

No. 16705

MULTILATERAL

Convention (No. 144) concerning tripartite consultations to promote the implementation of international labour standards. Adopted by the General Conference of the International Labour Organisation at its sixty-first session, Geneva, 21 June 1976

Authentic texts: English and French.

Declarations by the United Kingdom of Great Britain and Northern Ireland under article 35, paragraph 2, of the Constitution of the International Labour Organisation

Convention and certified statements were registered by the International Labour Organisation on 26 May 1978.

CONVENTION¹ CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2 June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations—in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948,² the Right to Organise and Collective Bargaining Convention, 1949,³ and the Consultation (Industrial and National Levels) Recommendation, 1960—which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organisations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled "Establishment of tripartite machinery to promote the implementation of international labour standards", and having decided upon the adoption of certain proposals concerning tripartite consultations to promote the implementation of international labour standards, and

Having determined that these proposals shall take the form of an international Convention,

Adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Tripartite Consultation (International Labour Standards) Convention, 1976:

Article 1. In this Convention the term "representative organisations" means the most representative organisations of employers and workers enjoying the right of freedom of association.

¹ Came into force on 16 May 1978 in respect of the two following members of the International Labour Organisation, i.e., 12 months after the date on which their ratification had been registered with the Director-General of the International Labour Office, in accordance with article 8 (2):

United Kingdom of Great Britain and Northern Ireland*	15 February 1977
Sweden	16 May 1977

Thereafter, the ratifications by the following States were registered with the Director-General of the International Labour Office on the dates indicated, to take effect 12 months after such registration, in accordance with article 8 (3):

Cyprus	28 June 1977
Norway	9 August 1977
India	27 February 1978

* See p. 364 of this volume for declarations made under article 35, paragraph 2, of the Constitution of the International Labour Organisation (see footnote 1 on p. 358).

² United Nations, *Treaty Series*, vol. 68, p. 17.

³ *Ibid.*, vol. 96, p. 257.

Article 2. 1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organisation set out in article 5, paragraph 1, below, between representatives of the government, of employers and of workers.

2. The nature and form of the procedures provided for in paragraph 1 of this article shall be determined in each country in accordance with national practice, after consultation with the representative organisations, where such organisations exist and such procedures have not yet been established.

Article 3. 1. The representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organisations, where such organisations exist.

2. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.

Article 4. 1. The competent authority shall assume responsibility for the administrative support of the procedures provided for in this Convention.

2. Appropriate arrangements shall be made between the competent authority and the representative organisations, where such organisations exist, for the financing of any necessary training of participants in these procedures.

Article 5. 1. The purpose of the procedures provided for in this Convention shall be consultations on:

- (a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
- (b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;¹
- (c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;
- (d) questions arising out of reports to be made to the International Labour Office under article 22 of the Constitution of the International Labour Organisation;
- (e) proposals for the denunciation of ratified Conventions.

2. In order to ensure adequate consideration of the matters referred to in paragraph 1 of this article, consultations shall be undertaken at appropriate intervals fixed by agreement, but at least once a year.

¹ United Nations, *Treaty Series*, vol. 15, p. 40; see also vol. 191, p. 143, vol. 466, p. 323, and vol. 958, p. 167, for the Instruments for the amendment of the Constitution of the International Labour Organisation.

Article 6. When this is considered appropriate after consultation with the representative organisations, where such organisations exist, the competent authority shall issue an annual report on the working of the procedures provided for in this Convention.

Article 7. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8. 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9. 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this article.

Article 10. 1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 12. At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13. 1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of article 9 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14. The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-first Session which was held at Geneva and declared closed the twenty-second day of June 1976.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1976.

DECLARATIONS MADE UNDER ARTICLES 35, PARAGRAPH 2, OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

Registered with the Director-General of the International Labour Office on:

23 May 1977

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
(Decision reserved as regards application to Montserrat.)

8 June 1977

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
(Decision reserved as regards application to St. Kitts-Nevis-Anguilla.)

21 November 1977

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
(Decision reserved as regards application to the Gilbert Islands.)

5 December 1977

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
(Decision reserved as regards application to Gibraltar.)
