instance, on minimum-wage setting or employment promotion strategies.

1.3.3 Multi-level consultation

There are numerous examples of strong tripartite frameworks:

- ▶ In **Belgium**, the bipartite National Labour Council and the **Central Economic Council** constitute the backbone of an integrated system for negotiation and consultation. These statutory bodies, independent in structure and operation, are funded from the state budget but manage the staff of their secretariat and agenda. The **National Labour Council of Belgium (NAR/CNT)** is a central institution for social dialogue at the federal level. It is a bipartite body, meaning it brings together representatives of employers' organizations and trade unions (without direct government participation in its membership). Its main roles are to:
 - ▶ Negotiate and conclude collective labour agreements (CLAs) that apply across sectors,
 - ▶ Issue opinions and advice to the government and parliament on labour and social policy,
 - ▶ Contribute to shaping labour law and working conditions in Belgium.


Although the government is not a member of the NAR/CNT, it often consults the Council, and its agreements and opinions carry significant influence in policymaking.

The **Central Economic Council** has a bi-partite structure as well, but additionally includes co-opted academic members. The Council issues opinions on the economic situation and on other matters. Within the framework of the legislation on safeguarding competitiveness and promoting employment, the CRB has specific competences:

- ▶ Together with the National Labour Council (NLC), it submits a report twice a year (before 31 January and 31 July) on developments in labour costs and employment in Belgium and in the three neighbouring countries.
- ▶ Each year (before 30 September), it reports on the maximum margin for labour cost developments in Belgium. On this basis, the negotiation margins are determined for the biennial negotiations between the social partners.

Representatives of the Federal Public Service for Employment, Labour and Social Dialogue participate to ensure coordination and regulatory coherence.

- ▶ In **China**, tripartite committees on the coordination of labour relations have been established in many provinces, extending dialogue mechanisms beyond the central level.
- ▶ In **Bangladesh**, a **Tripartite Consultation Committee for the Ready-Made Garment Sector** ensures regular consultations among government, employers and workers in a key export industry.
- ▶ In **Lithuania** and **Senegal**, joint sectoral committees in fields such as education and health address issues where collective disputes are most frequent, promoting preventive dialogue at sectoral level.



These examples show that multi-level consultation - from national to local and sectoral - helps ensure that dialogue remains close to the realities of workplaces and communities.

Despite many positive examples, the effectiveness of consultation mechanisms varies considerably. In some countries, tripartite bodies exist only at the central level and lack local representation. In others, they have become dormant or ineffective due to irregular meetings, outdated mandates, insufficient funding or limited legal authority³⁵.

To evaluate the impact of consultation bodies, the ILO's supervisory bodies have encouraged governments to provide examples of tangible results—laws adopted, policies modified, or programmes implemented as a result of consultation. In some cases, they have noted that mechanisms are inactive, poorly coordinated, or in need of reform. Ensuring regular meetings, timely appointment of members, and adequate follow-up to recommendations are essential to maintain credibility and trust.

The Committee on Freedom of Association has emphasized that consultation in legislative and policy processes - such as on minimum wages - gives public measures stronger legitimacy and enhances compliance³⁶. Seeking broad consensus wherever possible allows employers' and workers' organizations to share responsibility for social and economic well-being, which is particularly important given the growing complexity of global labour challenges.

Effective consultation mechanisms—whether institutional or informal—are the backbone of participatory labour governance. They provide structured opportunities for workers and employers to be heard, offer insights that make policies more realistic, and strengthen public confidence in decision-making. Governments should therefore:

- ▶ ensure that consultation bodies meet regularly and operate transparently;
- ▶ provide them with adequate resources and legal recognition; and
- ▶ reactivate or reform institutions that have become dormant.

By doing so, governments and labour administrations affirm their commitment to the principles of tripartism, dialogue and cooperation, thereby improving the effectiveness, accountability and inclusiveness of national labour governance systems.


1.4 Mechanisms for cooperation

Cooperation represents a higher level of participation by employers' and workers' organizations in the design, implementation and monitoring of labour policy³⁷. It goes beyond consultation to involve the joint performance of functions, shared management responsibilities, or delegated authority in specific areas of labour administration. Through cooperation, the social partners become partners in governance - contributing not only to policy design but also to its practical application.

³⁵ CEACR, Convention No. 150: *El Salvador*, direct request, 2014; *Gabon*, direct request, 2014; *Lebanon*, direct request, 2022; *Liberia*, direct request, 2021.

³⁶ ILO, *Compilation of Decisions of the Committee on Freedom of Association*, para. 1547.

³⁷ ILO, *Role, Functions and Institutional Development of Labour Administration*, para. 525.



Under Article 2 of the Labour Administration Convention, 1978 (No. 150) and Paragraph 2 of Recommendation No. 158, Member States may, in accordance with national laws and practice, delegate or entrust certain activities of labour administration to non-governmental bodies, particularly employers' and workers' organizations. Such delegation reflects a long-standing ILO principle: that the participation of representative social partners in the administration of labour policy contributes to democratic governance, strengthens legitimacy and enhances the effectiveness of labour administration.

Cooperation typically involves the participation of social partners in the management or supervision of specific public bodies or programmes—such as employment services, social security schemes, or vocational training institutions. In this respect, cooperation mechanisms differ from consultation mechanisms: whereas consultation focuses on policy formulation, cooperation bodies are directly involved in implementation and oversight, often possessing executive or regulatory authority over defined activities.

1.4.1 Institutionalized cooperation

In many countries, the management of agencies or programmes dealing with particular aspects of labour policy is entrusted to tripartite bodies or involves formal representation of the social partners:

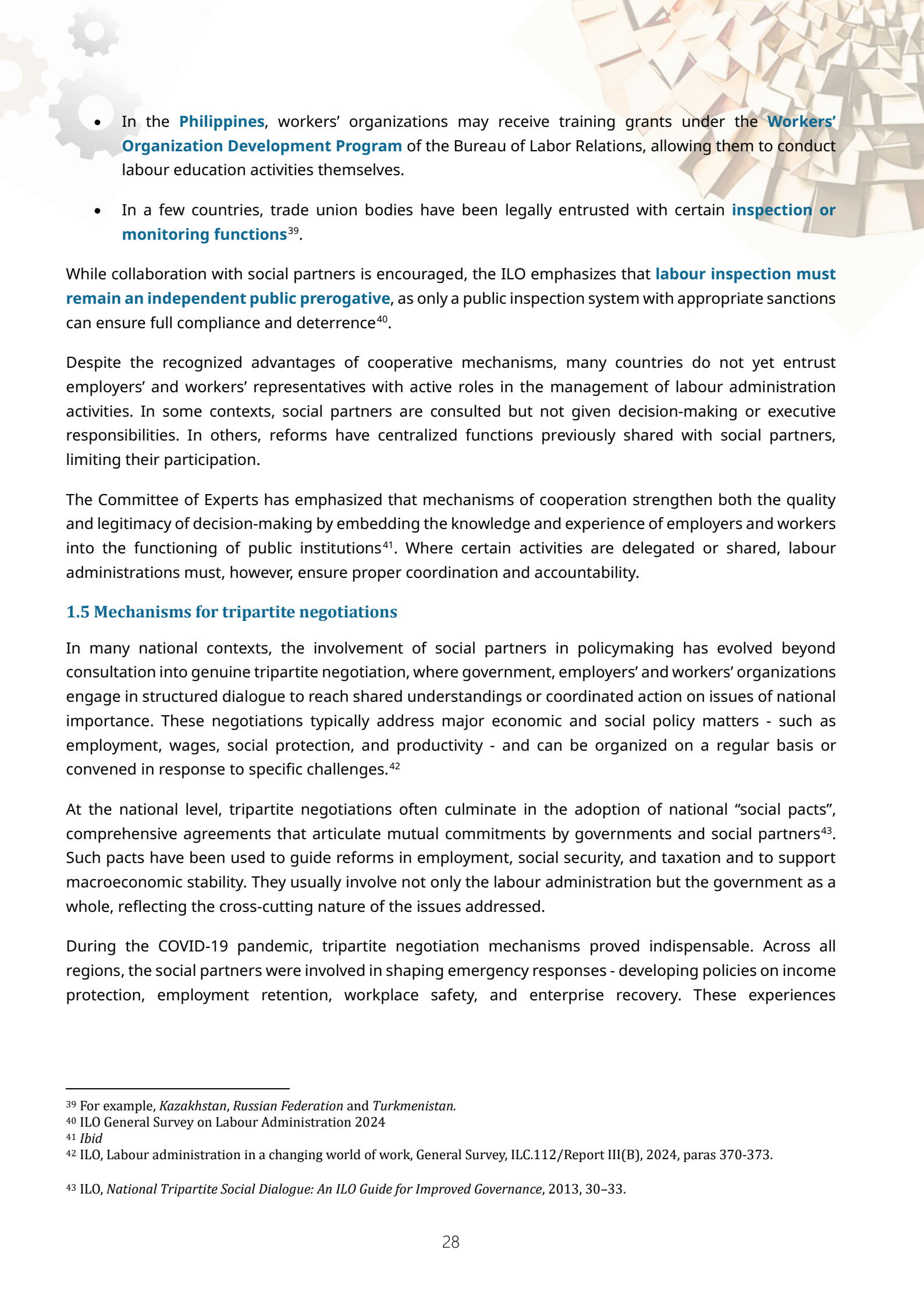
- **France** offers one of the most structured examples of institutionalized cooperation. The national public employment service, **Pôle emploi**, has a governing board composed of representatives from trade unions, employers' organizations and the government. This ensures that the principal actors of the labour market jointly oversee employment promotion policies and service delivery.
- In **Paraguay**, the **Social Security Institute** is governed by a board including representatives of the Ministry of Labour, Employment and Social Security, alongside employers' and workers' organizations.
- In many countries across **Latin America and Europe**, social partners participate in the management and monitoring of contributory social security schemes. In **Greece**, for instance, following the 2016 reform and consolidation of social security funds into the **Unified Social Security Institution**, the historical representation of social partners on its governing board was removed, a development viewed by unions as a step back from established tripartite governance traditions.

These examples illustrate both the value and the fragility of cooperative arrangements: their strength lies in shared management and accountability, but their continuity depends on political will and institutional safeguards³⁸.

1.4.2 Cooperation in specific labour administration functions

In some cases, the social partners are not only represented in management boards but also directly perform certain labour administration activities.

³⁸ 2019 General Survey, para. 711.

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- In the **Philippines**, workers' organizations may receive training grants under the **Workers' Organization Development Program** of the Bureau of Labor Relations, allowing them to conduct labour education activities themselves.
 - In a few countries, trade union bodies have been legally entrusted with certain **inspection or monitoring functions**³⁹.

While collaboration with social partners is encouraged, the ILO emphasizes that **labour inspection must remain an independent public prerogative**, as only a public inspection system with appropriate sanctions can ensure full compliance and deterrence⁴⁰.

Despite the recognized advantages of cooperative mechanisms, many countries do not yet entrust employers' and workers' representatives with active roles in the management of labour administration activities. In some contexts, social partners are consulted but not given decision-making or executive responsibilities. In others, reforms have centralized functions previously shared with social partners, limiting their participation.

The Committee of Experts has emphasized that mechanisms of cooperation strengthen both the quality and legitimacy of decision-making by embedding the knowledge and experience of employers and workers into the functioning of public institutions⁴¹. Where certain activities are delegated or shared, labour administrations must, however, ensure proper coordination and accountability.

1.5 Mechanisms for tripartite negotiations

In many national contexts, the involvement of social partners in policymaking has evolved beyond consultation into genuine tripartite negotiation, where government, employers' and workers' organizations engage in structured dialogue to reach shared understandings or coordinated action on issues of national importance. These negotiations typically address major economic and social policy matters - such as employment, wages, social protection, and productivity - and can be organized on a regular basis or convened in response to specific challenges.⁴²

At the national level, tripartite negotiations often culminate in the adoption of national "social pacts", comprehensive agreements that articulate mutual commitments by governments and social partners⁴³. Such pacts have been used to guide reforms in employment, social security, and taxation and to support macroeconomic stability. They usually involve not only the labour administration but the government as a whole, reflecting the cross-cutting nature of the issues addressed.

During the COVID-19 pandemic, tripartite negotiation mechanisms proved indispensable. Across all regions, the social partners were involved in shaping emergency responses - developing policies on income protection, employment retention, workplace safety, and enterprise recovery. These experiences


³⁹ For example, *Kazakhstan, Russian Federation and Turkmenistan*.

⁴⁰ ILO General Survey on Labour Administration 2024

⁴¹ *Ibid*

⁴² ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 370-373.

⁴³ ILO, *National Tripartite Social Dialogue: An ILO Guide for Improved Governance*, 2013, 30-33.



demonstrated the strategic importance of established tripartite dialogue systems in ensuring rapid, balanced and legitimate policy responses during crises⁴⁴.

Under Article 5 of the Labour Administration Convention, 1978 (No. 150), tripartite negotiations refer to processes in which government, employers and workers confer and discuss in good faith with the aim of reaching compromise or mutual understanding. The Convention does not require these negotiations to produce binding agreements, recognizing instead that the value of dialogue lies in consensus-building, joint problem solving and sustained communication between the parties⁴⁵.

In practice, it is often difficult to draw a strict line between consultation and negotiation. Consultative processes frequently evolve into negotiation when the parties engage in reciprocal concessions or jointly formulate policy decisions. What distinguishes negotiation is the intention of the actors to reach a shared position or coordinated outcome, even when no formal agreement is concluded.

In this broader sense, tripartite negotiation also encompasses “tripartite concertation” - systematic efforts by governments and social partners to resolve major economic and social issues through consensus and cooperation⁴⁶. This approach is particularly relevant when countries face complex structural or crisis-driven challenges that demand integrated and socially accepted solutions.

► **Box 8. Examples of tripartite negotiation processes**

Many countries have established or reinvigorated tripartite negotiation processes at the national level⁴⁷:

- In **Ireland**, successive “Programme for National Recovery” pacts from the late 1980s onward institutionalized consensus-based policymaking among government, employers and unions, linking wage moderation with employment and social policy objectives.
- In **Spain**, tripartite “Social and Economic Agreements” have addressed issues such as pension reform, employment promotion and social dialogue strengthening.
- In **South Africa**, the **National Economic Development and Labour Council (NEDLAC)** provides a standing tripartite-plus platform where representatives of government, business, labour and community constituencies negotiate and seek agreement on socio-economic policy proposals before they are tabled in Parliament.
- During the COVID-19 crisis, **Uruguay, Costa Rica, Mauritius** and **Finland** used tripartite negotiation frameworks to design and implement emergency employment retention and enterprise support measures.

These examples demonstrate that tripartite negotiation is a flexible and adaptive tool. It can be institutionalized within permanent councils or convened ad hoc for urgent or thematic matters.


While tripartite negotiations can cover broad national concerns, the ILO has consistently reaffirmed that such arrangements should complement—not replace—bipartite collective bargaining between employers

⁴⁴ Eurofound, *Involvement of Social Partners in Policymaking during the COVID-19 Outbreak*, 2021, 8.

⁴⁵ GB.238/22/5, 9.

⁴⁶ ILO, *Tripartite Consultation at the National Level on Economic and Social Policy*, Report VI, International Labour Conference, 83rd Session, 1996, 6.

⁴⁷ ILO General Survey on Labour Administration 2024



and workers over conditions of employment. The autonomy of the social partners in collective bargaining remains fundamental.

Within this balance, labour administrations have a crucial facilitative and coordinating role. They help create the procedural conditions for negotiation—ensuring representativeness of participants, transparency of information, and technical preparation of discussion materials. They may provide secretariat support, moderate discussions, and ensure that the outcomes of negotiations are transmitted to the relevant policymaking bodies for consideration.

This role becomes particularly vital in periods of crisis or reform, when trust among stakeholders may be fragile. Labour administrations act as neutral conveners, ensuring continuity of dialogue, preventing polarization, and maintaining the legitimacy of outcomes.

1.5.1 Forms and modalities of negotiation


Tripartite negotiation may take place:

- ▶ within **institutionalized consultation bodies**, such as national labour or economic and social councils;
- ▶ through **specific meetings or conferences** convened by the government or the minister of labour to address pressing issues; or
- ▶ through **informal mechanisms**, where the parties engage in direct dialogue outside formal structures to reach understandings on policy matters.

Depending on the national machinery for social dialogue, governments can participate as members of tripartite or tripartite-plus bodies or act as the recipients of negotiated advice and recommendations from such institutions.

In many countries, formal and informal dialogue coexist. For instance, while tripartite councils provide permanent fora for negotiation, ministers of labour often hold ad hoc consultations with the social partners to address urgent labour disputes, emerging policy proposals, or issues requiring rapid consensus. This flexibility allows dialogue to respond dynamically to the evolving needs of the labour market.

In recent years, many countries have expanded the traditional scope of tripartite dialogue to include “tripartite-plus” processes, where governments, employers’ and workers’ organizations open discussions to other civil society actors. These broader, multi-stakeholder frameworks seek to capture perspectives beyond the immediate sphere of employment relations and to build consensus on cross-cutting challenges such as environmental protection, gender equality, or the situation of groups vulnerable to decent-work deficits. Within these arrangements, employers’ and workers’ organizations remain distinct from other participants because they represent the organized actors of the real economy and derive legitimacy from their membership base and collective bargaining mandates. The ILO Resolution concerning Tripartism and Social Dialogue (2002) recognizes the potential value of collaborating with civil society while stressing that genuine social dialogue requires respect for the representative roles and responsibilities of the tripartite




constituents⁴⁸. When not properly structured, participatory governance mechanisms may risk diluting representation and legitimacy, leading to unbalanced or unaccountable decision-making.

1.5.2 Tripartite-plus negotiations

Across regions, diverse examples illustrate how tripartite-plus initiatives operate in practice. In **Jordan**, for instance, the **Economic and Social Council Regulation No. 117 (2007)** provides for the participation of employers' and workers' organizations alongside representatives of civil society in advising the Government on national economic and social policies. In **Australia**, the **Fair Work Ombudsman** collaborates with community and industry organizations, including not-for-profit agencies, to improve awareness of workplace rights among vulnerable workers. Similarly, in **Austria**, the **Public Employment Service Act** authorizes the outsourcing of specific services to qualified non-governmental organizations when direct provision is not feasible. In **Brazil**, legislation (Act 13.667/2018) mandates civil society participation in the management of the **National Employment Service (SINE)**. Meanwhile, in **Thailand**, the **HomeNet Association**—representing informal and home-based workers - has worked with the labour administration to advocate for legislative reforms, contributing to the adoption of the **Homeworkers Protection Act (2010)**. These experiences show how inclusive dialogue and targeted cooperation can extend the reach of labour policy to unrepresented or informal-economy workers⁴⁹.

Opening tripartite mechanisms to selected civil society groups can enrich governance by adding expertise, local knowledge and perspectives from communities directly affected by labour and social policies. However, such expansion should complement rather than replace the institutionalized structures of social dialogue based on the representation of employers and workers.

 Article 2 of Convention No. 150 and Paragraph 2 of Recommendation No. 158 already foresee the possibility of delegating certain labour administration activities to non-governmental organizations, while Article 9 requires governments to ensure that any delegated bodies operate in conformity with national laws and objectives.

It is therefore essential that ministries of labour retain the capacity and oversight authority to monitor and coordinate these partnerships, guaranteeing accountability and coherence. When properly managed, tripartite-plus cooperation can strengthen participatory governance, widen social inclusion and reinforce the overall effectiveness and legitimacy of national labour administration systems.

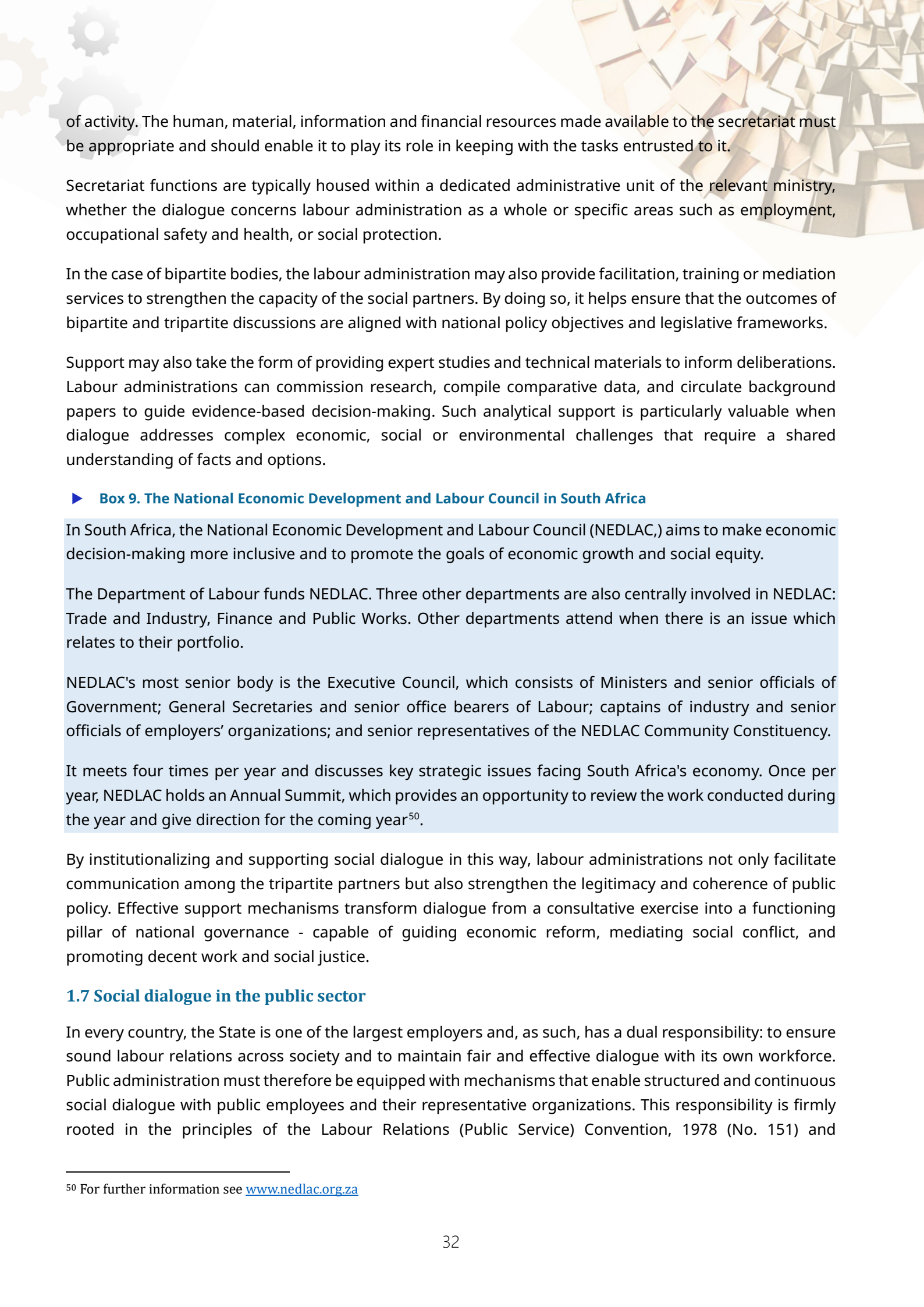
1.6 Supporting and facilitating social dialogue

The government should support social dialogue by providing an institutional framework and administrative support and by establishing a secretariat charged with preparing, organizing and following up the activities of the social dialogue body. It can also furnish the expert studies and other background material required for accomplishing its missions. **Annex 1** illustrates the main components of a national tripartite body that can be included in a law or an agreement between the Government and the social partners.

In operational terms, a secretariat is usually attached to an administrative unit of the relevant ministry regardless of whether the consultation covers labour administration in general or one of its specific areas

⁴⁸ ILO, Resolution concerning tripartism and social dialogue, International Labour Conference, 90th Session, 2002, Preamble.

⁴⁹ ILO General Survey on Labour Administration 2024



of activity. The human, material, information and financial resources made available to the secretariat must be appropriate and should enable it to play its role in keeping with the tasks entrusted to it.

Secretariat functions are typically housed within a dedicated administrative unit of the relevant ministry, whether the dialogue concerns labour administration as a whole or specific areas such as employment, occupational safety and health, or social protection.

In the case of bipartite bodies, the labour administration may also provide facilitation, training or mediation services to strengthen the capacity of the social partners. By doing so, it helps ensure that the outcomes of bipartite and tripartite discussions are aligned with national policy objectives and legislative frameworks.

Support may also take the form of providing expert studies and technical materials to inform deliberations. Labour administrations can commission research, compile comparative data, and circulate background papers to guide evidence-based decision-making. Such analytical support is particularly valuable when dialogue addresses complex economic, social or environmental challenges that require a shared understanding of facts and options.

► **Box 9. The National Economic Development and Labour Council in South Africa**

In South Africa, the National Economic Development and Labour Council (NEDLAC,) aims to make economic decision-making more inclusive and to promote the goals of economic growth and social equity.

The Department of Labour funds NEDLAC. Three other departments are also centrally involved in NEDLAC: Trade and Industry, Finance and Public Works. Other departments attend when there is an issue which relates to their portfolio.

NEDLAC's most senior body is the Executive Council, which consists of Ministers and senior officials of Government; General Secretaries and senior office bearers of Labour; captains of industry and senior officials of employers' organizations; and senior representatives of the NEDLAC Community Constituency.


It meets four times per year and discusses key strategic issues facing South Africa's economy. Once per year, NEDLAC holds an Annual Summit, which provides an opportunity to review the work conducted during the year and give direction for the coming year⁵⁰.

By institutionalizing and supporting social dialogue in this way, labour administrations not only facilitate communication among the tripartite partners but also strengthen the legitimacy and coherence of public policy. Effective support mechanisms transform dialogue from a consultative exercise into a functioning pillar of national governance - capable of guiding economic reform, mediating social conflict, and promoting decent work and social justice.

1.7 Social dialogue in the public sector

In every country, the State is one of the largest employers and, as such, has a dual responsibility: to ensure sound labour relations across society and to maintain fair and effective dialogue with its own workforce. Public administration must therefore be equipped with mechanisms that enable structured and continuous social dialogue with public employees and their representative organizations. This responsibility is firmly rooted in the principles of the Labour Relations (Public Service) Convention, 1978 (No. 151) and

⁵⁰ For further information see www.nedlac.org.za



Recommendation No. 159, which guarantee public employees the right to organize and to participate in determining their terms and conditions of employment.

By adopting dialogue as a fundamental method of governance, public administrations can more effectively identify the needs and expectations of both their employees and the users of public services. Social dialogue in the public sector contributes to better policy design, improved service delivery and enhanced accountability, thereby strengthening citizens' trust in government institutions. It also provides a forum for anticipating and managing change - an essential function at a time when public services in many countries are undergoing major transformations.

In recent decades, governments across the world have implemented far-reaching public sector reforms aimed at improving efficiency, quality and fiscal sustainability. These reforms often involve restructuring administrative systems, outsourcing or decentralizing functions, digitalizing processes, and introducing performance-based management systems⁵¹. While such measures can enhance productivity and responsiveness, they may also raise concerns about employment security, workloads and equity among public servants.

In this context, permanent and institutionalized social dialogue between public administration management and employees' representatives is essential. Constructive dialogue helps to ensure that reforms are implemented in an equitable, transparent and socially sustainable manner. It enables the negotiation of fair adjustments to working conditions, provides mechanisms for grievance resolution, and allows workers to contribute to innovation and service improvement.

Experience shows that reforms developed through genuine consultation and negotiation with public service unions tend to enjoy greater legitimacy, stability and long-term success. Conversely, the absence of dialogue can result in resistance, reduced morale, and even industrial conflict—undermining both reform outcomes and public confidence in government.

Within the framework of Convention No. 151, governments should therefore:

- ▶ establish **consultative and negotiation mechanisms** for public sector workers consistent with national conditions;
- ▶ guarantee **non-interference** by public authorities in the functioning of workers' organizations;
- ▶ ensure access to **independent and impartial dispute resolution mechanisms**; and
- ▶ promote the **participation of employees' organizations** in determining employment terms, career structures, and reform measures.

Engaging in social dialogue in the public sector is thus both a legal obligation and a strategic governance choice. When public institutions model the values of participation, fairness and accountability that they seek to promote across society, they enhance the overall credibility of the State.

⁵¹ ILO General Survey on Labour Administration 2024



F. Challenges and opportunities for social dialogue in the governance of labour

Social dialogue is increasingly recognized as a strategic tool for managing change in the world of work. Globalization, demographic transitions, digitalization, climate change, and shifting employment relationships are transforming labour markets and creating both opportunities and risks. Against this backdrop, labour administrations and social dialogue institutions play a key role in helping societies adapt to these transformations through consensus-based governance.

A 2017 ILO–AICESIS Conference on Social Dialogue and the Future of Work highlighted that well-established and well-resourced institutions of social dialogue - such as Economic and Social Councils and Similar Institutions (ESC-SIs) - are better equipped to address the complex challenges of the future of work. These include the implications of technological change, the transition to low-carbon economies and population ageing⁵². However, the conference also revealed that ESC-SIs in low- and middle-income countries often face constraints in financial, human and technical resources, leading them to prioritize immediate national concerns such as high unemployment, social security reform, occupational safety and health, or workplace compliance. The ability of dialogue institutions to look ahead and shape long-term strategies therefore depends on their institutional capacity and integration within national governance frameworks⁵³.

Involving social partners in labour law reform and policy development enhances participatory governance and strengthens public trust in the labour administration system. Social dialogue allows governments to design reforms that are equitable, realistic and socially accepted. For example, in Colombia, the National Consultation Commission created two subcommissions on labour and pension reform, enabling tripartite dialogue on diverse topics such as freedom of association, regulation of platform work, subcontracting, job stability and working hours. Through this approach, the government ensures that legal modernization reflects both workers' rights and employers' operational realities⁵⁴.

1.1 Social dialogue for a just transition and the green economy

Social dialogue has become central to efforts to achieve a **just transition** towards environmentally sustainable economies.

In **New Zealand**, the **Future of Work Tripartite Forum**—comprising government, trade unions and employers—coordinates national approaches to the employment implications of the transition to a low-emissions economy⁵⁵.

In **Guinea**, the **Economic, Social, Environmental and Cultural Council**, supported by the Agence Française de Développement, has led capacity-building initiatives on climate change for policymakers and social partners⁵⁶.

Similarly, in **Argentina**, the Ministry of Labour has integrated tripartite assessments and tools on green jobs and just transition within its **Portal Empleo**, under the **Partnership for Action on the Green Economy**


⁵² ILO and AICESIS, *Social Dialogue and the Future of Work*, Report of the ILO-AICESIS Conference, 23–24 November 2017, Athens, Greece, section 2.4.

⁵³ ILO and AICESIS, *Social Dialogue and the Future of Work*, 37–38.

⁵⁴ ILO General Survey on Labour Administration 2024

⁵⁵ *New Zealand*, Future of Work Tripartite Forum.

⁵⁶ Molina, *The Role of Tripartite Social Dialogue in Facilitating a Just Transition*, 15.



(PAGE) initiative. These experiences demonstrate that social dialogue can effectively align environmental and social objectives, ensuring that the shift to greener economies is both inclusive and fair⁵⁷.

1.2 Social dialogue and digital transformation

Digitalization presents profound implications for work organization, employment models and worker protection. In response, many countries are using social dialogue to **shape national digital strategies** and manage technological transitions in a fair and inclusive way.

In **Czechia**, digital transformation is addressed under the *Society 4.0* agenda through a platform that brings together government, economic and social partners, and academia⁵⁸.

In **Kenya**, the first **National Social Dialogue on Inclusive Digital Transformation** was held in April 2023, convening government, social partners, the ILO and industry stakeholders to promote productivity and inclusion in the digital economy⁵⁹.

Through such mechanisms, social dialogue enables proactive governance of change—mitigating risks of exclusion while harnessing the benefits of innovation.

While many national systems display innovative approaches to dialogue, persistent institutional challenges continue to limit its overall effectiveness. In a number of contexts, social partners have reported that key policy or legislative decisions are taken without adequate consultation, thereby weakening the credibility and influence of existing dialogue structures. In other cases, trade unions and employers' organizations have called for deeper and more consistent engagement to ensure that labour administration services and policies reflect the needs of those they serve. More broadly, many dialogue mechanisms remain under-resourced, convened irregularly, or insufficiently integrated into policymaking processes, which undermines their ability to contribute meaningfully to the governance of labour⁶⁰.

The Labour Administration Convention, 1978 (No. 150) reaffirms that governments must establish effective arrangements for consultation, cooperation and negotiation with the most representative organizations of employers and workers. In an era of rapid change and recurrent crises, this mandate is more relevant than ever. Social dialogue not only helps manage transitions but also enhances resilience and legitimacy in policymaking.

1.3 Social dialogue and governance of labour in times of crisis


Periods of crisis put labour relations and governance systems under intense pressure. Whether the result of economic shocks, natural disasters, pandemics or geopolitical disruptions, crises test the capacity of institutions to respond rapidly while safeguarding fundamental rights. It is precisely in such moments that governments must maintain permanent, inclusive and meaningful dialogue with the most representative

⁵⁷ ILO, "The Ministry of Labour of Argentina Promotes Strategies for Green Jobs and Just Transition", 30 September 2022.

⁵⁸ Soňa Veverková, "Enhancing the Social Partners and Social Dialogue in the New World of Work in the Czech Republic", in *The New World of Work: Challenges and Opportunities for Social Partners and Labour Institutions*, eds Daniel Vaughan-Whitehead, Youcef Ghellab and Rafael Muñoz de Bustillo Llorente (ILO and Cheltenham, UK: Edward Elgar Publishing, 2021), 155–187.

⁵⁹ ILO, "Social Dialogue Promotes Decent Work in Kenya's Digital Economy", 14 April 2023.

⁶⁰ ILO General Survey on Labour Administration 2024



organizations of employers and workers - particularly when adopting emergency measures that may affect workers' rights⁶¹.⁶²

The experience of the COVID-19 pandemic offered compelling evidence of the centrality of social dialogue in crisis management⁶³. At both national and sectoral levels, bipartite and tripartite mechanisms played a leading role in designing measures to mitigate health and socio-economic impacts. Collective bargaining proved instrumental in maintaining decent work, reducing inequalities and stabilizing labour relations. In many contexts, social dialogue also enabled temporary wage adjustments and flexible working arrangements, achieved through negotiation rather than unilateral action. The success of these processes depended on the adequate representation and participation of social partners and on access to reliable empirical data to inform discussions and build consensus.

ILO research indicates that most measures adopted during the pandemic emerged from ad hoc bipartite or tripartite meetings or special task forces rather than existing permanent bodies⁶⁴. Many established institutions of social dialogue were designed with a strategic, long-term orientation and were not fully equipped for the rapid operational decision-making required in emergencies. Yet, regardless of the mechanisms used, labour administrations proved to be indispensable actors, convening social partners, facilitating negotiations, and ensuring that emergency responses remained grounded in the principles of consultation and cooperation.

In a number of contexts, governments revived or created temporary **social dialogue platforms** to coordinate pandemic responses. In others, **bipartite mechanisms** provided direct input into workplace health and safety measures, job retention schemes, and business-continuity plans⁶⁵. These experiences demonstrated that the existence of well-functioning labour administrations - capable of organizing dialogue quickly and inclusively - is a decisive factor in crisis resilience.

The ILO Global Call to Action for a Human-Centred Recovery from the COVID-19 crisis reiterates that rebuilding economies and societies requires sustained social dialogue. Governments are encouraged to consult social partners in designing and implementing national recovery plans that address occupational safety and health, job retention, business continuity, and investment in job-rich sectors⁶⁶. Building forward better depends on strengthening the capacity of labour administrations and of workers' and employers' organizations to engage effectively in such dialogue at national, sectoral and local levels.

Promoting harmonious labour relations, collective bargaining and social dialogue is among the most critical responsibilities of any labour administration system. Tripartite cooperation presupposes healthy and constructive labour relations founded on respect for the autonomy and representativeness of

⁶¹ ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, ILC.111/III(A), 2023, para. 43. See also: ILO, *Compilation of Decisions of the Committee on Freedom of Association*, paras 1437 and 1546.


⁶² ILO, *Labour administration in a changing world of work, General Survey*, ILC.112/Report III(B), 2024, paras 244-255 and 380-385.

⁶³ ILO, *Social Dialogue One Year after the Outbreak of the COVID-19 Pandemic: Spotlight on Outcomes*, 3.

⁶⁴ ILO, *Peak-level Social Dialogue as a Governance Tool during the COVID-19 Pandemic: Global and Regional Trends and Policy Issues*, Research Brief, October 2020.

⁶⁵ ILO, *Social Dialogue One Year after the Outbreak of the COVID-19 Pandemic*, 6.

⁶⁶ ILO, *Global Call to Action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient*, Part I (D).



employers' and workers' organizations. Convention No. 150 and Recommendation No. 158 provide clear guidance on achieving this goal through:⁶⁷

- ▶ establishing an enabling environment for freedom of association and collective bargaining;
- ▶ promoting voluntary negotiation and social dialogue bodies;
- ▶ providing advisory and mediation services to social partners; and
- ▶ creating mechanisms for labour-dispute prevention and resolution, including consultation and conciliation.

In consultation with employers' and workers' organizations, labour administrations should formulate policies on industrial relations, review labour and employment laws regularly to ensure their continued relevance, and provide a balanced normative framework that upholds rights while facilitating adaptation. Many labour administrations have therefore established specialized industrial relations departments or units tasked with promoting sound labour-management relations and coordinating dispute-resolution services.

Ultimately, labour administrations must ensure that representative organizations of employers and workers are systematically consulted and engaged in all activities related to national labour policy, including in crisis preparedness and response. By institutionalizing dialogue and embedding it in governance systems, labour administrations enhance their capacity to manage shocks, sustain social cohesion, and steer recovery towards a future of resilient, inclusive and decent work for all.

⁶⁷ ILO, Labour administration in a changing world of work, General Survey, ILC.112/Report III(B), 2024, paras 103-116, 124 and 414-417.



Exercise– Social dialogue, participation and trust in labour administration: from information to shared ownership

Goal

Develop together a shared understanding of how social dialogue and participation mechanisms contribute to trust in labour administration, and how information, indicators and accountability can be used to strengthen dialogue, cooperation and shared responsibility among public authorities, employers, workers and other stakeholders.

Suggested time

1 session of 90 minutes.

Method

Guided discussion in small groups followed by a plenary exchange, focusing on how **transparency, performance information and participation** can reinforce social dialogue and trust in labour administration systems.

Preparation

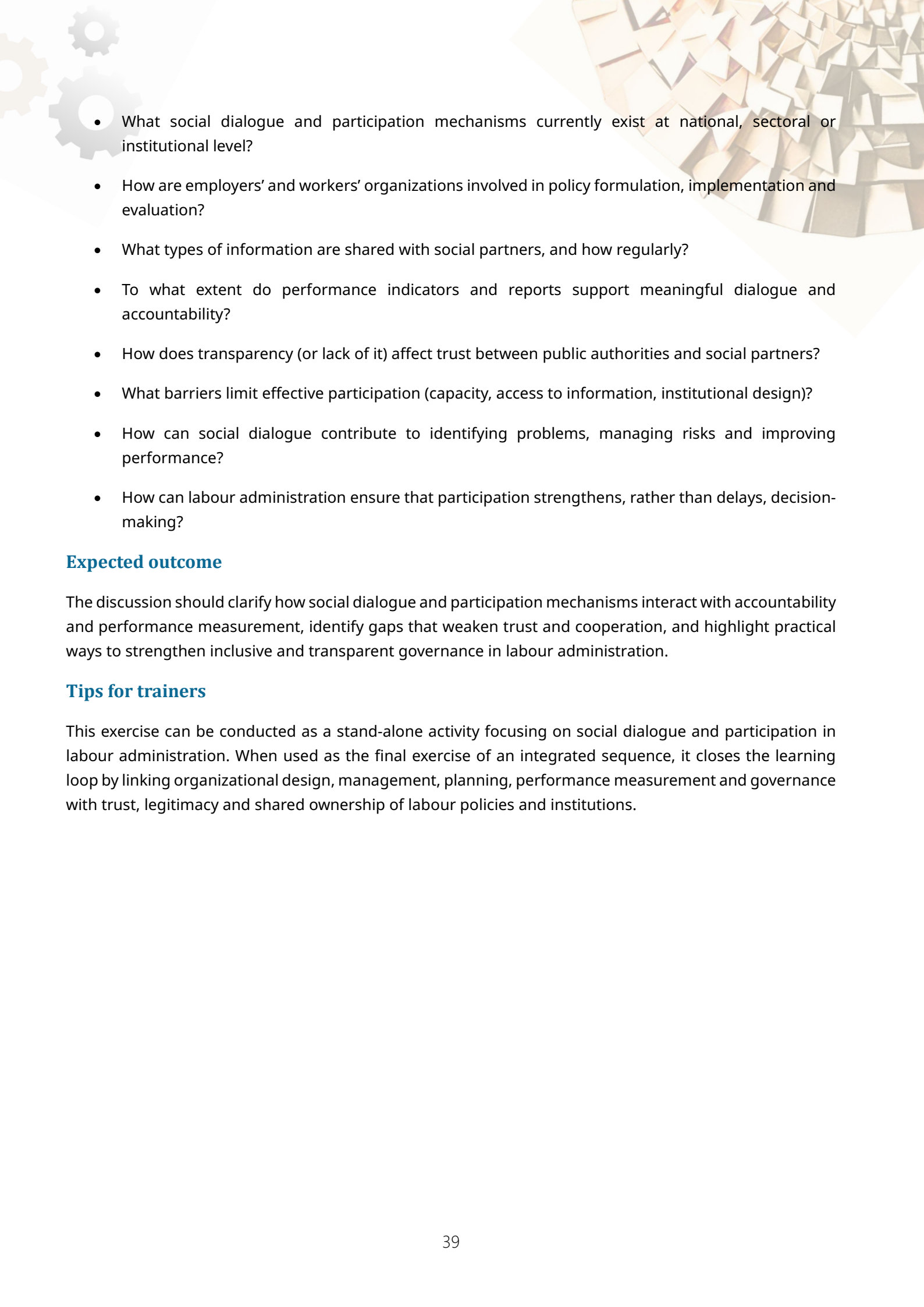
- Adapt the exercise questions (below) to the national or institutional context of labour administration.
- Prepare handouts with the questions, or display them on a flip chart.
- If relevant, briefly recall the types of indicators and performance information discussed in Module 5.
- Materials: flip charts, markers, tape.

During the exercise

1. Divide participants into small groups. Ask them to discuss the questions and record their reflections on a flip chart, focusing on the links between **information, accountability, dialogue and trust**.
2. Each group nominates a rapporteur to present the results in plenary.
3. In plenary, rapporteurs present their conclusions. Participants compare experiences and identify common enablers and obstacles to effective social dialogue.
4. The facilitator guides the discussion towards identifying **practical ways to use dialogue and participation to improve governance outcomes**.

Helpful questions for the discussion

Reflecting on social dialogue and participation in labour administration:

- 
- What social dialogue and participation mechanisms currently exist at national, sectoral or institutional level?
 - How are employers' and workers' organizations involved in policy formulation, implementation and evaluation?
 - What types of information are shared with social partners, and how regularly?
 - To what extent do performance indicators and reports support meaningful dialogue and accountability?
 - How does transparency (or lack of it) affect trust between public authorities and social partners?
 - What barriers limit effective participation (capacity, access to information, institutional design)?
 - How can social dialogue contribute to identifying problems, managing risks and improving performance?
 - How can labour administration ensure that participation strengthens, rather than delays, decision-making?

Expected outcome

The discussion should clarify how social dialogue and participation mechanisms interact with accountability and performance measurement, identify gaps that weaken trust and cooperation, and highlight practical ways to strengthen inclusive and transparent governance in labour administration.

Tips for trainers

This exercise can be conducted as a stand-alone activity focusing on social dialogue and participation in labour administration. When used as the final exercise of an integrated sequence, it closes the learning loop by linking organizational design, management, planning, performance measurement and governance with trust, legitimacy and shared ownership of labour policies and institutions.



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Annex 1. Creation of a tripartite consultation body

1 Creation of the Board

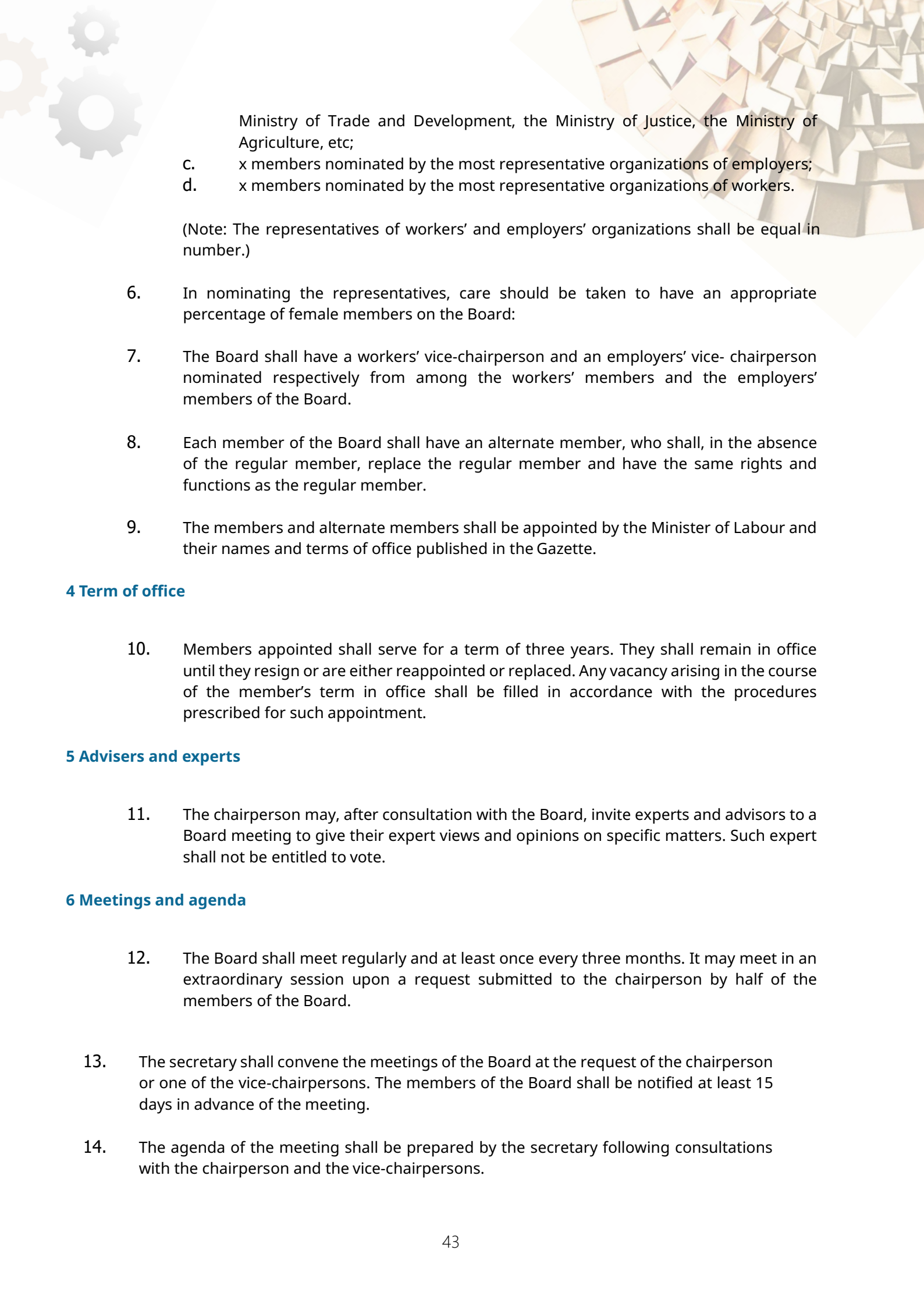
1. A tripartite body is established to be known as the ... (e.g. Labour Advisory Board, or similar), referred to in this law as the “Board”.

2 Role and mandate

2. The Board shall act as an independent consultative body. Its role is to give advice to the Government, through the Ministry of Labour, on the matters outlined in the sections below.
3. The mandate of the Board shall comprise the following tasks:
 - a. to consider and advise upon any proposed legislation affecting labour, employment, industrial relations or working conditions, before it is introduced in Parliament;
 - b. to consider and advise on any policy measures that fall within the ambit of the Ministry of Labour;
 - c. to advise the Minister on any other matters connected with the employment of workers, industrial relations or organizations of employers or workers as is referred to them by the Minister;
 - d. to consider and advise on the ratification and implementation in the country of any relevant international labour standards, including Conventions and Recommendations of the International Labour Organization;
 - e. to consider and advise on proposals or matters to be discussed at the International Labour Conference of the International Labour Organization, matters which may be raised in reports to be made to the International Labour Office, or issues addressed by other tripartite regional or international conferences.
4. The Board may also, on its own initiative, undertake studies on socio-economic issues, discuss the formulation and implementation of national policy related to labour, economic and social affairs, and report to the Minister of Labour and other relevant ministers upon such discussion.

3 Composition

5. The Board shall consist of:
 - a. the Minister of Labour or a person designated by him or her, who shall be the chairperson of the Board;
 - b. x members nominated by the Ministry of Labour, the Ministry of Finance, the



Ministry of Trade and Development, the Ministry of Justice, the Ministry of Agriculture, etc;

- c. x members nominated by the most representative organizations of employers;
- d. x members nominated by the most representative organizations of workers.

(Note: The representatives of workers' and employers' organizations shall be equal in number.)

- 6. In nominating the representatives, care should be taken to have an appropriate percentage of female members on the Board:
- 7. The Board shall have a workers' vice-chairperson and an employers' vice-chairperson nominated respectively from among the workers' members and the employers' members of the Board.
- 8. Each member of the Board shall have an alternate member, who shall, in the absence of the regular member, replace the regular member and have the same rights and functions as the regular member.
- 9. The members and alternate members shall be appointed by the Minister of Labour and their names and terms of office published in the Gazette.

4 Term of office

- 10. Members appointed shall serve for a term of three years. They shall remain in office until they resign or are either reappointed or replaced. Any vacancy arising in the course of the member's term in office shall be filled in accordance with the procedures prescribed for such appointment.

5 Advisers and experts

- 11. The chairperson may, after consultation with the Board, invite experts and advisors to a Board meeting to give their expert views and opinions on specific matters. Such expert shall not be entitled to vote.

6 Meetings and agenda

- 12. The Board shall meet regularly and at least once every three months. It may meet in an extraordinary session upon a request submitted to the chairperson by half of the members of the Board.
- 13. The secretary shall convene the meetings of the Board at the request of the chairperson or one of the vice-chairpersons. The members of the Board shall be notified at least 15 days in advance of the meeting.
- 14. The agenda of the meeting shall be prepared by the secretary following consultations with the chairperson and the vice-chairpersons.



7 Quorum

15. The quorum shall consist of x members, of which there should be an equal number of employers' and workers' members. If these conditions are not met, the meeting shall be postponed by at least x calendar days.

8 Decision-making

16. The Board's decisions shall normally be taken on the basis of consensus. Where this is not possible, decisions shall be taken by a simple majority of the members present and voting.

9 Committees

17. The Board may, as it considers appropriate, establish specialised committees as standing committees or ad-hoc committees. These committees shall comprise an equal number of members representing employers' and workers' interests. The opinions and decisions of such committees shall be presented to the Board for final decision.

10 Secretariat

18. The Board shall have a permanent secretariat responsible for preparing the meetings (date and venue, agenda) of the Board and its committees, organizing them, drafting the minutes and other records of decisions taken and undertaking follow up, managing the secretariat itself, running the documentation and filing services, and for furnishing information about this tripartite body and ensuring a certain relationship amongst the members of the Board.
19. The permanent secretariat shall be headed by a secretary appointed by the Minister from among senior labour administration officers. The secretary shall assist the chairperson in his/her duties, but shall not have voting rights. Subject to the laws governing the public service, the Government shall provide the Board with a sufficient number of staff for the performance of the Board's mandate.

11 Executive office

20. The Board may establish an executive office which shall consist of the chairperson, the vice-chairpersons and the secretary.
21. The role of the executive office is:
 - a. to prepare the yearly programme of work for approval of the Board;
 - b. to monitor the implementation of the Board's yearly programme of work, including the financial and staffing resources;
 - c. to act in urgent cases and report in writing on such actions to the Board as a whole.



12 Spokesperson

22. The Board may consider appointing an official spokesperson.

13 Rules of procedure

23. The Board shall regulate its proceedings in such manner as it thinks fit.

14 Training

24. Arrangements shall be made between the public service and the representative employers' and workers' organizations to secure the necessary training for members of the Board, as well as for the secretariat.

15 Budget and finances

25. The operating costs of the Board and its secretariat shall be borne by the Government.
26. The members of the Board and advisors and experts may be paid such fees and allowances as may be determined by the Minister from time to time, with the concurrence of the Minister of Finance.

16 Annual report

27. The Board shall, not later than three months after the end of the financial year, furnish to the Government, including the office of the President and the Parliament, the annual report and audited accounts of the Board.

17 Commencement

28. This Act shall come into operation on a date to be fixed by Proclamation.

Contact details

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