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RULES OF THE GAME

An introduction
to the standards-related work
of the International Labour
Organization



CENTENARY EDITION
2019

THE RULES OF THE GAME

An introduction to the standards-related work
of the International Labour Organization

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FOREWORD

The Rules of the Game: An introduction to the standards-related work of the ILO provides a brief presentation of the ILO's standards policy with a view to facilitating understanding and ownership by the ILO's traditional constituents, as well as the United Nations system, non-specialists and the broader public. In its first section, the publication recalls the underlying reasons for and utility of the ILO's standards-related action at both the national level and in the current context of globalization. The content of international labour standards is then presented thematically in the second section. The third section consists of a description of the supervisory mechanisms of the application of international labour standards by ILO member States. The updating of this reference work, which was first published in 2005 and the most recent edition of which is dated 2014, bears witness to the dynamic nature of the ILO's standards policy. The new 2019 edition, which coincides with the ILO's centenary, describes recent developments, including the new instruments adopted, the launch of the Standards Centenary Initiative, which is intended to strengthen the supervisory system, and the establishment of the Standards Review Mechanism. It also places in perspective the essential contribution of international labour standards to the 2030 Sustainable Development Agenda adopted by the Member States of the United Nations in 2015, and the more general reflection on the Future of Work. This edition, prepared by Eric Gravel, of the International Labour Standards Department, contributes to promoting the Organization's standards-related action and disseminating more broadly information on its standards-related mandate.

Corinne Vargha
Director, International Labour Standards Department,
ILO, Geneva

Building a global economy with social justice
What are international labour standards?
How are international labour standards created?
How are international labour standards used?

1


INTERNATIONAL LABOUR STANDARDS: RULES OF THE GAME FOR A GLOBAL ECONOMY

The ILO's mandate to strive for a better future for all in the world of work requires it [...] to understand and anticipate the transformational drivers of change which are already in operation; and to be ready to respond rapidly to events and challenges which cannot reasonably be predicted. [...] it seems inconceivable that the ILO's quest for social justice could be carried out satisfactorily if the Organization did not continue to reach out to the most vulnerable. [...] the ILO [...] will rightly be judged by what we do for the weakest and most disadvantaged, for those in poverty, without work, without opportunity, prospects or hope, for those suffering denial of fundamental rights and freedoms.¹

Guy Ryder, Director-General of the ILO, 2016

Since 1919, the International Labour Organization has established and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and dignity. In today's globalized economy, international labour standards are an essential component of the international framework for ensuring that the growth of the global economy provides benefits for all.

BUILDING A GLOBAL ECONOMY WITH SOCIAL JUSTICE



The aspiration for social justice, through which every working man and woman can claim freely and on the basis of equality of opportunity their fair share of the wealth that they have helped to generate, is as great today as it was when the ILO was created in 1919. As the ILO celebrates its 100th anniversary in 2019, the importance of achieving social justice is ever more pressing, with the rise in inequality and exclusion, which is a threat to social cohesion, economic growth and human progress. With climate change, demographic changes, technological development and, more generally, globalization, we are witnessing a world of work that is changing at an unprecedented pace and scale. How can these challenges be addressed to offer possibilities for the achievement of social justice in an ever more complex world of work?

Towards a fair globalization

The most salient characteristic of the global economy over recent years has probably been globalization. New technology has meant that persons, goods and capital are moving ever more rapidly between countries, giving rise to an interdependent global economic network that is affecting almost everyone on the planet. Globalization today means the internationalization of production, finance, trade, and also migration.

The issue of whether contemporary globalization is a source of prosperity or is aggravating inequality and injustice is still hotly debated. The ILO has always occupied a prominent place in this debate in view of its mission to promote a fairer and more equitable globalization. The ILO Declaration on Social Justice for a Fair Globalization (see section 3 below), adopted by governments, workers and employers in June 2008, is designed to strengthen the ILO's capacity to promote the Decent Work Agenda and to forge an effective response to the increasingly significant challenges of globalization. The Decent Work Agenda, which is based on four pillars (employment promotion, social protection, fundamental rights at work and social dialogue), covers many of the challenges that the Organization was already facing when it was first created, and is intended to allow everyone to obtain decent work through the promotion of social dialogue, social protection and employment creation, as well as respect for international labour standards.

Globalization has certainly caused upheaval in global production structures, with important effects on enterprises and employment. Global supply chains, which account for one-in-five jobs throughout the world, show the growing diversification of production. While they have created jobs and opened up prospects for economic growth, employment relations and the pace of production may have had in certain cases negative effects on conditions of work. For example, following the fires in factories in Pakistan and Bangladesh in 2012 and the collapse of the Rana Plaza building in 2013, which cost the lives of over 1500 persons, voices were once again raised, particularly in light of the local failings of surveillance and good governance, calling for action at the global level. What is at stake for the actors in the world of work is to improve the governance of supply chains and ensure respect for international labour standards, and particularly for fundamental rights. It was in this context that the 105th Session of the International Labour Conference adopted a resolution concerning “decent work in global supply chains”.

Another symbolic aspect of the contemporary economy lies in the financialization of trade, with emphasis being placed on financial return to the detriment of real investment. In the absence of appropriate regulation, such financialization has the effect of increasing the volatility and vulnerability of the economy and the labour market through the focus on short-term profit and has harmful effects on redistribution, with consequences for employment creation, productivity and enterprise sustainability. The reasons for the financial and economic crisis of 2008, and its devastating effects on the real economy, are known, and include in particular shortcomings in the governance and regulation of financial markets. But it is still uncertain whether these lessons have really been heeded.

Vulnerability in the world of work

Despite its undeniable benefits, globalization has clearly not resulted in a new era of prosperity for all. Some progress has been made in terms of development and the recognition of rights: the reduction of extreme poverty, the increased presence of women in the labour market, the development of social protection systems, the creation of sustainable jobs in the private sector, etc. But today’s globalized economy has also resulted in major social upheavals, including high unemployment in certain parts of the world, the delocalization of workers and enterprises, and financial instability. The current situation on the global employment market remains particularly fragile.

Despite several recessions, including the 2008 global financial and economic crisis, the total number of jobs worldwide in 2016 was 3.2 billion (or almost one billion more than in 1990), emphasizing the positive trend of job creation. But unemployment rates remained high: in 2017, there were around 198 million persons actively seeking employment throughout the world, three quarters of whom lived in emerging countries. The vulnerability of employment has also increased (nearly 1.4 billion workers were engaged in vulnerable jobs in 2017, affecting three in four workers in developing countries), as has income inequality, which has increased dramatically in most regions of the world.²

The deepening of inequality seems to be becoming one of the principal characteristics of the contemporary world. The distribution of wages at the individual level has also become more unequal, with the gap growing between the highest 10 per cent of the wage scale and the lowest 10 per cent. In practice, with the exception of Latin America, all the other regions have experienced a widening of income inequality, accompanied by a decline in the proportion of income from labour. Inequalities not only lead to a fall in productivity, but also give rise to poverty, social instability and even conflict. It was precisely for this reason that the international community recognized the continued need to establish fundamental rules of the game in order to ensure that globalization would give everyone the same opportunity to achieve prosperity.

The Future of Work at stake

Since the 1980s, a series of global changes have profoundly transformed employment and work: the accelerated globalization of trade, technological change, the rise in the activity rate of women, the fragmentation of value chains and subcontracting, changes in demand, individual aspirations, the skills of the active population, etc. But today, with climate change, demographic growth and technological transformation, new challenges have emerged for everyone, and particularly for the world of work, including: the diversification of types of employment, the development of the digital economy, and particularly platforms, a new relationship with the meaning of work, and the reconciliation of work and personal life.

One of the most symbolic controversies relating to the future of work lies in the issue of whether technological progress will result in the destruction or creation of jobs. The ILO is well versed in this debate, which re-emerged throughout the XXth century in various forms, but which is taking on a new dimension in the era of robotization and artificial intelligence. Over and above the pessimistic and optimistic scenarios, the real challenge to which technological progress gives rise is to identify how, in this transitional context, assistance can be provided to enterprises and workers to help them adapt to new jobs (both physically and in terms of skills) as this will likely be an ongoing and dynamic process throughout a person's professional life.

To understand and offer an effective response to these new challenges, the ILO launched a "Future of Work Initiative" and in August 2017 set up the Global Commission on the Future of Work. Six thematic clusters focus on the main issues that need to be considered if work tomorrow is to provide security, equality and prosperity: the role of work for individuals and society; the pervasive inequality of women in the world of work at the global level; technology for social, environmental and economic development; skills development over the life cycle; new models of inclusive growth; and the future governance of work. The Global Commission delivered its report in January 2019.

The energy transition as an opportunity?

Action to combat climate change is now high on the international agenda, with the long-term objective of the 2015 Paris Agreement to contain the rise in the global temperature below 2°C in relation to pre-industrial levels. The challenge for the ILO is to respond to the repercussions on the world of work, where the negative effects are starting to make themselves felt: the disturbance of trade, the destruction of workplaces and its impact on the means of subsistence of individuals. A total of 1.2 billion jobs currently depend directly on the effective management and sustainability of a healthy environment.³ The potential impact of climate change on enterprises and workers, labour markets, income, social protection and poverty mean that attenuation of climate change and adaptation are a major element of the ILO's mandate and action. The transition to a green economy will inevitably result in job losses in certain sectors, but these losses will be more than compensated by new job opportunities,

on condition that policies are adopted that are conducive to decent work and the redeployment of workers.

The ever crucial role of international labour standards

It is important to recall, in order to place the current challenges in perspective, that in 1919 the signatory nations to the Treaty of Versailles created the International Labour Organization (ILO) in recognition of the fact that “conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled.” To address this problem, the newly founded Organization established a system of international labour standards – international Conventions and Recommendations drawn up by representatives of governments, employers and workers from around the world – covering all matters related to work. What the ILO’s founders recognized in 1919 was that the global economy needed clear rules in order to ensure that economic progress would go hand in hand with social justice, prosperity and peace for all. This principle has not lost any of its relevance: in the future, even more than today, labour standards will be a source of social cohesion and economic stability in an era of great changes affecting work.

International labour standards were also developed to provide a global system of instruments on labour and social policy, backed up by a system of supervision to address all the types of problems arising in their application at the national level. They are the legal component of the ILO’s strategy for governing globalization, promoting sustainable development, eradicating poverty and ensuring that everyone can work in dignity and safety. The Declaration on Social Justice for a Fair Globalization emphasizes that, in order to achieve the ILO’s objectives in the context of globalization, the Organization must “promote the ILO’s standard-setting policy as a cornerstone of ILO activities by enhancing its relevance in the world of work, and ensure the role of standards as a useful means of achieving the constitutional objectives of the Organization”.

The challenges of globalization have made international labour standards more relevant than ever. What benefits do they provide today?

A path to full and productive employment and decent work for all: The 2030 goals

International labour standards are first and foremost about the development of people as human beings. In the Declaration of Philadelphia (1944), the international community recognized that “labour is not a commodity”. Labour is not an inanimate product, like an apple or a television set, that can be negotiated for the highest profit or the lowest price. Work is part of everyone’s daily life and is crucial to a person’s dignity, well-being and development as a human being. Economic development should include the creation of jobs and working conditions in which people can work in freedom, safety and dignity. In short, economic development is not undertaken for its own sake, but to improve the lives of human beings. International labour standards are there to ensure that it remains focused on improving the life and dignity of men and women.

Decent work resumes the aspirations of humans in relation to work. It brings together access to productive and suitably remunerated work, safety at the workplace and social protection for families, better prospects for personal development and social integration, freedom for individuals to set out their claims, to organize and to participate in decisions that affect their lives, and equality of opportunity and treatment for all men and women.

Decent work is not merely an objective, it is a means of achieving the specific targets of the new international programme of sustainable development. At the United Nations General Assembly in September 2015, decent work and the four pillars of the Decent Work Agenda – employment creation, social protection, rights at work and social dialogue – became the central elements of the new Sustainable Development Agenda 2030. Goal 8 of the 2030 Agenda calls for the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Moreover, the principal elements of decent work are broadly incorporated into the targets of a large number of the 16 Goals of the United Nations new vision of development.

An international legal framework for fair and stable globalization

Achieving the goal of decent work in the globalized economy requires action at the international level. The world community is responding to this challenge in part by developing international legal instruments on trade, finance, the environment, human rights and labour. The ILO contributes to this legal framework by elaborating and promoting international labour standards aimed at making sure that economic growth and development go hand-in-hand with the creation of decent work. The ILO's unique tripartite structure ensures that these standards are backed by governments, employers and workers alike. International labour standards therefore lay down the basic minimum social standards agreed upon by all the players in the global economy.

A level playing field for all

An international legal framework on social standards ensures a level playing field in the global economy. It helps governments and employers to avoid the temptation of lowering labour standards in the hope that this could give them a greater comparative advantage in international trade. In the long run, such practices do not benefit anyone. Lowering labour standards can encourage the spread of low-wage, low-skill and high-turnover industries and prevent a country from developing more stable high-skilled employment, while at the same time slowing the economic growth of trade partners. Because international labour standards are minimum standards adopted by governments and the social partners, it is in everyone's interest to see these rules applied across the board, so that those who do not put them into practice do not undermine the efforts of those who do.

A means of improving economic performance

International labour standards have been sometimes perceived as being costly and therefore hindering economic development. However, a growing body of research has indicated that compliance with international labour standards is often accompanied by improvements in productivity and economic performance.

Minimum wage and working-time standards, and respect for equality, can translate into greater satisfaction and improved performance for workers and reduced staff turnover. Investment in vocational training can result in a better trained workforce and higher employment levels. Safety standards can reduce costly accidents and expenditure on health care. Employment protection can encourage workers to take risks and to innovate. Social protection, such as unemployment schemes, and active labour market policies can facilitate labour market flexibility, and make economic liberalization and privatization sustainable and more acceptable to the public. Freedom of association and collective bargaining can lead to better labour–management consultation and cooperation, thereby improving working conditions, reducing the number of costly labour conflicts and enhancing social stability.

The beneficial effects of labour standards do not go unnoticed by foreign investors. Studies have shown that in their criteria for choosing countries in which to invest, foreign investors rank workforce quality and political and social stability above low labour costs. At the same time, there is little evidence that countries which do not respect labour standards are more competitive in the global economy. International labour standards not only respond to changes in the world of work for the protection of workers, but also take into account the needs of sustainable enterprises.

A safety net in times of economic crisis

Even fast-growing economies with high-skilled workers can experience unforeseen economic downturns. The Asian financial crisis of 1997, the 2000 dot-com bubble burst and the 2008 financial and economic crisis showed how decades of economic growth can be undone by dramatic currency devaluations or falling market prices. For instance, during the 1997 Asian crisis, as well as the 2008 crisis, unemployment increased significantly in many of the countries affected. The disastrous effects of these crises on workers were compounded by the fact that in many of these countries social protection systems, notably unemployment and health insurance, active labour market policies and social dialogue were barely developed.

The adoption of an approach that balances macroeconomic and employment goals, while at the same time taking social impacts into account, can help to address these challenges.

A strategy for reducing poverty

Economic development has always depended on the acceptance of rules. Legislation and functioning legal institutions ensure property rights, the enforcement of contracts, respect for procedure and protection from crime – all legal elements of good governance without which no economy can operate. A market governed by a fair set of rules and institutions is more efficient and brings benefit to everyone. The labour market is no different. Fair labour practices set out in international labour standards and applied through a national legal system ensure an efficient and stable labour market for workers and employers alike.

In many developing and transition economies, a large part of the workforce is engaged in the informal economy. Moreover, such countries often lack the capacity to provide effective social justice. Yet international labour standards can also be effective tools in these situations. Most ILO standards apply to all workers, not just those working under formal employment arrangements. Some standards, such as those dealing with homeworkers, migrant and rural workers, and indigenous and tribal peoples, deal specifically with certain areas of the informal economy. The reinforcement of freedom of association, the extension of social protection, the improvement of occupational safety and health, the development of vocational training, and other measures required by international labour standards have proved to be effective strategies in reducing poverty and bringing workers into the formal economy. Furthermore, international labour standards call for the creation of institutions and mechanisms which can enforce labour rights. In combination with a set of defined rights and rules, functioning legal institutions can help formalize the economy and create a climate of trust and order which is essential for economic growth and development.⁴

The sum of international experience and knowledge

International labour standards are the result of discussions among governments, employers and workers, in consultation with experts from around the world. They represent the international consensus on how a particular labour problem could be addressed at the global level and reflect knowledge and experience from all corners of the world. Governments, employers' and workers' organizations, international institutions, multinational enterprises and non-governmental organizations can benefit from this knowledge by incorporating the standards in their policies, operational objectives and day-to-day action. The legal nature of the standards means that they can be used in legal systems and administrations at the national level, and as part of the corpus of international law which can bring about greater integration of the international community.

About the ILO

The International Labour Organization was founded in 1919 and became a specialized agency of the United Nations in 1946. It currently has 187 member States. The ILO has a unique "tripartite" structure, which brings together representatives of governments, employers and workers on an equal footing to address issues related to labour and social policy. The ILO's broad policies are set by the **International Labour Conference**, which meets once a year and brings together its constituents. The Conference also adopts new international labour standards and the ILO's work plan and budget.

Between the sessions of the Conference, the ILO is guided by the **Governing Body**, which is composed of 28 Government members, as well as 14 Employer members and 14 Worker members. The ILO's Secretariat, the International Labour Office, has its headquarters in Geneva, Switzerland, and maintains field offices in more than 40 countries. On its 50th anniversary in 1969, the ILO was awarded the Nobel Peace Prize. The current Director-General of the ILO is Guy Ryder, who was re-elected in 2017 for a second five-year term. The ILO is celebrating its 100th anniversary in 2019.

WHAT ARE INTERNATIONAL LABOUR STANDARDS?

International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) setting out basic principles and rights at work. They are either *Conventions (or Protocols)*, which are legally binding international treaties that can be ratified by member States, or *Recommendations*, which serve as non-binding guidelines. In many cases, a Convention lays down the basic principles to be implemented by ratifying countries, while a related Recommendation supplements the Convention by providing more detailed guidance on how it could be applied. Recommendations can also be autonomous, i.e. not linked to a Convention.

Conventions and Recommendations are drawn up by representatives of governments, employers and workers and are adopted at the annual International Labour Conference. Once a standard is adopted, member States are required, under article 19(6) of the ILO Constitution, to *submit* it to their competent authority (normally Parliament) within a period of twelve months for consideration. In the case of Conventions, this means consideration for *ratification*. If it is ratified, a Convention generally comes into force for that country one year after the date of ratification. Ratifying countries undertake to apply the Convention in national law and practice and to report on its application at regular intervals. Technical assistance is provided by the ILO, if necessary. In addition, representation and complaint procedures can be initiated against countries for violations of a Convention that they have ratified (see section 3).

Fundamental Conventions

The ILO Governing Body has identified eight “fundamental” Conventions, covering subjects that are considered to be fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. These principles are also covered by the ILO Declaration on Fundamental Principles and Rights at Work (1998) (see section 3). As of 1st January 2019, there were 1,376 ratifications of these Conventions, representing 92 per cent of the possible number of ratifications. At that date, a further 121 ratifications were still required to meet the objective of universal ratification of all the fundamental Conventions.

The eight fundamental Conventions are:

- the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- the Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol)
- the Abolition of Forced Labour Convention, 1957 (No. 105)
- the Minimum Age Convention, 1973 (No. 138)
- the Worst Forms of Child Labour Convention, 1999 (No. 182)
- the Equal Remuneration Convention, 1951 (No. 100)
- the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Governance (priority) Conventions

The ILO Governing Body has also designated another four Conventions as governance (or priority) instruments, thereby encouraging member States to ratify them because of their importance for the functioning of the international labour standards system. The ILO Declaration on Social Justice for a Fair Globalization, in its Follow-up, emphasizes the significance of these Conventions from the viewpoint of governance.

The four governance Conventions are:

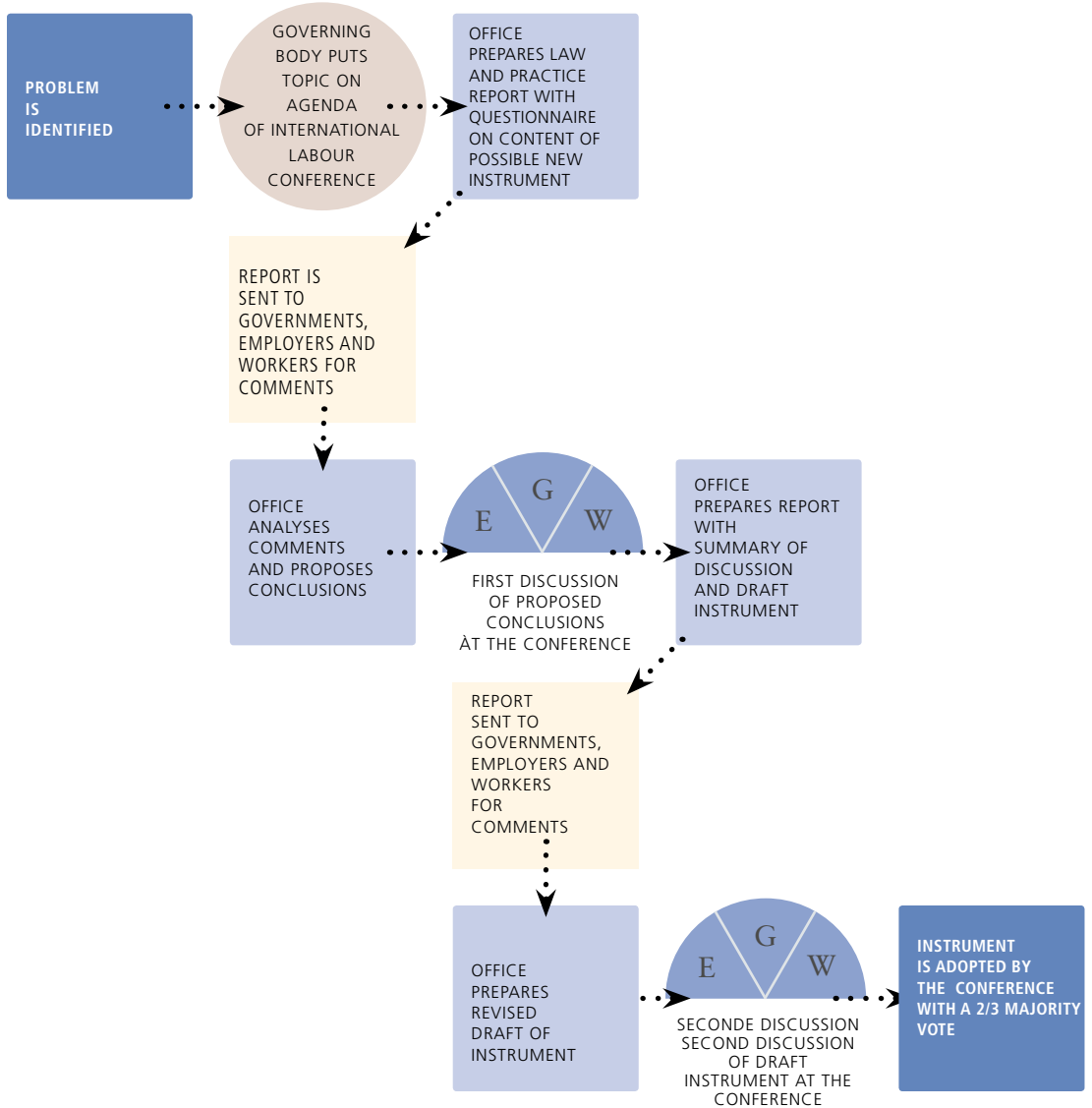
- the Labour Inspection Convention, 1947 (No. 81) (and its Protocol of 1995)
- the Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)
- the Employment Policy Convention, 1964 (No. 122)

HOW ARE INTERNATIONAL LABOUR STANDARDS CREATED?



International labour standards evolve from a growing international concern that action needs to be taken on a particular issue, such as providing working women with maternity protection, or ensuring safe working conditions for agricultural workers. The development of international labour standards at the ILO is a unique legislative process involving representatives of governments, workers and employers from throughout the world. As a first step, the Governing Body agrees to put an issue on the agenda of a future International Labour Conference. The International Labour Office prepares a report that analyses the law and practice of member States with regard to the issue at stake. The report is communicated to member States and to workers' and employers' organizations for comments and is then submitted to the International Labour Conference for a first discussion. A second report is then prepared by the Office with a draft instrument, which is also sent for comments and submitted for discussion at the following session of the Conference, where the draft instrument is discussed, amended as necessary and proposed for adoption. This "double discussion" procedure gives Conference participants sufficient time to examine the draft instrument and make comments on it. A two-thirds majority of votes is required for a standard to be adopted.

Adoption of an international labour standard



Who adopts international labour standards?

The International Labour Conference brings together delegations from all ILO member States. Each delegation comprises:

2 Government delegates

1 Employer delegate

1 Worker delegate

Government, Employer and Worker delegates each have one vote in plenary.

Ratification of Conventions and Protocols

ILO member States are required to submit any Convention or Protocol adopted by the International Labour Conference to their competent national authority for the enactment of relevant legislation or other action, including ratification. An adopted Convention or Protocol normally comes into force 12 months after being ratified by two member States. Ratification is a formal procedure whereby a State accepts the Convention or Protocol as a legally binding instrument. Once it has ratified a Convention or Protocol, a country is subject to the ILO regular supervisory system, which is responsible for ensuring that the instrument is applied. For more on the ILO supervisory system, see section 3.

Universality and flexibility

Standards are adopted by a two-thirds majority vote of ILO constituents and are therefore an expression of universally acknowledged principles. At the same time, they reflect the fact that countries have diverse cultural and historical backgrounds, legal systems and levels of economic development. Indeed, most standards have been formulated in a manner that makes them flexible enough to be translated into national law and practice with due consideration of these differences. For example, standards on minimum wages do not require member States to set a specific minimum wage, but to establish a system and the machinery to fix minimum wage rates appropriate to their level of economic development. Other standards contain so-called “flexibility clauses” allowing States to lay down temporary standards that are lower than those normally prescribed, to exclude certain categories of workers from the application of a Convention, or to apply only certain parts of the instrument. Ratifying countries are usually required to make a declaration to the Director-General of the ILO if they exercise any of the flexibility options, and to make use of such clauses only in consultation with the social partners. However, reservations to ILO Conventions are not permitted.

Updating international labour standards

There are currently 189 Conventions and 205 Recommendations, some dating back as far as 1919, and six Protocols. As may be expected, some of these instruments no longer correspond to today's needs. To address this problem, the ILO adopts revising Conventions that replace older ones, or Protocols, which add new provisions to older Conventions.

Standards Review Mechanism (SRM)

The SRM is a mechanism that is integral to the ILO's standards policy with a view to ensuring that the ILO has a clear, robust and up-to-date body of standards that respond to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises.

The SRM was set up by the Governing Body in November 2011, but became operational later, in 2015, as a result of two decisions:

- a decision by the Governing Body in March 2015 to establish under the SRM a tripartite working group composed of 32 members (16 representing Governments, eight representing Employers and eight representing Workers);
- a decision taken in November 2015 to approve the terms of reference of the Tripartite Working Group of the SRM.

The Tripartite Working Group of the SRM is mandated to review the ILO's international labour standards with a view to making recommendations to the Governing Body on:

- the status of the standards examined, including up-to-date standards, standards in need of revision and outdated standards;
- the review of gaps in coverage, including those requiring new standards;
- practical and time-bound follow-up action, as appropriate.

The SRM Tripartite Working Group meets once a year and reviews the different instruments based on a thematic approach. In parallel with the launching of the SRM, the entry into force of the Instrument of Amendment of the Constitution of the International Labour Organization of 1997 reinforced the ILO's efforts to ensure that it has a clear and up-to-date body of international labour standards that can serve as a global point of reference. With the entry into force of the Instrument of Amendment of the Constitution, the Conference is now empowered, by a majority of two-thirds and on the recommendation of the Governing Body, to abrogate a Convention that is in force if it appears that the Convention has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization. At its Session in June 2017, the Conference held its first discussion following the entry into force of the Instrument of Amendment and examined and decided to abrogate two international labour Conventions. At its Session in June 2018, the Conference decided to abrogate six other Conventions and withdraw three Recommendations. In addition, on the basis of the work of the SRM, the Governing Body decided to place an item on the agenda of the 2021 session of International Labour Conference regarding the possibility of a new standard on apprenticeship in order to fill the gap at the international level in this regard.

Models and targets for labour law

International labour standards are primarily tools for governments which, in consultation with employers and workers, are seeking to draft and implement labour law and social policy in conformity with internationally accepted standards. For many countries, this process begins with a decision to consider ratifying an ILO Convention. Countries often go through a period of examining and, if necessary, revising their legislation and policies in order to achieve compliance with the instrument they wish to ratify. International labour standards thus serve as targets for harmonizing national law and practice in a particular field; the actual ratification may come further along the path of implementing the standard. Some countries decide not to ratify a Convention but to bring their legislation into line with it anyway; such countries use ILO standards as models for drafting their law and policy. Others ratify ILO Conventions fairly quickly and then work to bring their national law and practice into line after ratification. The comments of the ILO supervisory bodies and technical assistance (see section 3) can guide them in this process. For such countries, ratification is the first step on the path to implementing a standard.

Sources of international law applied at the national level

In numerous countries, ratified international treaties apply automatically at the national level. Their courts are thus able to use international labour standards to decide cases on which national law is inadequate or silent, or to draw on definitions set out in the standards, such as of “forced labour” or “discrimination”. Alongside voluntary initiatives and non-statutory rules, the legal system is one of the means through which international standards are disseminated. The use of these standards by the highest courts of certain countries, as observed by the ILO for over a decade, bears witness to their increasing acceptance and use at the national level. In this way, national and international systems for the regulation of labour are a mutual source of inspiration. International labour standards there appear to be a universal point of reference for an increasing number of



actors at the international level, thereby reinforcing international labour law, which is becoming an essential resource in the denunciation of inequalities in the world of work and the regulation of labour relations, conditions and disputes, as reflected in more widespread respect for the values defended by the ILO.

Guidelines for social policy

In addition to shaping law, international labour standards can provide guidance for developing national and local policies, such as employment, work and family policies. They can also be used to improve various administrative structures, such as labour administration, labour inspection, social security and employment services. Standards can also serve as a source of good industrial relations applied by labour dispute resolution bodies, and as models for collective agreements.

Other areas of influence

While ILO constituents are the main users of international labour standards, other actors have also found them to be useful tools. Indeed, new actors are using international labour standards and therefore participating in their diffusion at the international level.

- **Corporate social responsibility (CSR) – the promotion of inclusive, responsible and sustainable practices in the workplace**

The ILO defines CSR as a way in which enterprises give consideration to the impact of their operations on society and affirm their principles and values, both in their own internal methods and procedures and in their interactions with other actors. Increasing consumer interest in the ethical dimension of products and the working conditions in which they are produced has led multinational enterprises to adopt voluntary codes of conduct governing labour conditions in their production sites and supply chains. The majority of the top 500 companies in the United States and United Kingdom have adopted some sort of code of conduct, many of them referring to principles derived from ILO standards. While these codes are no substitute for binding international instruments, they play

an important role in helping to spread the principles contained in international labour standards.

The ILO can play an important role in CSR through two main reference points: the ILO Declaration on Fundamental Principles and Rights at Work (1998) and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (the “MNE Declaration”), a revised version of which was adopted by the Governing Body in 2017 in response to new economic realities, and particularly the increase in international investment and trade, and the growth in global supply chains. This revision reinforced the MNE Declaration through the inclusion of principles addressing specific aspects of decent work, such as social security, forced labour, the transition from the informal to the formal economy, wages, the access of victims to remedies and compensation. It also contains guidance on the process of “due diligence” for the achievement of decent work, the creation of decent jobs, sustainable enterprises, more inclusive growth and an improved sharing of the benefits of foreign direct investment which are particularly relevant to the achievement of Sustainable Development Goal (SDG) 8. Moreover, many initiatives that promote inclusive, responsible and sustainable enterprise practices make reference to ILO instruments, including the Guiding Principles for Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, the United Nations Global Compact and the OECD Guidelines for Multinational Enterprises.

In 2009, the ILO launched a Helpdesk that provides constituents and enterprises with easy access to information, assistance, referral and advice regarding CSR and the implementation of labour standards with a view to aligning enterprise practices with international labour standards.⁵

- **Other international organizations**

The ILO Declaration on Social Justice for a Fair Globalization emphasizes that other international and regional organizations with mandates in closely related fields can make an important contribution, especially through the objectives of the Decent Work Agenda. Other international institutions regularly use international labour standards in their activities. Reports on the application of international labour standards are regularly

submitted to the United Nations human rights bodies and other international entities. International financial institutions (IFIs), such as the World Bank, Asian Development Bank and African Development Bank (AfDB), have integrated certain aspects of labour standards into some of their activities. For example, in 2013 the AfDB introduced into its environmental and social safeguards policy an operational safeguard on labour conditions and safety and health (Operational safeguard 5), setting out the requirements of the AfDB in relation to its borrowers and clients, which makes explicit reference to ILO international labour standards. In so doing, the AfDB joins other international donors which have adopted similar approaches in their safeguards policy or other strategy documents, including: the World Bank in its Poverty Reduction Strategy Papers process and Performance Standard 2 of the International Finance Corporation (IFC) (part of the World Bank Group), which recognizes that the pursuit of economic growth through employment creation must also comply with the protection of the basic rights of workers. Moreover, international labour standards have a direct impact on such globalized sectors as maritime transport. They are used not only for the design of national maritime legislation in member States, but also as a reference for inspections of ships by port States, and have a direct effect on the regulations and codes of other international organizations, such as the International Maritime Organization.

- **Free trade agreements**

A growing number of bilateral and multilateral free trade agreements, as well as regional economic integration arrangements, contain social and labour provisions related to workers' rights. Indeed, the number of free trade agreements with labour provisions has increased significantly over the past two decades: 70 trade agreements included labour provisions in 2016, compared with 58 in 2013, 21 in 2005 and four in 1995.⁶ Free trade agreements increasingly refer to ILO instruments in their labour clauses, and particularly the Declaration on Fundamental Principles and Rights at Work (1998) and, in the case of recent European Union agreements, also to ILO Conventions. Since 2013, 80 per cent of the agreements which have entered into force contain such clauses, starting with the agreements involving the European Union, the United States and Canada. However, such clauses made their appearance very early. For example, in the context of the European Union, the special incentive arrangement for sustainable development and good governance (the Generalized System of Preferences/GSP+) provides additional benefits for countries implementing certain international standards in relation to

human and labour rights. Since the North American Free Trade Agreement (NAFTA) was signed in 1992 and was supplemented in 1994 by the North American Agreement on Labour Cooperation (NAALC) (this agreement was completely renegotiated in October 2018), several free trade agreements have been signed by the United States with countries such as Chile, Jordan, Republic of Korea, Morocco, Singapore and Central American countries. In these agreements, the signatory countries reaffirm their commitment to the ILO, and particularly to the respect and promotion of the ILO Declaration on Fundamental Principles and Rights at Work. More recently, the free trade agreement between Japan and the European Union, signed in 2017, makes reference to the Decent Work Agenda and the ILO Declaration on Social Justice for a Fair Globalization (2008) as standards that are binding on the parties, which should also endeavour to ratify the eight fundamental ILO Conventions. The agreement also contains clauses on corporate social responsibility with references to the MNE Declaration.

- **Civil society**

Advocacy groups and non-governmental organizations draw on international labour standards to call for changes in policy, law or practice.

The role of employers' and workers' organizations

Representative employers' and workers' organizations play an essential role in the international labour standards system, not only as users of the system, but also as constituents of the Organization. They participate in choosing subjects for new ILO standards and in drafting the texts, and their votes determine whether or not the International Labour Conference adopts a newly drafted standard. If a Convention is adopted, employers and workers can encourage a government to ratify it. If the Convention is ratified, governments are required to report periodically to the ILO on how they are applying it in law and practice (the same applies to Protocols). Government reports must also be submitted to the most representative employers' and workers' organizations, which may comment on their content. Employers' and workers' organizations can also supply information on the application of Conventions directly to the ILO under article 23(2) of the ILO Constitution. They can initiate representations under article 24 of the ILO Constitution. As constituents of the Organization, they also participate in the tripartite committees set up to examine representations. Moreover, an Employer or Worker delegate to the International Labour Conference can also file a complaint under

article 26 of the Constitution. If a member State has ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), as 145 countries had done on 1st January 2019, it is required to hold national tripartite consultations on proposed new instruments to be discussed at the Conference, the submission of instruments to the competent authorities, reports concerning ratified Conventions, measures related to unratified Conventions and to Recommendations, and proposals regarding the denunciation of Conventions.

Freedom of association Collective bargaining Forced labour
Child labour
Equality of opportunity and treatment Tripartite consultation
Labour administration
Labour inspection
Employment policy Employment promotion
Vocational guidance and training
Employment security
Social policy
Wages
Working time
Occupational safety and health Social security
Maternity protection Domestic workers
Migrant workers
Seafarers
Fishers
Dockworkers
Indigenous and tribal peoples
Other specific categories of worker

SUBJECTS COVERED BY INTERNATIONAL LABOUR STANDARDS

I nternational labour standards respond to the ever increasing needs and challenges faced by workers and employers in the global economy. This section presents the subjects covered by international labour standards and introduces certain Conventions and Recommendations. It also explains the problems that exist in a particular field today and how international labour standards can help to provide solutions. Finally, some examples are highlighted where the application of international labour standards or of the principles they embody has made a positive contribution in a particular situation.

This section summarizes a selection of relevant ILO Conventions and Recommendations. The summaries are intended for information purposes and do not replace consultation of the authoritative text. Numerous other Conventions and Recommendations have not been summarized, even though many are relevant and in force. The complete list of ILO standards by subject and status may be consulted on the ILO website at www.ilo.org/normes. The examples have been selected for illustrative purposes and are not intended to single out a specific country or situation.

FREEDOM OF ASSOCIATION



The principle of freedom of association is at the core of the ILO's values: it is enshrined in the ILO Constitution (1919), the ILO Declaration of Philadelphia (1944) and the ILO Declaration on Fundamental Principles and Rights at Work (1998). It is also a right proclaimed in the Universal Declaration of Human Rights (1948). The right to organize and form employers' and workers' organizations is the prerequisite for sound collective bargaining and social dialogue. Nevertheless, there continue to be challenges in applying these principles in many countries. In some countries, certain categories of workers (for example public servants, seafarers, workers in export processing zones) are denied the right of association, workers' and employers' organizations are illegally suspended or subject to acts of interference, and in some extreme cases trade unionists are arrested or killed. ILO standards, in conjunction with the work of the Committee on Freedom of Association and the other supervisory mechanisms (see section 3), contribute to resolving these difficulties and ensuring that this fundamental human right is respected the world over.

Relevant ILO instruments

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

This fundamental Convention sets forth the right of workers and employers to establish and join organizations of their own choosing without previous authorization. Workers' and employers' organizations shall organize freely and not be liable to be dissolved or suspended by administrative authority, and they shall have the right to establish and join federations and confederations, which may in turn affiliate with international organizations of workers and employers.

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

This fundamental Convention provides that workers shall enjoy adequate protection against acts of anti-union discrimination, including the requirement that a worker not join a union or relinquish trade union membership for employment, or the dismissal of a worker because of union membership or participation in union activities. Workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other, in particular the establishment of workers' organizations under the domination of employers or employers' organizations, or the support of workers' organizations by financial or other means with the

object of placing such organizations under the control of employers or employers' organizations. The Convention also enshrines the right to collective bargaining (see also under collective bargaining).

Workers' Representatives Convention, 1971 (No. 135)

Workers' representatives in an undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements. Facilities in the undertaking shall be afforded to workers' representatives as may be appropriate in order to enable them to carry out their functions promptly and efficiently.

Rural Workers' Organisations Convention, 1975 (No. 141)

All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. The principles of freedom of association shall be fully respected; rural workers' organizations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression. National policy shall facilitate the establishment and growth, on a voluntary basis, of strong and independent organizations of rural workers as an effective means of ensuring the participation of these workers in economic and social development.

Labour Relations (Public Service) Convention, 1978 (No. 151)

Public employees as defined by the Convention shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment, and their organizations shall enjoy complete independence from public authorities, as well as adequate protection against any acts of interference by a public authority in their establishment, functioning or administration (see also under collective bargaining).

Freedom of association under fire⁷

Although freedom of association is recognized as a fundamental right at work, unions and their members are still exposed to severe violations of their rights. In its recent flagship publication on violations of trade unionists rights (2017), the International Trade Union Confederation (ITUC) estimated that union members faced violence in 59 out of 139 countries (for which information is available). In 2017, trade unionists were murdered in the following 11 countries: Bangladesh, Brazil, Colombia, Guatemala, Honduras, Italy, Mauritania, Mexico, Peru, Philippines and Bolivarian Republic of Venezuela. Also in 2017, freedom of expression and freedom of assembly were severely restricted in 50 countries. In addition, in 84 countries, certain categories of workers are excluded from the labour legislation. In 2014, the ITUC launched a "Global Rights Index" ranking 139 countries against 97 internationally recognized indicators to assess where workers' rights are best protected in law and practice. According to this ranking, in 46 countries, compared with 32 in 2014, trade union rights are not guaranteed, for example due to the absence of the rule of law, and workers are exposed to unfair labour practices. Freedom of association is by no means just an issue for workers. Employers have also lodged complaints over the years with the ILO Committee on Freedom of Association regarding, for example, unlawful interference with the activities of their organizations.

COLLECTIVE BARGAINING

Freedom of association ensures that workers and employers can associate to negotiate work relations effectively. Combined with strong freedom of association, sound collective bargaining practices ensure that employers and workers have an equal voice in negotiations and that the outcome is fair and equitable. Collective bargaining allows both sides to negotiate a fair employment relationship and prevents costly labour disputes. Indeed, some research has indicated that countries with highly coordinated collective bargaining tend to have less inequality in wages, lower and less persistent unemployment, and fewer and shorter strikes than countries where collective bargaining is less established. Good collective bargaining practices have sometimes been an element that has allowed certain countries to overcome passing financial crises. ILO standards promote collective bargaining and help to ensure that good labour relations benefit everyone.

Relevant ILO instruments

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

This fundamental Convention provides that measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements (see also under freedom of association).

Labour Relations (Public Service) Convention, 1978 (No. 151)

The Convention promotes collective bargaining for public employees, as well as other methods allowing public employees' representatives to participate in the determination of their conditions of employment. It also provides that disputes shall be settled through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration.



Collective Bargaining Convention, 1981 (No. 154)

The Convention defines collective bargaining and calls for its promotion in all branches of economic activity, including the public service.

Collective bargaining in the apparel sector in Jordan⁸

Some 65 000 workers are employed in the apparel sector in Jordan, three quarters of whom are migrant workers, mainly from South and South-East Asia. Following a series of collective disputes concerning living and working conditions, a sectoral collective agreement was signed in May 2013. This two-year global agreement, the first of its type in Jordan, which has ratified Convention No. 98, marked important progress in the utilization of voluntary collective bargaining to determine working conditions in the apparel sector. The collective agreement has been revised and renewed twice, first in 2015 and then in 2017. Concluded between two employers' associations (the Jordan Garments, Accessories and Textiles Association (JGATE) and the Association of Owners of Factories, Workshops and Garments), and the General Trade Union of Workers in the Textile, Garment and Clothing Industries, the agreement has resulted in significant and tangible changes in the apparel sector, including: the introduction of a seniority bonus, the harmonization of key conditions of work and employment (wages, social security benefits and the payment of overtime hours) between migrant workers and Jordanian nationals, and the provision of emergency medical care. The inclusion in the agreement of clauses allowing unions access to factories and dormitories has facilitated the establishment of workers' committees, the election of leaders and workers' education and information on their rights and responsibilities. As a sectoral agreement, it covers all workers and all enterprises in the apparel industry.⁹

Right of association (agriculture) and rural workers' organizations: Giving voice to rural workers

In 2015, the General Survey prepared by the Committee of Experts covered the Right of Association (Agriculture) Convention, 1921 (No. 11), and the Rural Workers' Organizations Convention (No. 141) and Recommendation (No. 149), 1975. By deciding to devote the General Survey to these instruments, the ILO wished to recall that agricultural workers are often denied the right to organize and to collective bargaining, and that rural workers are particularly vulnerable, as they are inadequately protected by law and have limited access to machinery for collective action. Despite the evident importance of agriculture and the rural economy at the global level, in view of its nature, there is little reliable and comparable information (and particularly data disaggregated by age and sex) on the nature, economic importance and real situation, and indeed scope, of the sector. In particular, definitions of the rural economy, agriculture and rural or agricultural workers differ considerably from one country to another, with the result that comparisons between countries are often not very reliable. According to ILO data, around 40 per cent of the working age population lives in rural areas, with important differences between countries.

Most of these workers are not engaged in salaried employment in the formal economy, but work on their own account or are engaged in unpaid family work, for example in agriculture, and particularly subsistence agriculture. In rural areas, informal work represents 82.1 per cent of total rural employment, and 96 per cent of agricultural employment. In comparison, only 24.5 per cent of workers in urban areas are engaged in informal work. Almost eight out of ten poor workers living on under US\$ 1.25 a day are in rural areas, which shows that most jobs in rural areas do not secure sufficient income for workers to feed their families adequately, while the remuneration of salaried employees is generally lower than in urban areas. Finally, fewer than 20 per cent of agricultural workers have access to basic social protection.

FORCED LABOUR



Although forced labour is universally condemned, ILO estimates show that 24.9 million people around the world are still subjected to it. Of the total number of victims of forced labour, 20.8 million (83 per cent) are exploited in the private economy, by individuals or enterprises, and the remaining 4.1 million (17 per cent) are in State-imposed forms of forced labour. Among those exploited by private individuals or enterprises, 8 million (29 per cent) are victims of forced sexual exploitation and 12 million (64 per cent) of forced labour exploitation. Forced labour in the private economy generates some US\$ 150 billion in illegal profits every year: two thirds of the estimated total (or US\$ 99 billion) comes from commercial sexual exploitation, while another US\$ 51 billion is a result from forced economic exploitation in domestic work, agriculture and other economic activities.¹⁰

Vestiges of slavery are still found in some parts of Africa, while forced labour in the form of coercive recruitment is present in many countries of Latin America, in certain areas of the Caribbean and in other parts of the world. In numerous countries, domestic workers are trapped in situations of forced labour, and in many cases they are restrained from leaving the employers' home through threats or violence. Bonded labour persists in South Asia, where millions of men, women and children are tied to their work through a vicious circle of debt. In Europe and North America, a considerable number of women and children are victims of traffickers, who sell them to networks of forced prostitution or clandestine sweatshops. Finally, forced labour is still used as a punishment for expressing political views.

For many governments around the world, the elimination of forced labour remains an important challenge in the 21st century. Not only is forced labour a serious violation of a fundamental human right, it is a leading cause of poverty and a hindrance to economic development. ILO standards on forced labour, associated with well-targeted technical assistance, are the main tools at the international level to combat this scourge.

Relevant ILO instruments

Forced Labour Convention, 1930 (No. 29)

This fundamental Convention prohibits all forms of forced or compulsory labour, which is defined as “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 himself voluntarily.” Exceptions are provided for work required under compulsory military service, normal civic obligations, as a consequence of a conviction in a court of law (provided that the work or service in question is carried out under the supervision and control of a public authority and that the person is not hired to or placed at the disposal of private individuals, companies or associations), in cases of emergency, and for minor communal services performed by the members of the community in the direct interest of the community. The Convention also requires the exaction of forced labour to be punishable as a penal offence, and ratifying States to ensure that the relevant penalties imposed by law are adequate and strictly enforced.

Abolition of Forced Labour Convention, 1957 (No. 105)

This fundamental Convention prohibits forced or compulsory labour 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; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination.

While these two instruments are among the most ratified, the persistence of practices of forced labour on a large scale reveals the existence of gaps in their implementation. This led the Governing Body to request the International Labour Conference to hold a discussion in June 2014 to examine the adoption of an instrument to supplement Convention No. 29. The result was the adoption of the **Protocol of 2014 to the Forced Labour Convention, 1930; and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)**.

The Protocol of 2014 on forced labour is a legally binding instrument that aims to advance prevention, protection and compensation measures, and to intensify efforts to eliminate contemporary forms of slavery. The Protocol entered into force in November 2016 and as of 30 November 2018 had already been ratified by 27 countries.

Forced labour in practice

The ILO supervisory bodies have emphasized on numerous occasions the importance of adopting an overall national strategy to combat forced labour with a view to ensuring that comprehensive and concerted action is taken by the various responsible public agencies, with particular reference to labour inspection, law enforcement and the investigation services. A clear national policy against forced labour provides a fundamental point of departure for action to prevent and suppress forced labour and protect its victims, with particular emphasis on identifying priority sectors and occupations, raising public awareness, developing institutional capacity and coordination, protecting victims and ensuring their access to justice and compensation. All of these aspects were developed in the Protocol of 2014 and States are beginning to report the measures taken in these various areas. The Committee of Experts has already noted the initiatives taken in a very large number of countries for the implementation of a coordinated multi-sectoral approach, particularly to combat trafficking in persons, including:

- In El Salvador, the adoption of a special Act to combat trafficking in persons (Decree No. 824 of 16 October 2014). The Act includes a broad definition of the crime of trafficking in persons and provides that the national policy to combat trafficking in persons shall be based on the following strategic elements: the detection, prevention and punishment of the crime of trafficking in persons, the comprehensive assistance and protection of victims and the restoration of their rights, as well as coordination and cooperation.
- In the United Kingdom, the adoption in 2015 of the Modern Slavery Act, which defines the elements that constitute the offences of slavery, servitude, forced and compulsory labour, and human trafficking. The Act also provides for the establishment of an Independent Anti-Slavery Commissioner; it strengthens the powers of the law enforcement authorities by allowing the courts to issue prevention orders, confiscate property, and issue compensation orders requiring offenders to pay compensation to victims; it requires businesses to publish an annual statement on the steps taken to ensure that modern slavery does not take place in their organization or their supply chains.

CHILD LABOUR

Child labour is a violation of fundamental human rights and has been shown to hinder children's development, potentially leading to lifelong physical or psychological damage. Evidence points to a strong link between household poverty and child labour, and child labour perpetuates poverty across generations by keeping the children of the poor out of school and limiting their prospects for upward social mobility. This lowering of human capital has been linked to slow economic growth and social development. Recent ILO studies have shown that the elimination of child labour in transition and developing economies could generate economic benefits much greater than the costs, which are mostly associated with investment in better schooling and social services. The fundamental ILO standards on child labour are the two legal pillars of global action to combat child labour.

Relevant ILO instruments

Minimum Age Convention, 1973 (No. 138)

This fundamental Convention sets the general minimum age for admission to employment or work at 15 years (13 for light work) and the minimum age for hazardous work at 18 (16 under certain strict conditions). It provides for the possibility of initially setting the general minimum age at 14 (12 for light work) where the economy and educational facilities of the country are insufficiently developed.

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

This fundamental Convention defines a "child" as any person under 18 years of age. It requires ratifying States to eliminate the worst forms of child labour, including: all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; child prostitution and pornography; the use of children for illicit activities, in particular for the production and trafficking of drugs; and work which is likely to harm the health, safety or morals of children. The Convention requires ratifying States to provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. It also requires States to ensure access to free basic education and, wherever possible and appropriate, vocational training for children removed from the worst forms of child labour.



On 1st January 2019, 171 countries had ratified Convention No. 138 and 182 countries had ratified Convention No. 182. Only five further ratifications were therefore required to achieve the universal ratification of Convention No. 182.

Child labour in numbers

The ILO estimates that 152 million children worldwide are engaged in child labour, accounting for almost 10 per cent of the child population as a whole. Approximately 73 million children between the ages of 5 and 17 are engaged in hazardous work: 35.4 million children between the ages of 5 and 14, and 37.1 million between the ages of 14 and 17. Child labour is most prevalent in the agricultural sector, which accounts for 71 per cent of all those in child labour, representing around 108 million children. While much remains to be done, progress has been achieved: the number of child labourers fell by over one-third between 2000 and 2016, with a reduction of approximately 94 million children.¹¹

By region, there remain:

72.1 million child labourers (between the ages of 5 à 17) in Africa

62.1 million in Asia and the Pacific

10.7 million in the Americas

1.2 million in the Arab States

5.5 million in Europe and Central Asia



The fight against child labour is by no means limited to the poorest countries. While the incidence of child labour is highest in the poorer countries (19.4 per cent of children in low-income countries are engaged in child labour, compared with 8.5 per cent in lower middle-income countries, 6.6 per cent in upper middle-income countries and 1.2 per cent in higher-income countries), middle-income countries account for the largest number of child labourers.

The latest ILO estimates of global child labour rates show that middle-income countries represent a total of 84 million child labourers, compared with 65 million in low-income countries. These statistics show clearly that, while poorer countries require particular attention, the fight against child labour will not be won by focusing solely on the poorest countries.

Child labour standards in practice: Action to combat child labour in Uzbekistan and Brazil

Convention No. 182 constitutes a commitment to eliminating the worst forms of child labour, including the use of children in armed conflict. In 2008, Uzbekistan ratified Convention No. 182. For several years, both the Committee of Experts and the Conference Committee on the Application of Standards had been drawing the Government's attention to the situation of children subjected to forced labour under hazardous conditions in cotton production. In 2013, the Government adopted and implemented a plan of supplementary measures for the implementation of Conventions Nos 29 and 182. In 2015, the National Coordination Council on Child Labour established a monitoring mechanism which receives and investigates complaints. The employment of students under 18 years of age in the cotton harvest was also prohibited by the Cabinet of Ministers at its meeting in June 2016. The results of the joint monitoring and enterprise supervision undertaken by the ILO and the Government of Uzbekistan since 2013 show significant progress towards the full application of the Convention. In general, there is no longer any child labour during the cotton harvest. The Government of Uzbekistan has also undertaken to remain particularly vigilant concerning this situation. Convention No. 182 has now almost achieved universal ratification, reflecting the overwhelming consensus that certain forms of child labour demand urgent and immediate action for their elimination.

Since ratifying Convention No. 182 in 2000 and Convention No. 138 in 2001, Brazil has made tremendous strides towards the elimination of child labour. The rate of economic activity of children between the ages of 7 and 17 years fell from 19 to 5 per cent between 1992 and 2015, while school attendance rose from 80 to 95 per cent.¹² This progress was achieved through a systematic and integrated approach which encompassed policy reforms, a successful cash transfer programme conditional on school attendance and the strengthening of an equipped and trained labour inspectorate, including the establishment of special mobile inspection groups.

No society is free from discrimination. Indeed, discrimination in employment and occupation is a universal and permanently evolving phenomenon. Millions of women and men around the world are denied access to jobs and training, receive low wages or are restricted to certain occupations simply on the basis of their sex, skin colour, ethnicity or beliefs, without regard to their capabilities and skills. In a number of developed countries, for example, women workers still earn between 20 and 25 per cent less than male colleagues performing equal work or work of equal value, which shows how slow progress has been over recent years in this regard. Freedom from discrimination is a fundamental human right and is essential for workers to be able to choose their employment freely, develop their potential to the full and reap economic rewards on the basis of merit. Bringing equality to the workplace also has significant economic benefits. Employers who practice equality have access to a larger, more diverse and higher quality workforce. Workers who enjoy equality have greater access to training and often receive higher wages. The profits of a globalized economy are more fairly distributed in a society with equality, leading to greater social stability and broader public support for further economic development.¹³ ILO standards on equality provide tools to eliminate discrimination in all aspects of work and in society as a whole. They also provide the basis upon which gender mainstreaming strategies can be applied in the field of labour.

Relevant ILO instruments

Equal Remuneration Convention, 1951 (No. 100)

This fundamental Convention requires ratifying countries to ensure the application of the principle of equal remuneration for men and women workers for work of equal value. The term “remuneration” is broadly defined to include the ordinary, basic or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment.



In its 2012 General Survey on the fundamental Conventions concerning rights at work in light of the 2008 ILO Declaration on Social Justice for a Fair Globalization, the Committee of Experts reiterated the principles already set out in its 2007 General Observation on the Equal Remuneration Convention, 1951 (No, 100), with respect to the concept of “work of equal value”, and recalled that: “While equal remuneration for men and women for work of equal value is a principle that is widely accepted, the scope of the concept and its application in practice have been more difficult to grasp and apply in some countries. [...] The Committee has noted that difficulties in applying the Convention in law and practice result in particular from a lack of understanding of the concept of ‘work of equal value’. [...] The concept of ‘work of equal value’ lies at the heart of the fundamental right of equal remuneration for men and women for work of equal value, and the promotion of equality.”

Noting that many countries still retain legal provisions that are narrower than the principle laid down in the Convention, as they do not give expression to the concept of “work of equal value”, and that such provisions hinder progress in eradicating gender-based pay discrimination, the Committee of Experts again urged the governments of those countries to take the necessary steps to amend their legislation.

Such legislation should not only provide for equal remuneration for equal, the same or similar work, but should also address situations where men and women perform different work that is nevertheless of “equal value”. In order to determine whether two jobs are of equal value, it is necessary to adopt some method to measure and compare their relative value taking into account factors such as skill, effort, responsibilities and working conditions. The Convention does not prescribe, however, a specific method to carry out this objective job evaluation.

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

This fundamental Convention defines discrimination as “any distinction, exclusion or preference made 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 or treatment in employment or occupation”. The Convention also provides for the possibility of extending the list of prohibited grounds of discrimination after consultation with representative employers’ and workers’ organizations, and relevant bodies. National legislation has included, in recent years, a broad range of additional prohibited grounds of discrimination, including real or perceived HIV status, age, disability, sexual orientation and gender identity. The Convention covers discrimination in relation to access to education and vocational training, access to employment and to particular occupations, as well as terms and conditions of employment. It requires ratifying States to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in these fields. This policy and the measures adopted should be continually assessed and reviewed in order to ensure that they remain appropriate and effective in a regularly changing context.

In its General Survey of 2012, the Committee of Experts emphasized that the “Convention requires the national equality policy to be effective. It should therefore be clearly stated, which implies that programmes should be or have been set up, all discriminatory laws and administrative practices are repealed or modified, stereotyped behaviours and prejudicial attitudes are addressed and a climate of tolerance promoted, and monitoring put in place. Measures to address discrimination, in law and in practice, should be concrete and specific. They should make an effective contribution to the elimination of direct and indirect discrimination and the promotion of equality of opportunity and treatment for all categories of workers, in all aspects of employment and occupation and in respect of all the grounds covered by the Convention. Treating certain groups differently may be required to eliminate discrimination and to achieve substantive equality for all groups covered by the Convention.”

Workers with Family Responsibilities Convention, 1981 (No. 156)

With a view to creating effective equality of opportunity and treatment for men and women workers, the Convention requires ratifying States to make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities. The Convention also requires governments to take into account the needs of workers with family responsibilities in community planning and to develop or promote community services, public or private, such as child-care and family services and facilities.

In addition to these standards, numerous other ILO standards include provisions on equality in relation to the specific topic that they cover.

TRIPARTITE CONSULTATION

The ILO is based on the principle of tripartism – dialogue and cooperation between governments, employers and workers – in the formulation of standards and policies dealing with labour matters. International labour standards are created and supervised through a tripartite structure that makes the ILO unique in the United Nations system. The tripartite approach to adopting standards ensures that they have broad support from all ILO constituents.

Tripartism with regard to ILO standards is also important at the national level. Through regular tripartite consultations, governments can ensure that ILO standards are formulated, applied and supervised with the participation of employers and workers. ILO standards on tripartite consultation set forth the framework for effective national tripartite consultations. Such consultations can ensure greater cooperation among the social partners and stronger awareness and participation in matters relating to international labour standards, and can lead to better governance and a greater culture of social dialogue on wider social and economic issues.

Because of the importance of tripartism, the ILO has made the ratification and implementation of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144), a priority. The 2008 Declaration on Social Justice for a Fair Globalization emphasizes the key role of this instrument (together with Conventions Nos 81, 122 and 129) from the viewpoint of governance.



Relevant ILO instrument

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

This governance Convention defines the concept of “representative organisations of employers and workers” and requires ratifying States to operate procedures that ensure effective consultations between representatives of the government, of employers and of workers on matters concerning items on the agenda of the International Labour Conference, the submission to the competent national authorities of newly adopted ILO standards, the re-examination of unratified Conventions and of Recommendations, reports on ratified Conventions and proposals for the denunciation of ratified Conventions. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken, and consultations shall take place at least once a year.

ILO standards in practice: social dialogue in Tunisia, Djibouti and the Philippines

In February 2013, shortly after the adoption of its new Constitution and just over a year after the signing of the social contract between the Government of Tunisia, the Tunisian Union of Industry, Trade and Handicrafts (UTICA) and the Tunisian General Labour Union (UGTT), Tunisia became the 136th ILO member State to ratify Convention No. 144. A few years after the events of the “Arab Spring”, this ratification foreshadowed the beginning of a new era for the development of tripartism and social dialogue as a key element of democracy in the country.

Following tripartite consultations in 2016, the tripartite partners in Djibouti took the decision unanimously to ratify the Maritime Labour Convention, 2006 (MLC, 2006), and the Protocol of 2014 to the Forced Labour Convention, 1930, which were both ratified in 2018.

In the Philippines, broad tripartite consultation led to the ratification in 2017 of the Labour Relations (Public Service) Convention, 1978 (No. 151).

International labour standards are usually applied through national law and policy. It is therefore vital for each country to maintain a viable and active labour administration system responsible for all aspects of national labour policy formulation and implementation. In addition to promoting labour administration systems in a variety of forms, ILO standards also encourage the collection of labour statistics, which are invaluable in identifying needs and formulating labour policy at both the national and international levels. While labour administrations exist in most countries around the world, many of them face financial and material difficulties. Adequate financing of labour administration systems is therefore necessary to maintain and strengthen this important development tool.

Relevant ILO instruments

Labour Administration Convention, 1978 (No. 150)

Ratifying countries are required to ensure, in a manner appropriate to national conditions, the organization and effective operation in their territory of a system of labour administration, the functions and responsibilities of which are properly coordinated. The labour administration system shall be responsible for the formulation, implementation and supervision of national labour standards; employment and human resources development; studies, research and statistics on labour; and shall provide support for labour relations. Participation by workers and employers and their respective organizations in relation to national labour policy shall also be ensured. Labour administration staff shall have the status, material means and financial resources necessary for the effective performance of their duties.

Labour Statistics Convention, 1985 (No. 160)

Ratifying countries are required to regularly collect, compile and publish basic labour statistics, which shall be progressively expanded, in accordance with their resources, to the economically active population, employment, unemployment and, where possible, visible underemployment; the structure and distribution of the economically active population; average earnings and hours of work (hours actually worked or hours paid for)



and, where appropriate, time rates of wages and normal hours of work; wage structure and distribution; labour cost; consumer price indices; household expenditure or, where appropriate, family expenditure and, where possible, household income or, where appropriate, family income; occupational injuries and, as far as possible, occupational diseases; and industrial disputes.

LABOUR INSPECTION

The proper application of labour legislation depends on an effective labour inspectorate. Labour inspectors examine how national labour standards are applied in the workplace and advise employers and workers on how to improve the application of national law in such areas as working time, wages, occupational safety and health, and child labour. In addition, labour inspectors bring to the notice of national authorities gaps and defects in national law. They play an important role in ensuring that labour law is applied equally to all employers and workers. Because the international community recognizes the importance of labour inspection, the ILO has made the promotion of the ratification of the two labour inspection Conventions (Nos 81 and 129) a priority. On 1st January 2019, 146 countries (nearly 80 per cent of ILO member States) had ratified the Labour Inspection Convention, 1947 (No. 81), and 53 had ratified Convention No. 129.

Nevertheless, challenges remain in countries where labour inspection systems are underfunded and understaffed, and consequently unable to do their job. Some estimates indicate that in certain developing countries less than 1 per cent of the national budget is allocated to labour administration, of which labour inspection systems receive only a small fraction. Other studies show that the costs resulting from occupational accidents and illnesses, absenteeism, abuse of workers and labour disputes can be much higher. Labour inspection can help prevent these problems and thereby enhance productivity and economic development.

Relevant ILO instruments

Labour Inspection Convention, 1947 (No. 81)

This governance Convention requires ratifying States to maintain a system of labour inspection for workplaces in industry and commerce; States can make exceptions with regard to mining and transport. It sets out a series of principles respecting the determination of the fields of legislation covered by labour inspection, the functions and organization of the system of inspection, recruitment criteria, the status and terms and conditions of service of labour inspectors, and their powers and obligations. The labour inspectorate has to publish and communicate to the ILO an annual report indicating the general functioning of its services on a number of issues.



Protocol of 1995 to the Labour Inspection Convention, 1947

Each State that ratifies this protocol undertakes to extend the application of the provisions of the Labour Inspection Convention, 1947 (No. 81), to workplaces considered as non-commercial, which means neither industrial nor commercial within the meaning of the Convention. It also allows ratifying States to make special arrangements for the inspection of enumerated public services.

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

This governance Convention, similar in content to Convention No. 81, requires ratifying States to establish and maintain a system of labour inspection in agriculture. Labour inspection coverage may also be extended to tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers; persons participating in a collective economic enterprise, such as members of a cooperative; or members of the family of the operator of the agricultural undertaking, as defined by national laws or regulations.


Labour inspection and the informal economy

The informal economy accounts for over half of the global workforce and more than 90 per cent of micro- and small enterprises throughout the world. It encompasses a great diversity of situations, employers and workers, most of whom are in the subsistence economy, particularly in developing countries, where the protection afforded by regulation may not be legally applicable, or may not be applied in practice to informal economic units and their workers. The scarce resources of inspection services and the particular challenges related to the informal economy may also result in governments focusing their efforts solely on formal enterprises. In June 2015, the ILO's constituents, in recognition of the fact that, in view of its size, the informal economy in all its forms is a major obstacle to respect for workers' rights, including fundamental principles and rights at work, social protection, decent conditions of work, inclusive development and the primacy of the law, and that it has a detrimental effect on the development of sustainable enterprises, public revenue, State action, particularly in relation to economic, social and environmental policy, as well as institutional solidity and fair competition on national and international markets, adopted at the International Labour Conference the **Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)**.

Formulating deontological principles for labour inspection services

In France, the Decree issuing the Deontological Code for Public Labour Inspection Services entered into force in 2017. The Code reinforces the rules of professional ethics applicable to inspectors and refers specifically to Conventions Nos 81 and 129. It recalls the ethical principles and rules applicable to any public servant, as well as the principles and rules governing labour inspection in light of the nature of its functions and powers based on the objectives of ensuring the trust of users, reinforcing the legitimacy of the service and the protection of citizens, the public service and each of its officials..

EMPLOYMENT POLICY



For most people, the key to escaping poverty is having a job. Recognizing that the development of labour standards without addressing employment would be meaningless, the ILO dedicates a large part of its programme to creating greater opportunities for women and men to secure decent employment and income. To achieve this goal, it promotes international standards on employment policy which, together with technical cooperation programmes, are aimed at achieving full, productive and freely chosen employment. No single policy can be prescribed to attain this objective. Every country, whether developing, developed or in transition, needs to devise its own policies to achieve full employment. ILO standards on employment policy provide a framework for designing and implementing such policies, thereby ensuring maximum access to the jobs needed to provide decent work.

Relevant ILO instrument

Employment Policy Convention, 1964 (No. 122)

This governance Convention requires ratifying States to declare and pursue an active policy designed to promote full, productive and freely chosen employment. Such a policy shall aim to ensure that there is work for all who are available for and seeking work; that such work is as productive as possible; and that there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his or her skills and endowments in a job for which he or she is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin. The Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), adds that the economic and social policies, plans and programmes designed to promote full, productive and freely chosen employment should aim to ensure for all workers equality of opportunity and treatment in respect of access to employment, conditions of employment, vocational guidance and training and career development. Moreover, in view of the difficulties encountered by certain underprivileged groups in finding employment, the Recommendation calls on States to adopt measures to respond to the needs of all categories of persons frequently having difficulties in finding lasting employment, such as women, young workers, persons with disabilities, older workers, the long-term unemployed and migrant workers lawfully within their territory. The policy also has to take duly into account the stage and level of economic

development and the mutual relationships between employment objectives and other economic and social objectives, and shall be pursued by methods that are appropriate to national conditions and practices. The Convention also requires ratifying States to take measures to apply an employment policy in consultation with workers' and employers' representatives, and the representatives of the persons affected by the measures to be taken.

Employment Relationship Recommendation, 2006 (No. 198)

The objective of this Recommendation is to protect workers encountering difficulties in establishing whether an employment relationship exists in situations where the respective rights and obligations of the parties concerned are not clear, where there has been an attempt to disguise the employment relationship, or where inadequacies or limitations exist in the legal framework, or in its interpretation or application. The Recommendation envisages the adoption of a national policy to ensure effective protection for workers who perform work in the context of an employment relationship.

In June 2017, the ILO's constituents, recognizing the importance of employment and decent work in promoting peace, preventing situations of crisis resulting from conflict and disasters, enabling recovery and reinforcing resilience, and emphasizing the need to ensure respect for all human rights and the rule of law, including respect for fundamental principles and rights at work and international labour standards, adopted at the International Labour Conference the **Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)**.

Global Employment Agenda and Follow-up to the 2008 Declaration

In 2003, the ILO Governing Body adopted the Global Employment Agenda, which sets forth ten core elements for the development of a global strategy to boost employment. These include such economic strategies as promoting trade and investment for productive employment and market access for developing countries, sustainable development for sustainable livelihoods, and policy integration in macroeconomic policy. Other core elements include strategies supported by international labour standards, such as the

promotion of cooperatives and small and medium-sized enterprises, training and education, social protection and occupational safety and health, as well as equality and collective bargaining.¹⁴ The follow-up action to the 2008 Declaration on Social Justice for a Fair Globalization includes a scheme of recurrent discussions at the International Labour Conference. As a response to the requirement set out in the Declaration for an integrated approach to help member States meet ILO objectives, it was decided that a recurrent report would be prepared by the Office for discussion at the International Labour Conference. In November 2008, the Governing Body decided on the first of the strategic objectives to be discussed as a recurrent item. Up to now there have been two recurrent discussions by the International Labour Conference on the strategic objective of employment. The first recurrent discussion was held in 2010 on “employment policies for social justice and a fair globalization”. The second recurrent discussion on employment was held in 2014, when the Conference discussed “employment policies for sustainable recovery and development”. The next recurrent discussion on employment will be in 2021.

Convention No. 122 sets out the goal of full, productive and freely chosen employment, while other ILO instruments put forward strategies for attaining this aim. Employment services (public and private), the employment of persons with disabilities, small and medium-sized enterprises and cooperatives all play a part in creating employment. ILO standards in these fields provide guidance on using these means effectively in order to create jobs.

Relevant ILO instruments

Employment Service Convention, 1948 (No. 88)

The Convention requires ratifying States to establish and operate a free employment service, consisting of a national system of employment offices under the direction of a national authority. The close links between Conventions Nos 88 and 122 are clear in Article 1(2) of Convention No. 88, which provides that “[t]he essential duty of the employment service shall be to ensure, in co-operation where necessary with other public and private bodies concerned, the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.” The public employment service should assist workers to find suitable employment and assist employers to find suitable workers. The Convention envisages the adoption of specific measures to respond to the needs of certain categories of workers, such as persons with disabilities and young persons.

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

The Convention sets forth the principles of national policy for the vocational rehabilitation and employment of persons with disabilities and provides for the setting up and evaluation of vocational guidance, vocational training, placement and unemployment services for persons with disabilities. The national policy shall aim at ensuring that appropriate vocational rehabilitation measures are made available to all categories of persons with disabilities, and at promoting employment opportunities for persons with disabilities in the open labour market. The policy shall be based on the principle of equality of opportunity between workers with disabilities and workers generally. The Convention also requires the representative organizations of employers and workers, and the representative organizations of and for persons with disabilities, to be consulted.



Private Employment Agencies Convention, 1997 (No. 181)

Requires ratifying States to ensure that private employment agencies respect the principles of non-discrimination. The Convention provides for cooperation between private and public employment services, general principles to protect jobseekers against unethical or inappropriate practices, and the protection of workers under subcontracting arrangements and workers recruited from abroad. It also applies to temporary work agencies.

Older Workers Recommendation, 1980 (No. 162)

Recommends that older workers should, without discrimination on the grounds of their age, enjoy equality of opportunity and treatment with other workers.

Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)

Recommends member States to adopt measures which are appropriate to national conditions and consistent with national practice to promote small and medium-sized enterprises in view of their importance in promoting employment and sustainable economic growth.

Promotion of Cooperatives Recommendation, 2002 (No. 193)

The objective of this Recommendation is to promote cooperatives, in particular in view of their role in job creation, mobilizing resources and generating investment.

Securing employment for workers with disabilities

Several States that have ratified Convention No. 159 have adopted national policies and laws on vocational rehabilitation and employment for persons with disabilities following consultations with the social partners and representative organizations of persons with disabilities. For example, in 2015, Ireland adopted a global employment strategy for persons with disabilities. Japan and Mongolia have also adopted legislation to eliminate discrimination against persons with disabilities. The Irish Workway programme was the first project in Europe to adopt a partnership approach in response to high unemployment among people with disabilities. It was established in 2001 under the Programme for Prosperity and Fairness. Workway aims to raise awareness and promote the employment of people with disabilities in the private sector. In order to do so, the programme operates through tripartite local networks established in the four regions of the country. The programme is co-funded by the Irish Government and the European Commission. Tripartism and social dialogue were also central to the efforts made by Iceland through the adoption of specific legislation on disability and the creation of a vocational rehabilitation fund (VIRK). The origins of the legislation go back to the collective agreements of 2008, which included provisions on the development of new rehabilitation arrangements for workers who fell ill for long periods or suffered accidents resulting in a reduction of their working capacity. The VIRK was also established to give effect to an agreement reached by the social partners for a special contribution by employers.

Youth employment: Challenges and prospects

In 2012, the general discussion at the International Labour Conference reviewed the magnitude and characteristics of the youth employment crisis. It considered in particular the high levels of unemployment and underemployment, the decline in the quality of jobs available for young people, their detachment from the labour market and slow and difficult transitions to decent work. Following the discussion, a resolution was adopted calling for immediate, targeted and renewed action to address the youth employment crisis. The resolution recognizes that international labour standards play an important role in protecting the rights of young workers. It also includes an appendix listing the international labour standards relevant to work and young persons. Data in the *Global Employment Trends 2017* report confirms that young persons are three times more likely than adults to be unemployed. And when young women and men find work, the quality of the work is a cause for concern, and young persons are twice as likely to be in precarious employment. The Committee of Experts has emphasized that the challenges faced by young persons in finding lasting employment are worse for the categories who are most exposed to decent work deficits, including young women, who are often affected by higher unemployment rates than young men, as well as young persons with disabilities and others. However, the Committee of Experts has noted the efforts made in certain countries through policies and programmes to promote youth employment and create quality jobs.

Education and training are key to making people employable, thereby allowing them to gain access to decent work and to escape poverty. To compete in today's global economy, workers and employers need to be especially well trained in information and communication technologies, new forms of business organization and the workings of international markets. Societies aiming to attain full employment and sustained economic growth therefore need to invest in education and human resources development. By providing basic education, core work skills and lifelong learning opportunities for their entire working population, countries can help to ensure that workers can maintain and improve their employability, resulting in a more skilled and productive workforce. Nevertheless, major gaps in education and access to information technology persist between and within countries. ILO standards encourage countries to develop sound human resources practices and training policies that are beneficial to all the social partners. Because of the continued importance of this topic, in 2004 the International Labour Conference adopted an updated Human Resources Development Recommendation, 2004 (No. 195), which focusses on education, training and lifelong learning.

Relevant ILO instruments

Paid Educational Leave Convention, 1974 (No. 140)

The Convention requires ratifying States to formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice, and by stages as necessary, the granting of paid educational leave for the purpose of training at any level, general, social and civic education, and trade union education.

Human Resources Development Convention, 1975 (No. 142)

The instrument requires ratifying States to develop policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services. For this purpose, they are required to develop complementary systems of general, technical and vocational education, educational and vocational guidance and vocational training, and to extend them gradually to young persons and adults, including appropriate programmes for persons with disabilities.



Education and training in practice

By investing in human resources, enterprises can improve productivity and compete more successfully in world markets. One study has found that in Denmark, for instance, enterprises which combined production innovations with targeted training were more likely to report growth in output, jobs and labour productivity than companies that did not pursue such strategies. Studies on Germany, Italy, Japan and the United States have reached similar conclusions. Training benefits not only the individual worker but, by increasing her or his productivity and skills level, the employer reaps the rewards as well.¹⁵

The 2010 General Survey on the employment instruments refers to the critical relation between Convention No. 142, as complemented by Recommendation No. 195, the attainment of full employment and decent work, and the realization of the right to education for all. The General Survey also acknowledges the important role of Convention No. 142 in combating discrimination. The Committee of Experts observed that there is a growing problem of unemployment among educated workers, particularly young university graduates, who are experiencing increasing difficulties in finding secure employment commensurate with their skills level. This is an issue for both advanced market economies and developing countries. The Committee of Experts has encouraged governments to develop job creation and career guidance policies targeted at this new category of the educated unemployed.



The termination of an employment relationship is likely to be a traumatic experience for a worker and the loss of income has a direct impact on her or his family's well-being. As more countries seek employment flexibility and globalization destabilizes traditional employment patterns, more workers are likely to face involuntary termination of employment at some point in their professional lifetime. At the same time, the flexibility to reduce staff and to dismiss unsatisfactory workers is a necessary measure for employers to keep enterprises productive. ILO standards on termination of employment seek to find a balance between maintaining the employer's right to dismiss workers for valid reasons and ensuring that such dismissals are fair and are used as a last resort, and that they do not have a disproportionately negative impact on the worker.

Relevant ILO instrument

Termination of Employment Convention, 1982 (No. 158)

This instrument sets forth the principle that the employment of a worker should not be terminated unless there is a valid reason for such termination connected with the worker's capacity or conduct, or based on the operational requirements of the enterprise, establishment or service. Reasons for dismissal not considered valid include those based on union membership or participation in union activities, the filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, or absence from work during maternity leave. If an individual worker is dismissed, he or she shall have the right to defend him or herself against any allegations. In cases of collective dismissals, governments should encourage employers to consult workers' representatives and develop alternatives to mass lay-offs (such as hiring freezes or working time reductions). The Convention also covers matters related to severance pay, the period of notice, appeal procedures against dismissal, unemployment insurance and the advance warning to be given to the authorities in cases of mass dismissals.¹⁶

SOCIAL POLICY

The ILO Constitution, in the Declaration of Philadelphia, provides that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, and that the fulfilment of this objective “must constitute the central aim of national and international policy”. Social policy formulated through dialogue between the social partners has the best chance of achieving the aims agreed upon by the international community. Relevant ILO standards provide a framework for creating social policies which ensure that economic development benefits all those who participate in it.

Relevant ILO instruments

Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

This Convention aims to ensure compliance with minimum labour standards in the execution of public contracts.

Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

The Convention sets forth the general principle that all policies shall be primarily directed at the well-being and development of the population and the promotion of its desire for social progress. Furthermore, the improvement of standards of living shall be regarded as the principal objective in the planning of economic development. It also sets out additional requirements concerning migrant workers, agricultural producers, independent producers and wage earners, minimum wage-fixing and the payment of wages, non-discrimination, and education and vocational training.



WAGES

With working time, wages are among conditions of work that have the most direct and tangible effect on the everyday life of workers. Although wages are necessary for the maintenance of workers and their families, in many parts of the world access to adequate and regular wages is not guaranteed.

Indeed, in certain countries, wage arrears continue to be a problem. In some cases, workers who have not received their wages are never paid due to the bankruptcy of the enterprise. Problems can also arise in cases where part of wages, and sometimes a large part, are paid in kind. Such situations push the workers concerned into poverty. In certain cases, these practices may even expose them to the risk of debt bondage or forced labour.

The principle of the provision of an adequate living wage was already set out in the Treaty of Versailles. Following the erosion of purchasing power as a result of the 2008 economic crisis, the ILO considered it important to emphasize the link between minimum wage-fixing and action to combat poverty. Accordingly, the Global Jobs Pact, adopted by the International Labour Conference in 2009, makes several references to minimum wages as one of the means of responding to the international economic crisis. The regular adjustment of wages, in consultation with the social partners, is identified in the Pact as one of means of reducing inequality, increasing demand and contributing to economic stability.

ILO standards on wages address all of these issues. They provide for the regular payment of wages, the protection of wages in the event of the insolvency of the employer and the fixing of minimum wage levels.



Relevant ILO instruments

Protection of Wages Convention, 1949 (No. 95)

Wages shall be paid in legal tender at regular intervals; in cases where partial payment of wages is in kind, the value of such allowances should be fair and reasonable. Workers shall be free to dispose of their wages as they choose. In cases of employer insolvency, wages shall enjoy a priority in the distribution of liquidated assets.

Minim Wage Fixing Convention, 1970 (No. 131)

The Convention requires ratifying States to establish minimum wage fixing machinery to determine, periodically review and adjust minimum wage rates having the force of law.

Protection of Workers' Claims Convention, 1992 (No. 173)

The Convention provides for the protection of wage claims in insolvency and bankruptcy proceedings by means of a privilege or through a guarantee institution.

Also relevant:

Equal Remuneration Convention, 1951 (No. 100)

The Convention lays down the principle of equal remuneration for men and women workers for work of equal value.

Wage policies and sustainable development

As part of its Decent Work Agenda, the ILO encourages member States to adopt a minimum wage to reduce poverty and provide social protection for workers. The adoption of appropriate wage policies is also identified as a means of implementing the Sustainable Development Agenda 2030. SDG 8 is to “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”, with emphasis on ensuring equal pay for work of equal value for everyone. SDG 10 aims to “Reduce inequality within and among countries” and places emphasis on the progressive achievement of greater equality. The ILO analyses wage trends throughout the world and regularly publishes a *Global Wage Report*. The **2016/17 edition** of the report found that, following the 2008-09 financial crisis, real wage growth in the world recovered in 2010, but has since slowed down and has even been reversed in some countries. One of the conclusions of the report is that on average wage growth has fallen behind labour productivity growth (the average value of the goods and services produced by workers). The report also notes that in recent years several countries have introduced or strengthened minimum wages as a means of supporting low-paid workers and reducing wage inequality. According to the report, when they are set at an adequate level, minimum wages can have the effect of raising the income of low-paid workers, many of whom are women, without significant negative effects on employment. Finally, the report finds that the inclusion of wage policy on the agenda of recent meetings of the G20 is a positive development, and recalls that the G20 has called for the establishment of the principles of a sustainable wage policy to strengthen labour market institutions and policies, including the minimum wage and collective bargaining, so that wage increases better reflect productivity growth.

In 2016, the ILO published a *Minimum wage policy guide*, which describes the diversity of practices and identifies the various options, based on national preferences and situations. Without seeking to promote a particular model, the Guide emphasizes essential principles and good practices for minimum wage fixing and provides examples of the advantages and disadvantages of the various options. The Guide was published following the preparation of a *General Survey on minimum wages* (2014), in which the Committee of Experts concluded that the objectives, principles and methods set out in Convention No. 131 remain as relevant today as when the Convention was adopted in 1970 and are adapted to public policies aimed at reconciling the objectives of economic development with the principles of social justice.

WORKING TIME

The regulation of working time is one of the oldest concerns of labour legislation. Already in the early 19th century it was recognized that working excessive hours posed a danger to workers' health and to their families. The very first ILO Convention, adopted in 1919 (see below), limited hours of work. Today, ILO standards on working time provide the framework for regulated hours of work, weekly rest periods, annual holidays, night work and part-time work. These instruments ensure high productivity while safeguarding workers' physical and mental health. Standards on part-time work have become increasingly important instruments for addressing such issues as job creation and the promotion of equality between men and women.

Relevant ILO instruments

Hours of Work (Industry) Convention, 1919 (No. 1)

Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)

These two Conventions set the general standard of 48 hours of work a week, with a maximum of eight hours a day.

Forty-Hour Week Convention, 1935 (No. 47)

Reduction of Hours of Work Recommendation, 1962 (No. 116)

These instruments set out the principle of the 40 hour working week.

Weekly Rest (Industry) Convention, 1921 (No. 14)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

These instruments set the general standard that workers shall enjoy a rest period of at least 24 consecutive hours every seven days.

Holidays with Pay Convention, 1970 (No. 132)

This Convention provides that every person to whom it applies shall enjoy at least three working weeks of annual paid holiday for one year of service.



Working time in the 21st century

In view of the importance of working time issues in the context of the current transformations in the world of work, the Governing Body decided that the **2018 General Survey** would cover the ILO's working time instruments. In this vast General Survey, the Committee of Experts observes that, while new working-time arrangements, such as on-call work, telework and the platform economy, may offer advantages for both workers and employers, they are also associated with a number of disadvantages, including the encroachment of work on rest periods, the unpredictability of working hours, income insecurity and the stress associated with the perceived need to be constantly connected to work. It is therefore important for these issues to be regulated by national legislation, taking into account both the needs of workers in relation to their physical and mental health and work–life balance, and the flexibility requirements of enterprises. The Committee of Experts also observed that, while national legislation of the countries reviewed broadly recognizes weekly limits on hours of work, daily limits are not clearly set in many countries and that the circumstances that justify recourse to exceptions to normal statutory hours of work are not always clearly defined, or go beyond those recognized in ILO instruments. Moreover, the limits on the number of additional hours allowed in law and practice often go beyond the reasonable limits required by the Conventions, and additional hours are often not compensated either financially or with time off. The Committee of Experts also noted that, although the principle of weekly rest is widely recognized in national legislation, there are frequent cases of recourse to special weekly rest schemes and a tendency to provide financial compensation for work performed during weekly rest periods, rather than compensatory time off. It further noted that, while the principle of holidays with pay is broadly accepted, there is a trend for qualifying periods to be too long, and a tendency to postpone and divide annual leave into parts, which is in contradiction with the purpose of ensuring that workers benefit from a sufficient period of leave to rest and recover from fatigue. Finally, the Committee of Experts noted that the national legislation in many countries does not yet establish protective measures in relation to night work.

Night Work Convention, 1990 (No. 171)

The Convention requires ratifying States to take measures required by the nature of night work for the protection of night workers, including to protect their health, assist them to meet their family and social responsibilities, provide opportunities for occupational advancement and compensate them appropriately. It also requires alternatives to night work to be offered to women for specified periods during and after pregnancy

Part-Time Work Convention, 1994 (No. 175)

The Convention provides that part-time workers must receive the same protection as that accorded to comparable full-time workers in respect of the right to organize, the right to bargain collectively, occupational safety and health and discrimination in employment and occupation. They must also benefit from equivalent conditions in relation to maternity protection, termination of employment and other terms and conditions of employment.

The ILO Constitution sets forth the principle that workers must be protected from sickness, disease and injury arising from their employment. Yet for millions of workers the reality is very different. According to the most recent ILO global estimates, 2.78 million work-related deaths are recorded every year, of which 2.4 million are related to occupational diseases. In addition to the immense suffering caused for workers and their families, the associated economic costs are colossal for enterprises, countries and the world. The losses in terms of compensation, lost work days, interrupted production, training and reconversion, as well as health-care expenditure, represent around 3.94 per cent of the world's annual GDP.¹⁷ Employers face costly early retirements, loss of skilled staff, absenteeism and high insurance premiums. Yet, many of these tragedies are preventable through the implementation of sound prevention, reporting and inspection practices. ILO standards on occupational safety and health provide essential tools for governments, employers and workers to establish such practices and provide for maximum safety at work.

Relevant ILO instruments

The ILO has adopted more than 40 Conventions and Recommendations specifically dealing with occupational safety and health, as well as over 40 codes of practice. Moreover, nearly half of ILO instruments deal directly or indirectly with occupational safety and health issues.

Fundamental principles of occupational safety and health

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

As an instrument setting out a promotional framework, this Convention is designed to provide for coherent and systematic treatment of occupational safety and health issues and to promote recognition of existing Conventions on occupational safety and health. The Convention is aimed at establishing and implementing coherent national policies on occupational safety and



health through dialogue between government, workers' and employers' organizations and to promote a national preventive safety and health culture. It entered into force in early 2008 and has already been ratified by nearly 50 member States.

Occupational Safety and Health Convention, 1981 (No. 155), and its Protocol of 2002

The Convention provides for the adoption of a coherent national occupational safety and health policy, as well as action to be taken by governments and within enterprises to promote occupational safety and health and improve working conditions. This policy shall be developed taking into consideration national conditions and practice. The Protocol calls for the establishment and periodic review of requirements and procedures for the recording and notification of occupational accidents and diseases, and the publication of related annual statistics.

Occupational Health Services Convention, 1985 (No. 161)

This Convention provides for the establishment of enterprise-level occupational health services which are entrusted with essentially preventive functions and are responsible for advising the employer, workers and their representatives in the enterprise on maintaining a safe and healthy working environment.

Safety and health in particular branches of economic activity

Hygiene (Commerce and Offices) Convention, 1964 (No. 120)

The objective of this instrument is to preserve the health and welfare of workers employed in trading establishments, and establishments, institutions and administrative services in which workers are mainly engaged in office work and other related services through elementary hygiene measures responding to the requirements of welfare at the workplace.

Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)

See under dockworkers.

Safety and Health in Construction Convention, 1988 (No. 167)

The Convention sets out detailed technical preventive and protective measures having due regard to the specific requirements of the sector. These measures relate to the safety of workplaces, machines and the equipment used, work at heights and work executed in compressed air.

Safety and Health in Mines Convention, 1995 (176)

This instrument regulates the various aspects of safety and health characteristic of work in mines, including inspection, special working devices and protective equipment for workers. It also prescribes requirements relating to mine rescue.

Safety and Health in Agriculture Convention, 2001 (No. 184)

The objective of this Convention is the prevention of accidents and injury to health arising out of, linked with or occurring in the course of agricultural and forestry work. The Convention therefore sets out measures relating to machinery safety and ergonomics, the handling and transport of materials, the sound management of chemicals, animal handling, protection against biological risks, and welfare and accommodation facilities.

Protection against specific risks

Radiation Protection Convention, 1960 (No. 115)

The objective of the Convention is to set out basic requirements for the protection of workers against the risks associated with exposure to ionizing radiations. The protective measures to be taken include the limitation of workers' exposure to ionizing radiations to the lowest practicable level and the avoidance of any unnecessary exposure, as well as the monitoring of the workplace and of workers' health. The Convention also sets out requirements relating to emergency situations that may arise.

Occupational Cancer Convention, 1974 (No. 139)

This instrument aims at the establishment of a mechanism for the adoption of measures to prevent the risks of occupational cancer caused by exposure, generally over a prolonged period, to chemical and physical

agents of various types present in the workplace. For this purpose, ratifying States are required to determine periodically carcinogenic substances and agents to which occupational exposure shall be prohibited or regulated, to make every effort to replace these substances and agents by non or less carcinogenic ones, to prescribe protective and supervisory measures, and to prescribe the necessary medical examinations of workers who are exposed.

Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)

The Convention provides that, as far as possible, the working environment shall be kept free from any hazards due to air pollution, noise or vibration. To achieve this, technical measures shall be applied to enterprises or processes, and where this is not possible, supplementary measures regarding the organization of work shall be taken instead.

Asbestos Convention, 1986 (No. 162)

The Convention aims to prevent the harmful effects of exposure to asbestos on the health of workers by specifying reasonable and practicable methods and techniques to reduce occupational exposure to asbestos to a minimum. With a view to achieving this objective, the Convention enumerates various detailed measures, which are based essentially on the prevention and control of health hazards due to occupational exposure to asbestos, and the protection of workers against these hazards.

Chemicals Convention, 1990 (No. 170)

The Convention provides for the adoption and implementation of a coherent policy on safety in the use of chemicals at work, which includes the production, handling, storage and transport of chemicals, as well as the disposal and treatment of waste chemicals, the release of chemicals resulting from work activities, and the maintenance, repair and cleaning of equipment and containers of chemicals. In addition, it allocates specific responsibilities to suppliers and exporting States.

The current situation with regard to occupational safety and health

In 2017, the Committee of Experts published an important General Survey on the occupational safety and health instruments relating to the promotional framework, construction, mines and agriculture. In the General Survey, the Committee of Experts noted an almost universal recognition of the importance of ensuring safe and secure conditions at work, in general, and in the construction, mining and agriculture sectors in particular. All member States reported measures taken in law or practice to promote occupational safety and health and to protect workers from occupational accidents and diseases, and many reported recent measures to reinvigorate and intensify efforts in this regard.

Safety and health of young workers

On the occasion of the World Day for Safety and Health at Work 2018, the ILO drew attention to the issue of the safety and health of young workers. The 541 million young workers (aged 15-24 years) globally, including 37 million children engaged in hazardous child labour, account for over 15 per cent of the world's labour force and suffer up to a 40 per cent higher rate of non-fatal occupational injuries than adult workers over 25 years of age. Many factors can increase youth vulnerability to occupational safety and health risks, such as their physical and psychological stage of development, lack of work experience and training, limited awareness of work-related hazards and lack of bargaining power, which can lead young workers to accept dangerous tasks or jobs with poor working conditions. The ILO placed emphasis on the critical importance of addressing these challenges and improving safety and health for young workers, not only to promote decent work for youth, but also to link these efforts to action to combat hazardous, and all other forms of child labour.

Codes of practice

ILO codes of practice set out practical guidelines for public authorities, employers, workers, enterprises and specialized occupational safety and health protection bodies (such as enterprise safety committees). They are not legally binding instruments and are not intended to replace the provisions of national laws or regulations, or accepted standards. Codes of practice provide guidance on safety and health at work in certain economic sectors (including construction, opencast mines, coal mines, iron and steel industries, non-ferrous metals industries, agriculture, shipbuilding and ship repairing and forestry), protecting workers against certain hazards (such as radiation, lasers, visual display units, chemicals, asbestos and airborne substances) and certain safety and health measures (e.g. occupational safety and health management systems; ethical guidelines for workers' health surveillance; recording and notification of occupational accidents and diseases; protection of workers' personal data; safety, health and working conditions in the transfer of technology to developing countries).

SOCIAL SECURITY



Social security is a human right which responds to the universal need for protection against certain life risks and social needs. Effective social security systems guarantee income security and health protection, thereby contributing to the prevention and reduction of poverty and inequality, and the promotion of social inclusion and human dignity. They do so through the provision of benefits, in cash or in kind, intended to ensure access to medical care and health services, as well as income security throughout the life cycle, particularly in the event of illness, unemployment, employment injury, maternity, family responsibilities, invalidity, loss of the family breadwinner, as well as during retirement and old age. Social security systems therefore constitute an important investment in the well-being of workers and the community as a whole, and facilitate access to education and vocational training, nutrition and essential goods and services. In relation with other policies, social security contributes to improving productivity and employability, and to economic development. For employers and enterprises, social security helps to maintain a stable workforce that can adapt to changes. Finally, it reinforces social cohesion and therefore contributes to building social peace, inclusive societies and a fair globalization by ensuring decent living conditions for all.

The Conventions and Recommendations which make up the ILO's standards framework on social security are unique: they set out minimum standards of protection to guide the development of benefit schemes and national social security systems, based on good practices from all regions of the world. They are therefore based on the principle that there is no single model for social security, and that it is for each country to develop the required protection. For this purpose, they offer a range of options and flexibility clauses for the progressive achievement of the objective of the universal coverage of the population and of social risks through adequate benefit levels. They also set out guidance on the design, financing, implementation, governance and evaluation of social security schemes and systems, in accordance with a rights-based approach. In a globalizing world, in which individuals are exposed to ever greater economic risks, it is clear that a significant national policy of social protection can contribute to attenuating the many negative effects of crises. It was for this reason that the International Labour Conference adopted a new instrument in 2012,

the Social Protection Floors Recommendation (No. 202). Moreover, the 2019 General Survey, focusing on universal social protection for life in dignity and health, prepared by the Committee of Experts, which will be examined by ILO constituents at the International Labour Conference in 2019, covers this Recommendation.

Relevant ILO instruments

Social Security (Minimum Standards) Convention, 1952 (No. 102)

This Convention sets out minimum standards for the level of social security benefits and the conditions under which they are granted. It covers the nine principal branches of social security, namely medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors' benefits. To ensure that it can be applied in all national circumstances, the Convention offers ratifying States the possibility of ratification by initially accepting at least three of its nine branches and of subsequently accepting obligations under other branches, thereby allowing them to progressively attain all the objectives set out in the Convention. The level of minimum benefits can be determined with reference to the level of wages in the country concerned. Temporary exceptions may also be envisaged for countries where the economy and medical facilities are insufficiently developed, thereby enabling them to restrict the scope of the Convention and the coverage of the benefits provided.

Social Protection Floors Recommendation, 2012 (No. 202)

This instrument provides guidance on introducing or maintaining social protection floors and on implementing social protection floors as part of strategies to extend higher levels of social security to as many people as possible, in accordance with the guidance set out in ILO social security standards.

Equality of Treatment (Social Security) Convention, 1962 (No. 118)

Maintenance of Social Security Rights Convention, 1982 (No. 157)

These instruments provide for certain social security rights and benefits for migrant workers, who risk losing the entitlements to social security benefits that they enjoyed in their country of origin.

Further social security instruments

A later generation of Conventions expands the scope of the protection provided by Convention No. 102. While offering a higher level of protection in terms of the scope and level of benefits to be guaranteed, these instruments authorize certain exceptions which ensure flexibility.

The benefits provided under Convention No. 102 and later Conventions are outlined below. This information does not include provisions on the duration and conditions of entitlement to benefits, the derogations allowed under these instruments or the higher levels of benefits provided by the relevant Recommendations.¹⁸

Medical care

- Convention No. 102: provides for preventive care, general practitioner care, including home visits, specialist care, essential pharmaceutical supplies as prescribed, prenatal, confinement and postnatal care by medical practitioners or qualified midwives, and hospitalization where necessary.
- Convention No. 130: provides for the same benefits as Convention No. 102, plus dental care and medical rehabilitation.

Sickness benefit

- Convention No. 102: periodical payments, corresponding to at least 45 per cent of the reference wage.
- Convention No. 130: periodical payments, corresponding to at least 60 per cent of the reference wage. Also provides for funeral expenses in case of the death of the beneficiary.

Unemployment benefit

- Convention No. 102: periodical payments, corresponding to at least 45 per cent of the reference wage.
- Convention No. 168: periodical payments, corresponding to at least 50 per cent of the reference wage. Beyond the initial period, possibility of applying special rules of calculation. Nevertheless, the total benefits to which the unemployed may be entitled must guarantee them healthy and reasonable living conditions, in accordance with national standards.

Old-age benefit

- Convention No. 102: periodical payments, corresponding to at least 40 per cent of the reference wage. The rates of relevant benefits must be revised following substantial changes in the general level of earnings and/or cost of living.
- Convention No. 128: periodical payments, corresponding to at least 45 per cent of the reference wage. Same conditions as Convention No. 102 relating to the revision of rates.

Employment injury benefit

- Convention No. 102: medical care, periodical payments corresponding to at least 50 per cent of the reference wage in cases of incapacity for work or invalidity. Benefits for widows and dependent children in case of the death of breadwinner with periodical payments corresponding to at least 40 per cent of the reference wage. Possibility of converting periodical payments into a lump sum under certain conditions. Except in the case of incapacity for work, obligation to revise the rates of periodical payments following substantial changes in the cost of living.
- Convention No. 121: same as Convention No. 102, plus certain types of care at the place of work. Periodical payments, corresponding to at least 60 per cent of the reference wage in cases of temporary incapacity for work or invalidity, benefits for widows, disabled and dependent widowers, and dependent children in case of the death of breadwinner, with periodical payments corresponding to at least 50 per cent of the reference wage. Obligation to prescribe a minimum amount for these payments, possibility of converting payments into a lump sum under certain conditions, and supplementary benefits for persons requiring the constant help of a third person.

Family benefit

- Convention No. 102: provides for either periodical payments, or the provision of food, clothing, housing, holidays or domestic help, or a combination of these.

Maternity benefit

- Convention No. 102: medical care, including at least prenatal, confinement and postnatal care, either by medical practitioners or qualified midwives, and hospitalization where necessary; periodical payments, corresponding to at least 45 per cent of the reference wage.
- Convention No. 183: medical benefits, including prenatal, childbirth and postnatal care, as well as hospitalization when necessary; cash benefits to ensure that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living, corresponding to at least two-thirds of previous earnings or a comparable amount.

Invalidity benefit

- Convention No. 102: periodical payments, corresponding to at least 40 per cent of the reference wage; the rates of the relevant benefits must be revised following substantial changes in the general level of earnings and/or the cost of living.
- Convention No. 128: periodical payments, corresponding to at least 50 per cent of the reference wage; the rates of relevant benefits must be revised following substantial changes in the general level of earnings and/or the cost of living. Obligation to provide rehabilitation services and to take measures to facilitate the placement of persons with disabilities in suitable employment.

Survivors' benefit

- Convention No. 102: periodical payments, corresponding to at least 40 per cent of the reference wage; the rates of the relevant benefits must be revised following substantial changes in the general level of earnings and/or the cost of living.
- Convention No. 128: periodical payments, corresponding to at least 45 per cent of the reference wage; the rates of the relevant benefits must be revised following substantial changes in the general level of earnings and/or the cost of living.

MATERNITY PROTECTION

Raising a family is a cherished goal for many working people. Yet pregnancy and maternity are an especially vulnerable time for working women and their families. Expectant and nursing mothers require special protection to prevent harm to their or their infants' health, and they need adequate time to give birth, recover and nurse their children. At the same time, they also require protection to ensure that they do not lose their job simply because of pregnancy or maternity leave. Such protection not only ensures the equal access of women to employment, it also ensures the continuation of often vital income, which is necessary for the well-being of their entire family. Safeguarding the health of expectant and nursing mothers and protecting them against job discrimination is a precondition for achieving genuine equality of opportunity and treatment for men and women at work and enabling workers to raise families in conditions of economic security.

Relevant ILO instrument

Maternity Protection Convention, 2000 (No. 183)

This Convention is the most up-to-date international labour standard on maternity protection, although earlier instruments – the Maternity Protection Convention, 1919 (No. 3), and the Maternity Protection Convention (Revised), 1952 (No. 103) – are still in force in certain countries.

Convention No. 183 provides for 14 weeks of maternity benefit for women to whom the instrument applies. Women who are absent from work on maternity leave shall be entitled to a cash benefit which ensures that they can maintain themselves and their child in proper conditions of health and with a suitable standard of living, and which shall be no less than two thirds of her previous earnings or a comparable amount. The Convention also requires ratifying States to take measures to ensure that pregnant women and nursing mothers are not obliged to perform work which has been determined to be harmful to their health or that of their child, and to protect them against discrimination based on maternity. It



also prohibits employers from terminating the employment of a woman during pregnancy or absence on maternity leave, or during a period following her return to work, except on grounds unrelated to pregnancy, childbirth and its consequences, or nursing. Women returning to work must be returned to the same or an equivalent position paid at the same rate. The Convention also establishes the right to one or more daily breaks or a daily reduction of hours of work for women to breastfeed their child.

Maternity leave: Countries complying with ILO standards¹⁹

Globally, 52 per cent of the countries studied (99 countries) provide for a period of maternity leave of at least 14 weeks, the standard established by Convention No. 183. Among those, 48 countries meet or exceed the 18 weeks of leave suggested in Recommendation No. 191; 49 countries provide for 12 to 13 weeks of leave – less than the duration specified by Convention No. 183, but consistent with the level set by Conventions Nos. 102 and 103 of at least 12 weeks. Only 16 per cent (30 countries) provide for less than 12 weeks of maternity leave. Of the 192 countries for which information is available, all but two provide cash benefits to women during maternity leave. The two exceptions are Papua New Guinea and the United States, which provide some form of maternity leave, but have no general legal provision respecting cash benefits. Globally, 38 per cent (73 countries) of the 192 countries for which information is available provide cash benefits of at least two-thirds of earnings for at least 14 weeks. Indeed, 14 per cent (26 countries) go beyond this standard by providing 100 per cent of previous earnings for at least 18 weeks. In 44 per cent (84 countries), however, maternity leave is unpaid, paid at less than two-thirds of previous earnings, or paid for a period of less than 14 weeks.

DOMESTIC WORKERS

Domestic workers represent a significant part of the global workforce in informal employment and are among the most vulnerable groups of workers. They work for private households, often without a real employment contract, undeclared and excluded from the scope of labour legislation. Currently there are at least 67 million domestic workers worldwide, not including child domestic workers, and this number is increasing steadily in developed and developing countries. 80 per cent of domestic workers are women.

Deplorable working conditions, labour exploitation and abuses of human rights are major problems facing domestic workers. Only 10 per cent of all domestic workers are covered by general labour legislation to the same extent as other workers. In contrast, over one quarter are completely excluded from the scope of national labour legislation. Domestic workers often have very low wages, excessive hours of work, with no guaranteed day of weekly rest, and are sometimes victims of physical, psychological or sexual abuse, or constraints on their freedom of movement.

Relevant ILO instruments

Domestic Workers Convention, 2011 (No. 189)

This Convention, with the accompanying Recommendation No. 201, provides that domestic workers around the world who care for families and households, must have the same basic labour rights as those available to other workers: reasonable hours of work, weekly rest of at least 24 consecutive hours, a limit on in-kind payments, clear information on their terms and conditions of employment, as well as respect for fundamental principles and rights at work, including freedom of association and the right to collective bargaining.



On 1st January 2019, 27 countries had ratified Convention No. 189, most of which have taken measures to give effect to its provisions. For example, Costa Rica has extended access to social security to all domestic workers. Measures to authorize labour inspection have been taken in a number of countries, while maintaining respect for the household (Costa Rica, Uruguay). In other countries, where a minimum wage was established for domestic workers that is below the national minimum wage, measures have been taken to increase their wage levels and enable them and their families to live a decent life (Argentina).

Domestic work in figures

Domestic work is a significant source of employment, accounting for around 1.7 per cent of total employment worldwide, and 3.6 per cent of wage employment. Data on domestic work are particularly difficult to collect. The ILO published its first estimates of domestic work in 2013 (in the report *Domestic workers across the world*). The methodology was subsequently refined and adapted in 2016, and published in the context of estimates of the number of migrant workers throughout the world. These key resources are accompanied by guides on qualitative and quantitative research on child domestic work and reflection on the means of measuring the social and economic value of domestic work.²⁰

MIGRANT WORKERS



The growing pace of economic globalization has created more migrant workers than ever before. Unemployment and increasing poverty have prompted many workers in developing countries to seek work elsewhere. It is estimated that 73 per cent of migrants are workers. In industrialized countries, demand for labour, especially unskilled labour, has increased. As a result, millions of workers and their families travel to countries other than their own to find work. Considerable efforts have been made over recent years to obtain reliable and comparable data on labour migration. However, as noted by the ILO and the international community, there remain significant gaps. In response, the ILO has published global and regional estimates of migrant workers. According to these estimates, there are at present approximately 244 million migrants around the world, representing 3.3 per cent of the global population. Women make up almost half of migrants.²¹ Migrant workers contribute to the economies of their host countries, and the remittances they send home help to boost the economies of their countries of origin. Yet, migrant workers often benefit from inadequate social protection and are vulnerable to exploitation and human trafficking. Skilled migrant workers are less vulnerable to exploitation, but their departure deprives some developing countries of the valuable labour needed for their own economies. ILO standards on migration provide tools for both countries of origin and of destination to manage migration flows and ensure adequate protection for this vulnerable category of workers.

Relevant ILO instruments

Migration for Employment Convention (Revised), 1949 (No. 97)

The Convention requires ratifying States to facilitate international migration for employment by establishing and maintaining a free assistance and information service for migrant workers and taking measures against misleading propaganda relating to emigration and immigration. It includes provisions on appropriate medical services for migrant workers and the transfer of earnings and savings. States have to apply treatment no less favorable than that which applies to their own nationals in respect of a number of matters, including conditions of employment, freedom of association and social security.

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

The Convention sets out measures to combat clandestine and illegal migration, while at the same time establishing the general obligation to respect the fundamental rights of all migrant workers. It also extends the scope of equality of treatment between legally resident migrant workers and national workers beyond the provisions of Convention No. 97 to ensure equality of opportunity and treatment in respect of employment and occupation, social security, trade union and cultural rights, and individual and collective freedoms for persons who, as migrant workers or members of their families, are lawfully within the territory of a ratifying State. It also requires ratifying States to facilitate the reunification of the families of migrant workers legally residing in their territory.

Migrants in today's world of work: Global and regional trends

Although migration is a vital dimension of the debate on the future of work, factors such as technological change, modifications of the employment relationship and the erosion of the social contract between the State and other actors will make it increasingly difficult to manage migration for employment. Indeed, migration for employment is becoming increasingly complex and dynamic throughout the world, both within and between regions. On certain migration routes, for example between Asia and the Arab States, or within South East Asia, the number of international migrants, the great majority of whom are workers, has tripled since 1990. Temporary migration for employment, particularly of low-skilled workers, is greater than flows of permanent migrants, which creates real challenges in relation to governance, particularly on how to ensure decent work and reduce the costs of migration for this category of migrant workers.

The ILO has been concerned since its creation to protect the rights of migrant workers, and has adopted measures to reduce the irregularities and abuses from which they sometimes suffer, while taking fully into account the complex balance required in social, economic and political terms. The migration for employment instruments basically call for international cooperation for the promotion of a rights-based approach. In its 2016 General Survey concerning the instruments on migrant workers, the Committee of Experts considered that this objective is as relevant now as it was when the instruments were adopted in 1949 and 1975 even if, having not foreseen current migration developments, certain details in the provisions appear somewhat outdated. Emphasizing the potential of the instruments to respond to many of the current migration challenges experienced by member States, as well as their inherently flexible nature, the Committee of Experts encouraged the ILO to undertake a comprehensive campaign to promote the effective implementation and awareness of Conventions Nos 97 and 143, as well as the implementation of Recommendations Nos 86 and 151, in the context of its Fair Migration Agenda. The Committee of Experts emphasized, in this regard, the importance of measures to address the needs of women, as well as particular groups of migrant workers, such as ethnic and religious minorities, rural and indigenous populations, youth, persons with disabilities, and people living with HIV/AIDS.

SEAFARERS

An estimated 90 per cent of world trade passes through maritime or river transport and requires seafarers to operate the ships. Seafarers are therefore essential to international trade and the international economic system. It should be emphasized that maritime transport is the first really globalized sector. This means that very often seafarers drawn from many countries work together on board ships that are registered or “flagged” in yet another country and owned by shipowners who sometimes are not the same nationality as the ship or any of the seafarers. Under international law, the country in which a ship is flagged, or in other words the country whose flag the ship flies, is the country with international responsibility for establishing and enforcing the necessary measures to ensure safety at sea, particularly in relation to working conditions, irrespective of the nationality of the seafarers or the shipowner.

On ships flying the flags of countries that do not exercise effective jurisdiction and control over them, as required by international law, seafarers often have to work under unacceptable conditions, to the detriment of their well-being, health and safety, and the safety of the ships on which they work. Since seafarers most frequently work outside their home country and their employers are also often not based in their country, effective international standards are essential in the sector. Of course, these standards must also be implemented at the national level, particularly by governments that have a ship registry and authorize ships to fly their flags. This is already well recognized in connection with ensuring the safety and security of ships and protecting the marine environment. It is also important to emphasize that many shipowners provide seafarers on their ships with decent working and living conditions. These countries and shipowners however face unfair competition as they are undercut by shipowners which operate substandard ships.

As the ship is both their home and their workplace for prolonged periods of time, the working and living conditions of seafarers are of primary importance. Moreover, seafarers are exposed to many unique occupational risks. They also face exposure to extreme weather conditions, as well as the risk of being abandoned in a foreign country if the shipowner encounters financial or other difficulties. In addition, contemporary concerns for enhanced national security and border controls have made it difficult for seafarers to exercise the right to go ashore for brief periods for their health and well-being or to travel to join or leave a ship on its voyage.



Relevant ILO instruments

To protect the world's seafarers and their contribution to international trade, the ILO has adopted over 70 instruments (41 Conventions and the related Recommendations) at special maritime sessions of the International Labour Conference. The ILO's international standards for this sector establish the minimum conditions for "decent work" and address almost all aspects of work, including minimum requirements for work on a ship (such as minimum age, medical fitness and training), provisions on conditions of employment, such as hours of work and rest, wages, leave, repatriation, accommodation, recreational facilities, food and catering, occupational safety and health protection, welfare and social security protection. In addition, they address issues such as pensions and an internationally recognized document for seafarers (a seafarers' identity document) to assist in border control.

Consolidation of ILO maritime standards

In February 2006, at its 10th Maritime Session, the 94th Session of the International Labour Conference adopted the Maritime Labour Convention, 2006 (MLC, 2006). This Convention revises and consolidates 37 existing Conventions and the related Recommendations. The MLC, 2006, uses a new format with some updating, where necessary, to reflect modern conditions and language. In this manner, it sets out, in a single instrument, the right of the world's 1.5 million seafarers to decent conditions of work in almost every aspect of their working and living conditions, including minimum age, employment agreements, hours of work and rest, payment of wages, paid annual leave, repatriation, on board medical care, the use of recruitment and placement services, accommodation, food and catering, health and safety protection and accident prevention, and complaint procedures for seafarers.²²

The MLC, 2006, applies to a wide range of ships operating on international and national or domestic voyages, with the exception of those sailing exclusively in inland waters or waters within, closely adjacent to sheltered waters or areas where port regulations apply; those engaged in fishing or similar pursuits; ships of traditional build, such as dhows and junks; and warships or naval auxiliaries.

To enter into force, the MLC, 2006, needed to be ratified by 30 ILO member States representing at least 33 per cent of the world gross shipping tonnage. On 20 August 2012, both prerequisites were satisfied, and the Convention entered into force 12 months later, on 20 August 2013.

As of 30 November 2018, the Convention had already been ratified by 90 countries representing over 90 per cent of the world gross tonnage and is continuing to be ratified rapidly.

In order to ensure that it has a far-reaching impact at the national level, and to continue promoting its widespread ratification, the ILO delivers a wide range of capacity-building activities, such as national tripartite seminars, and has developed a wide range of resources, including the website devoted to the MLC, 2006, which contains updated information on activities under the Convention and a database containing country-specific information and guidance on the legislation and measures adopted for its implementation. In addition, the Maritime Labour Academy, based at the ILO's International Training Centre in Turin, organizes workshops on the Convention, including short-term residential training courses for inspectors and trainers of maritime labour inspectors, workshops in cooperation with the international organizations representing seafarers and shipowners, and workshops for jurists.

In June 2013, the ILO Governing Body established the Special Tripartite Committee (STC), which is mandated under Article XIII of the MLC, 2006, to keep the working of the Convention under continuous review. Under the Convention, the Committee has the power to consider and propose to the International Labour Conference amendments to the Code of the Convention, and also plays an important consultative role under Article VII for countries that do not have national shipowners' or seafarers' organizations to consult when implementing the MLC, 2006. The STC held its first meeting in April 2014, when it adopted very important amendments to the Code to address the issue of the provision of rapid and effective financial security to compensate seafarers in cases of long-term personal injury, death and abandonment. The amendments were approved by the International Labour Conference in June 2014 and entered into force on 18 January 2017. Two further sets of amendments to the Code of the Convention have since been adopted in 2016 and 2018. The amendments are intended to include the prevention of harassment and bullying in occupational safety and health measures and to respond to the situation of seafarers held captive as a result of acts of piracy and armed robbery. In this case, the employment agreement is maintained during the period of captivity, while wages continue to be paid and the right to repatriation is maintained. These amendments are due to enter into force over the coming years.

In parallel, much consideration has been given to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), with a view to modernizing its provisions and incorporating the progress that has been made since the adoption of the Convention in relation to the security of identity documents. The discussions resulted in the adoption of amendments to the Annexes of the Convention, which entered into force on 8 June 2017. The Convention makes a vital contribution to the security of maritime transport in order to combat terrorist threats, and particularly to respond to the needs of seafarers in transit or transfer to join a ship or to be repatriated. It also facilitates shore leave, which is essential for the health and welfare of seafarers, who often remain on board their ship for several months at a time.

Finally, in the framework of the Standards Review Mechanism, the STC began an assessment in April 2018 of the relevance of the maritime instruments adopted prior to the MLC, 2006. The objective is to ensure the maintenance of a robust and up-to-date body of international maritime labour standards adapted to the needs of seafarers for protection and to ensure the conditions of fair competition for the actors in the maritime transport industry. In April 2018, the STC placed emphasis on the need to focus on the ratification of the MLC, 2006, as amended, which is the universally recognized reference instrument in the maritime transport sector.

FISHERS

Over 58 million people are estimated to be engaged in the primary sector of capture fisheries and aquaculture. This includes 37 per cent engaged full time, 23 per cent engaged part time, and the rest working as either occasional fishers or of unspecified status. Over 15 million work full time on fishing vessels. Fishing involves long hours and strenuous activity in an often challenging marine environment. Fishers may be using simple or complex dangerous machinery to catch, sort and store fish. Injury and fatality rates are much higher in the fishing sector than national averages for all workers in many countries. In the event of injury or illness at sea, fishers may be far from professional medical care and must rely on others on board for such care; medical evacuation services vary considerably between countries and regions. Fishing vessels may be at sea for long periods, operating in distant fishing grounds. Fishers often face difficulty in taking shore leave in foreign ports and problems obtaining visas allowing them to join or leave the vessel in foreign countries. Relationships between employers (often fishing vessel owners) and workers are diverse. There are two main types of payment system in the sector: the flat wage and the share system. A flat wage is a fixed salary per pay period. Under a share system contract, fishers earn a percentage of the gross revenue or profit of the particular fishing trip. Sometimes fishers may be paid a low minimum wage, with the rest of their pay being based on a share of the catch or on bonuses (for example, for finding fish). In many countries, these arrangements place fishers in the category of “self-employed”. To respond to the needs of workers engaged in fishing, the ILO has developed specific standards for their protection. In view of the importance of the fishing industry and the developments that have taken place since the adoption of fishing standards in 1959 and 1966, respectively, and bearing in mind that fishing vessels are specifically excluded from the Maritime Labour Convention, 2006, the International Labour Conference adopted at its 97th Session the **Work in Fishing Convention, 2007 (No. 188)**, and the **Work in Fishing Recommendation, 2007 (No. 199)**, which are intended to set comprehensive standards addressing the living and working conditions of fishers. Convention No. 188 entered into force on 16 November 2017.



Taking into account the need to revise the Conventions adopted by the International Labour Conference specifically concerning the fishing sector, namely the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), Convention No. 188 updates these instruments and aims to reach a greater number of the world's fishers, particularly those working on smaller vessels. The objective of the Convention is to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security. It applies to all commercial fishing, with the exception of subsistence and recreational fishing; to all vessels, regardless of size; and to all fishers, including those who are paid on the basis of a share of the catch.

Among the many improvements, the new Convention:

- raises the minimum age for work on board fishing vessels to 16 years;
- fixes the maximum period of validity of a medical certificate at two years;
- requires the adoption of laws regarding minimum levels of crewing and defines minimum periods of daily and weekly rest for vessels remaining at sea for more than three days;
- establishes fishers' entitlement to repatriation at the cost of the fishing vessel owner; and
- finally, incorporates port State control provisions modelled on those applicable in the maritime sector.

Older ILO instrument

Fishermen's Competency Certificates Convention, 1966 (No. 125)

The Convention requires ratifying States to establish standards of qualification for certificates of competency for the skipper, mate or engineer on board a fishing vessel, and to organize and supervise the examination of candidates to ensure that they have the necessary qualifications. It sets forth the minimum age and minimum professional experience necessary for each profession, the competences necessary for specific categories and the grades of certificates for which candidates have to prove their qualification.

DOCKWORKERS



For many countries, the dock industry has become an important link in the transport network that requires constant upgrading in order to respond to the demands of international trade. The growing transport volume, the increasing sophistication of infrastructure, the widespread use of containers and the intensity of capital investment required for the development of dock activities have led to profound reforms in the sector. Once relying on mostly occasional and low-skilled labour, dock work now requires very highly skilled workers who are increasingly registered workers. At the same time, there are growing demands on dockworkers to be more productive and to work in shifts, while the overall dock workforce has been reduced. Developing countries are finding it difficult to finance the development of increasingly sophisticated ports. ILO standards help address these challenges by dealing with two characteristics of dock work: the need for specific protection due to the safety and health hazards to which dockworkers are exposed during their work, and the impact of technological progress and international trade on their employment and the organization of work in ports.

Relevant ILO instruments

Dock Work Convention, 1973 (No. 137)

This Convention deals with methods of work in docks and their impact on employment and the organization of the profession. It has two main objectives: first, to afford protection to dockworkers in their professional life through measures relating to the conditions of their access to and performance of work; and second, to foresee and manage in the best possible manner, through appropriate measures, fluctuations in the work and the workforce required for it.

Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)

This Convention requires ratifying States to take measures with a view to providing and maintaining workplaces, equipment and methods of work that are safe and without risk of injury to health; providing and maintaining

safe means of access to any workplace; providing the information, training and supervision necessary to ensure the protection of workers against risks of accident or injury to health at work; providing workers with personal protective equipment and clothing, and any life-saving appliances reasonably required; providing and maintaining suitable and adequate first aid and rescue facilities; and developing and establishing proper procedures for any emergency situations that may arise.

INDIGENOUS AND TRIBAL PEOPLES

Indigenous and tribal peoples have their own cultures, ways of life, traditions and customary laws. Unfortunately, throughout history, lack of respect for tribal and indigenous cultures has led to numerous instances of social conflict and bloodshed. Today, the international community has accepted the principle that the cultures, ways of life, traditions and customary laws of indigenous and tribal peoples are valuable and need to be respected and protected, and that indigenous and tribal peoples should participate in decision-making processes in the country in which they live. The most recent ILO standards on this subject set out these principles and provide a framework for governments, organizations of indigenous and tribal peoples, and non-governmental organizations to ensure the development of the peoples concerned, with full respect for their needs and desires.

Relevant ILO instruments

The **Indigenous and Tribal Peoples Convention, 1989 (No. 169)**, and the older **Indigenous and Tribal Populations Convention, 1957 (No. 107)**, are to date the only international treaties dealing exclusively with the rights of indigenous and tribal peoples. Convention No. 169, which is considered an up-to-date instrument and which revised Convention No. 107, provides for consultation and participation of indigenous and tribal peoples with regard to policies and programmes that may affect them. It provides for the enjoyment of fundamental rights and establishes general policies regarding indigenous and tribal peoples' customs and traditions, land rights, the use of natural resources found on traditional lands, employment, vocational training, handicrafts and rural industries, social security and health, education, and cross-border contacts and communication.

The rights of indigenous and tribal peoples in practice

Over the years, many countries have adopted or amended legislation putting Convention No. 169 into practice. Several Latin American countries, including the Plurinational State of Bolivia, Colombia, Mexico, Nicaragua, Peru and the Bolivarian Republic of Venezuela, have recognized in their Constitutions the multi-ethnic and multi-cultural character of their respective populations. Some countries have also taken steps to ensure self-governance, participation and consultation. For example, in 1987, Norway set up the Sameting, a Parliament for the Sami people with consultative and limited administrative authority. Denmark has set



up the Greenland Home Rule authorities so that many local matters may be governed by and for the Inuit peoples of Greenland. More recently, on 30 August 2012, the Central African Republic became the first African country to ratify Convention No. 169. In 2018, Luxembourg became the 23rd country to ratify the Convention.

Indigenous peoples and climate change: From victims to agents of change through decent work

In a report entitled *Indigenous peoples and climate change: From victims to change agents through decent work*, the ILO has analysed the situation of indigenous peoples in a context of climate change. The report suggests that indigenous peoples are affected in different ways by climate change, and also by the policies or actions that are aimed at addressing it. At the same time, it emphasizes that, as agents of change, indigenous peoples are essential to the success of policies and measures to mitigate and adapt to climate change, especially their sustainable economic model and traditional knowledge. The report emphasizes the importance of the Decent Work Agenda, including Convention No. 169 and the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all*, for empowering indigenous women and men, and ensuring that they can emerge as partners for the achievement of sustainable development and strong climate action.

Convention No. 169 and peace agreements

On two occasions, the ratification of Convention No. 169 has occurred as an integral element of peace accords to put an end to an internal armed conflict that was rooted in the exclusion of indigenous communities. In Guatemala, the Agreement on a Firm and Lasting Peace put an end to 36 years of civil war in December 1996. The 1996 Agreement brought into effect a number of previous accords negotiated over a six-year period, such as the Agreement on the Identity and Rights of Indigenous Peoples, signed on 31 March 1995 by the Government and the *Unidad Revolucionaria Nacional Guatemalteca* (URNG). The peace agreement facilitated the ratification of Convention No. 169 by Guatemala on 5 June 1996. In Nepal, the formal end of the armed conflict initiated in February 1996 was reached on 21 November 2006 with the signature of a Comprehensive Peace Accord between the Government and the Communist Party of Nepal (Maoist). The peace process consisted of various agreements, some of which included provisions on the ratification of Convention No. 169, which was ratified by Nepal on 14 September 2007.

OTHER SPECIFIC CATEGORIES OF WORKERS

In most cases, international labour standards have universal value and apply to all workers and all enterprises. Some standards mentioned earlier cover specific industries, such as seafaring. Finally there are a number of standards dealing with work-related issues in very specific sectors of economic activity (plantations, hotels, restaurants) or concerning specific groups of workers (nursing personnel, homeworkers).

Relevant ILO instruments

Plantations Convention, 1958 (No. 110), and its Protocol of 1982

Plantations still constitute an important economic sector in many developing countries. These instruments cover the recruitment and engagement of migrant workers and afford protection to plantation workers in respect of employment contracts, wages, working time, medical care, maternity protection, employment accident compensation, freedom of association, labour inspection and housing.

Nursing Personnel Convention, 1977 (No. 149)

Due to the growth of health services, many countries lack sufficient numbers of qualified nursing personnel. Many nurses are migrant workers who face particular challenges. This Convention requires each ratifying State to adopt measures appropriate to national conditions to provide nursing personnel with education and training and with working conditions, including career prospects and remuneration, which are likely to attract persons to the profession and retain them in it. Nurses shall enjoy conditions at least equivalent to those of other workers in the country with regard to hours of work, weekly rest, paid annual holidays, educational leave, maternity leave, sick leave and social security.

Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)

Hotels, restaurants and tourism is one of the economic sectors with the highest growth rate in the world. It is also one of the sectors that creates the most employment, in view of its high labour coefficient and significant multiplier effect on employment in other related sectors. However, it has a reputation of offering poor working conditions for several reasons: the fragmentation of the sector, with a majority of small and medium-sized enterprises where the unionization rate is low; the low wages and skills



requirements; and shift work, night work and seasonal work. With the objective of improving the working conditions of these workers and bringing them closer to those prevailing in other sectors, this Convention provides for reasonable hours of work and contains provisions on overtime, rest periods and annual leave. It also prohibits the sale and purchase of employment in hotels and restaurants.

Home Work Convention, 1996 (No. 177)

Homeworkers, the majority of whom are women, are a particularly vulnerable category of workers on account of their often informal status and lack of legal protection, their isolation and their weak bargaining position. The objective of the Convention is to promote equality of treatment between homeworkers and other wage earners, particularly in relation to freedom of association, protection against discrimination, occupational safety and health, remuneration, social security, access to training, minimum age for admission to work and maternity protection.

From sexual exploitation to a job in the hotel sector²³

Poverty and the absence of job prospects lead young persons living in the coastal areas of Madagascar to fall into the trap of the commercial sexual exploitation of children. The efforts made locally to combat one of the worst forms of child labour are being supported by an ILO project. Between 2014 and 2016, the ILO, in collaboration with UNICEF, set up a project to enable young persons who had fallen into this system to leave it with a view to learning a trade. The young persons concerned are mainly girls, but also boys who have acted as “procurers”. They were provided with three months of training in hotel work (waiters, cleaners, cooks, bar staff), which is a sector where local employers experience difficulties in recruiting skilled personnel. The theoretical training was supplemented by a three-month internship in enterprises, which resulted in several trainees being recruited. One of the beneficiaries of the programme, now aged 22, explains that she had fallen into the trap of commercial sexual exploitation between the ages of 15 and 20. From a poor family with five children, she tells of her ordeal and her meetings with clients for derisory sums, which she has now completely given up. As a result of the training that she received, she is now a waitress in a hotel restaurant. She says that she is happy and dreams that in a few years she will have her own small fast food outlet (known locally as a “gargote”).

Working conditions in the health sector

In addition to promoting social health protection for all workers, the ILO supports better working conditions for health workers through sectoral labour standards and social dialogue. The shortage of trained health workers coincides with longer life expectancy, the increasing use of specialized medical technology and the emergence of new and drug resistant diseases. Meanwhile, hospitals and other health facilities are rarely considered as workplaces. As the demand for health services grows and the shortage of qualified health personnel becomes more severe, working conditions are deteriorating and the quality of health care may be jeopardized. The critical shortage of workers in the poorest countries is further exacerbated by wealthier countries offering better working conditions to migrant health workers. The ILO is collaborating with the WHO to address these challenges by recognizing health facilities as a unique work environment and encouraging the improvement of working conditions so that health workers are encouraged and supported to provide high quality care in their communities.

Regular supervisory system Representations

Complaints

Freedom of association

Application of unratified Conventions

Technical assistance and training

ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up

ILO Declaration on Social Justice for a Fair Globalization


Centenary Standards Initiative

APPLYING AND PROMOTING INTERNATIONAL LABOUR STANDARDS

For nearly a century, the ILO has been contributing to the progress made in achieving social justice on the planet. To do so, it applies a decision-making process that is unique among international governance institutions. The value of “tripartism”, the principle that lies at the heart of ILO action, is widely recognized, and this principle is considered to be the reason for the Organization’s unparalleled impact on the achievement of rights at work throughout the world. Nevertheless, although the first stage in the legal protection of workers and employers at the international level is indeed the adoption of labour standards, supervision of their application is no less important. The ILO supervisory system is multidimensional, and is anchored in the Organization’s standards and principles. Of the many supervisory mechanisms that exist in international and regional organizations, the specific system established by the ILO to promote compliance with labour standards is considered to be one of the most developed and effective.

International labour standards are in fact backed up by supervisory bodies that are unique at the international level, which help to ensure that countries implement the Conventions that they ratify. The ILO regularly examines the application of standards in member States and points out areas where they could be better applied. If there are any problems in the application of standards, the ILO seeks to assist countries through social dialogue and technical assistance.

REGULAR SUPERVISORY SYSTEM



Once a country has ratified an ILO Convention, it is required to report regularly on the measures it has taken for its implementation. Every three years, governments have to provide reports detailing the steps they have taken in law and practice to apply any of the eight fundamental and four governance Conventions that they have ratified. For all other Conventions, reports have to be provided every six years, except for Conventions that have been “shelved” (which are no longer supervised on a regular basis). Reports on the application of Conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers’ and workers’ organizations. These organizations may comment on the government reports, or send comments directly to the ILO on the application of Conventions.

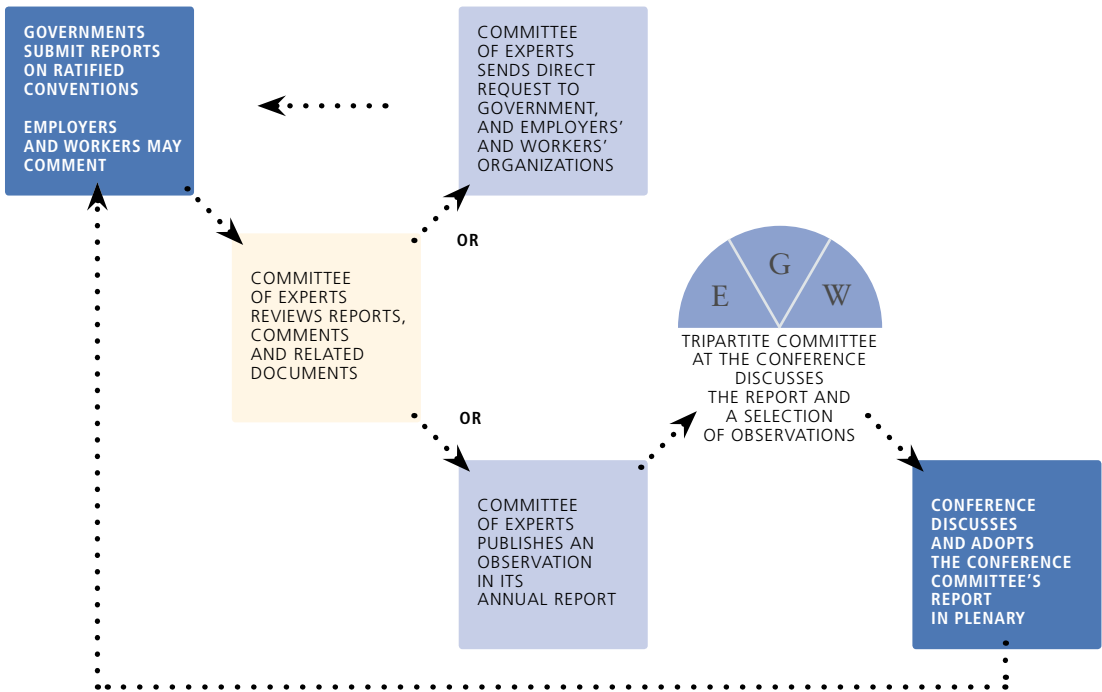
Committee of Experts on the Application of Conventions and Recommendations

The Committee of Experts was set up in 1926 to examine the growing number of government reports on ratified Conventions. Today it is composed of 20 eminent jurists appointed by the Governing Body for renewable three-year terms. The experts come from different geographic regions, legal systems and cultures. The role of the Committee of Experts is to provide an impartial and technical evaluation of the application of international labour standards in ILO member States.

When examining the application of international labour standards, the Committee of Experts makes two kinds of comments to governments: *observations* and *direct requests*. Observations contain comments on fundamental questions raised by the application of a particular Convention in a State. These observations are published in the annual report of the Committee of Experts. Direct requests relate to more technical questions or requests for further information. They are not published in the report, but are communicated directly to the governments concerned.²⁴

The annual report of the Committee of Experts consists of three parts. Part I contains the General Report, which includes comments on compliance by member States with their Constitutional obligations. Part II contains observations on the application of international labour standards, while Part III is a General Survey on a specific subject selected by the ILO Governing Body (see the section on General Surveys).

The regular supervisory process



Conference Committee on the Application of Standards

The annual report of the Committee of Experts, usually adopted in December, is published in February the following year and submitted to the International Labour Conference the following June, where it is examined by the Conference Committee on the Application of Standards. A standing committee of the Conference, the Conference Committee is made up of Government, Employer and Worker delegates. It examines the report in a tripartite setting and selects from it a number of observations for discussion. The governments referred to in these comments are invited to respond before the Conference Committee and to provide information on the case. In many cases, the Conference Committee draws up conclusions recommending that governments take specific steps to remedy a problem or accept ILO missions or technical assistance. The discussions and conclusions on the individual cases (normally 24 cases) examined by the Conference Committee are published in its report. Situations of special concern are highlighted in special paragraphs of its General Report.

Impact of the regular supervisory system

Cases of progress noted by the Committee of Experts on the application of Convention and Recommendation

Since 1964, the Committee of Experts has kept track of the number of cases of progress in which it has noted changes in law and practice which have improved the application of a ratified Convention. To date, over 3,000 cases of progress (cases in which the Committee has expressed “satisfaction”) have been noted.

Since first identifying cases of satisfaction in its reports, the Committee of Experts has continued to follow the same general criteria. The Committee expresses satisfaction in cases in which, following comments it has made on a specific issue, governments have taken measures through either the adoption of new legislation, an amendment to the existing legislation or a significant change in the national policy or practice, thus achieving fuller compliance with their obligations under the respective Conventions. In expressing its satisfaction, the Committee indicates to governments and the social partners that it considers the specific matter resolved. The reason for identifying cases of satisfaction is twofold:

- to place on record the Committee’s appreciation of the positive action taken by governments in response to its comments; and
- to provide an example to other governments and social partners which have to address similar issues.

The impact of the regular supervisory system is not just limited to cases of progress. The Committee of Experts each year examines whether member States have fulfilled their obligation to submit the instruments adopted to their legislative bodies for consideration. Even if a country decides not to ratify a Convention, it may choose to bring its legislation into conformity with it. Member States regularly review the Committee’s comments on the application of a Convention in other countries and may amend their own law and practice so as to avoid similar problems in the application of a standard or to emulate good practices. Where a Convention has

been ratified, the Committee often makes direct requests to governments, pointing to apparent problems in the application of a standard and giving the countries concerned time to respond and address these issues before any comments are published in its report. The Committee's interventions facilitate social dialogue by requiring governments to review the application of a standard and to share this information with the social partners, who may also provide information. The ensuing social dialogue can lead to further problem-solving and prevention.

The reports of both the Committee of Experts and the Conference Committee are available on the Internet to millions of users. Governments and the social partners thus have an even greater incentive to solve problems in the application of standards in order to avoid critical comments by these bodies. Upon request by member States, the International Labour Office provides substantial technical assistance in drafting and revising national legislation to ensure that it is in conformity with international labour standards. In this way, the supervisory bodies play an important role in preventing problems in the application of standards from arising in the first place.

REPRESENTATIONS

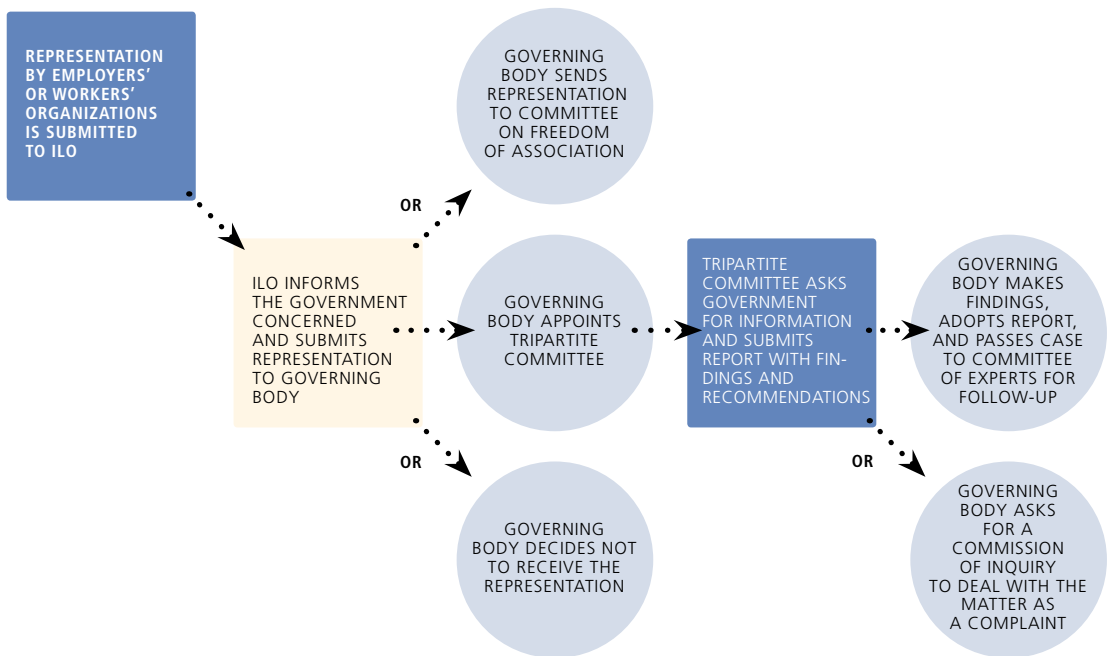
The representation procedure is governed by articles 24 and 25 of the ILO Constitution, under which an industrial association of employers or of workers has the right to present to the ILO Governing Body a representation against any member State which, in its view, “has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party”. A three-member tripartite committee of the Governing Body may be set up to examine the representation and the government’s response. The report that the committee submits to the Governing Body sets out the legal and practical aspects of the case, examines the information submitted and concludes with recommendations. Prior to the 2000s, where the government’s response was not considered satisfactory, the Governing Body was entitled to publish the representation and the response. Over recent years, the reports of the tripartite committees have been systematically made available to the public on the ILO website. Moreover, if the government does not take the necessary measures, the Committee of Experts may be requested to follow up the case or, in the most serious instances, the case may lead to a complaint, in which case the Governing Body may decide to establish a Commission of Inquiry. Finally, representations concerning the application of Conventions Nos 87 and 98 are usually referred for examination to the Committee on Freedom of Association, in accordance with the procedure for the examination of representations.

Who can made a representation?²³

Representations under article 24 of the ILO Constitution may be made by national and international employers’ and workers’ associations. Individuals cannot make representations directly to the ILO, but can pass on relevant information to their workers’ or employers’ organization.




The representation procedure



Representations in practice

Greece ratified the Labour Inspection Convention, 1947 (No. 81), in 1955. In 1994, it adopted a law which decentralized the labour inspectorate and placed it under the responsibility of autonomous prefectural administrations. The Federation of Associations of Public Servants of the Ministry of Labour of Greece (FAMIT) subsequently made a representation to the ILO claiming that the law contravened the principle of Convention No. 81 that labour inspection should be placed under the supervision and control of a central authority. The tripartite committee set up to examine this representation agreed and urged the Greek Government to amend its legislation to comply with the Convention. In 1998, the Government adopted new laws bringing the labour inspectorate under a central authority once again. The same year, the Committee of Experts commended the Greek Government for its “diligence and close attention” to the recommendations made by the tripartite committee.

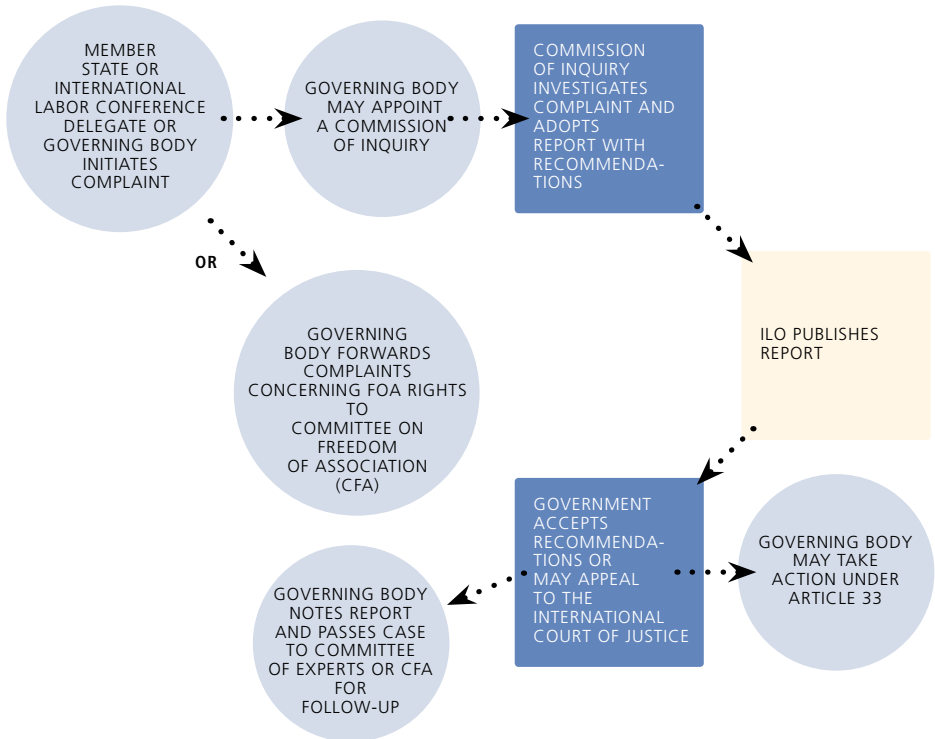
COMPLAINTS



The complaint procedure is governed by articles 26 to 34 of the ILO Constitution, under which a complaint may be filed against a member State for not complying with a ratified Convention by another member State which has ratified the same Convention, a delegate to the International Labour Conference or the Governing Body of its own motion. Upon receipt of a complaint, the Governing Body may establish a Commission of Inquiry, consisting of three independent members, which is responsible for carrying out a full investigation of the complaint, ascertaining all the facts of the case and making recommendations on measures to be taken to address the problems raised by the complaint. A Commission of Inquiry is the ILO's highest-level investigative procedure and is generally set up when a member State is accused of committing persistent and serious violations and has repeatedly refused to address them. To date, 13 Commissions of Inquiry have been established, the most recent of which was established by the Governing Body in March 2018 following an article 26 complaint filed against the Government of the Bolivarian Republic of Venezuela.

When a country refuses to fulfill the recommendations of a Commission of Inquiry, the Governing Body can take action under article 33 of the ILO Constitution. This provision establishes that “[i]n the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.” Article 33 was invoked for the first time in the ILO's history in 2000, when the Governing Body asked the International Labour Conference to take measures to lead Myanmar to end the use of forced labour. An article 26 complaint had been filed against Myanmar in 1996 for violations of the Forced Labour Convention, 1930 (No. 29), and the resulting Commission of Inquiry had found “widespread and systematic use” of forced labour in the country.

The complaint procedure



Complaints in practice

Poland ratified both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in 1957. When martial law was declared in the country in 1981, the Government suspended the activities of the Solidarnosc trade union and detained or dismissed many of its leaders and members. After the case had been examined by the Committee on Freedom of Association, delegates at the 1982 International Labour Conference filed a complaint under article 26 against Poland. The resulting Commission of Inquiry found grave violations of both Conventions. Based on the Commission's conclusions, the ILO and numerous countries and organizations put pressure on Poland to redress the situation and, in 1989, the Polish Government gave Solidarnosc legal status. Lech Walesa, Solidarnosc leader and later President of Poland, noted that "the Commission of Inquiry created by the ILO after the imposition of martial law in my country made significant contributions to the changes which brought democracy to Poland."²⁵

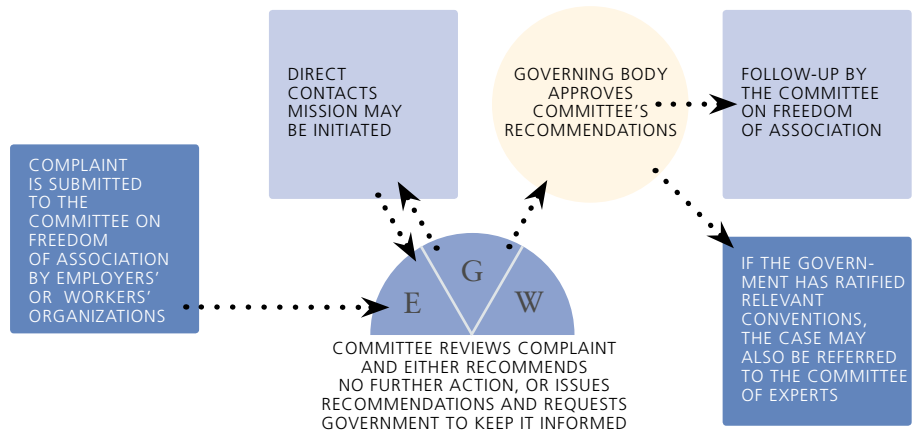
FREEDOM OF ASSOCIATION

Committee on Freedom of Association

Freedom of association and collective bargaining are among the founding principles of the ILO. Soon after the adoption of Conventions Nos 87 and 98 on freedom of association and collective bargaining, the ILO came to the conclusion that the principle of freedom of association needed a further supervisory procedure to ensure compliance with it in countries that had not ratified the relevant Conventions. As a result, in 1951, the ILO set up the Committee on Freedom of Association (CFA) for the purpose of examining complaints of violations of freedom of association, whether or not the country concerned had ratified the relevant Conventions. Complaints may be brought against a member State by employers' and workers' organizations. The CFA is a Governing Body committee, and is composed of an independent chairperson and three representatives each of governments, employers and workers. If it decides to receive the case, it establishes the facts in dialogue with the government concerned. If it finds that there has been a violation of freedom of association standards or principles, it issues a report through the Governing Body and makes recommendations on how the situation could be remedied. Governments are subsequently requested to report on the implementation of its recommendations. In cases where the country has ratified the relevant instruments, legislative aspects of the case may be referred to the Committee of Experts. The CFA may also choose to propose a "direct contacts" mission to the government concerned to address the problem directly with government officials and the social partners through a process of dialogue. In nearly 70 years of work, the CFA has examined over 3,300 cases. More than 60 countries on five continents have acted on its recommendations and have informed it of positive developments with regard to freedom of association in recent decades.²⁶



Freedom of association procedure



The Committee on Freedom of Association: An innovative procedure in international law

Paragraph 14 of the Special procedures for the examination of complaints alleging violations of freedom of association provides that the mandate of the Committee on Freedom of Association (CFA) “consists in determining whether any given legislation or practice complies with the principles of freedom of association and collective bargaining laid down in the relevant Conventions.” The Governing Body has regularly approved this mandate and in 2009 decided to include it in the *Compendium of rules applicable to the Governing Body*. The function of the CFA is not to formulate general conclusions concerning the trade union situation in particular countries on the basis of vague general statements, but simply to evaluate specific allegations relating to compliance with the principles of freedom of association. The object of the CFA complaint procedure is not to criticize governments, but rather to engage in a constructive tripartite dialogue to promote respect for trade union rights in law and practice.

To make a complaint to the Committee, certain conditions of receivability have to be met. The complainant must indicate clearly that the complaint is made to the Committee on Freedom of Association; the complaint must be made by an employers’ or workers’ organization; it must be made in writing and signed by the representative of a body entitled to make a complaint. Non-governmental organizations having consultative status with the ILO are also entitled to make complaints. In terms of substance, the allegations contained in the complaint must not be of a purely political nature; they must be set out clearly and duly supported with evidence. It is not necessary to have exhausted all the national procedures, but the CFA may take into account the fact that a case is under examination by a national jurisdiction. The CFA meets three times a year in the week preceding the sessions of the Governing Body.²⁷

National tripartite mechanisms for the prevention and settlement of disputes relating to international labour standards promoted by the ILO.

For many years, the ILO has been promoting national tripartite mechanisms in Latin America for the prevention and settlement of disputes relating to international labour standards, and particularly concerning freedom of association and collective bargaining, at the request of governments against which complaints have been made to the Committee on Freedom of Association. The ILO supervisory bodies have noted and/or supported the use of such mechanisms and have encouraged the Office to continue promoting their appropriate development. These mechanisms have proved to be very useful in preventing and resolving many disputes relating to freedom of association, and have sometimes offered a framework for the conclusion of collective agreements. Colombia and Panama have created commissions of this type with encouraging results. In the Dominican Republic, it was decided to create a round-table, the responsibilities of which include the prevention and appropriate treatment of any dispute relating to the application of ratified ILO Conventions with a view to finding solutions and reaching agreements. Experience shows that the following criteria lead to the effective operation of such bodies:

- Ministries of Labour have to allocate the necessary human and financial resources for the coordination of the work of conciliation mechanisms, and it should be possible to coordinate with and invite other ministries and public institutions to participate in the meetings held to deal with the cases under examination;
- acceptance of the mediation mechanism must be based on tripartite agreement;
- the most representative organizations of employers and workers and the government should nominate a permanent national mediator/moderator who has the confidence of all the parties;
- the conciliation proposals and conclusions adopted in the context of this procedure must be based on the relevant international labour standards and take into account the comments of the supervisory bodies;
- a follow-up mechanism for the agreements concluded should be established to reinforce the confidence of the parties in the mechanism;
- the members of mediation mechanisms should also receive special training on international labour standards and the ILO supervisory system;
- the conciliation procedure must be free of charge and optional, and should not prevent recourse to the ILO supervisory bodies.

There can be no doubt that the international community has found in these mechanisms another tool to reinforce social dialogue. The challenge is to “export” these bodies beyond Latin America. The initiative responds to a modern trend in the permanent quest for the full application of international labour standards.

General Surveys (article 19)

International labour standards are universal instruments adopted by the international community and reflecting common values and principles on work-related issues. While member States can choose whether or not to ratify Conventions, the ILO considers it important to keep track of developments in all countries, whether or not they have ratified them. Under article 19 of the ILO Constitution, member States are required to report at regular intervals, at the request of the Governing Body, on measures they have taken to give effect to the provisions of certain Conventions or Recommendations, and to indicate any obstacles which have prevented or delayed the ratification of a particular Convention.

On the basis of article 19 of the Constitution, the Committee of Experts publishes an in-depth annual *General Survey* on the national law and practice of member States on certain Conventions and/or Recommendations chosen by the Governing Body. These surveys are established mainly on the basis of reports received from member States and information transmitted by employers' and workers' organizations. They allow the Committee of Experts to examine the impact of Conventions and Recommendations, analyse the difficulties reported by governments in their application and identify means of overcoming these obstacles.

The most recent General Surveys include:

- 2010 - Employment instruments
- 2011 - Social security instruments
- 2012 - Fundamental Conventions
- 2013 - Labour relations (public service) and collective bargaining
- 2014 - Minimum wage fixing instruments
- 2015 - Right of association (agriculture) and rural workers' organizations
- 2016 – Migrant workers instruments
- 2017 – Occupational safety and health instruments
- 2018 – Working time instruments
- 2019 – Social Protection Floors Recommendation (No. 202)
- (forthcoming 2020) – Instruments relating to the strategic objective of employment
- (forthcoming 2021) – Instruments on nursing personnel and domestic workers



TECHNICAL ASSISTANCE AND TRAINING

The ILO does not just supervise the application of ratified Conventions. It also provides different forms of technical assistance, in which ILO officials or other experts help countries address problems in legislation and practice to bring them into line with the obligations under ratified instruments. Forms of technical assistance include advisory and direct contacts missions, during which ILO officials meet government officials to discuss problems in the application of standards with the aim of finding solutions; and promotional activities, including seminars and national workshops, with the purpose of raising awareness of standards, developing the capacity of national actors to use them, and providing technical advice on how to apply them for the benefit of all. The ILO also provides assistance in drafting national legislation in line with its standards.

A global network of international labour standards specialists

Many of these technical assistance activities are carried out by ILO international labour standards specialists who are assigned to ILO offices located around the world. Standards specialists meet government officials, employers' and workers' organizations to provide assistance with issues arising in the region, new ratifications of Conventions and reporting obligations, to discuss solutions to problems raised by the supervisory bodies and to review draft legislation to ensure that it conforms with international labour standards. International labour standards specialists are stationed in:

Africa: Cairo, Dakar, Pretoria, Yaoundé

Americas: Lima, San José, Santiago

Caribbean: Port of Spain

Arab States: Beirut

East Asia: Bangkok

South Asia: New Delhi

Eastern Europe and Central Asia: Budapest, Moscow



ILO International Training Centre

The ILO International Training Centre, located in Turin, Italy, has the mandate of offering training, education and capacity building for governments, employers' and workers' organizations and other national and international partners for the promotion of decent work and sustainable development. Each year, the Centre organizes over 450 programmes and projects for some 12,000 participants from 190 countries. In particular, the Centre provides training on international labour standards for government officials, employers, workers, lawyers, judges and legal educators, as well as specialized courses on labour standards, productivity improvement and enterprise development, international labour standards and globalization, and the rights of women workers.

The Turin Centre also hosts the Maritime Labour Academy, a programme of specialized courses aimed at strengthening the capacity of governments, shipowners and seafarers in the application of the Maritime Labour Convention, 2006.

ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK AND ITS FOLLOW-UP (1998)

In 1998, the ILO created a special promotional measure to strengthen the application of the four principles and associated rights that are considered fundamental for social justice. By adopting the Declaration on Fundamental Principles and Rights at Work and its Follow-up, ILO member States recognized that they have an obligation, arising from the very fact of membership in the Organization, to work towards realizing certain basic values, namely: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. This obligation exists even if they have not yet been able to ratify the eight fundamental Conventions which embody these principles (including the Protocol of 2014 to the Forced Labour Convention). At the same time, the ILO itself has an obligation to provide the assistance needed to achieve these objectives.

Moreover, paragraph 5 of the Declaration emphasizes that labour standards should not be used for protectionist trade purposes, and that nothing in the Declaration and its Follow-up shall be invoked or otherwise used for such purposes. In addition, the comparative advantage of any country should in no way be called into question by the Declaration and its Follow-up.

A follow-up mechanism to the Declaration was adopted at the same time to help determine the needs of States to improve the application of these principles and rights. Member States are required to submit annual reports on all the fundamental rights for which they have not ratified the corresponding Conventions. The reports are examined by the Governing Body, whose comments are published in the Introduction to the Annual Review of reports, which examines the implementation of the fundamental principles and rights at work in the countries concerned, focusing on new developments and trends.

The Declaration and its Follow-up are designed to promote the principles and rights that it embodies and to facilitate ratification of the fundamental Conventions through dialogue and technical assistance. The purpose of the Declaration and its Follow-up is not to create a parallel set of standards, but rather to assist member States to achieve full respect for the fundamental principles and rights at work, including the ratification of all the fundamental Conventions, as well as the Protocol of 2014 to the Forced Labour Convention. Once this has been achieved, all member States will be under the regular ILO supervisory system with respect to these instruments.

ILO DECLARATION ON SOCIAL JUSTICE FOR A FAIR GLOBALIZATION (2008)

Amid widespread uncertainty in the world of work, ranging from financial turmoil and economic downturn to growing unemployment, informality and insufficient social protection, in June 2008 the governments, workers and employers of the International Labour Organization adopted the **Declaration on Social Justice for a Fair Globalization**, which is designed to strengthen the ILO's capacity to promote its Decent Work Agenda and forge an effective response to the growing challenges of the transformation of the world of work in the context of globalization. It is the third major statement of principles and policies adopted by the International Labour Conference since the ILO Constitution of 1919. It builds on the Declaration of Philadelphia of 1944 and the Declaration on Fundamental Principles and Rights at Work of 1998. The 2008 Declaration expresses the contemporary vision of the ILO's mandate in the era of globalization. All the Members of the Organization must pursue policies based on the strategic objectives – employment, social protection, social dialogue and rights at work. At the same time, it emphasizes a holistic and integrated approach by recognizing that these objectives are “inseparable, interrelated and mutually supportive” and the role of international labour standards as a useful means of achieving them all.

The Declaration also emphasizes the need to promote the ILO's standards policy as a cornerstone of ILO activities by enhancing its relevance to the world of work, as well as ensuring the role of standards as a useful means of achieving the constitutional objectives of the Organization. The Declaration specifies that how member States achieve the ILO's strategic objectives is a question that must be determined by each Member subject to its existing international obligations and the fundamental principles and rights at work with due regard, among others, to the principles and provisions of international labour standards. The Declaration also recalls that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist trade purposes.

Finally, the Declaration includes a follow-up mechanism to ensure the means by which the Organization will assist the Members in their efforts to promote the **Decent Work Agenda**, including a review of the ILO's institutional practices and governance; regular discussions by the International Labour Conference in response to the situation and needs in member States and to assess the results of ILO activities; voluntary country reviews, technical assistance and advisory services; and strengthening research capacities, information collection and sharing.

CENTENARY INITIATIVE ON INTERNATIONAL LABOUR STANDARDS

The Standards Initiative is one of the seven Centenary Initiatives that has been implemented in the run-up to of the ILO's centenary year in 2019.

It has a dual objective:

- to enhance the relevance of international labour standards through a standards review mechanism; and
- to consolidate tripartite consensus on an authoritative supervisory system.

1. Standards Review Mechanism (SRM)

The SRM is an in-built mechanism of the ILO Standards Policy to ensure that the ILO has a clear, robust and up-to-date body of international labour standards that respond to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises (see section 1, Updating international labour standards).

2. A consolidated tripartite consensus on an authoritative supervisory system

Its implementation began with a request by the Governing Body in March 2015 that the Chairperson of the Committee of Experts and the Chairperson of the Committee on Freedom of Association jointly prepare a report on the inter-relationship, functioning and possible improvement of the various supervisory procedures related to articles 22, 23, 24 and 26 of the ILO Constitution and the complaints mechanism on freedom of association.

At its March 2017 session, the Governing Body adopted a work plan and timetable for the strengthening of the supervisory system, including ten proposals grouped under four focus areas. The ten proposals cover a broad range of topics, such as: the relationship between the ILO supervisory bodies, the streamlining of reporting, information-sharing with organizations and legal certainty. The work plan is now being implemented.

The Standards Initiative is spearheading current international labour standards policy. This policy aims to strengthen the role of international labour standards in advancing the key objective of the Organization of furthering social justice through the promotion of decent work. To achieve this aim, the Standards Policy is also informing efforts to:

- achieve greater visibility of international labour standards; and
- reach out to constituents through technical assistance, technical cooperation and capacity building.

Key ILO bodies and documents
Notes

4

RESOURCES

“We cannot develop at the expense of social justice. We cannot compete without a floor of basic human standards. If this is true inside our own society, it is true for the world as a whole.”

Nelson Mandela, President of the African National Congress, 1994²⁸

As this booklet has tried to show, international labour standards are important tools for ensuring that the global economy provides benefits and opportunities for all. From freedom of association to social security, from combating child labour to promoting vocational training, international labour standards provide for dignified and decent working conditions and related economic benefits at the national and enterprise levels. The supervisory system ensures that countries respect their obligations under the Conventions they have ratified and, more generally, their obligations under the ILO Constitution.

The international labour standards system continues to grow and develop in response to current global needs. There have been many cases of progress to which the international labour standards system has contributed. But there is much work left to do. While the international labour standards system is primarily a tool to be used by national governments and employers’ and workers’ organizations, the wider public can play a role as well. Individuals, non-governmental organizations, enterprises and activists can raise awareness of the system, encourage their governments to ratify Conventions and work with the appropriate employers’ and workers’ organizations to identify problems in the application of standards. It is hoped that this introduction to the standards-related work of the ILO will not only empower ILO constituents, but also allow society as a whole to make use of these powerful tools for development.

The following pages provide an overview of some of the most important documents and sources of further information on international labour standards.

KEY ILO BODIES AND DOCUMENTS

- Conventions and Recommendation
- ILO Constitution
- Report of the Committee of Experts on the Application of Conventions and Recommendations
Annual report containing:
 - General Report*: comments on compliance by member States with reporting obligations, cases of progress and the relationship between international labour standards and the multilateral system (Report III (Part 1A))
 - Observations*: comments on the application of Conventions in ratifying States (Report III (Part 1A))
 - General Survey*: examination of law and practice in a particular subject area in member States that have or have not ratified the relevant Conventions (Report III (Part 1B))
- Report of the Conference Committee on the Application of Standards
Report containing:
 - General Report*
 - Examination of individual cases*Available in the Provisional Record of the International Labour Conference and published separately as Extracts from the Record of Proceedings of the International Labour Conference.
- Report of the Committee on Freedom of Association
Published three times a year as a Governing Body document and in the *ILO Official Bulletin*.
- Reports of committees established to examine representations (art. 24)
Published in Governing Body documents
- Reports of Commissions of Inquiry (art. 26)
Published in Governing Body documents and in the *ILO Official Bulletin*

All of the above are available in the NORMLEX database at: www.ilo.org/normlex

- **Governing Body documents**, including documents of the Legal Issues and International Labour Standards Section, available at: www.ilo.org/gb/lang--en/index.htm
- **International Labour Conference documents**, including preparatory reports for the adoption of Conventions and Recommendations, available at: www.ilo.org/ilc/ILCSessions/lang--eng/index.htm
- **Documents under the Follow-up to the Declaration on Fundamental Principles and Rights at Work**
Available at:
www.ilo.org/declaration/follow-up/annualreview/annualreports/lang--en/index.htm

ILO documents are also available through ILO offices and depositary libraries.

Selected publications

A selection of publications on the various subjects covered by international labour standards and the ILO supervisory system is available through the ILO website on international labour standards. These publications cover the following subjects, among others:

- General works on international labour standards
- ILO standard-setting activities and the supervisory system
- Freedom of association and collective bargaining
- Child labour and forced labour
- Seafarers and maritime labour
- Maternity protection
- Informal economy
- Trade and workers' rights
- Labour administration and inspection
- Equality of treatment

- See the labour standards website under “Publications” at the following address:

www.ilo.org/global/standards/information-resources-and-publications/publications/lang--en/index.htm

Internet resources

- NORMLEX is a trilingual database (English, French and Spanish) which brings together information on international labour standards (such as information on ratifications, reporting requirements, comments of the ILO supervisory bodies, etc.), as well as on national labour and social security legislation. It has been designed to provide full and easily usable information on these subjects.

NATLEX is a trilingual database (English, French and Spanish – as well as very many texts in the original language) on labour, social security and human rights law. It includes nearly 90,000 legislative texts from 196 countries and over 160 territories, provinces and other entities.

These databases are accessible through the international labour standards website at:

www.ilo.org/normes

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- ²² See <https://www.ilo.org/global/standards/maritime-labour-convention/lang--en/index.htm>
- ²³ See the website of the ILO Sectoral Activities Department (SECTOR), hotels, catering and tourism, at: <https://www.ilo.org/global/industries-and-sectors/hotels-catering-tourism/lang--en/index.htm>
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