

*Using ILO Standards to Promote
Environmentally Sustainable
Development*

Booklet 4

ECONOMIC DEVELOPMENT AND SECURITY

*Workers' Education and Environment
Project INT93/M12/NOR*

*Bureau for Workers' Activities
International Labour Office Geneva*

Introduction

A world in which poverty is commonplace will always be subject to political and ecological disasters.

Poverty pushes people and countries into a short-term, often desperate use of resources which puts pressure on ecosystems that poor governments cannot afford to put right. These environmental pressures of poverty usually show up on a local scale so it is the poor population which most directly suffers the consequences of degradation. Increasing degradation encourages even more exploitation of resources, so that environmental quality and poverty become even more locked together in a circle that becomes more and more difficult to break.

At the other end of the scale, wealthier people and countries consume more than their fair share of the national or world's resources and produce more than their share of pollution. This is clearly unsustainable and creates another set of environment and development pressures as the poor aspire to the same, but unsustainable, levels of consumption as the wealthy, and the wealthy attempt to protect their privileges.

All states and all people should therefore cooperate in the essential task of putting an end to poverty in order to better meet the needs of the majority of the world's population.

This booklet, then, looks at those ILO Conventions and Recommendations that promote policies to enable individuals to maintain freely-chosen, good quality employment with appropriate reward. A safe job with good working conditions that allows a worker and his or her family to live in dignity as self-reliant individuals should be a condition and a result of environmentally sustainable development.

Part of the drive to end poverty will also concern social protection for those who cannot find work or who cannot work because of sickness, disability, old-age, maternity, caring for children or other members of the family, or for families that have lost a breadwinner. A large number of ILO standards deal with the promotion of social security for workers and their families. Two of

the more important or general ones are discussed in this booklet.

It is hoped that the following pages will help you:

- ◆ understand what is available in the form of ILO standards to help you and your union promote and apply its policies on employment and income security;
- ◆ understand some of the more relevant standards;
- ◆ use the standards to back up your case for change.

ECONOMIC DEVELOPMENT AND SECURITY

Making development sustainable means putting an end to poverty so that at least the essential needs of all can be met, today and for the future. On an individual level this means being able to earn a living through freely-chosen, paid employment, or through self-employment. In developing countries, forming and maintaining cooperatives is seen as a cornerstone of sustainable development.

Part of the drive to end poverty will also concern social protection to ensure an income for those who cannot work for whatever reason — unemployment, sickness, old age, maternity, etc.

This booklet will deal then with ILO instruments relating to:

- ◆ employment policies, and
- ◆ income security.

Employment policies

Convention No. 122 on Employment Policy

	<p><i>Adopted in 1964, this Convention has been ratified by 84 countries.</i></p>
AIM	<p>Promotion of full, productive and freely-chosen employment as a means of stimulating economic growth and development, raising standards of living and overcoming unemployment.</p>
SUMMARY	<p>Any member State ratifying this Convention aims at ensuring that there is productive work for all, and that this work is freely chosen.</p> <p>Workers shall have the fullest possible opportunity to use their skills in jobs to which they are well-suited, and with no discrimination.</p>

Such a policy should take account of the stage and level of economic development and of the relationship between employment policy and other economic and social goals of the country.

The measures to be taken to attain the employment goals of the Convention shall be decided on and reviewed within a coordinated economic and social policy.

The government must consult workers' representatives and take account of their views and experience as well as obtain their support and cooperation in developing such policies.

The Employment Policy Convention is supplemented by Recommendation 122, also adopted in 1964, and by Recommendation 169 (Supplementary Provisions), adopted in 1984.

These two Recommendations are worth referring to as they set out very detailed and precise provisions relating to the employment problems of economic underdevelopment. In this context, Recommendation 122 on Employment Policy deals with investment and income policy, the promotion of industrial and rural employment and population growth. It contains many suggestions on how to apply employment objectives.

The Employment Policy (Supplementary Provisions) Recommendation No. 169 of 1984 supplements Recommendation 122 and basically says that the promotion of full, productive and freely-chosen employment is a practical means of achieving the right to work. For this reason it should be a priority and an integral part of the economic and social policies of the State, and, where appropriate, of its plans to meet the basic needs of the population. It specifically deals with population policy, employment of youth and disadvantaged groups, technology policies, the informal sector, small undertakings, regional development policies, public investment, special public works programmes, and international economic cooperation, and migration.

Convention No. 88 on the Organization of the Employment service

AIM SUMMARY

Supplemented by Recommendation No. 83, this Convention was adopted in 1948. It has been ratified by 79 countries.

Free public employment service.

Any State that ratifies this Convention is obliged to ensure the maintenance of a free public employment service. The aim of such a service is the best possible organization of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

Detailed provisions of the Convention deal with the organization of the service and its cooperation with other bodies in order to provide efficient recruitment and placement.

In this respect, it defines the functions of the employment service, to include: registration and placement of applicants, assistance in obtaining vocational guidance or training, facilitating occupational and geographical mobility, employment market information, and cooperation in the administration of unemployment insurance and other measures of relief for the unemployed.



The Convention also lays down provisions to take into account the particular needs of certain categories, such as workers with disabilities, younger workers, or those with specialised skills by occupation or industry.

It provides for the cooperation of employers' and workers' representatives in the organization and running of the employment service policy, notably through advisory committees.

Finally, it deals with the status and conditions of service of employment service staff, stating that they shall be public officials independent of changes of government and external influences.

It is worth noting that the **Fee-charging Employment Agencies Convention** of 1949, referenced below, provides for the progressive abolition of fee-charging employment agencies, and the regulation of other employment agencies, or the regulation of fee-charging employment agencies.

Convention No. 168 on Employment Promotion and Protection against Unemployment.

Supplemented by Recommendation No. 176 and adopted in 1988, the Convention has been ratified by six countries.

AIM

Coordination of a country's employment policy with its system of protection against unemployment.

SUMMARY

This is a very long and detailed Convention, but it basically states that a ratifying State must take appropriate steps to coordinate its system of protection against unemployment and its employment policy and ensure that the former helps promote full, productive and freely-chosen employment.

After calling for special programmes to promote job opportunities and employment assistance, especially for disadvantaged groups, the Convention provides for unemployment benefits for the unemployed or underemployed.

Although States have the right to temporarily exempt certain categories of workers, the persons protected by the Convention must not be less than 85% of all employees, including public employees and appren-

tices. In the case of exemptions, the State must undertake to cover partial unemployment, increase the number of persons protected, increase the amount of benefits, reduce the length of the waiting period, extend the duration of payments, and try to ensure provision of medical care to persons receiving benefits, and their dependents.

The Convention also lays down provisions for: the methods of unemployment protection; the form, amount and duration of payments; under what circumstances payment may be withdrawn, refused or reduced; the need for continuation of the right to other benefits; part-time workers; new job-seekers, etc.

There are several other ILO standards in the field of employment and unemployment protection which were developed before Convention No. 168. (These are listed below). The level of protection provided for in many of the older Conventions has been surpassed by new developments in laws and practices in many member States. Countries should therefore look at ratifying this newer Convention from 1988. So far, by February 1996, there have been only six ratifications.

Convention No. 158 on Termination of Employment

Supplemented by Recommendation No. 166 and adopted in 1982, this Convention has been ratified by 25 countries.

AIM

Protection of workers in case of termination of employment at the initiative of the employer.

SUMMARY

This Convention lays down the principle that a worker cannot be terminated from his or her job unless there is a valid reason connected with the capacity or conduct of the worker, or based on the operational requirements of the undertaking or service.

Reasons that are not valid include union membership or participation in union activities; seeking office or acting as a workers' representative; filing a complaint or participating in proceedings against an employer for alleged violations of law; race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin; absence from work during maternity leave or because of illness or injury.

The Convention deals with the procedures to be followed in case of unjustified termination, and appeal against termination, through an "impartial body" such as a court, labour tribunal, or arbitrator. The onus may be on the employer to show proof of valid reason for termination.

A worker whose employment is to be terminated must have reasonable notice or compensation (unless he or she is guilty of serious misconduct).

The Convention also provides for a severance allowance and unemployment benefits or other forms of social security if appropriate, and compensation if termination is found to be unjustified and the worker cannot be reinstated.

Detailed provisions cover terminations of employment for economic, technological, structural or similar reasons. These oblige the employer to inform the authorities and workers' representatives concerned in good time of the reasons for termination, the numbers and categories of workers likely to be affected and the time period over which the terminations will be carried out.

Convention No. 150 on Labour Administration

This Convention and its corresponding Recommendation No. 158 were adopted in 1978. The Convention has been ratified by 38 countries.

AIM

The establishment of an effective labour administration, with the participation of workers and employers and their organizations.

SUMMARY

Each member State that ratifies this Convention shall ensure the organization and effective operation of a system of labour administration, in consultation and cooperation and negotiation with workers and employers and their organizations. The Convention states that these organizations should be the "most representative".

Labour administration includes: preparation, administration, coordination, checking and review of national labour policy; preparation and implementation of laws on labour policy; the same tasks for employment policy; study and review of the conditions of work and terms of employment; service and advice to workers and their organizations (and employers); preparation of national policy and representation of the State concerning international labour affairs.

Staff of the labour administration system shall be suitably qualified and trained, independent of improper external influences, and have adequate resources and status to be able to do their job effectively.

Labour administration services shall be extended to cover workers who are not, in the legal sense, employed, such as tenant farmers, sharecroppers, self-employed, members of cooperatives. . .

Cooperatives

Cooperatives, of whatever category, have often proved most useful in improving the economic and living standards of their members, and, for this reason, should be considered as one of the possible means of achieving sustainable development, particularly in developing countries.

Recommendation No. 127 concerning Cooperatives (Developing Countries)

This Recommendation was adopted in 1966. (Recommendations are not subject to ratification and are thus not binding on any country, but their provisions can act as guidelines for national policy.)

The Recommendation sets national policy goals to encourage the establishment and development of cooperatives, through legislation, education and training, and financial and administrative assistance. It applies to all categories of cooperatives, for example: consumer, land improvement, agricultural, fishery, service, handicraft, workers', housing, transport, insurance and health cooperatives, and thrift and credit societies and banks.

The establishment and growth of cooperatives, it says, should be regarded as one of the important means for economic, social and cultural development, as well as human advancement, in developing countries.

In particular, the Recommendation says, cooperatives should be established and developed as a means of improving the economic situation of people with limited resources and opportunities, and of improving national capital resources. They can thus contribute to an increased measure of democratic control of economic activity and of equitable distribution of surplus. They can also help increase national income, export revenues and employment by a fuller use of resources, for instance in the implementation of agrarian reform and of land settlement.

The Recommendation goes on to detail provisions for legislation, education and training, aid — both financial and administration — to cooperatives, supervision and responsibility for good management, international collaboration for aid and encouragement to cooperatives in developing countries, and for specific problems.

An Annex to the Recommendation looks at the special role cooperatives may play in dealing with agrarian reform.

Security of income

A large number of ILO standards are concerned with the promotion of social security for workers and their families. The earlier texts deal with particular areas of social security — medical care, sickness benefit, maternity, invalidity, old-age, survivors', employment injury, unemployment and family benefits. More recent texts cover all or several branches of social security.

The basic text is Convention No. 102 on Social Security (Minimum Standards) which marks a turning point in social security standards by introducing the idea that a general level of social security can be attained everywhere since the system can be adapted to the economic and social conditions in each country whatever the degree of development.

Convention No. 102 on Social Security (Minimum Standards)

AIM SUMMARY

Adopted in 1952, this Convention has 39 ratifications.

To establish at least minimum standards for benefits in the main branches of social security.

The Convention covers nine branches of social security — medical care, sickness, maternity, invalidity, old-age, survivors', employment injury, unemployment and family benefits.

A ratifying State must observe the provisions of the Convention for at least three of these branches, including at least one of the following:

- ◆ unemployment
- ◆ employment injury
- ◆ old-age
- ◆ invalidity
- ◆ survivors' benefits.

It can, of course, accept the obligations concerning other branches also.

The Convention contains very detailed provisions for all nine branches.

These lay down the minimum coverage (persons protected), the levels of benefit and their duration, and the conditions to be able to benefit.

On these points the Convention allows for flexibility considering the variety of schemes and levels of development between countries. (It is recommended that you consult the full text for a better appreciation of the details).

It also provides for representatives of protected persons to participate in the management of social security institutions or be associated with them in a consultative capacity where the administration is not entrusted to a regulated institution or to a government department.

The Convention does not apply to seafarers or sea fishermen. These are covered by other Conventions.

Convention No. 157 on Maintenance of Social Security Rights

Adopted in 1983, this Convention revises Convention No. 48 concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age, and widows and orphans' insurance. It also supplements Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security. It has been ratified by only three countries.

AIM

An international system for the maintenance of social security rights for persons working or living outside their country.

SUMMARY

This very technical and complex Convention seeks to promote wide-ranging but flexible coordination between national social security schemes, taking into account the differences in national legislation in this area.

The Convention aims at protection of workers (including frontier and seasonal workers) and their family members and survivors who are, or who have been, subject to the legislation of one or more member States.

Ratifying States may give effect to the obligations of the Convention by bilateral or multilateral agreements between the member States concerned

Each State that ratifies this Convention must participate with the others in maintaining social security rights for workers in each of the nine main branches and for which each member has legislation in force. States must guarantee such benefits to eligible persons no matter where their place of residence.

The Convention provides for the adding together of periods of insurance, employment, occupational activity or residence under these schemes.

It also lays down the procedures for claiming and receiving benefits between countries, and allows for the development of services to assist persons, especially migrant workers, in their dealings with the authorities, particularly concerning the benefits they are entitled to.

The denunciation of this Convention shall not affect the rights acquired before the date that denunciation takes effect.

In 1983 the Conference also adopted Recommendation No. 167 on Maintenance of Social Security Rights which supplements this Convention. It contains a model agreement to ease bilateral or multilateral agreements between member States concerning the maintenance of social security rights of workers.

DISCUSSION POINTS

- ◆ Has your country ratified any Convention concerning employment policy? How do the terms and provisions contained in the Convention(s) compare with your national legislation and/or practice and agreements on employment policy?
- ◆ Only Spain, Sweden and the Philippines have ratified Convention No. 157 on Maintenance of Social Security Rights. Only nine countries have ratified the previous Convention, No. 48, concerning these rights. What do you think are the obstacles to getting this sort of Convention ratified?
- ◆ Has your union ever been called upon to defend the rights of migrant workers concerning their social security rights? Did it find Convention No. 157 useful, or could it have been useful?



Activity



USING ILO CONVENTIONS

- ◆ Decide on a particularly important problem that concerns you and your members in the area of employment policy or maintenance of income in case of unemployment, old-age, sickness, etc.
- ◆ See if there are any ILO standards that cover the issue and study them.
- ◆ Use the Worksheet found in these materials to help you record your findings.

Some International Labour Standards concerning economic development and security of income

(Those that have been summarised above are highlighted)

Employment

- ◆ **Employment Policy, C122 and R122 (1964) and Supplementary Provisions R169 (1984)**
- ◆ **Employment Promotion and Protection Against Unemployment, C168 and R176 (1988)**
- ◆ **Termination of Employment, C158 and R158 (1982)**
- ◆ **Labour Administration, C150 and R158 (1978)**
- ◆ **Employment Services, C88 and R83 (1948)**
- ◆ Fee-charging Employment Agencies (revised) C96 (1949)
- ◆ Unemployment, C2 (1919)
- ◆ **Cooperatives (Developing Countries) R 127 (1966)**

Security of income:

- ◆ Minimum Wage Fixing, C131 and R135 (1970)
- ◆ Minimum Wage Fixing Machinery, C26 (1928)
- ◆ Minimum Wage Fixing Machinery (Agriculture) C99 (1951)
- ◆ Protection of Wages, C95 and R85 (1949)
- ◆ Income Security, R67 (1944)
- ◆ **Social Security (Minimum standards) C102 (1952)**
- ◆ **Maintenance of Social Security Rights, C157 (1982) and R167 (1983)**
- ◆ Medical Care and Sickness Benefits, C130 and R134 (1969)
- ◆ Sickness Insurance (Industry) C24 (1927)
- ◆ Sickness Insurance (Agriculture) C25 (1927)
- ◆ Old-Age Insurance (Industry) C35 (1933)
- ◆ Old-age Insurance (Agriculture) C36 (1933)
- ◆ Invalidity Insurance (Industry) C37 (1933)
- ◆ Invalidity Insurance (Agriculture) C38 (1933)
- ◆ Survivors' Benefits (Industry) C39 (1933)

- ◆ Survivors' Benefits (Agriculture) C40 (1933)
- ◆ Invalidity, Old-age and Survivors' Benefits, C128 and R131 (1967)
- ◆ Maintenance of Migrants' Pension Rights, C48 (1935)
- ◆ Workmen's Compensation (Agriculture), C12 (1921)
- ◆ Workmen's Compensation (Accidents) C17 (1925)
- ◆ Workmen's Compensation (Occupational Diseases) C18 (1925) and revised C42 (1934)
- ◆ Employment Injury Benefits, C121 (1964) with Schedule 1 (1980) and R121 (1964)
- ◆ Unemployment Provisions, C44 and R44 (1934)
- ◆ Maternity Protection, C3 (1919), revised, C103 and R95 (1952)

