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Convention No. 154
Promoting collective bargaining

154

Collective Bargaining Convention, 1981 (No. 154)

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SOCIAL DIALOGUE, LABOUR LAW AND LABOUR ADMINISTRATION DEPARTMENT (DIALOGUE)

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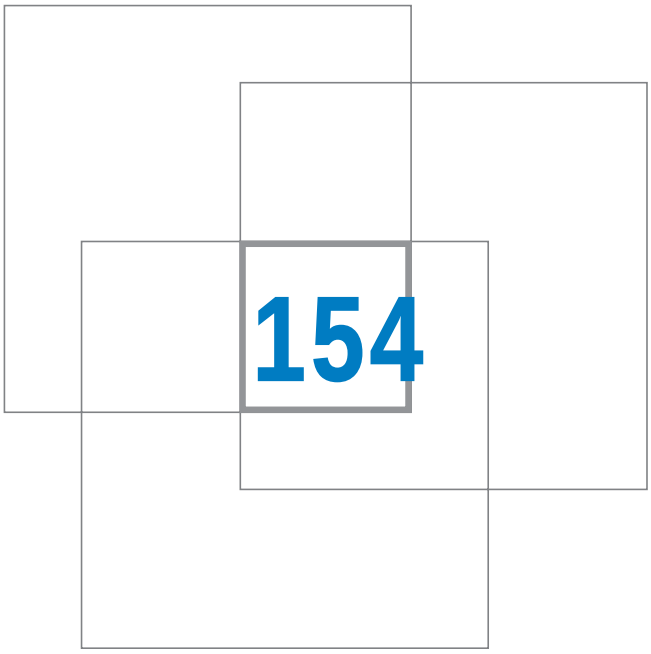

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Introduction

This booklet is about how countries can promote collective bargaining through ratifying and implementing Convention No. 154.

The ILO and collective bargaining

Collective bargaining is fundamental to the International Labour Organization (ILO). Since the very founding of the ILO in 1919, collective bargaining has been acknowledged as an instrument of social justice. The ILO Declaration of Philadelphia of 1944, part of the ILO Constitution, recognizes the obligation to further "the effective recognition of the right of collective bargaining". The 1998 ILO Declaration on Fundamental Principles and Rights at Work recalls that all member States have an obligation to respect, promote and realize the principles concerning fundamental rights, whether or not they have ratified the relevant Conventions. These fundamental rights include freedom of association and the effective recognition of the right to collective bargaining.

The Collective Bargaining Convention (No. 154) was adopted by the International Labour Conference in 1981. It promotes free and voluntary collective bargaining. However there are several other ILO Conventions and Recommendations that relate to collective bargaining. These are –

- the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- the Collective Agreements Recommendation, 1951 (No. 91);
- the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92);
- the Labour Administration Convention, 1978 (No. 150);
- the Labour Administration Recommendation, 1978 (No. 158);
- the Labour Relations (Public Service) Convention, 1978 (No. 151);
- the Labour Relations (Public Service) Recommendation, 1978 (No. 159); and
- the Collective Bargaining Recommendation, 1981 (No. 163).

One of the most well-known and widely ratified Conventions that relate to collective bargaining is No. 98 – the Right to Organise and Collective Bargaining Convention, 1949. This fundamental Convention says that member States should encourage systems of voluntary negotiations in order to regulate terms and conditions of employment through collective agreements. All the other Conventions and Recommendations listed above complement Convention No. 98 through clarifying concepts and supporting the principles that it defines.

The Collective Bargaining Convention (No. 154) and its accompanying Recommendation (No. 163) are key to furthering the promotion and implementation of the basic principles of Convention No. 98. Convention No. 98 provides that member States should promote voluntary collective bargaining, where necessary. However it does not specify how this is to be done. Convention No. 154 and Recommendation No. 163 show how it can be done in a practical way. Together they show how the right to bargain collectively can be effectively exercised.

Because it is promotional in nature, Convention No. 154 is very flexible. There are many ways of implementing it, respecting each national context and local preference. It can be implemented in countries with different economic and social situations, in different legislative frameworks, and in a variety of industrial relations systems.

Collective bargaining and social dialogue

Collective bargaining is an important form of social dialogue. Institutions for social dialogue and collective bargaining help protect the fundamental rights of workers, help provide social protection and promote sound industrial relations. Social dialogue, in turn, is an important part of good governance. Because social dialogue involves the social partners (employers' and workers' organizations) it further encourages accountability and participation in decisions that affect the lives of all society. These factors directly contribute to better government.

The ILO defines social dialogue to include "all types of negotiation, consultation or simply exchange of information between representatives of governments, employers and workers", and involves "issues of common interest relating to economic and social policy." This definition brings together the elements of various understandings of social dialogue into one inclusive concept. Convention No. 154 and Recommendation No. 163 acknowledge that information, consultation and negotiation are inter-linked and reinforce each other. While focusing on negotiations, both highlight the importance of a common information base for meaningful negotiations, and the role of consultation in deciding measures to encourage and promote collective bargaining.

From the ILO perspective, collective bargaining is an important way for workers, employers and their organizations to reach agreement on issues affecting the world of work. While collective bargaining can often be an adversarial process, it should better be used to build trust between the parties. This trust can be reinforced through dialogue which can continue after bargaining ends. Solutions that are built on trust and enjoy the genuine support of both sides are more likely to be respected. This is due to the sense of participation and ownership inherent in the process. As a result, unnecessary disputes, and disruptions through industrial action, can more easily be prevented.

The practical means that can be used to develop effective collective bargaining as set out in Convention No. 154 and Recommendation No. 163 necessarily promote social dialogue. In so doing they help to develop a broader culture of dialogue, reinforcing better governance, participation and accountability.

Main elements of Convention No. 154

Promotes collective bargaining

An ILO member State that ratifies Convention No. 154 must take measures to promote collective bargaining. These measures should be adapted to national conditions. According to Convention No. 154, they should be subject to prior consultation, and if possible agreement between public authorities, employers' organizations and workers' organizations. In promoting collective bargaining, governments should try to facilitate the process. Governments should not intervene so as to unreasonably restrict how collective bargaining operates. The aim of the Convention is to promote collective bargaining that is free and voluntary, undertaken by parties that represent free and informed organizations.

Defines collective bargaining

In the Convention the term "collective bargaining" means all negotiations between employers or their organizations, and workers' organizations for –

- determining working conditions and terms of employment; and/or
- regulating relations between employers and workers; and/or
- regulating relations between employers or their organizations and a workers' organization or workers' organizations.

Defines the parties to collective bargaining

The Convention deals with bipartite relations (between two parties). It does not deal with tripartite relations where the Government is also a party. Specifically, the parties to collective bargaining are –

- one or more employers; or
- one or more employers' organizations, on the one hand; and
- one or more workers' organizations, on the other.

In some countries *workers' representatives* exist separately from *workers' organizations*, or trade unions. Where this is the case, as outlined in the Workers' Representatives Convention, 1971 (No. 135), collective bargaining can apply to negotiations with these representatives as well. How far this extends should be in line with national law or practice. However, when collective bargaining does include negotiations with workers' representatives, measures should be taken to ensure this is not used to undermine the position of the workers' organizations concerned.

Aims of promotional measures

In promoting collective bargaining, Convention No. 154 outlines the aims of the measures to be taken. The measures taken to promote collective bargaining should not restrict freedom of collective bargaining. Specifically the aims relate to universality, progressive extension, procedural rules and dispute settlement:

- Collective bargaining should as far as possible be made available to all employers and to all groups of workers. Only a few possible exceptions are listed and they should be consistent with national practice.
- Collective bargaining should be progressively extended to all areas addressed by the Convention. This means that over time relations between employers and workers and between their respective organizations can be negotiated collectively, as well as working conditions and terms of employment.
- The measures should also aim to encourage agreement on adequate rules of procedure between employers' and workers' organizations. The framework of procedural rules between them should be sufficient to ensure that collective bargaining can be conducted efficiently. Lack of such rules, or inadequate rules, can make collective bargaining much more difficult.
- Labour dispute settlement bodies and procedures (such as conciliation bodies) should also help promote collective bargaining. This means they should be designed to encourage the two parties to reach agreement between themselves.

Applies to all branches of economic activity

The Convention applies to workers and employers in all branches of economic activity. However, a member State is permitted to exclude the police and armed forces from its application. The Convention also acknowledges that the public service operates in special circumstances. Different approaches (or "special modalities") to collective bargaining can be applied to this group of workers and employers.

Box 1

Ways of promoting collective bargaining

Recommendation No. 163 outlines in more detail measures the Government and the parties might take to promote collective bargaining. These measures, adapted to national conditions, should aim at –

- facilitating the voluntary establishment and growth of free, independent and representative employers' and workers' organizations;
- ensuring that such employers' and workers' organizations are recognized for the purposes of collective bargaining;
- establishing objective criteria to determine the organizations that may undertake collective bargaining. The criteria should be decided in consultation with representative workers' and employers' organizations, and should relate to the representative nature of the organization that may be eligible;
- allowing collective bargaining to take place at any level, from single workplaces, the organization or firm, the occupation, the industry, or at the regional or national levels;
- ensuring that both parties have access to the information required for meaningful negotiations;
- establishing, if necessary, procedures for the settlement of labour disputes that help the parties find a solution to the dispute themselves.

The parties to collective bargaining should –

- ensure negotiators have the opportunity to obtain appropriate training, and may ask the public authorities to provide it;
- ensure negotiators have the necessary mandate to conduct and conclude negotiations.

Governments have a key role in promoting collective bargaining through providing a legislative framework and establishing supportive institutions. This includes dispute resolution machinery that facilitates bargaining. Initiatives taken by a number of countries include the following:

- maintaining public databases on agreements concluded, thus providing a valuable source of information for the social partners;
- maintaining statistics on the number and type of collective agreements and their coverage;
- providing training on collective bargaining and dispute prevention and settlement;
- offering dispute resolution services by labour authorities.

Only collective bargaining in good faith is worth promoting. Good faith bargaining requires the parties to make reasonable efforts to enter into an agreement. Genuine, constructive negotiations and the avoidance of unjustified delays are essential if worthwhile collective agreements are to be reached.

Adapted to national conditions

Because the measures to promote collective bargaining are to be adapted to national conditions, no one set of measures is required. Convention No. 154 respects different national conditions, including various industrial relations systems. National law and practice also apply to collective bargaining in the public service, as well as to the role of workers' representatives in the process. The Convention also expressly does not preclude collective bargaining within the framework of voluntary conciliation or arbitration procedures.

Progressive application of the Convention

The Convention states that collective bargaining should be progressively extended to all the matters set out in the Convention. The matters are the following: determining working conditions and terms of employment; regulating relations between employers and workers; and regulating relations between employers or their organizations and workers' organizations. Ratifying the Convention, therefore, means that collective bargaining should apply to some of these areas initially. Extending collective bargaining to all of these areas can be done over a reasonable period of time.

Ways of giving effect to the Convention

There are several ways to give effect to the Convention. The Convention gives priority to its application through collective agreements, arbitration awards, or "such other manner as may be consistent with national practice". To the extent that the Convention is not applied through these means, it is to be given effect through national laws or regulations. This is consistent with the central principle of the Convention: as far as possible, collective bargaining should be the province of the parties involved.

Box 2

Points to consider in ratifying and applying Convention No. 154

Convention No. 154

- Is very flexible and respects different traditions of collective bargaining.
- Acknowledges the potential need for different approaches in the public service.
- Provides practical means of promoting collective bargaining.
- Respects the autonomy of the bargaining parties.
- Acknowledges the unique and important role of trade unions.
- Demonstrates government commitment to the fundamental principle of the right to bargain collectively.

Convention No. 154 and Recommendation No. 163 may also

- Support both enterprise competitiveness and the aspirations of the workers.
- Provide a way for workers to negotiate a fair share for their work with due respect for the financial position of the enterprise or the State.
- Promote collaborative efforts to raise productivity and conditions of work.
- Promote finding common interests and win-win outcomes.
- Promote dispute prevention and resolution through dialogue.
- Contribute to better application of other Conventions, since many can be implemented through collective agreements.
- Promote a greater acceptance of change.
- Strengthen social dialogue.
- Promote sound industrial relations.
- Promote social peace.
- Support the promotion of gender equality.
- Provide an effective means of addressing difficult issues jointly.
- Help find the most equitable solutions, for example regarding restructuring and mobility.
- Promote good governance.

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Convention

COLLECTIVE

BARGAINING

CONVENTION, 1981

Frequently asked questions on Convention No. 154

Are there different ways of promoting collective bargaining?

There are many ways to promote collective bargaining, as listed in Box 1. Convention No. 154 does not require all of these means to be used, nor any specific combination of them. Each country should decide, in consultation with the workers' and employers' organizations, which are the most appropriate measures to promote collective bargaining.

Must collective bargaining result in the signing of a collective agreement?

The aim of collective bargaining is to reach a collective agreement. However, the Convention addresses the process of bargaining and not the outcome. If bargaining is undertaken in good faith but an agreement cannot be reached, this complies with the Convention.

Does application of the Convention require the enactment of a law?

Convention No. 154 can be applied through many different means. These include collective agreements, arbitration awards or any other manner consistent with national practice. Or it can be given effect by national laws or regulations. In undertaking to ratify the Convention, the Government should always examine the existing legal framework to ensure that free collective bargaining is not made difficult due to an absence of rules, or by inadequate or unsuitable rules.

How can dispute settlement bodies and procedures contribute to the promotion of collective bargaining?

Dispute settlement procedures, such as conciliation and mediation, involve a neutral third party. This third party can help those involved in collective bargaining understand where they may have common interests and help them to re-establish communications where negotiations have broken down. In this way parties can find a solution to the dispute themselves and continue the bargaining process. Arbitration also involves a third party. Convention No. 154 implies that arbitration bodies and procedures should also seek to support collective bargaining where agreement between the parties is possible.

Is ratification of Convention No. 98 a prerequisite to ratification of Convention No. 154?

It is not a prerequisite, even though both Conventions address voluntary collective bargaining. Convention No. 98 is a fundamental Convention and one of the most widely ratified. It underlines not only a commitment to the promotion of voluntary collective bargaining, but also the protection of workers against discrimination. Free collective bargaining is only possible if there is real protection against anti-union discrimination. For negotiations to be meaningful, they must take place in an environment where workers' and employers' organizations can express their views in full freedom. All member States, whether or not they have ratified Convention No. 98, are bound to respect the principle of freedom of association and the effective recognition of the right to collective bargaining, by virtue of ILO membership. The 1998 ILO Declaration on Fundamental Principles and Rights at Work reaffirms this. Once Convention No. 98 is ratified and applied, however, ratification of Convention No. 154 is made even easier. Ratification of Convention No. 154 would further demonstrate government commitment to the principle of the right to bargain collectively, and at the same time provide practical means of promoting it.

Box 3

Convention No. 154 and the public service

The Convention acknowledges that collective bargaining in the public service may need to be addressed differently from other branches of economic activity. This is because its conditions of service are usually designed to achieve uniformity. These conditions are usually approved by parliament and apply to all public servants. They often contain exhaustive regulations covering rights, duties and conditions of service that leave little room for negotiation, and may require laws on conditions of service to be amended. Negotiations are, therefore, often centralized.

The unique situation of the public service in collective bargaining also results from its financing. Wages and other employment conditions of public servants have financial implications that must be reflected in public budgets. The budgets are approved by bodies such as parliaments, not always the direct employers of public servants. Negotiations with financial implications regarding the public service are, therefore, frequently centralized and subject to directives or the control of external bodies, such as the finance ministries or inter-ministerial committees.

These aspects are compounded by other issues such as the determination of the subjects that can be negotiated, the jurisdiction of the various state structures, as well as the determination of negotiating parties at different levels.

Special modalities

Based on these issues, Article 1(3) of the Convention allows for "special modalities" of application that might be fixed by national laws or regulations, or by national practice for the public service. Special modalities could include –

- parliament or the competent budgetary authority setting upper or lower limits for wage negotiations, or establishing an overall budgetary package within which parties may negotiate monetary or standard-setting clauses;
- legislative provisions giving the financial authorities the right to participate in collective bargaining alongside the direct employer;
- harmonization of an agreed bargaining system with a statutory framework, as is found in many countries;
- the initial determination by the legislative authority of directives regarding the subjects that can be negotiated, at what levels collective bargaining should take place or who the negotiating parties may be. The determination of directives should be preceded by consultations with the organizations of public servants.

How is "public service" defined?

The Convention does not define "public service". The Labour Relations (Public Service) Convention, 1978 (No. 151), however, says that the term "public employee" means any person employed by public authorities. Only high-level employees whose functions are normally considered as policy-making or managerial, or employees whose functions are of a highly confidential nature can be excluded from the guarantees provided by the Convention.

What is the difference between negotiation and consultation?

Convention No. 154 is aimed at collective negotiations. Negotiation means discussions between parties with a view to reaching a formal agreement. It goes beyond consultation which does not necessarily have the aim of leading to an agreement. Consultation involves ensuring that the voices of those concerned on a matter are heard before a decision is taken. Successful negotiation, however, means that the parties concerned become partners in a decision-making process on matters of common interest.

What is the reporting requirement?

Ratifying countries need to report to the ILO only every 5 years on the measures taken, in law and in practice, to apply the Convention.

Is recognition of representative workers' and employers' organizations required?

Measures to ensure that representative organizations are recognized for the purpose of collective bargaining can be an important means of promoting collective bargaining. Recommendation No. 163 sets out various means of promoting collective bargaining, including the recognition of representative workers' and employers' organizations (paragraph 3(a)). Recommendation No. 163 says that procedures to determine which organizations are granted the right to bargain collectively should be based on pre-established and objective criteria with regard to the organizations' representative character. It further says that the procedures should be established in consultation with representative employers' and workers' organizations (paragraph 3(b)).

Can a trade union be given exclusive bargaining rights?

Yes, if it is the most representative union, based on objective and pre-established criteria. However, where a distinction is made between the most representative trade unions and other trade unions, minority unions should not be prevented from functioning, and should have the right to make representations on behalf of their members and to represent them in individual grievances.

What are the rights of federations and confederations under the Convention?

Federations and confederations should be able to participate in negotiations and conclude collective agreements.

At what level should bargaining take place?

Collective bargaining should take place at the most appropriate levels decided by the bargaining parties themselves. Recommendation No. 163 says that measures adapted to national conditions should allow collective bargaining at any level whatsoever, including that of "the establishment, the undertaking, the branch of activity, the industry, or the regional or national levels". There is no one best level of collective bargaining. Each level has its own characteristics, and the choice should be made by the parties themselves.

How is the public service treated differently?

The Convention allows special approaches for the public service, fixed by national laws or regulations or national practice. Box 3 gives more details on this.

How can ratification of Convention No. 154 promote gender equality?

Ratification of Convention No. 154 demonstrates a commitment to collective bargaining, and collective bargaining can be an important way to promote gender equality. Collective bargaining in many countries is a key means of determining terms and conditions of employment, including all aspects of gender equality at work. Equal pay, overtime, hours of work, leave, maternity and family responsibilities, health and the working environment, and dignity at the workplace are all examples of issues for collective bargaining that could promote gender equality in the workplace. The issues for negotiation depend on the social and legal context, and on what women themselves choose as priorities. For collective bargaining to be truly effective and equitable, the concerns of women must be understood and be given credence. Consultation with women workers and ensuring that women are represented on negotiation teams are good ways to do this.

What is the role of training in collective bargaining?

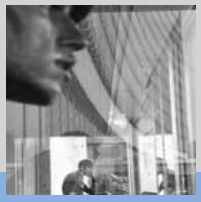
Appropriate training in negotiation skills and key bargaining issues can be essential for fruitful collective bargaining. Recommendation No. 163 recognizes the importance of such training, and says that measures should be taken by the parties so that negotiators have the opportunity to obtain appropriate training. At the request of workers' or employers' organizations, public authorities may provide assistance for training, but there is no obligation on governments to do so.

What information should be made available in the bargaining process?

Without a common base of information, it is difficult to have meaningful negotiations. Recommendation No. 163 stresses the importance of access to information. Measures adapted to national conditions can be taken so that the parties have access to information required for meaningful negotiations. This should include information on the economic and social situation of the negotiating unit and the undertaking as a whole. The public authorities should make available all needed information on the overall economic and social situation of the country and the branch of activity concerned, as long as it is not prejudicial to the national interest.

How the ILO can help

The ILO can help constituents interested in the ratification and application of Convention No. 154 in a number of ways. The ILO can –



- provide employers' and workers' organizations and governments with a better understanding of the substance of Convention No. 154 through promotional materials, workshops and discussions;
- offer a diagnosis of the functioning of an existing collective bargaining system;
- provide technical assistance in establishing and strengthening the collective bargaining framework;
- help design and execute technical cooperation projects to strengthen collective bargaining;
- provide advice and assistance in labour law reform as a foundation for collective bargaining processes and machinery;
- give technical support to government officials for the purpose of ratification of Convention No. 154;
- help the Government in meeting its reporting requirements under the ILO Constitution;
- provide or help design training for workers' and employers' representatives in negotiation skills and issues for collective bargaining;
- provide information and training to help make collective bargaining more responsive to gender issues;
- share the ILO's international experience on the implementation of the Convention with member States.

Further information

International Labour Office Publications

- *Freedom of association and collective bargaining*, General Survey of the Committee of Experts on the Application of Conventions and Recommendations, ILO, Geneva, 1994
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Texts

OF CONVENTION No. 154 AND RECOMMENDATION No. 163

- TEXT OF THE COLLECTIVE BARGAINING CONVENTION, 1981 (No. 154)

- TEXT OF THE COLLECTIVE BARGAINING RECOMMENDATION, 1981 (No. 163)

[...]

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to all branches of economic activity.

2. The extent to which the guarantees provided for in this Convention apply to the armed forces and the police may be determined by national laws or regulations or national practice.

3. As regards the public service, special modalities of application of this Convention may be fixed by national laws or regulations or national practice.

Article 2

For the purpose of this Convention the term *collective bargaining* extends to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for –

(a) determining working conditions and terms of employment; and/or

(b) regulating relations between employers and workers; and/or

(c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations.

Article 3

1. Where national law or practice recognises the existence of workers' representatives as defined in Article 3, subparagraph (b), of the Workers' Representatives Convention, 1971, national law or practice may determine the extent to which the term *collective bargaining* shall also extend, for the purpose of this Convention, to negotiations with these representatives.

2. Where, in pursuance of paragraph 1 of this Article, the term *collective bargaining* also includes negotiations with the workers' representatives referred to in that paragraph, appropriate measures shall be taken, wherever necessary, to ensure that the existence of these representatives is not used to undermine the position of the workers' organisations concerned.

PART II. METHODS OF APPLICATION

Article 4

The provisions of this Convention shall, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards or in such other manner as may be consistent with national practice, be given effect by national laws or regulations.

PART III. PROMOTION OF COLLECTIVE BARGAINING

Article 5

1. Measures adapted to national conditions shall be taken to promote collective bargaining.

2. The aims of the measures referred to in paragraph 1 of this Article shall be the following:

(a) collective bargaining should be made possible for all employers and all groups of workers in the branches of activity covered by this Convention;

(b) collective bargaining should be progressively extended to all matters covered by subparagraphs (a), (b) and (c) of Article 2 of this Convention;

(c) the establishment of rules of procedure agreed between employers' and workers' organisations should be encouraged;

(d) collective bargaining should not be hampered by the absence of rules governing the procedure to be used or by the inadequacy or inappropriateness of such rules;

(e) bodies and procedures for the settlement of labour disputes should be so conceived as to contribute to the promotion of collective bargaining.

Article 6

The provisions of this Convention do not preclude the operation of industrial relations systems in which collective bargaining takes place within the framework of conciliation and/or arbitration machinery or institutions, in which machinery or institutions the parties to the collective bargaining process voluntarily participate.

Article 7

Measures taken by public authorities to encourage and promote the development of collective bargaining shall be the subject of prior consultation and, whenever possible, agreement between public authorities and employers' and workers' organisations.

Article 8

The measures taken with a view to promoting collective bargaining shall not be so conceived or applied as to hamper the freedom of collective bargaining.

[...]

Recommendation No. 163

[…]

I. METHODS OF APPLICATION

1. The provisions of this Recommendation may be applied by national laws or regulations, collective agreements, arbitration awards or in any other manner consistent with national practice.

II. MEANS OF PROMOTING COLLECTIVE BARGAINING

2. In so far as necessary, measures adapted to national conditions should be taken to facilitate the establishment and growth, on a voluntary basis, of free, independent and representative employers' and workers' organisations.

3. As appropriate and necessary, measures adapted to national conditions should be taken so that:

(a) representative employers' and workers' organisations are recognised for the purposes of collective bargaining;

(b) in countries in which the competent authorities apply procedures for recognition with a view to determining the organisations to be granted the right to bargain collectively, such determination is based on pre-established and objective criteria with regard to the organisations' representative character, established in consultation with representative employers' and workers' organisations.

4. (1) Measures adapted to national conditions should be taken, if necessary, so that collective bargaining is possible at any level whatsoever, including that of the establishment, the undertaking, the branch of activity, the industry, or the regional or national levels.

(2) In countries where collective bargaining takes place at several levels, the parties to negotiations should seek to ensure that there is co-ordination among these levels.

5. (1) Measures should be taken by the parties to collective bargaining so that their negotiators, at all levels, have the opportunity to obtain appropriate training.

(2) Public authorities may provide assistance to workers' and employers' organisations, at their request, for such training.

(3) The content and supervision of the programmes of such training should be determined by the appropriate workers' or employers' organisation concerned.

(4) Such training should be without prejudice to the right of workers' and employers' organisations to choose their own representatives for the purpose of collective bargaining.

6. Parties to collective bargaining should provide their respective negotiators with the necessary mandate to conduct and conclude negotiations, subject to any provisions for consultations within their respective organisations.

7. (1) Measures adapted to national conditions should be taken, if necessary, so that the parties have access to the information required for meaningful negotiations.

(2) For this purpose:

(a) public and private employers should, at the request of workers' organisations, make available such information on the economic and social situation of the negotiating unit and the undertaking as a whole, as is necessary for meaningful negotiations; where the disclosure of some of this information could be prejudicial to the undertaking, its communication may be made conditional upon a commitment that it would be regarded as confidential to the extent required; the information to be made available may be agreed upon between the parties to collective bargaining;

(b) the public authorities should make available such information as is necessary on the overall economic and social situation of the country and the branch of activity concerned, to the extent to which the disclosure of this information is not prejudicial to the national interest.

8. Measures adapted to national conditions should be taken, if necessary, so that the procedures for the settlement of labour disputes assist the parties to find a solution to the dispute themselves, whether the dispute is one which arose during the negotiation of agreements, one which arose in connection with the interpretation and application of agreements or one covered by the Examination of Grievances Recommendation, 1967.

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D I A L O G U E



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