



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



The role of trade unions in the ILO Supervisory Machinery and the strategic use of the ILO Supervisory Bodies.

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Objectives of the presentation



1. Describe the role of trade unions in the ILO supervisory machinery.
2. Describe the main suggestions for the strategic use by trade unions of the work of the ILO Supervisory Machinery.

1. Describe the role of trade unions in the ILO supervisory machinery.

How can trade unions participate in the frame of the CEACR?

- ▶ In all cases trade unions can present their views with regards to the situation in law and in practice of the implementation of a ratified convention.
- ▶ In ratifying countries of ILO C 144.
- ▶ Grave violations – out of cycle.
- ▶ Interaction of supervisory bodies. Other bodies conclusions follow up.





- ▶ Are trade unions comments reflected in the Observations of the CEACR?
- ▶ How can trade unions provide their comments? National centers. ITUC as well.
- ▶ When can they present their comments?
- ▶ Under art 19...The case of the General Survey. A key opportunity.
- ▶ *TU can present comments to the Experts regarding the application of ratified conventions. ADDED VALUE.*
- ▶ *TU can report grave violations out of cycle.*
- ▶ *TU can present comments on the implementation of the recommendations of other sup mech.*
- ▶ *TU can present comments on the topic of the GS.*



Conclusions – CAS

- Trade unions comments influence good observations. It would be important to request that the case demands an observation instead of a direct request. (tendency... Implications..)
- Trade unions select the list of 24 cases (sometimes cases of progress).
- TU can take the floor in the CAS discussion and speak on the situation of «x» country with regards to the convention observed.
- Constituents together make the conclusions of the cases.
- TU can participate in missions following CAS conclusions.
- TU should report on the follow up of the CAS conclusions.



2. Describe the main suggestions for the strategic use by trade unions of the work of the ILO Supervisory Machinery

Before choosing whether or not to use the ILO Supervisory Mechanisms there should be a strategic analysis.

The main possibilities could include the following:

- ✓ CEACR
- ✓ CAS
- ✓ CFA
- ✓ Art 24
- ✓ Art 26
- ✓ Direct Intervention



Suggestions

- ❖ Take into account the nature of the conflict, violation, threat, etc... and analyse the consequences of choosing any mechanisms with regards to impact, time, resource consuming, etc....
- ❖ It is always better to try to find a solution before having to go to the ILO Supervisory System, if possible.
- ❖ Analyse the political impact to strategic select the mechanism. Sometimes the selection of a mechanism could be only for the sake of make the Government seat and negotiate.
- ❖ Seek advice with the unions that are experienced in using the mechanisms, as well as the ILO resources to support in answering questions about it (ACTRAV, NORMs etc)

CEACR

- Seize the possibility of provide comments on law and practice on ratified conventions.
- If C 144 is ratified, demand the formal participation.
- Present the facts in a detailed manner with all evidence included in order to allow the experts to understand and act in consequence. In many Observations they quote the information received.
- Seek support on the comments (i.e. ITUC)
- It is better to have one comment signed by many organizations than different comments that could be confuse on the facts.
- Have the reporting cycle of your country in order to be prepared to send comments in each ratified convention before Sept 1 each year.
- Use previous language used by the ILO Supervisory Mechanisms with regards to the violation alleged and even better if there is linked to the country in case.
- Follow up on the Observations and Direct Requests.

CAS

- Advocate for the selection of the preliminary list at the regional level and for the short list of cases in the CAS.
- Use strategically the leverage of the preliminary list month period for negotiating with the government in order to allow action to avoid ending up in the short list in the CAS.
- **Present speeches liaising with the Workers Group in the CAS on the different cases so you can contribute to describe the situation in the country with regards to the convention. The work is done by national coordination meetings during the CAS.**
- Promote active participation in the missions taking place in your country with regards to the CAS conclusions.
- Report on the follow up.

▶ CFA

- ▶ If there are many violations concentrate the claim in only one presentation involving all of them.
- ▶ Only related to FoA principles.
- ▶ Put all evidence in the first presentation, avoid presenting new contributions because each time you will trigger the mechanisms delaying the process much more.
- ▶ Do not stay still if there is a special request.
- ▶ Be active in implementing the CFA recommendations and keep reporting on the compliance or non compliance of the case.

▶ Art 24.

- Present the complaint with all the documentation and information needed. Remember that there will be an ad hoc committee with members of the GB who are not necessarily knowledgeable in the topic of the ratified convention.
- Use already existing language of the CEACR in the standard in question to avoid weakening the jurisprudence.
- **Be clear on what you request in order to help the committee deliver.**
- **Monitor the compliance with the recommendations of the ad hoc committee.**
- **Report on the follow up of the case.**

▶ Art 26

- Mainly surrounded by political circumstances.
- Key role of the Workers Group at the GB and ILC.
- Need to liaise with the unions at the international level.
- Support the follow up on missions or decisions under an Art 26.

▶ Direct interventions

- For serious and urgent violations.
- Request the highest level possible. Cabinet.
- Request to the Norms department a follow up on the Direct intervention.
- Request to be copied.
- Follow up with the MoL the impact of the intervention.

**Many thanks for the kind
attention!**



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