

# Decent work and ILS, LDC graduation, and financing for decent work

South-South Triangular Cooperation  
Preliminary Tripartite training

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3 October 2023



## Least Developed Countries (LDC)

- LDC category: established in 1971 by the United Nations General Assembly
- List of LDCs is reviewed every 3 years by the *Committee for Development Policy*
- Criteria used to include a country in the list are:

Income

Human assets index

Economic and environmental vulnerability index

- 46 countries are designated by the United Nations as LDCs
- Asian LDCs: Afghanistan, *Bangladesh*, Bhutan, Cambodia, Lao People's Democratic Republic, Myanmar, *Nepal* and Yemen

## Least Developed Countries (LDC) - 2

- LDCs have exclusive access to certain international support measures (ISMs)
- ISMs have been put in place for LDCs in the areas of:
  - trade
  - financial and technical cooperation
  - support for participation in international forum
- Graduation process: takes several years which enables countries to prepare for a “smooth transition”
- The *Committee for Development Policy* (CDP) also makes recommendations for graduation from the category every 3 years
- 2026 Graduation: Bangladesh and Nepal

# Integrated National Financing Frameworks (INFF)

## ➤ Financing the 2030 Agenda and the SDGs

### ❖ Addis Ababa Action Agenda:

- establishes a strong foundation to support the implementation of the 2030 Agenda and the 17 Sustainable Development Goals (SDGs)
- provides a new global framework for financing sustainable development by aligning all financing flows and policies with economic, social and environmental priorities

## Integrated National Financing Frameworks (INFF) - 2

### ➤ INFF

- ❖ Concept introduced in the Addis Ababa Action Agenda
  - A tool for governments to link financing strategies and national sustainable development visions to mobilise the mix of financial resources (domestic and international resources of public and private finance) required to achieve the SDGs
  - Not a one-size-fits-all approach
  - Use of INFFs by LDCs
  - Country Experiences: Bangladesh, Nepal, Thailand, Vietnam

## Mainstreaming Decent Work in INFFs

- Decent work Agenda – 4 pillars
- Decent work, a goal of 2030 Agenda - SDG 8 and other SDGs
- Social dialogue for enhanced resilience and economic sustainability
- Investing in Labour Standards – mainstreaming ILS in INFFs

## International Labour Standards (405)

### Conventions: 191

If ratified, they are binding under international law  
If not ratified, they influence national law and policy

### Protocols: 6

May only be ratified together with their Convention

### Conventions: 191

- ▶ 10 - Fundamental
- ▶ 4 - Governance
- ▶ 177 - Technical (57 up-to-date)

### Recommendations: 208

Same authority as Conventions  
Not open for ratification  
Guidelines or higher standards

### Up-to-date instruments (July 2023)

(respond to the changing patterns of the world of work, protect workers and take into account the needs of sustainable enterprises):

- ▶ 71 Conventions
- ▶ 6 Protocols
- ▶ 83 Recommendations

## ILO Fundamental Conventions

1998 Declaration on Fundamental Principles and Rights at Work, as amended in 2022

MSs have an obligation, arising from the fact of membership in the ILO, **to respect, to promote and to realize**, in good faith, the principles:

## 5 FPRW - 10 Fundamental Conventions:

- ▶ **FoA - freedom of association and the effective recognition of the right to collective bargaining**
  - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
  - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- ▶ **FL - the elimination of all forms of forced or compulsory labour**
  - Forced Labour Convention, 1930 (No. 29) + Protocol 29
  - Abolition of Forced Labour Convention, 1957 (No. 105)
- ▶ **CL - effective abolition of child labour**
  - Minimum Age Convention, 1973 (No. 138)
  - Worst Forms of Child Labour Convention, 1999 (No. 182)
- ▶ **D - the elimination of discrimination in respect of employment and occupation**
  - Equal Remuneration Convention, 1951 (No. 100)
  - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- ▶ **OSH – safe and healthy working environment (since 2022)**
  - Occupational Safety and Health Convention, 1981 (No. 155)
  - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)



## ILO Governance Conventions

**ILO Declaration on Social Justice for a Fair Globalization, 2008:** Conventions most significant from the viewpoint of governance.

These “governance” Conventions setting standards for labour market “institutions”:

▶ **Employment policy: promoting full, productive and freely chosen employment – C122**

1. Employment Policy Convention, 1964 (No.122)

▶ **Labour inspection: promoting compliance with labour protection law (general and in agriculture) – C81, C129**

2. Labour Inspection Convention, 1947 (No.81)

3. Labour Inspection in Agriculture, 1969 (No.129)

▶ **Tripartite consultation: promoting the participation of employers and workers in regulatory activities – C144**

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

## Ratification of Fundamental, Governance and Technical Conventions

Country	ILO Member since	Freedom of Association		Forced Labour		Discrimination		Child labour		S & H working environment		Governance Conventions				Technical (of 176)	Total (in force)
		<u>C087</u>	<u>C098</u>	<u>C029</u>	<u>C105</u>	<u>C100</u>	<u>C111</u>	<u>C138</u>	<u>C182</u>	<u>C155</u>	<u>C187</u>	<u>C081</u>	<u>C122</u>	<u>C129</u>	<u>C144</u>		
<b>Viet Nam</b>	1950-1976, 1980- 1985, 1992		2019	2007	2020	1997	1997	2003	2000	1994	2014	1994	2012		2008	13	25 (23)
<b>Bangladesh</b>	1972	1972	1972	1972 P-2022	1972	1998	1972	2022	2001			1972			1979	26	35 (30)
<b>Nepal</b>	1966		1996	2002	2007	1976	1974	1997	2002						1995	3	11 (11)
<b>Pakistan</b>	1947	1951	1952	1957	1960	2001	1961	2006	2001			1953			1994	26	36 (31)
<b>Sri Lanka</b>	1948	1995	1972	1950 P-2019	2003	1993	1998	2000	2001			1956	2016		1994	32	43 (31)

## Application and Supervision



Ratifying countries undertake to apply the Convention in national law and practice and to report on its application at regular intervals.

Technical assistance (TA) is provided by the ILO, if necessary.

### 1. Regular supervision

- ▶ **Committee of Experts (CEACR)** (20 independent eminent lawyers) (reports - every 3 / 6 years)
- ▶ **Conference Committee on the Application of Standards (CAS)** (ILC tripartite committee)

### 2. Special (Adversarial) procedures

- ▶ **Representation** (Governing Body) - Article 24, 25
- ▶ **Complaints** (Commission of Inquiry) - Art.26
- ▶ **Committee on Freedom of Association** (GB, only FoA&CB, no ratification required)



## Reporting helps to **dialogue** to improve application of the ILS

**Content of Observations and Direct Requests** should be analysed by the MoL and other stakeholders.

This analysis should include **options for implementing CEACR and CAS recommendations for consideration** by the Ministry and Government

**Govt:**  
- Take actions in response to supervisory system

- **Govt:** Reports to CEACR  
- **W, E:** Observations

**National level**

**ILO CEACR:**  
- Observations  
- Direct Requests



**Govt (+W, E):**  
- Analyses  
- Plan actions

**ILO CAS (ILC):**  
- CEACR report  
- Individual cases



## Special procedures

### Representation Article 24, 25 (Governing Body)

- ▶ May be raised by W and E organisations against MS on ratified Conventions

### Art.26 Complaints (Commission of Inquiry)

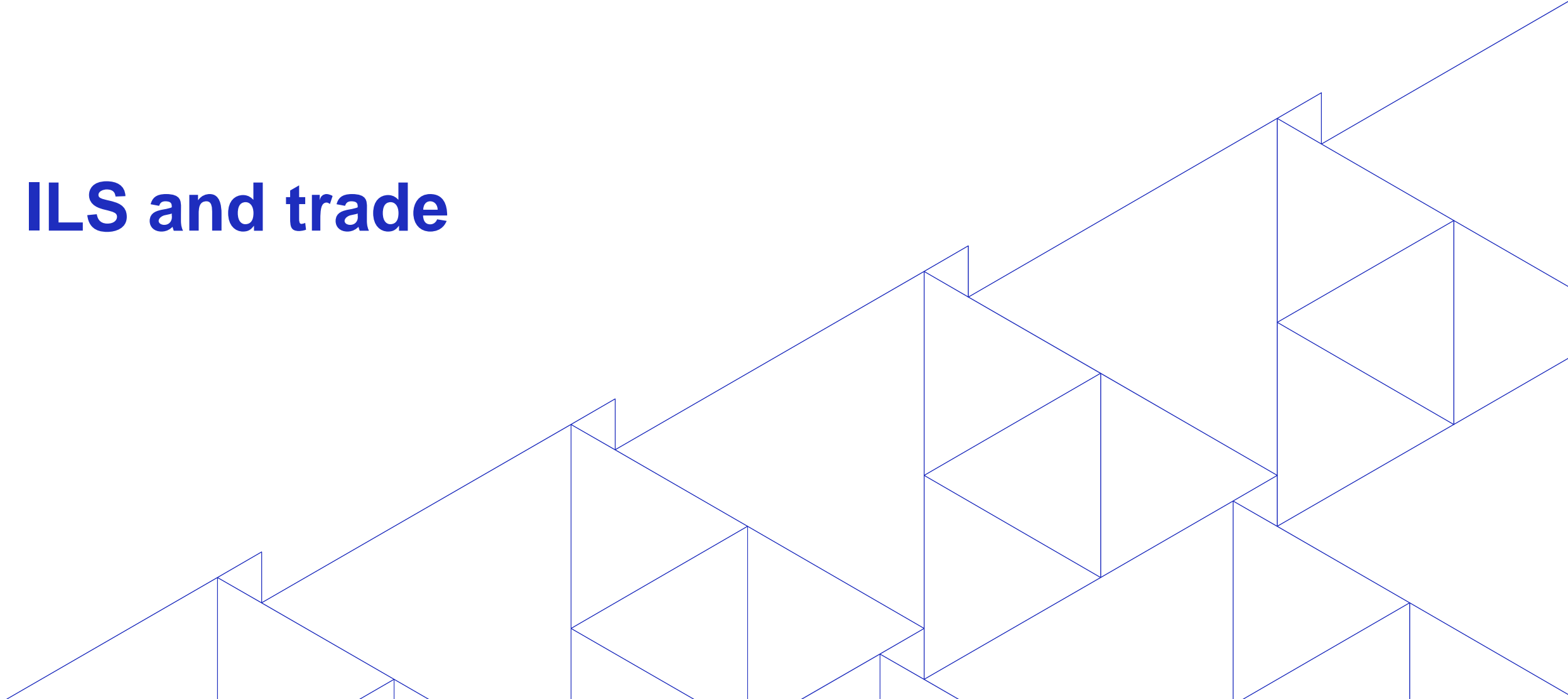
- ▶ May be filed by GB, MS or delegate of the ILC against MS
- ▶ On ratified Conventions
- ▶ 15 Commissions of Inquiry

### CFA (Committee on Freedom of Association (GB))

- ▶ Only on FoA and CB, **no ratification required**
- ▶ Over 3300 examined since 1951

	Article 24 Representations	Article 26 Complaints	CFA complaints		
			Active	Follow-up	Closed
<b>Viet Nam</b>					5
<b>Bangladesh</b>		1 Pending	2		15
<b>Nepal</b>	1 Closed				4+1

# ► ILS and trade



## ▶ Free trade agreements and ILS

**Growing number of bilateral and multilateral free trade agreements and regional economic integration arrangements include social and labour provisions related to workers' rights.**



Increasing references to **ILO instruments** in labour clauses, particularly to the **Declaration on Fundamental Principles and Rights at Work, 1998** .

- ▶ Agreements of the EU, the US and Canada.
- ▶ EU - special incentive arrangement for sustainable development and good governance (the GSP/GSP+): additional benefits for countries implementing certain international standards in relation to human and labour rights.
- ▶ North American Free Trade Agreement (NAFTA), 1992
- ▶ North American Agreement on Labour Cooperation (NAALC), 1994 (renegotiated in 2018)
- ▶ Agreements between US and Chile, Jordan, Republic of Korea, Morocco, Singapore and Central American countries.
- ▶ Agreement Japan - European Union, 2017: reference to the Decent Work Agenda and the ILO Declaration on Social Justice for a Fair Globalization (2008), clauses on corporate social responsibility with references to the MNE Declaration.
- ▶ UK GSP, replaced by Developing Countries Trading Scheme
- ▶ Etc...

## EU GSP and GSP+

### EU Generalised Scheme of Preferences (GSP): Standard GSP, GSP + and EBA

- ▶ Removes import duties from products coming into the EU market from vulnerable developing countries.
- ▶ All GSP beneficiary countries have to **respect** the principles of Conventions on human rights and labour rights.
- ▶ GSP preferences can be **removed** if beneficiary countries fail to respect core human rights and labour rights.

### 3 arrangements under the EU GSP scheme



**Standard/  
General GSP  
arrangement**

Special  
arrangement for  
LDCs  
**Everything but  
Arms (EBA)**

Special incentive arrangement  
for **good governance and  
sustainable development**  
**GSP+**



	Standard GSP	GSP +	EBA
<b>Beneficiaries</b>	<ul style="list-style-type: none"> <li>- Low or lower-middle income countries (as classified by the World Bank)</li> <li>- No other trade agreement with the EU in place</li> </ul>	Vulnerable developing countries, with limited export diversification and a low share of total imports from all GSP beneficiary countries	<b>LDC</b> - Least developed countries (as classified by the UN)
<b>Preference</b>	<ul style="list-style-type: none"> <li>- Full removal of tariffs for non-sensitive goods, applies to about 26% of tariffs lines</li> <li>- Reduced tariffs for sensitive goods (30% for specific duties, 3.5% for and valorem duties), applied to about 40% of tariff lines</li> </ul>	Full removal of tariffs for 66% of tariff lines	Duty free and quota free access for all products except for arms and ammunition
<b>Specific obligations</b>	None	<ul style="list-style-type: none"> <li>- Ratification of 27 international Conventions</li> <li>- Commitment to active participation in the EU's monitoring dialogue</li> </ul>	None

## EU GSP+ Criteria

1. **Vulnerability** : Lack of economic diversification with limited integration in international trade

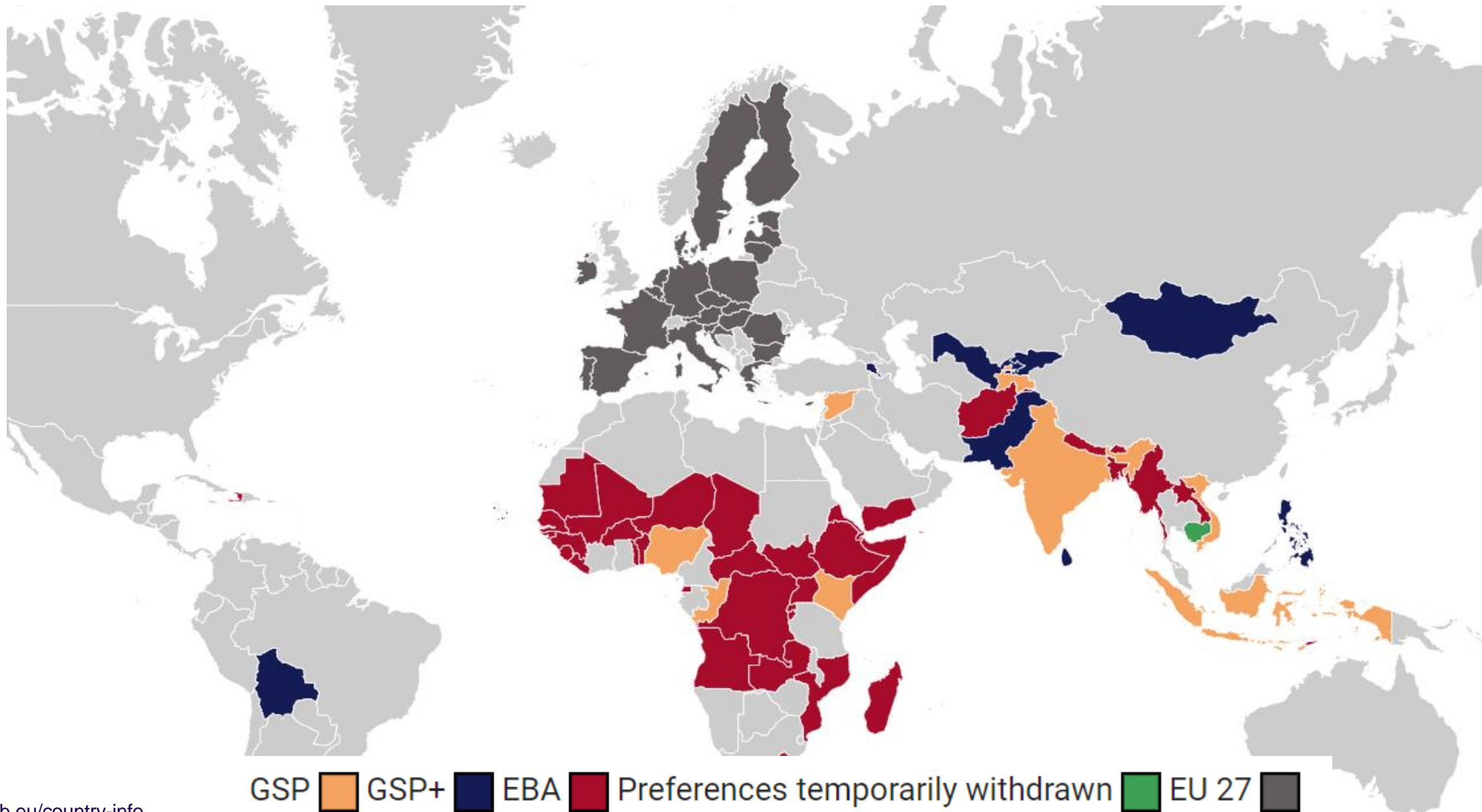
2. **Ratification of Conventions/Treaties** : **Ratify** and ensure the **implementation** of 27 UN and ILO Conventions

- 7 Conventions – Human Rights
- 8 Conventions – Labour Standards
- 4 Conventions – Good Governance
- 8 Conventions – Environment/Climate Change

- Till 2023 (2027): 8 ILO fundamental Conventions
- New GSP: + C144, C81 + (C155, C187)

Assessment of the implementation and compliance with ratified ILS:  
Use of ILO supervisory bodies' comments (CEACR, CAS, CFA).

# Beneficiary countries of the EU's GSP



# Beneficiary countries of the EU's GSP

## GSP+

- Armenia (graduated 01/01/2022)
- Bolivia
- Cape Verde

- Kyrgyzstan
- Mongolia
- Pakistan

- Philippines
- Sri Lanka
- Uzbekistan

## GSP

- Republic of Congo
- Cook Islands
- India
- Indonesia
- Kenya
- Micronesia

- Nauru (graduated 01/01/2021)
- Nigeria
- Niue
- Samoa
- Syria
- Tajikistan

- Tonga (graduated 01/01/2021)

## EBA

- Afghanistan
- Angola
- Bangladesh
- Benin
- Bhutan
- Burkina Faso
- Burundi
- Cambodia\*
- Central African Rep.
- Chad
- Comoros Islands
- Sierra Leone
- Solomon Islands
- Somalia
- South Sudan
- Sudan

- Congo (DRC)
- Djibouti
- Equatorial Guinea (graduated 01/01/2021)
- Eritrea
- Ethiopia
- Gambia
- Guinea
- Guinea-Bissau
- Haiti
- Kiribati
- Lao PDR
- Sao Tome & Principe
- Tanzania
- Timor-Leste
- Togo
- Tuvalu
- Uganda

- Lesotho
- Liberia
- Madagascar
- Malawi
- Mali
- Mauritania
- Mozambique
- Myanmar
- Nepal
- Niger
- Rwanda
- Senegal
- Vanuatu
- Yemen
- Zambia

## ▶ Possibility of GSP+ withdrawal if compliance with 27 Conventions is lacking

- ▶ Myanmar (on exaction of forced labour): 1997-2013
- ▶ Belarus (stringent restrictions on trade union rights): 2007- onward
- ▶ Sri Lanka (for violation of human rights conventions): 2010-2017
- ▶ Cambodia (failure to address the EU's human rights concerns): 2019

▶ **Thank you for your attention!**

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