The International Labour Standards System

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Outline of presentation

3 strange questions

1. ILO and ILS
2. Adoption
3. Ratification
4. Supervision
5. The Future of Standards
3 strange questions

• Why is the ILO tripartite?
• Which of the tripartite partners invented the standards system?
• Why is the ILO a specialized agency of the United Nations system?
Part I

International Labour Organization, International Labour Standards and Decent Work
International Labour Organization

• Founded in 1919
• Governments + Employers + Workers from 187 countries
• Promotes social justice and fair globalization through decent work
Social Justice

Economic, social and political situation which delivers to all people a **fair share of the wealth** they directly or indirectly help to generate.
Fair Globalization

- Potential for development
- Unfair outcomes
- Social floor
Decent Work

Simultaneous action to ensure that

- people have productive work, employed or self-employed
- providing reasonable protection of personal life and family income
- providing opportunities to actively participate in society through the workplace
- ... based on freedom and dignity
ILO - Means of Action

• Normative approach – Adoption and supervision of the application of international labour standards
• Knowledge
• Services
International Labour Standards

- Conventions
  - If ratified, they are binding under *international* law
  - If not ratified, they influence national law & policy
  - Protocols may only be ratified together with their Convention

- Recommendations
  - Same authority as Conventions
  - Not open to ratification
  - Guidelines or higher standards
International Labour Standards

- **Total > 1919** = 190 Conventions + 206 Recommendations

- **Up-to-date** = 78 C + 6 Protocols + 86 R
• 8 are up-to-date fundamental Conventions setting standards on 4 principles at work that form the “social floor” to globalization
  – freedom of association and collective bargaining
  – elimination of forced labour
  – abolition of child labour
  – elimination of discrimination at work
• Four Conventions are governance Conventions, setting standards for labour market “institutions”
  – employment policy – promoting full, productive and freely chosen employment
  – labour inspection – promoting compliance with labour protection law
  – tripartite consultation – promoting participation of employers and workers in regulatory activity
Part II

Adoption
Standard setting: Double discussion procedure

Suggestions from governments, workers, employers, the ILO office, UN Agencies, etc...

Governments

I Office Report (White)

Governments

II Office Report (Yellow)

Governments

Tripartite Committee of the ILC
FIRST DISCUSSION (First year)

Consultation

Social Partners Participate

Participation

Governments

Tripartite Committee of the ILC
SECOND DISCUSSION (Second year)

Consultation

Social Partners Participate

Participation

Governments

Conference Plenary Session
ADOPTION

Consultation

Social Partners Participate

Participation
Governing Body places standard-setting item on Violence against women and men in the world of work on the agenda of the 2018 ILC

November 2015

ILO Tripartite Meeting of Experts: violence and harassment more comprehensive than violence only

October 2016

Yellow Report: Responses to questionnaire; Proposed Conclusions with a view to a possible Convention and Recommendation

April 2017

White report: Review of the law and practice; Questionnaire

March 2018

1st ILC discussion

June 2018

Brown Report: text of a proposed Convention and Recommendation

March 2018

2nd ILC discussion – C. 190 & R. 206 adopted

June 2019

Blue Report: Suggested amendments or comments to the proposed Convention and Recommendation
Part III

International Labour Standards Ratification Status
Standards vs Wealth?

• Compare ratification averages
  – OECD averages 75
  – BRICS averages 50
  – World averages 42
  – Africa 33
  – Asia Pacific averages 22
  – ASEAN averages 19
  – Pacific Island Countries (PICs) averages 11
Ratification of ILO Conventions
Average total by region
<table>
<thead>
<tr>
<th>Year</th>
<th>No.</th>
<th>Official Title</th>
<th>Ratifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1930</td>
<td>29</td>
<td>Forced labour</td>
<td>(178)</td>
</tr>
<tr>
<td>2014</td>
<td>P29</td>
<td>Protocol to C29</td>
<td>(40)</td>
</tr>
<tr>
<td>1948</td>
<td>87</td>
<td>Freedom of Association and Protection of the Right to Organise</td>
<td>(155)</td>
</tr>
<tr>
<td>1949</td>
<td>98</td>
<td>Right to Organise and Collective</td>
<td>(167)</td>
</tr>
<tr>
<td>1951</td>
<td>100</td>
<td>Equal Remuneration</td>
<td>(173)</td>
</tr>
<tr>
<td>1957</td>
<td>105</td>
<td>Abolition of Forced Labour</td>
<td>(175)</td>
</tr>
<tr>
<td>1958</td>
<td>111</td>
<td>Discrimination (Employment &amp; Occupation)</td>
<td>(175)</td>
</tr>
<tr>
<td>1973</td>
<td>138</td>
<td>Minimum Age</td>
<td>(172)</td>
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<tr>
<td>1999</td>
<td>182</td>
<td>Worst Forms of Child Labour</td>
<td>(186)</td>
</tr>
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Ratification Status of Fundamental Conventions

As of 1 October 2019/ILO: 187 Member States
<table>
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<tr>
<th>Year</th>
<th>No.</th>
<th>Official Title</th>
<th>Ratifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1947</td>
<td>81</td>
<td>Labour Inspection</td>
<td>(147)</td>
</tr>
<tr>
<td>1964</td>
<td>122</td>
<td>Employment Policy</td>
<td>(113)</td>
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<tr>
<td>1969</td>
<td>129</td>
<td>Labour Inspection (Agriculture)</td>
<td>(53)</td>
</tr>
<tr>
<td>1976</td>
<td>144</td>
<td>Tripartite Consultation (International Labour Standards)</td>
<td>(150)</td>
</tr>
</tbody>
</table>
Ratification Status of Governance Conventions

As of 1 October 2018/ILO: 187 Member States

- C. 81: 147 ratifications
- C. 122: 113 ratifications
- C. 129: 53 ratifications
- C. 144: 150 ratifications
Part IV

ILO Supervisory Machinery
The Regular Supervisory Process

1. Governments send reports
2. Direct requests sent to the government and the social partners in the country concerned
3. November & December
4. Observations published in the CEACR Report
5. February
6. March
7. June
8. 1st June – 1st September
9. Social partners may comment
10. 1st June – 1st September

INTERNATIONAL LABOUR OFFICE

COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CEACR)
examines reports, comments and related information

TRIPARTITE CONFERENCE COMMITTEE ON THE APPLICATION of STANDARDS (CAS)
examines the CEACR Report and discusses a selection of cases

INTERNATIONAL LABOUR CONFERENCE
discusses and adopts the CAS Report in plenary
Special mechanisms

FREEDOM OF ASSOCIATION – CFA
Even if the Convention concerned has not been ratified

REPRESENTATIONS (ART. 24)
Only when the Convention concerned is ratified

COMPLAINTS (ART. 26)
Only when the Convention concerned is ratified
The Committee on Freedom of Association

- Tripartite committee of the Governing Body, comprised of nine regular members representing the three groups
- Meets three times a year (March, May and November) in private session
The Representation Procedure

- **INTERNATIONAL LABOUR OFFICE**
  - informs the government concerned and submits the representation to the GB

- **GOVERNING BODY**
  - decides on receivability and appoints a Tripartite Committee

- **TRIPARTITE COMMITTEE**
  - asks the government for information and submits a report with findings and recommendations

- **GOVERNING BODY**
  - examines the report and adopts it

- **COMMITTEE ON FREEDOM OF ASSOCIATION**
  - if the representation involves trade unions’ rights

- **INTERNATIONAL LABOUR OFFICE**
  - informs the government concerned and submits the representation to the GB

- **GOVERNING BODY**
  - decides on receivability and appoints a Tripartite Committee

- **TRIPARTITE COMMITTEE**
  - asks the government for information and submits a report with findings and recommendations

- **GOVERNING BODY**
  - examines the report and adopts it

- Decides whether to publish the representation and any government reply

- Decision communicated to the organization and government concerned

Employers’ or workers’ organization
The Complaint Procedure

Ratifying Member State \(\rightarrow\) Governing Body \(\rightarrow\) International Labour Conference delegate

GOVERNING BODY
may appoint a Commission of Inquiry

COMMISSION OF INQUIRY
investigates the complaint and prepares a report with findings and recommendations

GOVERNING BODY
notes the report

If the government accepts the recommendations

COMMITTEE OF EXPERTS
follows up on their implementation

If the government does not implement the recommendations

GOVERNING BODY
may take action under Art. 33 of the ILO Constitution

Member States must cooperate with the COI
Part V
The Future of Standards
ILO Centenary Declaration

• A. The setting, promotion, ratification and supervision of international labour standards is of fundamental importance to the ILO. This requires the Organization to have and promote a clear, robust, up-to-date body of international labour standards and to further enhance transparency. International labour standards also need to respond to the changing patterns of the world of work, protect workers and take into account the needs of sustainable enterprises, and be subject to authoritative and effective supervision. The ILO will assist its Members in the ratification and effective application of standards.

• B. All Members should work towards the ratification and implementation of the ILO fundamental Conventions and periodically consider, in consultation with employers’ and workers’ organizations, the ratification of other ILO standards.
1. to consolidate tripartite consensus on an authoritative supervisory system
2 Pillars – Standards Review Mechanism

- Reviews 235 instruments
  - 68 maritime instruments referred to STC
  - 63 outdated instruments – follow-up
  - 35 instruments on OSH, labour inspection, labour statistics and employment policy reviewed
  - 1 instrument replaced
  - 68 instruments remain to be reviewed

- Considers ways of making future ILS “future-proof”
GB members play a role in:

1. Elaboration of ILS (agenda of the conference)

2. Promotion of ratification and implementation of ILS

3. Adoption of questionnaires on the application of ratified conventions (article 22)

4. Identification of the subject and adoption of questionnaires on the effect given to recommendations and non ratified conventions (article 19)

5. As members of the CFA and ad hoc tripartite committees (article 24)

6. Decision on the establishment of commissions of inquiry (article 26)
Find out more...

- Relevant information on [NORMES website](#) + [NORMLEX](#) database
- [Rules](#) of the Game
- ILO Centenary Ratification [Dashboard](#)
- Contact – [NORMES@ilo.org](mailto:NORMES@ilo.org)