



The ILO's Core Labour Standards

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The ILO and International Labour Standards



- An intergovernmental organization established in 1919 by the Versailles Treaty, alongside the League of Nations
- A specialized agency of the United Nations, with headquarters in Geneva

The ILO and International Labour Standards



- A tripartite organization, in which employers' and workers' representatives participate in virtually all decision making, on an equal footing with governments
- A standard-setting organization, whose main means of action are the adoption of international labour standards, the supervision of their application and the provision of related technical assistance

The ILO and International Labour Standards

- 1919: Peace through Social Justice – “Universal and lasting peace can be established only if it is based upon social justice” (Preamble to the ILO Constitution)
- 1944: Extended Mandate – “Labour is not a commodity; freedom of expression and of association are essential to sustained progress; poverty anywhere constitutes a danger to prosperity everywhere” (Declaration of Philadelphia)

The ILO and International Labour Standards



- Agenda for the 21st Century: Decent Work – “Only decent work for all - that is work that is carried out in conditions of freedom, equity, security and human dignity - can provide the social foundations for the global economy” (Juan Somavia, Director-General of the ILO, 1999)

International Labour Standards: Basic Features



- Conventions and Recommendations = instruments whose adoption is governed by article 19 of the ILO Constitution
- Tripartite adoption
- Universality / flexibility / normative content
- Extensive case law developed by the ILO supervisory bodies on their application

International Labour Standards: Basic Features

- Conventions (and Protocols)
 - International treaties, legally binding when ratified
 - Ratified by member States
 - Application is supervised by ILO expert and tripartite bodies
- Recommendations
 - Policy instruments, not legally binding
 - Not subject to ratification
 - Intended to inspire and guide member States' national policies

International Labour Standards: Composition

To date:

- 189 Conventions (77 up-to-date) and 6 Protocols
- 205 Recommendations (85 up-to-date)

Classified by:

- Subject matter (traditionally)
- Order of importance (more recently)
 - 8 Fundamental Conventions (the “core” ones)
 - 4 Governance Conventions

Core Labour Standards: Declaration on Fundamental Principles and Rights at Work, 1998



Context of identification of fundamental principles and rights at work:

- Establishment of WTO
- World Summit for Social Development, 1995
- Debates on the «social clause» in trade

Increased reference since then in free trade agreements:

- As specific standards
- As general principles

Core Labour Standards: Declaration on Fundamental Principles and Rights at Work, 1998



All Members have the *obligation to respect, promote and realize* the principles concerning fundamental rights:

- Freedom of association and the effective recognition of the right to collective bargaining;
- The elimination of all forms of forced and compulsory labour;
- The effective abolition of child labour; and
- The elimination of discrimination in respect of employment and occupation

Core Labour Standards: Declaration on Fundamental Principles and Rights at Work, 1998



Four principles and rights expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the ILO:

- Conventions Nos 87 and 98
- Convention No. 29 and its Protocol, Convention No.105
- Conventions Nos 138 and 182
- Conventions Nos 100 and 111

Why 9 instruments for 4 sets of standards ?

Fundamental Conventions on Freedom of Association and the Right to Collective Bargaining

Freedom of Association and the Right to Organise Convention, 1948 (No. 87)

Protection of freedom against potential restrictions or infringements by the State

A “classic” human rights instrument focusing on responsibilities of the State

Fundamental Conventions on Freedom of Association and the Right to Collective Bargaining



Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Protection of workers against anti-union discrimination

Independence of workers and employers organizations

Promotion of collective bargaining

An instrument focusing on the rights of workers and employers in their relations

Freedom of Association and the Right to Organise Convention, 1948 (No. 87)



Four principles of the Convention

- Right of all workers and employers to set up and join organizations without previous authorization
- Right of organizations to freely decide on all their internal matters
- Protection of organizations against administrative suspension or dissolution
- Right to establish and join federations and confederations, and right to affiliate with international organizations

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)



Three principles of the Convention

- Protection of workers against anti-union discrimination
- Protection of workers' and employers' organizations against interference by each other
- Promotion of voluntary collective bargaining between employers and workers' organizations for the regulation of terms and conditions of employment by collective agreements

Fundamental Conventions on the Elimination of Forced Labour

- **Forced Labour Convention, 1930 (No. 29)**
to put an end to the practice of compulsory labour in dependent territories – definition, exceptions, sanctions
- **Abolition of Forced Labour Convention, 1957 (No. 105)**
to combat emerging new uses of forced labour – especially for political repression or economic development
- **Protocol of 2014 to the Forced Labour Convention, 1930**
to remove the transitional provisions from the Convention without revising it; to ensure the express coverage of trafficking in persons; to provide for prevention, protection and compensation of victims

Forced Labour Convention, 1930 (No. 29)

“to suppress the use of forced or compulsory labour in all its forms”

Definition:

“all work or service
...which is exacted from any person under the menace
of any penalty
...and for which the said person has not offered
him/herself voluntarily”

Forced Labour Convention, 1930 (No. 29)

“to suppress the use of forced or compulsory labour in all its forms”

Exceptions:

- compulsory military service, for work of a purely military character
- normal civic obligations
- as a consequence of a conviction in a court of law
- cases of emergency
- minor communal services

Forced Labour Convention, 1930 (No. 29)

“to suppress the use of forced or compulsory labour in all its forms”

Sanctions

Exaction of forced labour punishable as a penal offence, with penalties adequate and strictly enforced

Protocol of 2014 to the Forced Labour Convention, 1930

Effective measures to:

- **Prevent and eliminate** use of forced labour.
- Provide **protection** and access to appropriate and effective **remedies**, such as compensation, to victims.
- **Sanction** the perpetrators of forced labour.

Specific action against **trafficking in persons** for the purposes of forced labour (Article 1(3)).

National policy and **plan of action** for the effective and sustained suppression of forced labour

Protocol of 2014 to the Forced Labour Convention, 1930

Prevention:

- **Educating and informing** the vulnerable
- **Protecting** workers, especially migrant from abuses during the recruitment and placement process
- Strengthening **labour inspection**
- Supporting **due diligence** by public and private sectors

Measures for the **identification, release, protection, rehabilitation and recovery** of victims

Access of victims to effective remedies

Abolition of Forced Labour Convention, 1930 (No. 105)

“to suppress and not to make use of any form of forced or compulsory labour -

- a) as a means of **political coercion or education** or as a **punishment for holding or expressing political views** or views ideologically **opposed to the established** political, social or economic **system;**
- b) as a method of mobilizing and using labour for **purposes of economic development;**
- c) as a means of **labour discipline;**
- d) as a punishment for having participated in **strikes;**
- e) as a means of racial, social, national or religious **discrimination.”**

Fundamental Conventions on the Abolition of Child Labour



Minimum Age Convention, 1973 (No. 138)

Consolidation in a single instrument of a series of sectoral Conventions adopted by the ILO since 1919

Worst Forms of Child Labour Convention, 1999 (No. 182)

Immediate action for the elimination of the worst forms of child labour irrespective of the level of development or the economic situation

Minimum Age Convention, 1973 (No. 138)

- Minimum age for admission to employment or work
 - Not less than the age of completion of compulsory schooling
 - Not less than 15
 - To be progressively raised
- Higher minimum age (not less than 18)
 - For employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize health, safety or morals
- Lower age for admission to light work (not less than 13)
 - Types and hours and conditions to be determined by national legislation

Worst Forms of Child Labour Convention, 1999 (No. 182)



- Worst forms of child labour (under 18) include:
 - All forms of slavery or forced labour
 - Use for prostitution or pornography
 - Use for illicit activities
 - Work likely to harm health, safety or morals
- Immediate and effective measures for prohibition and elimination as a matter of urgency
- Provision and application of sanctions
- Programmes of actions; effective and time-bound measures of prevention, removal and rehabilitation

Fundamental Conventions on the Elimination of Discrimination

Both the **Equal Remuneration Convention, 1951 (No. 100)**, and the **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**, are promotional instruments that require to pursue a national policy to promote or ensure the application of their principles – enactments may be necessary, but not sufficient to give effect to them

Equal Remuneration Convention, 1951 (No. 100)

Application -

- to *all workers* (in all activities, in private and public sectors)
- of the principle of *equal remuneration* (including all payments related to employment)

between men and women

- for a *work of equal value* (not only same or equal work but objectively valued of equal worth for computing remuneration)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)



To promote equality of opportunity and treatment in employment and occupation so as to eliminate any discrimination defined as -

- any distinction, exclusion or preference...
- ...on the basis of race, colour, sex, religion, political opinion, national extraction or social origin...
- ...which has *the effect* of nullifying or impairing equality of opportunity and treatment

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)



Distinctions, exclusions or preferences are not deemed discrimination where they are -

- based on inherent requirements of the job
- warranted by the security of the State
- made for protection or assistance

Core labour standards

Beyond fundamental ones

- Employment Policy Convention, 1964 (No. 122)
(ILO Tripartite Declaration on MNEs and Social Policy, 1977)
- Occupational safety and health
- Basic working conditions, including wages
(Protection from unacceptable forms of work, policy outcome in the ILO programme and budget)

Core labour standards

Beyond fundamental ones

Making the economic case for core labour standards

Relatively easy for:

- elimination of child labour, forced labour, discrimination
- protection of occupational safety and health

Less so for:

- freedom of association, right to collective bargaining
- minimum employment and working conditions



International
Labour
Organization

DECENT WORK

A better world starts here.

Thank you

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