



International Labour Organization



الاتحاد العربي للنقابات  
ARAB TRADE UNION CONFEDERATION



International Training Centre

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## Follow-up training for trade union lawyers on the use of international labour standards before national courts

13 – 15 December 2016  
Amman (Jordan)



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# Follow-up training for trade union lawyers on the use of international labour standards before national courts

## Background and rationale

When domestic judges base their decisions on International Labour Standards (ILS) adopted by the ILO, these instruments become concrete and tangible tools to protect workers' rights. This protection is particularly important when national legislation does not adequately reflect ILO Conventions, Recommendations and Protocols.

Courts around the world are increasingly drawing on ILS and the work of the ILO supervisory bodies to interpret and complement their domestic law and the demand for training in this area is growing. To meet this demand, the International Training Centre of the ILO (ITCILO), in collaboration with the International Labour Standards Department (NORMES), has conducted training courses on international labour law addressed to judges, lawyers representing the interests of the social partners and university law teachers since 1999. An independent evaluation demonstrated that these courses have had an impact. Former participants are adopting judicial decisions that draw on international labour law. They are also writing academic articles, running seminars, workshops and conferences on related subjects, and upgrading university curricula to include international labour law.

While these results are certainly encouraging for the labour movement, this process could be strengthened if more trade union lawyers and lawyers who support them were to be better equipped to base their cases at the national level on ILS and the work of the ILO supervisory bodies, including the recommendations of the Committee on Freedom of Association. In fact, these submissions would certainly encourage more judges to examine those sources and hopefully take them into account in their decisions.

In this context, training of trade union lawyers on the use of international labour law before national courts is strategic to promote the continued use of ILS and the work of the supervisory bodies in protecting labour rights. A training for trade union lawyers and friendly trade union lawyers was carried out in the Arab region in 2013. As a follow-up, an advanced training course will be held in Amman, Jordan, from 13 to 15 December 2016.

## Objectives

### General objective

The training course aims to strengthen (1) the use of international labour law sources in submissions regarding domestic employment disputes, and (2) the participation in and strategic use of ILO supervisory machinery to protect workers' rights.

### Specific objectives

By the end of the training course, participants will:

- have an in-depth knowledge of the ILS system, from adoption to national application;
- be able to determine when and how lawyers can use international labour law before national courts;
- be able to identify and use ILS in key areas such as freedom of association, collective bargaining, equality of opportunity and treatment in employment and occupation;
- better understand the functioning of the ILO supervisory machinery and be in a better position to participate in it and decide strategically how to use it; and
- be able to find and use databases and other tools on ILS and relevant case law.

## Participants

The training course is intended to lawyers working within the trade union structures or very closely linked to their work. Participants will be selected through the usual ILO procedure, in consultation with the Secretariat of the Workers' Group.

## Content

The training course will cover the following:

- the ILS system (legal nature and main characteristics of ILS; procedures from their adoption to national application);
- when and how lawyers can use international labour law;
- the content and judicial use of ILS on freedom of association, collective bargaining, equality of opportunity and treatment in employment and occupation;
- the ILO supervisory machinery with focus on the special supervisory procedures, the role of trade unions and its strategic use;
- Internet resources on ILS and their application, as well as national and international case law.

## Methodology

The training methods will take full advantage of the participants' level of competencies and experience. In the present case, participants from the previous training will actively contribute to the interactive sessions of the course, readily sharing their knowledge and experience on the subject matter. Subjects will be dealt with through lectures followed by plenary discussions, practical exercises and computer demonstrations.

## Resource persons

The lecturers will include experts from the ILO, the ITCILO, ITUC and ATUC. Among them, there will be a member of the Committee of Experts on the Application of Conventions and Recommendations, one of the main ILO bodies supervising the application of ILS by member States.

## Languages

The course will be conducted in Arabic and English, with simultaneous interpretation.

## Preliminary tasks

In preparation for the training course, each participant will be asked to reply to a preliminary questionnaire, compiling information on the use of international labour law by judges and lawyers at the national level, with special focus on freedom of association, collective bargaining, equality of opportunity and treatment in employment and occupation.

There will be specific opportunities to discuss the reports during the course.

### ATUC in Arab Region

The Arab Trade Union Confederation aims to defend and promote the democratic and independent trade union movement in the region, to strengthen intra-regional solidarity and, with the support of the international trade union movement, to play a leading role in the promotion of human and trade union rights, fundamental social rights and social justice in the process of radical change that the Arab region is facing.