

RECOMMENDATIONS AND RESULTS OF THE WORKSHOP

“SOCIAL DIALOGUE FOR A SUSTAINABLE, JUST AND EQUITABLE RECOVERY”

July 12 and 13, 2022 – Bogota, Colombia and online

(Final document - Reviewed by participating delegations)

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INTRODUCTION

The Workshop "Social Dialogue for a sustainable, just and equitable recovery" was held on July 12 and 13 under a hybrid format, in Bogota, Colombia, with the participation of 29 countries through delegations from Ministries of Labor, representatives of workers and employers - under the leadership of the Presidents of CEATAL and COSATE -, the representation of Spain as an observer country of the OAS, and representatives of the ILO. It is an activity of the OAS Inter-American Network for Labor Administration (RIAL), sponsored by the Ministry of Labor of Colombia, and part of the Work Plan 2022-2024 of the Inter-American Conference of Labor Ministers (IACML).

The Workshop responded to the mandates of the Ministers of Labor in the Declaration and Plan of Action of Buenos Aires, adopted at the XXI IACML in 2021, related to promoting, strengthening, and expanding institutionalized social dialogue in the Americas; in particular, Articles 21 and 22 of the Declaration and Article 9,a of the Plan of Action.

In line with the aforementioned mandates, the general objective of the Workshop was to strengthen the human and institutional capacities of the Ministries of Labor and social actors to promote, consolidate and achieve greater agreements in the instances of institutionalized social dialogue at the national level. The proposed specific objectives were: Exchange and analyze experiences on the functioning of social dialogue instances during the pandemic; identify elements or characteristics within the social dialogue instances that allow the achievement of agreements; prepare recommendations to strengthen and institutionalize national social dialogue instances; prepare

recommendations to ensure the full exercise of freedom of association and collective bargaining at different levels.

To meet the stated objectives, the Workshop had two thematic sessions, the first on social dialogue in response to the pandemic and the second on social dialogue in the recovery; both had guiding questions to frame the discussion. Within the sessions, there were presentations of demonstrative experiences from Jamaica, Argentina, Barbados, Colombia, Peru, Paraguay and Panama, most of which were carried out in a tripartite manner. There were also ample spaces for dialogue where Ministries and representatives of workers and employers were able to share their experiences and perspectives.

On the second day of the event, a sub-groups exercise was carried out so that the participants could discuss in greater depth and collectively respond to three questions: what are the most important elements or characteristics that instances of social dialogue should have to reach tripartite agreements?, what recommendations does your institution have to strengthen institutionalized social dialogue in your country? and what recommendations does your institution have to further develop and ensure the full exercise of freedom of association and collective bargaining?

Five sub-groups were held -3 virtual and 2 in-person- which had as moderators and rapporteurs government delegates from Peru, Panama, Paraguay, Barbados and Colombia; and worker and employer delegates -the President of COSATE and other delegates representing the chairs of COSATE and CEATAL. The delegations of the 27 participating Ministries, as well as representatives of workers and employers, actively participated in the sub-groups.

This document gathers the main ideas and recommendations that emerged from the Workshop, both from its thematic sessions and from the sub-groups exercise, to strengthen social dialogue, and improve the provisions relating to freedom of association and the development of collective bargaining in the Americas.

1. MAIN MESSAGES AND IDEAS

The main ideas and messages that emerged during the Workshop are compiled below. These are different from the recommendations, which are captured separately.

Multiple purposes and outcomes of social dialogue were mentioned throughout the event. It is understood that social dialogue is a means or a tool to: define public policies, strengthen social cohesion and stability, advance multiple priorities on the national and regional agenda, achieve a climate of social peace, strengthen democratic governance and build jointly the bases to achieve a future of work with social justice and sustainable development in its economic, social and environmental aspects, among many others. Social dialogue is the most transparent and participatory way of doing politics, as well as the most balanced and closest to the interests of citizens, When a social agreement is reached, the political line of the Government is brought together with the desires or claims of workers and employers.

The delegations recognized that achieving greater institutionalization of social dialogue must be a state policy and requires strengthening the capacities of both governments and social actors (workers' and employers' organizations) to collectively build a culture of social dialogue. Likewise, during the exchange it was highlighted that building this culture of dialogue is a process that requires

persistence, leadership, commitment, institutional arrangements, and political will from tripartite actors.

There was consensus that **social dialogue was strengthened during the pandemic**, not only because it intensified with a greater number of meetings and encounters, but also through the very process of building agreements to face the crisis. In particular, the following aspects were mentioned:

- The existence of social dialogue mechanisms proved to be very beneficial for the immediate response to the pandemic since they could be rapidly activated to propose joint solutions.
- Social dialogue made it possible to quickly assess the needs of the different actors and respond to them shortly, especially at the sectoral level (tourism, for example).
- The sense of urgency pressured the social actors to act collectively.
- The pandemic put great pressure on social dialogue mechanisms, which had to become more dynamic and act rapidly. At the same time, it created a common objective around protecting health, protecting employment, and protecting the economy.
- The process of building responses to the crisis evidenced very important agreements on fundamental issues such as the importance of a culture of prevention, the generation of public-private partnerships, the protection of businesses and jobs, and the strengthening of professional training, among others.
- The pandemic reinforced the message that social dialogue should not be limited to economic and labor issues.
- Although agreements were not reached in all cases, the need for a coordinated and institutionalized social dialogue was re-legitimized.
- It was mentioned that the implementation of the measures adopted was successful because these measures were the result of dialogue.
- Social dialogue makes it possible to link the public to major initiatives. In the pandemic, the contribution of social dialogue to the effectiveness of vaccination campaigns was notable.
- The role of the State was valued as fundamental in the promotion of social dialogue and as the main guarantor of the protection of the rights of freedom of association and collective bargaining, these being essential pillars and a necessary condition for tripartite social dialogue.

The following **most important elements or characteristics** of social dialogue mechanisms were identified:

- **Commitment** and conviction to social dialogue – Dialogue must have the capacity to transform reality and the actors must be willing for this to happen.

- **Trust** among the parties and transparency. It was said that where there is no transparency, there is no trust, and where there is no trust, there are no fruitful results of social dialogue.
- Real **political will**, which is reflected in active participation, in the willingness and openness to reach agreements, and in the fulfillment of said agreements.
- **Institutionality** of the mechanisms or spaces for dialogue – This implies a regulatory framework, budget, a secretariat, and established methodologies, among others.
- **Representativeness and legitimacy** of the social actors – They must have autonomy and independence to elect their representatives.
- **Capacity** - Strong and independent workers' and employers' organizations are required.
- **Common objectives and goals** that allow directing the dialogue.
- **Leadership and credibility** of the articulators or secretariats of the instances of social dialogue. This contributes to building trust.
- **Respect** for the principles of dialogue (mutual respect, active listening, complying with the rules, etc.)
- **Continuity** – The secretariat of social dialogue mechanisms must have continuity in the face of changes in administration and political turbulence.
- **Context** – All necessary and appropriate measures must be taken to ensure that the rights of freedom of association and collective bargaining, both for unions and employers' organizations, can be exercised normally in a climate devoid of violence, pressure, fear and any kind of threat.

It was mentioned that these elements are interrelated and mutually reinforcing.

Regarding the **forms of social dialogue**, the following was recognized during the Workshop:

- Collective bargaining was a very effective mechanism for responding to the crisis by allowing bipartite agreements to manage the emergency, protect the health of workers, and protect employment (case of health protocols at the company level, for example).
- The effectiveness of sectoral social dialogue was recognized.
- The existence of thematic subcommittees is a success.
- The sub-national spaces for social dialogue have given good results because they deal with problems at the regional level, allowing them to understand and respond to their particular needs.

The following were recognized as great **challenges to social dialogue**:

- Threats to freedom of association and anti-union violence
- The high levels of informality
- Low unionization rates
- New ways of organizing work and production, such as the platform economy.

The serious deficits in terms of social dialogue, freedom of association and collective bargaining in the countries of the region, including situations of violation of rights, arrests, detentions and murders of union leaders, were noted as important challenges.

2. RECOMMENDATIONS TO STRENGTHEN INSTITUTIONALIZED SOCIAL DIALOGUE

- Build a **regulatory framework** to ensure that social dialogue is an institutional policy of the State; that is to say, social dialogue must transcend the will of the governments.
- There must be **respect and openness** in the dialogue, and the actors must contribute to common solutions, understanding that they have different interests. There must be a commitment to move forward on a path that allows us to achieve points of agreement.
- **Train social dialogue actors** - Training should cover technical aspects and substantive issues of social dialogue, and strengthen negotiation skills and other transversal and socio-emotional competencies.
- Promote the rights of **freedom of association and collective bargaining** -recognized as fundamental principles and rights at work at the ILO, particularly through Conventions 98 and 87- as well as the principle of **mutual recognition** of social actors as a fundamental requirement of dialogue.
- Disseminate and generate a **culture of dialogue** in which dialogue is understood as an expression of democracy and support to governance, and not only as a means to deal with particular conflicts or to achieve a concrete outcome. It is important to highlight that the contribution of social dialogue to democratic governance depends largely on its ability to coordinate effective responses to the demands and expectations of the population. In this regard, social dialogue could and should contribute to forging consensus on policies and actions based on common objectives and aimed at the continuous improvement of productive and working conditions, and the quality of life of the population in general.
- There must be a **commitment to implementing the agreements**, not just achieving them. For this, it is important that the permanent social dialogue structures monitor compliance on a regular basis. There is agreement that it is necessary to move from declarations and agreements to their actual implementation. It was recommended that agreements be binding.
- Work on actions to **strengthen trust** among social actors. Generate continuous relationships, closeness, and empathy among social actors with the accompaniment and support of the government. Additionally, ensure access to information, records, dissemination of

agreements, and technical and legal support to improve transparency and credibility. Transparency is an element of trust.

- Improve the **representativeness and legitimacy** of the parties. Workers' and employers' organizations must permanently consult their members and ensure that their views are reflected in the dialogue. The usefulness of new technologies to share information and achieve this permanent dialogue was mentioned.
- Achieve **greater equity and inclusion** in social dialogue – Special mention was made of the urgency of promoting broad participation, ensure gender equality and parity, and encourage greater participation of youth.
- **Have conclusions** of every dialogue so that its result is not ambiguous, and frustration can be avoided between the parties.
- **Link authorities from different government areas** (education, production, etc.) to social dialogue spaces, depending on the issues to be addressed, in order to guarantee consistency in public policies.
- **Link other actors**, such as civil society organizations, that can represent other groups that should be in the discussion depending on the issue to be addressed. It was recommended that their inclusion, as appropriate, be considered on an ad hoc or subject-specific bases. The purpose of the participation of other civil society actors should be to strengthen tripartism, and not weaken or dilute it.
- Institutionalize **the link between national, regional and local dialogue**, with participation of social actors at all levels. This helps to strengthen a culture of social dialogue.

During the Workshop, recommendations were also made to strengthen and improve the functioning of **social dialogue mechanisms**:

- Establish a **legal framework** for the instances of dialogue, in such a way that they are not challenged, and their continuity can be guaranteed.
- Work in **organized, sectoral work groups**, and with specific responsibilities. The convening institution must maintain the documentation and formalization of the agreements reached, as well as a record of everything that happened in the negotiation.
- Guarantee **proper planning** and have dialogue agendas built well in advance. The actors must prepare themselves, reach agreements within their sector and define what they can propose and accept prior to the dialogue.
- Achieve **fluid communication** among all parties. Achieve optimal use of all possible technological means.
- There must be **objective criteria to define the issues** to be considered, in such a way that they represent the interests of the three sectors (employer, worker and government). Define agendas with the collaboration of all parties and include topics that encourage and facilitate the involvement of all social actors.

- Address **new thematic labor challenges** (agriculture, tourism, digital economy, gender equality, etc.), which require space for discussion. Invite institutions and people who have expertise in the different topics to be discussed, as appropriate.
- Promote the **continuity and fluidity** of the dialogue sessions.
- Strengthen the **capacities of the technical secretaries** of institutionalized dialogue mechanisms, in order to improve efficiency in managing those mechanisms and processes.
- Develop **guidelines or directives** for the management of national and regional institutionalized dialogue spaces.

3. RECOMMENDATIONS TO ENSURE THE FULL EXERCISE OF FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

- Reducing **informality** and minimizing job insecurity will strengthen the exercise of freedom of association.
- **Combat the anti-union culture** and raise society's awareness about the importance of freedom of association and collective bargaining, among others, with real information about what freedom of association means and has meant in each country and at the regional level.
- Strengthen the **negotiating capacity** of unions on collective agreements. Collective bargaining is an instrument that strengthens freedom of association.
- Improve **training and education** and strengthen the capacities of employers' and workers' organizations and the Ministries of Labor, particularly in collective bargaining techniques and conflict mediation.
- Strengthen **labor inspection** to ensure respect of freedom of association and collective bargaining rights.
- **Freedom of association should not exclude** any group of workers, and there should be no salaried sectors of society that are excluded from the exercise of freedom of association.
- Insert notions of the rights at work in the **educational curriculum**.
- Facilitate **access to union registration** (registration, paperwork, and procedures), and provide technical and legal support for it.
- Strengthen the **State in its role as guarantor of effective protection** against any act of anti-union discrimination, through procedures that ensure protection and prompt and effective reparation against such acts.

4. IDEAS FOR FUTURE ACTIONS OF THE RIAL/OAS

One of the sub-groups proposed some areas for future cooperation and technical assistance activities under the RIAL/OAS:

- **Institutionality of dialogue spaces:** This includes the legal framework, structure, organization, composition, and relationship between national and sub-national or thematic spaces (commissions, subgroups, etc.).
- **Strengthening of the tripartite actors:** courses and training workshops; leadership, social-emotional or transferable competencies, technical knowledge; culture of dialogue.
- **Representativeness and legitimacy of tripartite actors:** Mechanisms and criteria to identify representativeness; parity, equity; strengthening of female participation; participation of other civil society actors and the informal economy, as appropriate.
- **Building trust among tripartite actors:** government support and accompaniment; legal advice; good faith and transparency in information; generating data and evidence from reliable sources provided by the Government to all social actors; reporting what was discussed; commitment to comply with the agreements; continuity and fluidity of the sessions; manage confidence-building workshops, coaching, integrating activities and meeting and empathy spaces; appropriate physical environments.

ANNEX 1 - LIST OF PARTICIPANTS

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