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International Labour Organization (ILO) and broader civil society: An uneasy relationship?

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by
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Structure of presentation

• Key messages
• Definitions
• ILO – provisions for civil society interaction
• Social partners, tripartism and NGOs
• Problem areas
• Entry points for civil society
• Points for discussion
Key Messages

• ILO has built in civil society mechanism which is narrow in scope.
• Tripratismo focusses on traditional ILO social partners and governments only, while Tripartite Plus recognises broader civil society.
• NGOs have limited role in ILO mechanisms, but may enjoy more scope in technical cooperation activities.
• Rallying around topical issues can lead to stronger ILO-trade union-NGO forces.
What is ILO?

• ILO – oldest UN agency from 1919 with mission of promotion of social justice in the world to ensure universal and lasting peace
• It became a specialized agency with the formation of the United nations after World War II.
• **International Labour Organization**: a unique tripartite organization with workers and employers participating as equal partners with governments in the work of its governing organs.
• **International Labour Office**: the Secretariat of the International labour Organization with Headquarters in Geneva supported by regional and country offices in all regions.
ILO structure & functions

• International Labour Conference
  – 4 delegates for each member State (2 govt. & one employer and worker delegate
  - creates international labour standards
  - forum for discussion
  - elects the Governing Body

• ILO Governing Body (28 govts; 14 employer & worker delegates each)
  - executive council
  - decisions on ILO’s policy
  - establish es programme and budget

• The International Labour Office
  - Permanent secretariat
  - Administration, programme and technical assistance
ILO Means of Action

• Standard setting
  – Since 1919, ILO has adopted 189 Conventions, 6 Protocols, and 203 Recommendations

• Advocacy – human and labour rights; social justice

• Research and information – global knowledge base on labour issues

• Technical cooperation at global, regional or country level.
Social partners

• ... “.. employers’ and workers’ organizations are distinct from other civil society groups in that they represent the actors of the “real economy” and draw their legitimacy from their membership” 2013 ILO Guide.

• ILO Bureau for Workers Activities (ACTRAV) and the ILO Bureau for Employers’ Activities (ACT/EMP) directly report to the ILO Director-General.

• Social partners are not keen on being identified as civil society.

• Most ILO Declarations and instruments refer to social partners only – not to NGOs or broader civil society
Social partner special status

- They are full-fledged partners of ILO:
  - Workers: ACTRAV and International Trade Union Confederation (ITUC) play lead role.
  - Employers: ACT/EMP and the International Organization for Employers (IOE) play the main role.
  - Only agencies affiliated to ITUC & IOE are recognized by ILO.
  - Equal partners in ILC & Governing Body with govts.
  - Can make direct complaints to ILO on violations of rights/non-compliance with Conventions
  - Global trade union federations are active supporters of migrant rights.
What is Civil society/ NGO?

- NGOs catchall term – Different terms: Civil Society Organizations (CSOs), NGOs, Private Voluntary Organizations (PVOs), Non-State Actors, Private sector, Stakeholders, Organizations of specific groups such as Migrant worker organizations, Domestic Worker Associations: not easily definable in international law.
  - A non-governmental organization (NGO, also often referred to as "civil society organization" or CSO) is a not-for-profit group, principally independent from government, which is organized on a local, national or international level to address issues in support of the public good ([http://www.unrol.org/article.aspx?article_id=23](http://www.unrol.org/article.aspx?article_id=23)).

- Diversity:
  - Focus issues, Scope- International, Regional and National: Umbrella organizations –Migrant Forum in Asia

- Advantages:
  - Better governance; not profit-driven; Independent voice; represents vulnerable group rights; greater legitimacy than governments; free from corruption;
Recognition by UN and ILO

- UN Charter – Article 71:
  - The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.
  - Civil society is the “third sector” of society, along with government and business. It comprises civil society organizations and non-governmental organizations. The UN recognizes the importance of partnering with civil society, because it advances the Organization’s ideals, and helps support its work. ([http://www.un.org/en/sections/resources/civil-society/index.html](http://www.un.org/en/sections/resources/civil-society/index.html))

- ILO Constitution: Article 12 (3):
  - "The International Labour Organization may make suitable arrangements for such consultation as it may think desirable with recognized non-governmental international organizations, including international organizations of employers, workers, agriculturalists and cooperators."
ILO: provisions for civil society interaction

- the integration of non-governmental social partners in the identity of the Organization itself – employers’ and Workers’ Organizations in view of labour focus

- according consultative status to non-governmental international organizations that meet certain criteria: “including international organizations of employers, workers, agriculturists and cooperators” (ILO Constitution: Article 12, paragraph 3).
  - General consultative status:
  - Special consultative status from 1956
  - Ad Hoc Arrangements: INGOs that have a particular interest in certain ILO meetings may be invited to participate on a case-by-case basis.

- collaboration at the operational level with a variety of international, regional, national and local organizations
Non-governmental international organizations having general consultative status with the ILO

- International Co-operative Alliance (ICA)
- International Organisation of Employers (IOE)
- International Trade Union Confederation (ITUC)
- Organization of African Trade Union Unity
- Business Africa (formerly the Pan-African Employers' Confederation)
- World Federation of Trade Unions (WFTU)
Other ILO references to NGOs - 1

• DG report to 1998 International Labour Conference –
  – the ILO has to support ways in which its constituents can work more effectively in partnership with these groups to pursue shared objectives. Closer links with civil society, if well defined, can be a source of great strength for the ILO and its constituents.

• The 2002 ILO Resolution Concerning Tripartism and Social Dialogue acknowledges the potential of collaborating with civil society:
  – Emphasizing that the social partners are open to dialogue and that they work in the field with NGOs that share the same values and objectives and pursue them in a constructive manner; recognizing the potential for the International Labour Office to collaborate with civil society following appropriate consultations with the tripartite constituents (...).
  – ensure that the tripartite constituents will be consulted as appropriate in the selection of and relationships with other civil society organizations with which the International Organization might work'
Other references -2

• Some ILO instruments request the involvement of specific civil society groups beyond the social partners.

• E.g. Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); and the HIV and AIDS Recommendation, 2010 (No. 200).

• 2004 Report of the World Commission on Social Dimensions of Globalization called for greater links with civil society.

• No further progress because of social partner opposition

• 2006 Multilateral Framework – Principle 7

• 2008 Social Justice Declaration & Global Jobs Pact – no reference to civil society or NGOs.
Therefore, it is clear that, in any case, the purpose of involvement with other “advocacy groups” is to strengthen tripartism, not to weaken or dilute it.

(...), with the guarantees provided by improved tripartite governance processes in the ILO, it should be possible to involve non-tripartite constituents appropriately in the Organization’s work, on the basis of clearly demonstrated advantage and well-defined roles. They can and do provide added value in terms of expertise and knowledge, and it serves no purpose to deny it or to forgo their contribution. (...) That said, the capacity-building responsibilities of the ILO are towards its tripartite constituents, and to them alone.

Figure 3. Number of Times the Expression “Civil Society” Appears in the DG’s Strategic Reports to the ILC (per 1,000 words)

2006 ILO Multilateral Framework on Labour Migration (MFLM)

• **Principle 2: Means for international cooperation on labour migration**
  – Guideline 2.2. developing intergovernmental dialogue and cooperation on labour migration policy, in consultation with the social partners and civil society and migrant worker organizations;

• **Principle 7: Governments and social partners should consult with civil society and migrant associations on labour migration policy.**
  The following guidelines may prove valuable in giving practical effect to the above principle:
  – 7.1. with the social partners, identifying important civil society and migrant associations that promote the rights and welfare of migrant workers for consultation and support;
  – 7.2. encouraging networking among social partners, civil society and migrant associations.
Modalities of interaction

• Participation in International Labour conference (ILC)
  – General consultative status – no special invitation
  – Special cons. status – requires approval
• Special meetings of concern
• Public Private Partnerships (PPPs)
• Special issues: General discussions, Conventions
• Advocacy campaigns – forced labour, dom. workers
• Tech. Cooperation Projects – more flexibility for involvement
• NGOs cannot make complaints to ILO directly – only through social partners.
Public Private Partnerships (PPPs)

- Partnerships with companies, foundations, research institutions, and other non-state actors that share its core values and principles.
- Since 2008 the ILO has concluded 145 public-private partnerships with 108 different partners, including large multinational enterprises, foundations and research institutes.
- Between 2008 and 2013, 81 partnerships with the private sector (56%), 28 with foundations (19%), 22 with academia (15%) and 14 with other non-state actors (9%).
- Most partnerships focused on promoting employment and social dialogue.
- Most partnerships have a global focus: Migration projects rare.
Examples of civil society interaction

• Migrant Forum in Asia (MFA) and 2004 ILC General discussion on migrant workers.
  – 2003 Asia Regional Meeting participation
  – Accreditation by ILO
  – Lobbying at national level
  – Observer status at 2004 discussion with support from ACTRV
• ASEAN Migrant Labour Forum (AFML)
• Decreasing union membership a plus for better cooperation
• Advocacy campaigns – fair recruitment.org
• MFA and Building workers International (BWI) partnerships
• Labour NGOs. Migrant worker NGOs (WARBE, Bangladesh). China internal migrant workers and labour NGOs
Problems -

- NGOs feel left out of the ILO process: Accreditation can be exclusionary;
- Special consultative status for NGOs means no role in decision making powers – Observers only.
- ACTRAV and ACT/EMP not keen on priority for NGOs: Special relationship between social partners and ILO
- Representativeness of unions and employer organizations. They have to be ITUC and IOE approved or affiliated.
- Social partners raise issues of legitimacy and representativeness of NGOs
- Problem countries where civil society action limited: Gulf Cooperation Council countries, China
- Fragmentation of NGOs and limited resources. Donor driven agendas
Strategies

• Rallying around common cause
  – 2010/11 Domestic worker Convention; Child labour; Qatar - FIFA
  – WTO and labour rights; Post-2015 Development Agenda & migration; Climate change and environmental migration; Green Economy; Decent work agenda
  – Irregular workers – PICUM
  – 59 CSO coalition supports the Social protection floor

• Tripartite plus fora:
  – Economic and Social Councils – e.g. South Africa National Economic And Development Labour Advisory Council (NEDLAC); COMMUNITY (civil society) is fourth constituency.
  – ILO technical Project Steering groups
  – Inter-agency Advisory groups: Sri Lanka National Labour Migration Policy

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Other fora involving CSOs

• Role of economic and social councils as instruments of democratic involvement of civil society groups, especially the social partners, in the governance of public affairs. High-level advisory bodies, representing the legitimate interests of a wide range of constituencies.

• Multi-stakeholder task groups

• – advisory group tripartite plus

• Technical Cooperation- Project steering committees
Issues for discussion

• Does ILO offer better scope for broader civil society interaction than other UN / International platforms?
  – Economic & Social Council (ECOSOC) of United Nations
  – Global Migration Group (GMG)
  – Global Forum on Migration and Development (GFMD)

• How can NGOs make the best influence on ILO processes?