



International Labour Standards (ILS)

EU GSP

South-South Triangular Cooperation
Preliminary Tripartite training

3 October 2023

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:

3

- ▶ **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>		
Viet Nam	1950-1976, 1980- 1985, 1992		2019	2007	2020	1997	1997	2003	2000	1994	2014	1994	2012		2008	13	25 (23)
Bangladesh	1972	1972	1972	1972 P-2022	1972	1998	1972	2022	2001			1972			1979	26	35 (30)
Nepal	1966		1996	2002	2007	1976	1974	1997	2002						1995	3	11 (11)
Pakistan	1947	1951	1952	1957	1960	2001	1961	2006	2001			1953			1994	26	36 (31)
Sri Lanka	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
Viet Nam					5
Bangladesh		1 Pending	2		15
Nepal	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
Beneficiaries	<ul style="list-style-type: none"> - Low or lower-middle income countries (as classified by the World Bank) - No other trade agreement with the EU in place 	Vulnerable developing countries, with limited export diversification and a low share of total imports from all GSP beneficiary countries	LDC - Least developed countries (as classified by the UN)
Preference	<ul style="list-style-type: none"> - Full removal of tariffs for non-sensitive goods, applies to about 26% of tariffs lines - Reduced tariffs for sensitive goods (30% for specific duties, 3.5% for and valorem duties), applied to about 40% of tariff lines 	Full removal of tariffs for 66% of tariff lines	Duty free and quota free access for all products except for arms and ammunition
Specific obligations	None	<ul style="list-style-type: none"> - Ratification of 27 international Conventions - Commitment to active participation in the EU's monitoring dialogue 	None

EU GSP+ Criteria

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

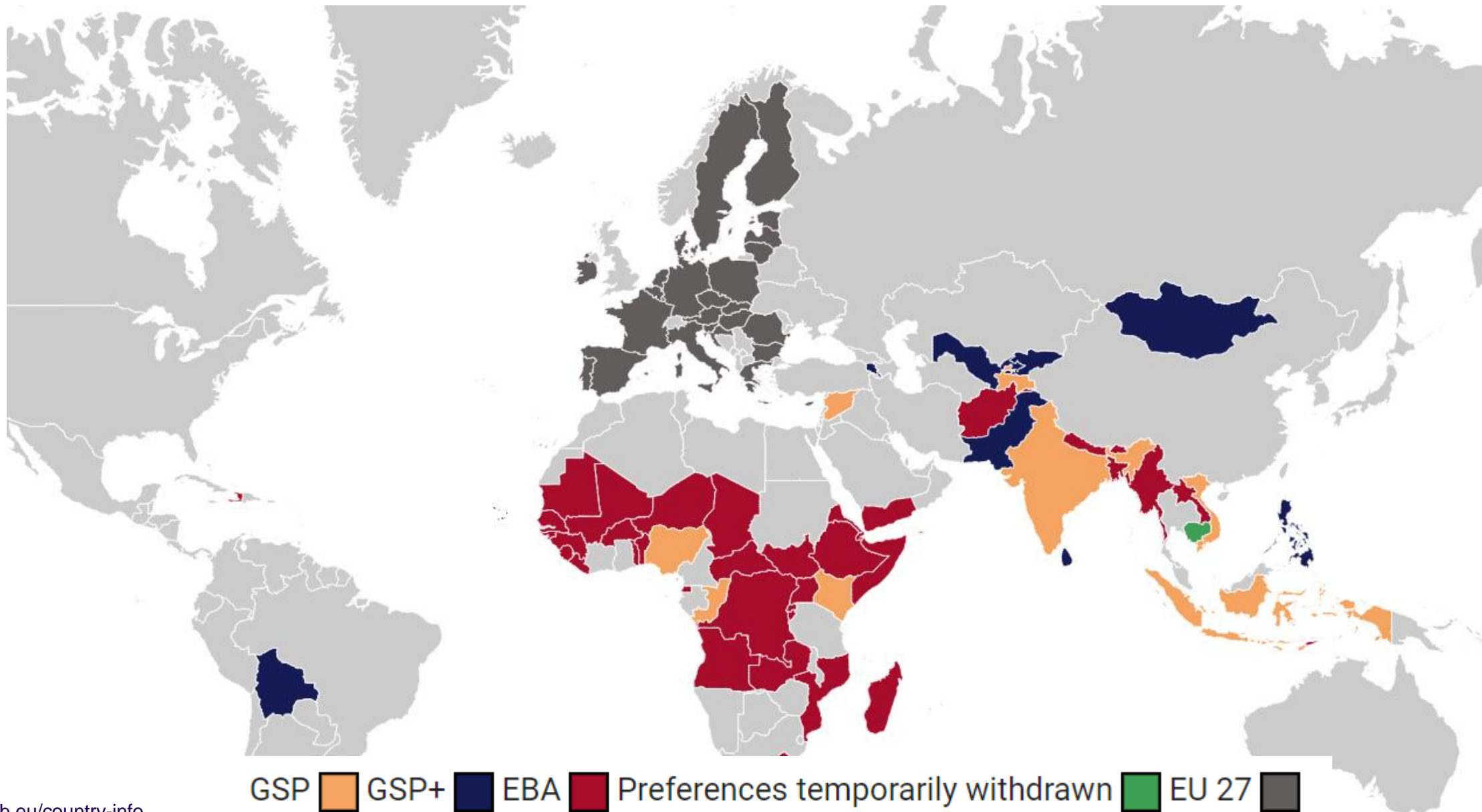
2. **Ratification of Conventions/Treaties** : **Ratify** and ensure the **implementation** of 27 UN and ILO Conventions

- 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)
- Vietnam

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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