

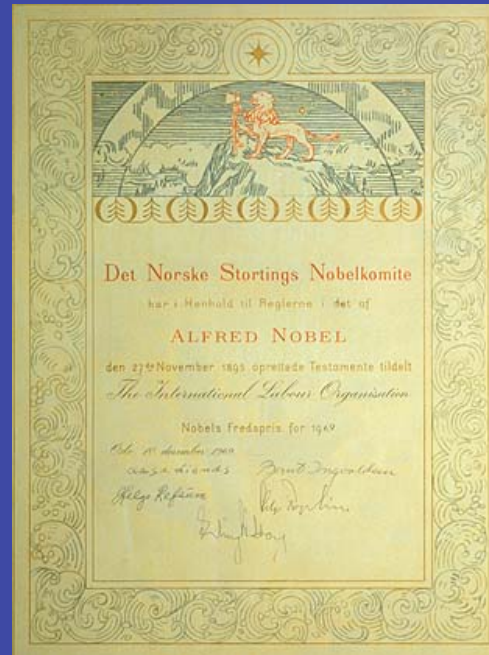


The ILO and its ILS system

13 December 2016, Amman, Jordan

Part 1

About the ILO



The ILO

- Was founded in 1919, with the Treaty of Versailles
 - To improve the living and working conditions of workers
 - To consolidate social peace
 - To equalize conditions for international competition
- Has **universal membership**, with 187 member States
- Is a UN specialized agency

ILO's mandate

- To promote **social justice**
- To promote **decent work** for all
 - Promote opportunities for women and men to obtain decent and productive work, in conditions of **freedom, equity, security and human dignity**
 - Decent Work Agenda based on **four equal strategic objectives**: standards and fundamental principles and rights at work; employment; social protection for all; tripartism and social dialogue
 - Decent work is part of **Sustainable Development Goal 8**

ILO's structure and main bodies



INTERNATIONAL LABOUR CONFERENCE

4 delegates per Member State

1 workers' delegate

2 government delegates

1 employers' delegate

GOVERNING BODY

14 workers' representatives

28 government representatives

14 employers' representatives

INTERNATIONAL LABOUR OFFICE

Declaration of Philadelphia

- Adopted in 1944 and annexed to the ILO Constitution in 1946
- Reaffirms the aims and purposes of the ILO and the principles which should inspire the work of its members
 - Labour is not a commodity
 - Poverty anywhere constitutes a threat to prosperity everywhere
 - 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

Declaration on Fundamental Principles and Rights at Work

- Adopted in 1998
- Affirms the fundamental nature of 4 categories of principles and rights at work
 - Freedom of association and the effective recognition of the right to collective bargaining
 - Elimination of forced or compulsory labour
 - Abolition of child labour
 - Elimination of discrimination in respect of employment and occupation
- Commits member States to **respect and promote** them, whether or not they have ratified the relevant Conventions
- Has a **promotional follow-up mechanism**, with reports from countries that have not yet ratified one or more of the relevant Conventions

Declaration on Social Justice for a Fair Globalization

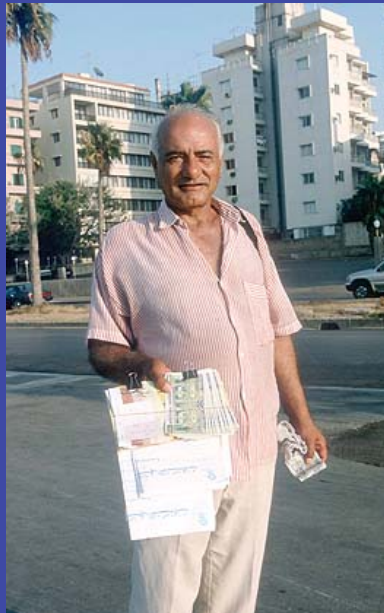
- Adopted unanimously in 2008
- Expresses the universality of the Decent Work Agenda
- Stresses a holistic and integrated approach by recognizing that the four strategic objectives are “inseparable, interrelated and mutually supportive”
- Highlights the **role of international labour standards as a useful means of achieving them**

ILO's means of action

- **International labour standards**
 - Elaborating and adopting them
 - Supervising their application in member States
- Technical cooperation
- Research, information and training

Part 2

About the ILS system, from adoption to ratification



ILS forms

- **Conventions**
 - International treaties open to ratification by member States
 - When ratified, legally binding
 - If not ratified, a source of inspiration
- **Recommendations**
 - Not open to ratification, not legally binding
 - Give guidance on policy, legislation and practice
- **Protocols**
 - Partial and optional revisions or amendments of earlier Conventions

ILS in numbers

- **189 Conventions**
 - 8 fundamental Conventions, 4 governance Conventions and 177 technical Conventions
 - 83 up-to-date Conventions
 - Most recent: C189 on Domestic Workers, 2011
- **204 Recommendations**
 - Most recent: R203 on Forced Labour (Supplementary Measures), 2014 and R204 on Transition from the Informal to the Formal Economy, 2015
- **6 Protocols**
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Fundamental Conventions

| Fundamental Conventions | Fundamental principles and rights at work |
|--|--|
| C87 Freedom of Association and Protection of the Right to Organise, 1948 | Freedom of association and the effective recognition of the right to collective bargaining |
| C98 Right to Organise and Collective Bargaining, 1949 | |
| C29 Forced Labour, 1930 | The elimination of all forms of forced or compulsory labour |
| C105 Abolition of Forced Labour, 1957 | |
| C138 Minimum Age, 1973 | The effective abolition of child labour |
| C182 Worst Forms of Child Labour, 1999 | |
| C100 Equal Remuneration, 1951 | The elimination of discrimination in respect of employment and occupation |
| C111 Discrimination (Employment and Occupation), 1958 | |

Governance Conventions

| Governance Conventions | Subjects |
|---|--------------------------------------|
| C144 Tripartite Consultation (International Labour Standards), 1976 | Tripartite consultation |
| C81 Labour Inspection, 1947 | Labour administration and inspection |
| C129 Labour Inspection (Agriculture), 1969 | |
| C122 Employment Policy, 1964 | Employment policy and promotion |

Subjects covered by ILS

- Freedom of association, collective bargaining and industrial relations
- Forced labour
- Elimination of child labour and protection of children and young persons
- Equality of opportunity and treatment
- Tripartite consultation
- Labour administration and inspection
- Employment policy and promotion
- Vocational guidance and training
- Employment security
- Wages
- Working time

Subjects covered by ILS (Cont'd)

- Occupational safety and health
- Social security
- Maternity protection
- Social policy
- Migrant workers
- HIV/AIDS
- Seafarers
- Fishers
- Dockworkers
- Indigenous and tribal peoples
- Specific categories of workers
- Non classified ILS

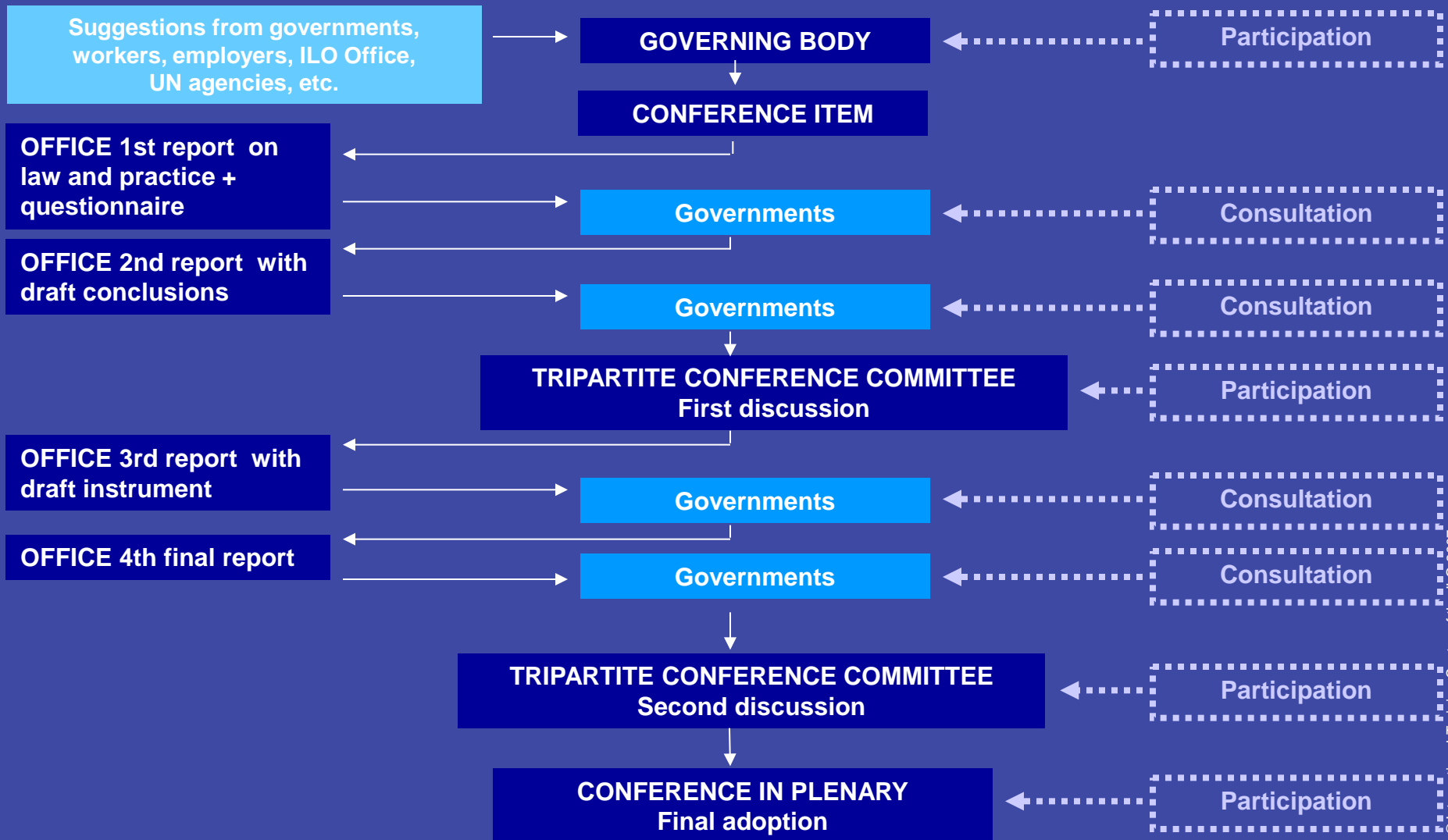
ILS characteristics

- **Tripartite**
 - Are the fruit of a tripartite consensus
- **Minimum**
 - Fix a minimum level of protection
- **Universal**
 - Are set at the world level
- **Flexible**
 - Take into account the needs of member States (*Art. 19(3) ILO Constitution*)

ILS creation

- Problem identified
- Item put on International Labour Conference Agenda (by Governing Body or International Labour Conference with 2/3 majority)
- Item discussed at International Labour Conference
 - **Twice** (Double discussion)
 - Once (Single discussion)
 - If C144 is ratified: the government shall **consult** the social partners on the replies and comments on standard-setting items
- ILS adopted with a 2/3 majority of delegates present at International Labour Conference

Double-discussion procedure



Case study example

ILC Agenda Item IV (99th Session, 2010): Decent work for domestic workers (double discussion) / FIRST DISCUSSION



Report IV(1) / White report: Decent work for domestic workers

Law and practice report, together with a questionnaire



Report IV(2) / Yellow report: Decent work for domestic workers

Report summarizing ILO constituents comments on the previous one and containing draft conclusions

Case study example (Cont'd)

ILC Agenda Item IV (100th Session, 2011): Decent work for domestic workers (double discussion) / SECOND DISCUSSION



Report IV(1) / Brown report: Decent work for domestic workers

Report with first draft text of proposed Convention and Recommendation



Report IV(2A) / Blue report: Decent work for domestic workers

Report with essential points of replies from governments and employers' and workers' organization, as well as Office commentary



Report IV(2B) / Blue report: Decent work for domestic workers

Revised proposed Convention and Recommendation, which served as a basis for the final discussion and adoption

Next normative action

| YEAR | STANDARD-SETTING ITEMS ON ILC AGENDA | |
|------|---|---|
| 2017 | Employment and decent work for peace and resilience, Revision of the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) (<i>standard setting, double discussion</i>) | <p>Agenda Item V, Second discussion</p> <p>Report V(I) available at: http://www.ilo.org/ilc/ILCSessions/106/reports/reports-to-the-conference/WCMS_512513/lang--en/index.htm</p> |
| 2018 | Violence against women and men in the world of work (<i>standard setting</i>) | |

ILS submission

- Member States have the obligation to submit **all newly adopted** ILS to the national authorities vested with the power to legislate, and then inform the ILO Director-General (*Art. 19(5-7) ILO Constitution*)
- Submission should be accompanied or followed by a statement or proposals by the Government
- Aims
 - Promoting measures as to ILS implementation at national level
 - For Conventions, promoting their ratification
 - Bringing ILS to the knowledge of the general public
 - Stimulate **tripartite dialogue** at the national level

ILS submission (Cont'd)

- Timeframe
 - Within 12 months from the closing of the International Labour Conference
 - In exceptional circumstances, within 18 months
- Governing Body Memorandum, 2005, provides guidance
- Social partners should receive **copies** of the information provided to the ILO (*Art. 23(2) ILO Constitution*)
- If C144 is ratified: the government shall **consult** the social partners on the proposals to be made to the competent national authorities

Ratification

- Is the **formal commitment** by a member State to be bound by the provisions of the Convention under international law
 - Inadmissibility of reservations
 - No specific requirements as to form
 - Declarations to be included in instruments of ratification or in accompanying document
 - Ratifications are registered by the ILO Director-General (Refer to final articles of each Convention)
- Involves exposure to **international control** on the implementation of the Convention in law and in practice

Entry into force

- **Initial** entry into force
 - Generally, 12 months after registration of the second ratification
- Entry into force concerning **each ratifying country**
 - 12 months after registration of the ratification
- Refer to final articles of each Convention

Denunciation

- **Pure denunciations**
 - Generally, are possible every 10 years, following the initial entry into force of the Convention, during an interval of one year
 - Take effect one year after registration
 - Refer to final articles of each Convention
- **Automatic denunciations**
 - Take effect from the entry into force of the newly ratified revising Convention

THANK YOU FOR THE ATTENTION!

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