

An introduction to the International Labour Organization, International Labour Standards and Fundamental Principles and Rights at Work

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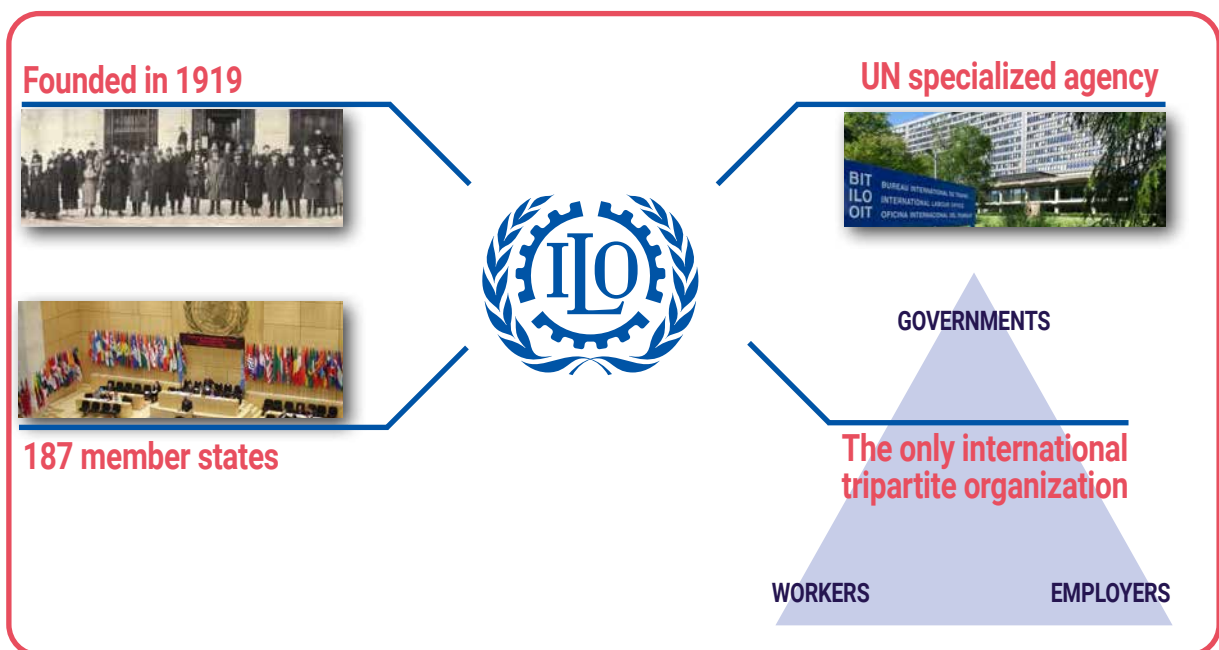
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What is the International Labour Organization (ILO)?

ILO is a specialized agency of the United Nations. Since 1919, the Organization has been bringing together governments, employers and workers from around the world to promote prosperity and social justice. The ILO's founders recognized that the global economy needed clear rules in order to ensure that economic progress would go hand in hand with social justice, prosperity and peace for all. The Organization established a system of international labour standards – international Conventions (or Protocols) and Recommendations – drawn up by representatives of governments, employers and workers from around the world- covering all matters related to work¹.

Today representatives from 187 member States are united under the unique tripartite structure of the ILO, which gives an equal voice to workers, employers and governments. The tripartite structure of the Organisation ensures that the views of all the actors are reflected both in international labour standards and in shaping policies and programmes.



¹ ILO, The Rules of the Game, Centenary Edition (2019) page 12

▶ Advancing social justice, promoting decent work

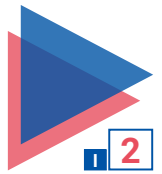
The ILO's quest for social justice, defined as the aspirations of every working man and woman to be able to freely claim on the basis of equality of opportunity their fair share of the wealth they have helped to create, is as relevant today as when the ILO was created.

One of the main principles expressed in the preamble of the Declaration of Philadelphia, one of the ILO's ILO founding documents²: labour is not a commodity. This principle reaffirms that people should not be treated as a resource or factor of production. Each person shall work in freedom, safety and dignity.

Today the strategic aims of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.



- 2** Versailles Treaty, establishing the International Labour Organization, Article 427 - https://www.ilo.org/wcmsp5/groups/public/---dgreports/---jur/documents/genericdocument/wcms_441862.pdf
 ILO Constitution - https://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO
 Declaration of Philadelphia 1944, reestablishing the ILO under the United Nations and reaffirming the first principle that labour is not a commodity - <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/declarationofPhiladelphia1944.pdf>



The ILO Decent Work Agenda summarizes the aspirations of everyone to obtain decent work through the promotion of social dialogue, social protection and employment creation, as well as respect for international labour standards. It entails the provision of work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns and to organize and participate in the decisions that affect their lives, and, equality of opportunity, and equal and fair treatment for all women and men. The realization and respect for fundamental principles and rights at work is one of the pillars of Decent Work.

Decent work has become a universal objective and has been included in major human rights declarations, UN Resolutions, and outcome documents of major world conferences. It is also at the heart of the UN 2030 Agenda for Sustainable Development (2015). Moreover, the principles elements of decent work are reflected in many of the targets of the 16 Sustainable Development Goals.

One of these declarations, the ILO Declaration on Social Justice for a Fair Globalization, adopted in June 2008 by governments, expressed at the time the contemporary vision of the ILO's mandate in the era of globalization. It emphasizes a holistic and integrated approach by recognizing that employment, social protection, social dialogue and fundamental rights at work are "inseparable, interrelated and mutually supportive". It further reiterates the role of international labour standards as a means of achieving these objectives as well as the constitutional objectives of the ILO itself.

Fundamental Principles and Rights at Work³

Historically the ILO has considered certain categories of rights at work to be fundamental. They are:

1. The right to freedom of association and the effective recognition of the right to collective bargaining;

3 These four categories of principles and rights will be described in more detail in Module 2

2. The right to freedom from all forms of forced or compulsory labour;
3. The right to freedom from child labour; and
4. The right to freedom from discrimination in respect of employment and occupation.

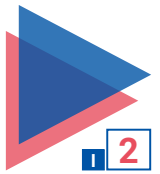
In 1998 the ILO adopted the Declaration on Fundamental Principles and Rights at Work and its Follow-Up in response to the ill effects of the opening up of global markets, and, particularly the effects of globalization on the respect for core labour standards.

The Declaration makes it clear that these rights are universal, and that they apply to all people in all States - regardless of the level of economic development. It declares that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize these core labour standards. It particularly mentions groups with special needs, including the unemployed and migrant workers and further states that economic growth alone is not enough to ensure equity, social progress and to eradicate poverty.⁴

The Future of Work

Global developments, including the technological change, increased participation of women in the labour market, accelerated globalization of trade, fragmentation of value chains, expansion of the on-demand economy, increasing demand for new skills, etc., find its reflection in the ILO Centenary Initiative on the Future of Work. The ILO Centenary Declaration for the Future of Work, adopted in 2019 at the 108th session of the International Labour Conference, not only reaffirms the ILO's fundamental principles¹, but also applies a human-centered approach to shape the path toward fair, inclusive and secure future of work, with full, productive and freely-chosen employment and decent work for all.

⁴ The Declaration recalls and reaffirms the aims, purposes, principles and mandate set out in the ILO Constitution and the Declaration of Philadelphia (1944) and underlines the importance of the ILO Declaration on Fundamental Principles and Rights at Work (1998) and the ILO Declaration on Social Justice for a Fair Globalization (2008)



Today there remains a strong international commitment to address violations of these fundamental human rights. Respect for core labour standards is also a feature of a growing number of Free Trade Agreements.

Throughout its 100 years history, the ILO has developed a system of international labour standards (ILS) covering a wide range of subjects in the world of work and backed by supervisory mechanisms designed to address all sorts of problems in their application at the national level. Today as well as in the future international labour standards continue giving the responses to the changes influencing the world of work.

How does the ILO work?

To pursue its aims, the ILO

- ▶ adopts international labour standards covering a wide range of subjects backed by a unique system to supervise their application;
- ▶ formulates international policies and programmes to promote basic human rights, improve working and living conditions, and enhance employment opportunities;
- ▶ cooperates with its constituents in member countries to help them put these policies into practice; and
- ▶ undertakes training, education and research activities.

The adoption of international labour standards is one of the means utilized by the ILO to achieve the objective of social justice set forth in the Preamble to its Constitution⁵.

5 https://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO

The ILO accomplishes its work through three main bodies:

The tripartite **International Labour Conference**⁶ which establishes international labour standards and broad ILO policies. It meets annually in Geneva, Switzerland. Providing spaces for exchanging the views among the tripartite constituents, the Conference is also a forum for discussion of key social and labour questions.

The **Governing Body**⁷ is the tripartite executive council. It meets three times a year in Geneva. It takes decisions on ILO policy and establishes the programme and budget, which it then submits to the Conference for adoption. The Governing Body also plays an important role in supervising the application of international labour standards.

The **International Labour Office**⁸ is the permanent secretariat of the Organization. It is the focal point for its overall activities, which it prepares under the scrutiny of the Governing Body and the leadership of the **Director-General**⁹. Based in Geneva, the Office has a field structure: through a number of field offices direct contacts are maintained with governments, employers and workers.



What are international labour standards?

International labour standards (ILS) are the products of discussions among governments, employers and workers. The ILS represent the international consensus on how a specific issue in the world of work may

6 <https://www.ilo.org/ilc/AbouttheILC/lang--en/index.htm>

7 <https://www.ilo.org/gb/about-governing-body/lang--en/index.htm>

8 <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/lang--en/index.htm>

9 <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/ilo-director-general/lang--en/index.htm>



be tackled at the global level. ILS also reflects knowledge and experience that the constituents are bringing from all parts of the world.

The universal and flexible nature of ILS allows them to be translated into national law and practices, while taking into account peculiarities of national legal systems and administrations. ILS are traditionally addressed to governments, which use them as models and targets for drafting their labour laws and social policies, to improve administrative structures, including labour inspection, labour administration, employment services and social security. ILS also provide invaluable guidance in other contexts, e.g. to enterprises engaging in Corporate Social Responsibility (CSR) initiatives, supporting the process of “due diligence” for the achievement of decent work, to domestic courts and tribunals for settling labour disputes or as models for collective agreements. ILS are also tripartite, with employers’ and workers’ organizations playing an important role in drafting, adopting and implementing them.

International labour standards can be either:

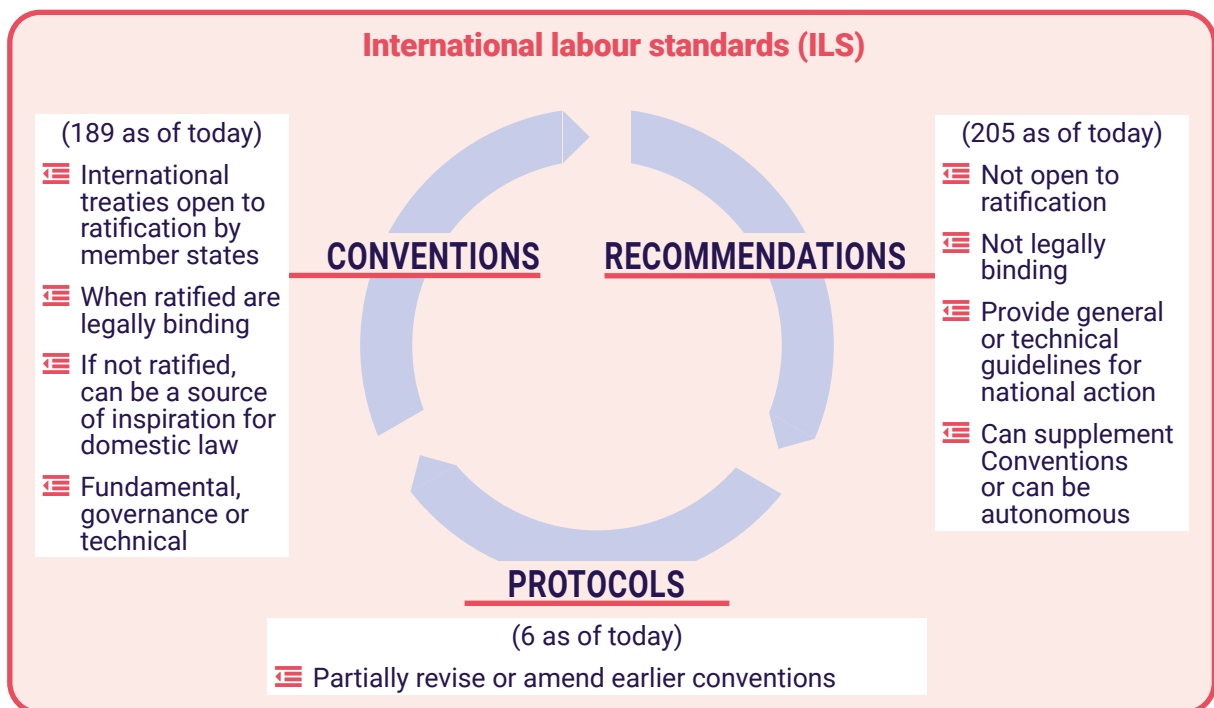
- ▶ **Conventions**¹⁰, which are legally binding international treaties that may be ratified by member States,
- ▶ **Recommendations**, which serve as non-binding guidelines, or
- ▶ **Protocols**, which are used to adapt existing Conventions.

In many cases, a Convention lays down the basic principles to be implemented by ratifying countries, while a related Recommendation supplements the Convention by providing more detailed guidelines on how it may be applied. Recommendations can also be autonomous, meaning not linked to any Convention.

The NORMLEX database offers comprehensive information on international labour standards and their application. Consulting the NORMLEX, you will find the full texts of the ILO:

- ▶ ILO Conventions (190 at the time of publication);
- ▶ ILO Recommendations (206 at the time of publication);
- ▶ Protocols (6 as of today).

10 ILO Conventions are grouped as follows: fundamental Conventions; priority or governance Conventions; and technical Conventions.



▶ Conventions by type

- ▶ 8 Fundamental Conventions
- ▶ 4 Governance (priority) Conventions
- ▶ 178 Technical Conventions

Fundamental Conventions

The ILO Governing Body has identified **eight** “fundamental” Conventions, covering subjects that are considered to be fundamental principles and rights at work:

Freedom of association and the effective recognition of the right to collective bargaining

- C087** the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- C098** the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Elimination of all forms of forced or compulsory labour

- C029** the Forced Labour Convention, 1930 (No. 29)
- P029** Protocol of 2014 to the Forced Labour Convention, 1930
- C105** the Abolition of Forced Labour Convention, 1957 (No. 105)

Effective abolition of child labour

- C138** the Minimum Age Convention, 1973 (No. 138)
- C182** the Worst Forms of Child Labour Convention, 1999 (No. 182)

Elimination of discrimination in respect of employment and occupation

- C100** the Equal Remuneration Convention, 1951 (No. 100)
- C111** the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Governance Conventions

The ILO Governing Body has also designated another four Conventions as governance (or priority) instruments, thereby encouraging member States to ratify them because of their importance for the functioning of the international labour standards system:

Employment policy

C122 the Employment Policy Convention, 1964 (No. 122)

Labour inspection

C081 the Labour Inspection Convention, 1947 (No. 81)

C129 the Labour Inspection (Agriculture) Convention, 1969 (No. 129)

Tripartite consultation

C144 the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Technical Conventions

A wide range of subject areas are covered by ILO technical Conventions:

Freedom of association, collective bargaining and industrial relations	Vocational guidance and training	Maternity protection
Forced labour	Employment security	Migrant workers
Elimination of child labour and protection of children and young persons	Social policy	Seafarers
Equality of opportunity and treatment	Wages	Fishers
Tripartite consultation	Working time	Dockworkers
Labour administration and inspection	Occupational safety and health	Indigenous and tribal peoples
Employment policy and promotion	Social security	Specific categories of workers



Applying and promoting international labour standards

Under article 19 of the ILO Constitution, once international labour standards are adopted member States are required to submit them for consideration to their competent authority (i.e. the parliament) for the enactment of relevant legislation or other action. Conventions, being legally binding instruments, can then be considered for ratification. A Convention usually comes into force for the country that ratifies it one year following ratification. The same applies to Protocols.

The act of ratification means that a member State commits

- (i) to apply the Convention in national law and practice and
- (ii) to periodically report on its application.

The supervision of the application of international labour standards that follows ratification allows the ILO to assist member States in those areas where improvements could be done through social dialogue and various forms of technical assistance.

The regular system for supervising the application of standards

Once it has ratified a Convention, a country is subject to the regular supervisory system, which is responsible for ensuring that international labour standards are applied nationally.

Every three years, governments have to provide reports on steps they have taken to apply in law and practice any of the **eight fundamental** and **four governance Conventions** they have ratified.

Every six years, reports have to be provided for **technical Conventions**.

Reports on the application of Conventions may be requested at shorter intervals. Governments are requested to submit copies of their reports to the representative organizations of employers and workers. Employers'

and workers' organizations may comment on the government reports or send their comments on the application of ratified Conventions directly to the International Labour Office.

Two ILO bodies are involved :

- ▶ The Committee of Experts on the Application of Conventions and Recommendations¹¹ (CEACR)
- ▶ The International Labour Conference's Tripartite Committee on the Application of Conventions and Recommendations¹² (CAS)

The CEACR examines the reports and other information and documents available and makes two kinds of comments to member States:

Observations

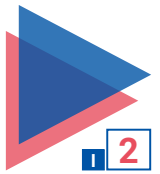
- ▶ Are used in more serious or long-standing cases of failure to fulfil obligations.
- ▶ May also highlight progress on specific issues, as appropriate.
- ▶ Are reproduced in the annual report of the CEACR.

Direct requests

- ▶ Relate to technical questions or when further information is needed.
- ▶ Are also used to examine first reports
- ▶ They are not published in the annual report of the CEACR, but communicated directly to governments concerned, employers' and workers' organizations

11 <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang--en/index.htm>

12 <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/conference-committee-on-the-application-of-standards/lang--en/index.htm>



Both observations and direct requests are available online in NORMLEX¹³.

The annual report of the CEACR is transmitted to the CAS for discussion. The CAS examines the report in a tripartite setting and a selection of observations which are discussed one by one (24 individual cases). The governments to which these observations are addressed are invited to provide information to the CAS, which usually adopts conclusions recommending that governments take specific steps to remedy a problem or accept different types of missions or technical assistance.

Special procedures

The ILO supervisory system is multidimensional. It also includes three special procedures, which are based on allegations of violations against governments.

1. The procedure for **representations**¹⁴ (Arts. 24 and 25 of the ILO Constitution) can be used by employers' or workers' organizations for non-observance of any ratified Convention by any member State.
2. The procedure for **complaints**¹⁵ (Arts. 26 to 29 and 30 to 34 of the ILO Constitution) can be used against a member State for not complying with a ratified Convention by another member State which has ratified the same Convention, a delegate to the International Labour Conference or the Governing Body of its own motion.
3. **Freedom of association**¹⁶ procedures for the examination of complaints alleging violations of freedom of association and collective bargaining by the Committee on Freedom of

¹³ <https://www.ilo.org/dyn/normlex/en>

¹⁴ <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/representations/lang-en/index.htm>

¹⁵ <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/complaints/lang-en/index.htm>

¹⁶ <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang-en/index.htm>

Association (CEACR), regardless of ratification of the relevant Conventions. Complaints may be brought against a member State by employers' or workers' organizations.

6.3 General Surveys

Article 19 of the ILO Constitution requires member States to report, at the request of the Governing Body, on measures they have taken to give effect to any provision of certain unratified Conventions or Recommendations, and to indicate any obstacles which are preventing or delaying the ratification of a particular Convention. Employers' and workers' organizations may comment as well.

Using this information, as well as information on the application of ratified Conventions, the CEACR publishes annually a General Survey providing an in-depth overview of national law and practice on the selected subject. General Surveys provide an opportunity to examine the impact of international labour standards, analyse difficulties reported by governments in their application and identify means of overcoming obstacles.

The General Surveys issued since 1985 are available via NORMLEX.

1985	Labour Inspection	1993	Workers with Family Responsibilities
1986	Equal Remuneration	1994	Freedom of Association and Collective Bargaining
1987	Safety in the Working Environment	1995	Protection against Unjustified Dismissal
1988	Equality in Employment and Occupation	1996	Equality in Employment and Occupation
1989	Social Security Protection in Old-Age	1997	Labour Administration
1990	Labour Standards on Merchant Ships	1998	Vocational Rehabilitation
1991	Human Resources Development	1999	Migrant Workers
1992	Minimum Wages	2000	Tripartite Consultation



2001	Night Work of Women in Industry	2012	Fundamental Conventions
2002	Dock Work	2013	Labour Relations (Public Service) and Collective Bargaining
2003	Protection of Wages	2014	Minimum wage fixing instruments
2004	Promoting Employment	2015	Right of Association and Rural Workers' Organisations instruments
2005	Hours of Work	2016	Instruments concerning migrant workers
2006	Labour Inspection	2017	Instruments concerning occupational safety and health
2007	Eradication of Forced Labour	2018	Instruments concerning working time
2008	Labour Clauses in Public Contracts	2019	Social Protection Floors Recommendation, 2012 (No. 202)
2009	Occupational Safety and Health		
2010	Employment Instruments		
2011	Social Security Instruments		

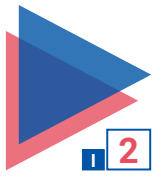


Centenary initiative on international labour standards

In the run-up to the ILO's centenary year in 2019, the ILO instituted the Standards Initiative. Its main purpose is to enhance the relevance of international labour standards, especially in the face of changing patterns of the world of work, and to consolidate tripartite consensus on an authoritative supervisory system.

Key resources and documents

- ▶ **NORMLEX** is a trilingual database (English, French and Spanish) which brings together information on international labour standards (such as information on ratifications, reporting requirements, comments of the ILO supervisory bodies, etc.), as well as on national labour and social security legislation. It has been designed to provide full and easily usable information on these subjects.
<https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:>
- ▶ **NATLEX** is a trilingual database (English, French and Spanish with very many texts in the original language) on labour, social security and human rights law. It includes nearly 90,000 legislative texts from 196 countries and over 160 territories, provinces and other entities.
https://www.ilo.org/dyn/natlex/natlex4.home?p_lang=en
- ▶ ILO Constitution
https://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO
- ▶ Conventions and Recommendations
<https://www.ilo.org/dyn/normlex/en/f?p=1000:12030::NO::>
- ▶ Reports of the Committee of Experts on the Application of Conventions and Recommendations (CEACR)
<https://www.ilo.org/public/libdoc/ilo/P/09661/>
- ▶ Reports of the Conference Committee on the Application of Standards (CAS)
https://www.ilo.org/global/standards/information-resources-and-publications/WCMS_190528/lang-en/index.htm
- ▶ List of Representations (Art. 24 of the ILO Constitution) and of reports of the committees that analyzed them
https://www.ilo.org/dyn/normlex/en/f?p=1000:50010::NO:50010:P50010_ARTICLE_NO:24
- ▶ List of Commissions of Inquiry and complaints (Art. 26 of the ILO Constitution)
https://www.ilo.org/dyn/normlex/en/f?p=1000:50011::NO:50011:P50011_ARTICLE_NO:26



- ▶ Reports of the Committee on Freedom of Association (CFA)
https://www.ilo.org/wcmsp5/groups/public/--ed_norm/--normes/documents/genericdocument/wcms_159872.pdf
- ▶ Introducing the International Labour Organization (ILO, 2019)
https://www.ilo.org/global/about-the-ilo/WCMS_374809/lang-en/index.htm