



International
Labour
Organization

International Labour Standards: A Prelude

Amanda Mejía-Cañadas

Introduction





International
Labour
Standards

Some General Points...

- Among ILO's main means of action since its creation (1919)
- “Rules of the game” ⇔ Tripartite international dialogue
- Cover matters related to work
- Take the form of Conventions or Recommendations(*seldomly* Protocols)





International
Labour
Standards

Types of Standards...

CONVENTION

Adopted by the International Labour Conference

Open to ratification

⇔ Legally binding (if
ratified)

Ratification triggers

Constitutional obligations

(Arts. 22 + 23(2) + 35)

To this day = 189

RECOMMENDATION

≠ Open to ratification

≠ Legally binding

Give Guidance

(policy, legislation &
practice)

To this day = 205





International
Labour
Standards

Subjects covered...

Freedom of association + Collective bargaining + Forced labour + Child labour + Equality of opportunity and treatment +

Tripartite consultation + Labour inspection + Employment policy +

Labour administration + Employment promotion + VGT + Employment security + Wages + Working time + OSH + Social security + Maternity protection + Social policy + Migrant workers + HIV/AIDS + Seafarers + Fishers + Dock workers + Indigenous and tribal peoples + Other specific categories of workers





International
Labour
Standards

Types of Conventions...

Fundamental x 8

- Forced Labour x2
- Freedom of Association & Collective Bargaining x2
- Child Labour x2
- Equality of opportunity & Treatment x2

Governance x 4

- Tripartite Consultations
- Employment Policy
- Labour Inspection x2

Technical x 177





International Labour Standards

At the beginning...

- 1 Hours of Work (Industry) (No. 1)
- 9 Unemployment (No. 2)
- 9 Maternity Protection (No. 3)
- 1 Night Work (Women) (No. 4)
- 9 Minimum Age (Industry) (No. 5)
- 9 Night Work of Young Persons
(Industry) (No. 6)
- Minimum Age (Sea) (No. 7)
- Unemployment Indemnity
(Shipwreck) (No. 8)
- Placing of Seamen (No. 9)



1
9
2
0





International
Labour
Standards

Not too long ago...

Conventions

[2003~2017]

- Maritime Labour Convention, 2006 (MLC, 2006)
- Promotional Framework for Occupational Safety and Health, 2006 (No. 187)
- Work in Fishing, 2007 (No. 188)
- Domestic Workers, 2011 (No. 189)
- Protocol of 2014 to the Forced Labour Convention, 1930





International
Labour
Standards

Besides...

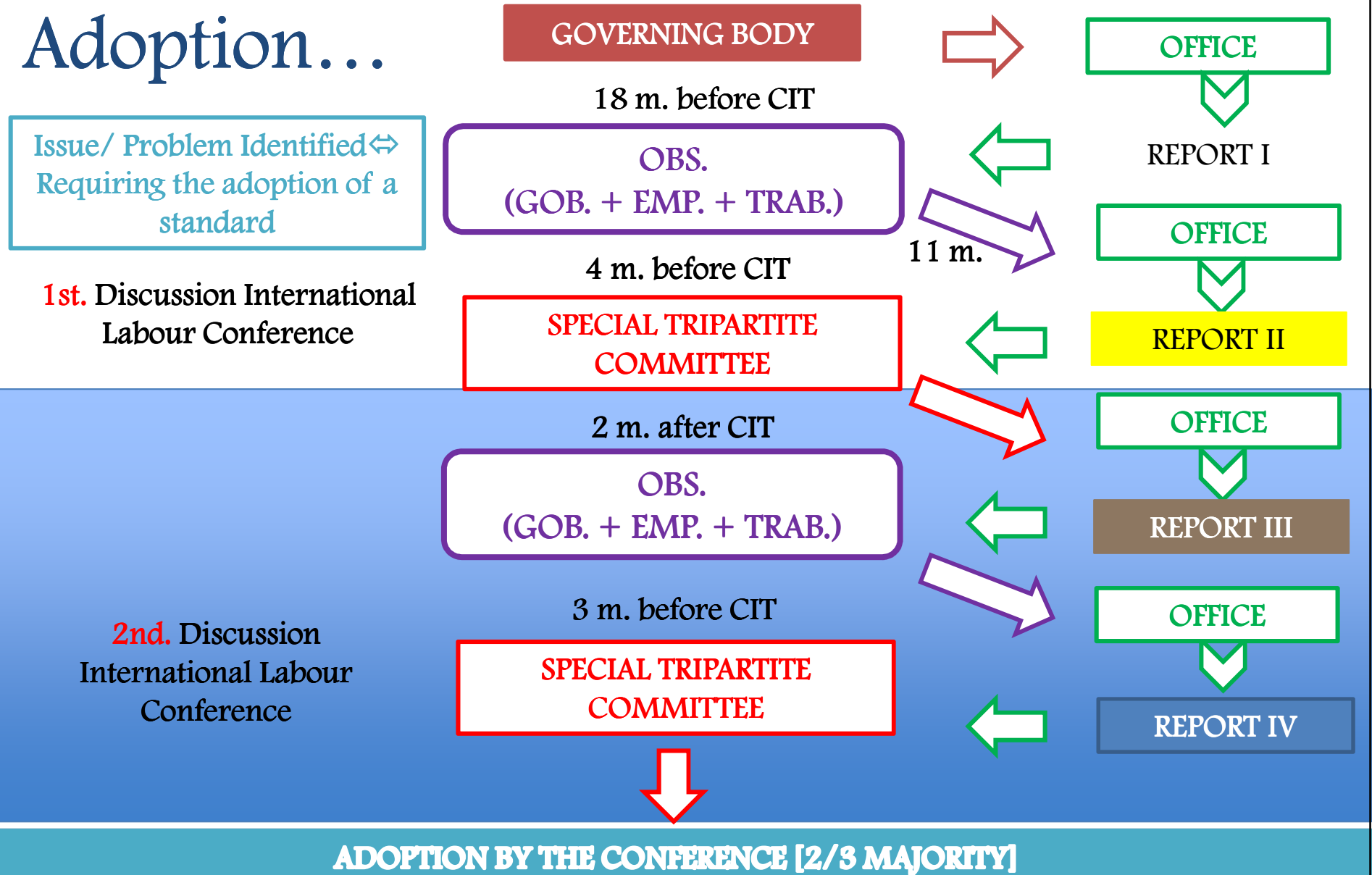
Recommendations

[2010~2017]

- HIV and AIDS, 2010 (No. 200)
- Domestic Workers, 2011 (No. 201)
- Social Protection Floors, 2012 (No. 202)
- Forced Labour (Supplementary Measures), 2014 (No. 203)
- Transition from the Informal to the Formal Economy, 2015 (No. 204)
- Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)



Adoption...



Speaking of the Plenary





International
Labour
Standards

Last Minute...

107th Session of the Conference (2018)

- ☐ Effective ILO development cooperation in support of the Sustainable Development Goals (General Discussion)
- ☐ Violence and harassment against women and men in the world of work (Standard Setting Item/ Double Discussion)
- ☐ Recurrent discussion on the strategic objective of social dialogue and tripartism, under the follow-up to the 2008 Declaration



The Supervisory System





International
Labour
Standards

Reports...

[Arts. 22 and 23(2) ILO Constitution]

- Obligation to submit a report on the measures taken ⇔ give effect to the provisions of the convention(s) ⇔ 1 year after the entry into force for the member State [*i.e.* 2 years after ratification]
- Obligation to communicate the info. + report → most represent. Workers + Employers Org.



Regular Supervisory Mechanism...

Committee on the
Application of Standards
(CAS)
of the International Labour
Conference

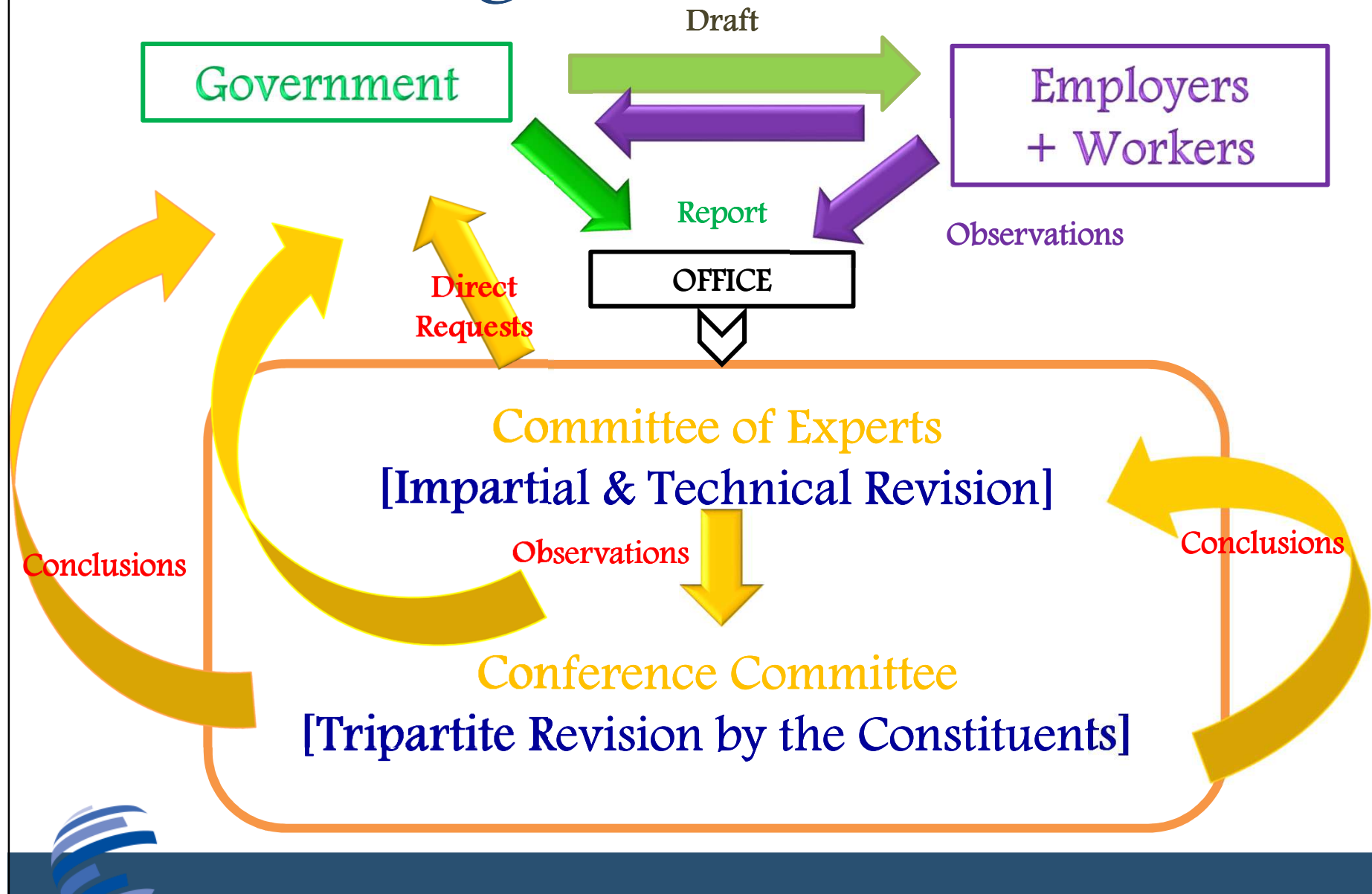
The Committee of Experts on
the Application of
Conventions and
Recommendations (CEACR)

Created in 1926 by ILC Resolution

- Tripartite conformation
- Meets in May~June
- Sessions ⇔ Public
- >150 Members
- Independent Experts
- Meets Nov.~December
- Sessions ⇔ Private
- 20 members



Fonctionning...





International
Labour
Standards

Special Procedures...

Representations

Complaints

- BOTH = Constitutional basis
- BOTH = Ratified Conventions
- R ⇔ Legal Standpoint
- C ⇔ Legal + Political Standpoint
- 2 distinct bodies (*i.e.* STC & CoE)

Complaints
Freedom of
Association

- No Constitutional basis [1951]
- Not necessarily ratified Conv.
- Legal + Political standpoint
- 2 distinct bodies (*i.e.* the CFA and the CoE)





International
Labour
Standards

The latest ones...

Pending

- France C. 87, 98, 158
- Chile C. 187

Recently Closed

- Peru C. 26, 100, 111, 151 (≠ receivable)
- Romania C. 111 (≠ receivable)





International
Labour
Standards

The latest ones...

Venezuela C. 26, 87 and 144 (E) *Pending ⇔ CoE appoint.*

- Guatemala C. 87 *Pending*
- Qatar C. 29 and 81 [Closed 11/2017]
- Venezuela C. 87, 95 and 111 (W) [Closed 03/2017]
- Chile C. 87, 98, 103 and 151 [Closed 03/2017]
- Fiji C. 87 [Closed in March 2016]

Last Reports (CoE)

- Zimbabwe (2009) C. 87 and 98
- Belarus (2004) C. 87 and 98
- Myanmar (1998) C. 87





Thank you very much

NORMES

International Labour Standard Department

International Labour Office (ILO)

4, route des Morillons

CH-1211 Genève 22

Switzerland

www.ilo.org/normes