

*Using ILO Standards to Promote
Environmentally Sustainable
Development*

Booklet 8

INTERNATIONAL DEVELOPMENT

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

*Bureau for Workers Activities
International Labour Office Geneva*

INTRODUCTION

No nation can ensure its future development alone. A partnership of the world's nations is essential for an efficient and equitable global economy that can help all countries achieve environmentally sustainable development. Nothing short of a renewed and massive political will is needed at national and international levels to invest in people and their well-being.

The discussion booklets on *"Trade Unions and Environmentally Sustainable Development"* look at several key issues in international development, starting with the unequal distribution of resources and wealth. Excessive demands and unsustainable lifestyles among the richer nations of the world place huge stress on global resources and pollute the atmosphere, waters and land all over the world. The poorer nations, on the other hand, are unable to meet even their basic needs in food, health care, housing and education. This "North-South" divide is likely to lead to international friction unless strengthened cooperation and solidarity can more equitably share the costs of development.

In addition to the exploitation and pollution of resources, violence, displacements and the other effects of war and conflicts, the use and testing of nuclear weaponry, and foreign occupation can also contribute to environmental degradation.

As the *"Trade Unions and Environmentally Sustainable Development"* booklets point out, if the world is to avoid environmental crises it is essential that global economic growth be revitalised — through fair trade, technology transfer, and larger flows of capital for productive investment, through aid and reduction of debt.

National policies on environmentally sustainable development, then, need to be linked by international cooperation and agreements, especially through such organizations as the United Nations and its specialized agencies. Appropriate agreements and guidelines help to define sound practices, serve as reference for national legislation and control, and help reduce competition among nations which may be reluctant to limit or restrict unsustainable environment and develop-

ment practices for fear of subjecting themselves to higher control costs than elsewhere.

The most important forum for us in this area as workers and trade unionists is the ILO, where our expertise can help draft and supervise international agreements on labour standards.

There is no ILO Convention or Recommendation calling for international development and cooperation in general, but the following pages look at some Conventions that emphasize the need for strengthened international coordination of policies and measures for cooperation between States on different subjects. They also examine the "Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy", designed to encourage the positive contribution that transnational corporations can make to economic and social progress.

Hopefully, this booklet will help you:

- ◆ understand what is available in the form of ILO instruments to help promote your union's policies and actions on the international issues concerning environmentally sustainable development;
- ◆ understand some of the more relevant standards;
- ◆ understand the important role of the ILO in monitoring international issues;
- ◆ use the instruments to back up your case for change.

INTERNATIONAL DEVELOPMENT

International cooperation

No nation can ensure its future development alone. While development is primarily the responsibility of governments, and requires national policies, plans and strategies, these efforts need to be linked by international cooperation and agreements such as the Conventions and Recommendations of the ILO.

International agreements may be difficult to negotiate and implement — as can be seen from the booklet on the development of ILO standards — but they are most effective in action at a global level. They help to define sound practices, serve as references for national laws and control systems, and help reduce competition among nations which may otherwise feel reluctant to limit or restrict their current practices for fear of subjecting themselves to higher control costs than elsewhere.

On a global level, ILO Conventions and Recommendations may be even more effective because they are the result of negotiation between all countries and all parties concerned — industrialised and developing countries, workers, employers and governments. The ILO also has an international system of supervision to oversee that its Conventions are properly implemented in States that have ratified them.

There is no ILO Convention or Recommendation calling for international development and cooperation in general. However, several Conventions emphasise the need for strengthened international coordination of policies and measures or for cooperation between States on specific subjects.

One of the most obvious examples is **Convention No. 157 on Maintenance of Social Security Rights** for persons working or living outside their country. This Convention calls on ratifying States to participate with each other to coordinate their social security schemes to help protect workers and their families who are subject to the legislation of more than one member State.

Any of the texts on migrant workers will be of relevance to international cooperation, of course. The ILO has long been concerned with the special problems and



needs of migrant workers and has developed several standards to protect them from abusive conditions, and promote their rights in their own and in other countries. **Convention No. 143 on Migrant Workers (Supplementary Provisions)** is covered in the booklet on *“Equality of Opportunity and Treatment”*.

Another example is **Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries**, which calls on governments to take measures, including international agreements, to facilitate contacts and cooperation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.

The **Special Youth Schemes Recommendation No. 136**, mentioned in the booklet on *“Education and Training”*, also has provisions for international cooperation in cases where young persons from one country participate in activities directed to the development of another country.

Two recent Conventions — **Convention No. 170 on Safety in the Use of Chemicals at Work**, and **Convention No. 174 on Prevention of Major Industrial Accidents** — both bring up the idea of international cooperation in stating that:

“ . . .When, in an exporting member State, all or some uses of hazardous substances (and technologies or processes in the case of Convention 174) are prohibited for reasons of safety and health at work (or as a potential source of a major accident for Convention 174) this fact and the reasons for it shall be communicated by the exporting member State to any importing country. ”

These are but examples. If you wish to investigate all the circumstances behind a specific issue it may be useful to look at the relevant standard to see if it has international significance. In this case it may also be worth while to develop contacts with trade unions in the country or countries concerned, depending on which ones have ratified the Convention in question, or through the international trade union to which your union may be affiliated.

International trade

But the area in which the ILO can perhaps play the most effective role is in the monitoring of the social effects of international trade and its control over technology transfer, investment patterns, the success or failure of national and international environment efforts, the effectiveness of health and safety provisions, and wages and income. As pointed out in the discussion booklets on *“Trade Unions and Environmentally Sustainable Development”*, regional and international arrangements are increasingly promoting the virtues of “free trade”, meaning deregulated product markets, less stringent environmental laws, and flexible labour markets.

The burden of adjustment to such shifts in international trade falls disproportionately on the weakest groups in the national economy — the workers. Trade unions have always resisted the treatment of workers as a flexible factor of production and have struggled to include safeguards against the unequal distribution of benefits from trading. (Such national efforts led to the formation of the ILO in the first place, in recognition that trade caused social injustice and social injustice caused wars.) The very fact that negotiations on international and regional trade are conducted by governments means that trade unions have (or should have) a certain presence in the process of change. They have therefore been able to press for specific “social clauses” or “social chapters” in the new arrangements.

As a minimum, social clauses would seek to prevent trade in goods that have been produced by workers in countries which refuse to apply such ILO Conventions as those relating to basic worker rights — freedom of association, the right to organize and collective bargaining, and others on forced labour, child labour, and equality concerning the employment rights of women workers, migrant workers, indigenous peoples, workers with disabilities, etc. Effective trade unions formed under “freedom to organize” provisions of social clauses might introduce universal minimum standards for employees in matters of treatment and conditions.

Transnational Corporations

As the world economy and trading system is dominated by transnational corporations*, another important ILO instrument that may help trade unions promote their policies on environmentally sustainable development and oversee how such corporations impact on local conditions is the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

In 1977, the ILO Governing Body adopted the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. This is a non-binding instrument aimed at governments, employers' and workers' organizations and multinational enterprises in their home and host countries.

It is a universal "code" dealing with the social aspects of the activities of multinationals as major employers and actors in the national economy and important means of technology transfer in both developing and industrialised countries.

The principles and conditions recommended in this instrument are intended to encourage the positive contribution that multinationals can make to economic and social progress. To this end, the provisions give guidelines for action to help lessen the social and labour-related problems that could result from the presence and operations of multinational enterprises.

The Tripartite Declaration is reinforced by references to a number of Conventions and Recommendations in the body of the text, and in the annex and addendum which were adopted by the Governing Body in 1977 and 1987 respectively. Governments are also urged to take account of the different codes of practice and guides that are published by the ILO.

The ILO monitors the degree to which the Tripartite Declaration is observed by requiring three-yearly surveys of the actions of multinational enterprises and governments to promote its provisions.

* (The term "transnational corporations" is one that is gradually taking over from, and is more correct than, the term "multinational enterprises".)

The importance of tripartite consultation

Questionnaires are sent to governments, and employers' and workers' organizations. The latter have the option of sending their reports directly to the ILO or through their governments. Some unions communicate their views through tripartite consultations, others send their own reports via their governments, international trade unions or directly to the ILO.

The role of the ILO in adopting international labour standards and supervising their application is therefore particularly important for monitoring social responsibility and enforcing accountability in international trade. We, as trade unionists, have the tools in the form of ILO Conventions to further our needs and policies in this area in both the national and international arenas. By ensuring that Conventions are ratified by national governments and implemented by all concerned, unions can promote their own environmentally sustainable development policies on behalf of their members. In this respect, and in view of the potentially important contribution of the ILO in monitoring the effects of international arrangements, it may be worthwhile for unions to consider the following standards on tripartite consultation.

Convention No. 144 on Tripartite Consultation (International Labour Standards) and Recommendation No. 152 on Tripartite Consultation (Activities of the ILO)

This Convention has been ratified by 76 countries.

AIM

To effectively secure tripartite consultation and to promote the application of ILO Conventions and Recommendations

SUMMARY

Any State that has ratified this Convention shall make sure that workers' organizations are consulted in the following areas:

- ◆ government replies to ILO questionnaires and their comments on proposed texts to be discussed at the International Labour Conference,

- ◆ proposals to the national competent authority which decides on ratification and application of the texts of Conventions and Recommendations, re-examination of unratified Conventions,
- ◆ questions arising out of reports on ratified Conventions,
- ◆ proposals for the denunciation of ratified Conventions.

(Refer to the booklet on "The International Labour Organization and its Standards" for more details on what these specific areas mean for workers).

The Convention also says that procedures for such consultation shall be determined after consultation with the organizations concerned.

Workers' representatives for the purposes of consultation shall be freely chosen by their organizations, and shall be represented on an equal footing with employers' representatives.

Consultation shall take place at agreed intervals, but at least once a year.

Recommendation 152 provides for national action relating to the activities of the ILO. It adds that consultation should be considered in such areas as:

- ◆ the preparation and application of national legislation or other measures to give effect to Conventions and Recommendations
- ◆ the questions arising out of reports made to the ILO
- ◆ the preparation, implementation and evaluation of ILO technical cooperation activities
- ◆ the action to be taken in respect of resolutions and conclusions adopted by the International Labour Conference and other ILO meetings
- ◆ the promotion of better knowledge of ILO activities.

The Recommendation also gives examples of consultation procedures, such as committees, written communication and appropriate competent bodies.



Activity

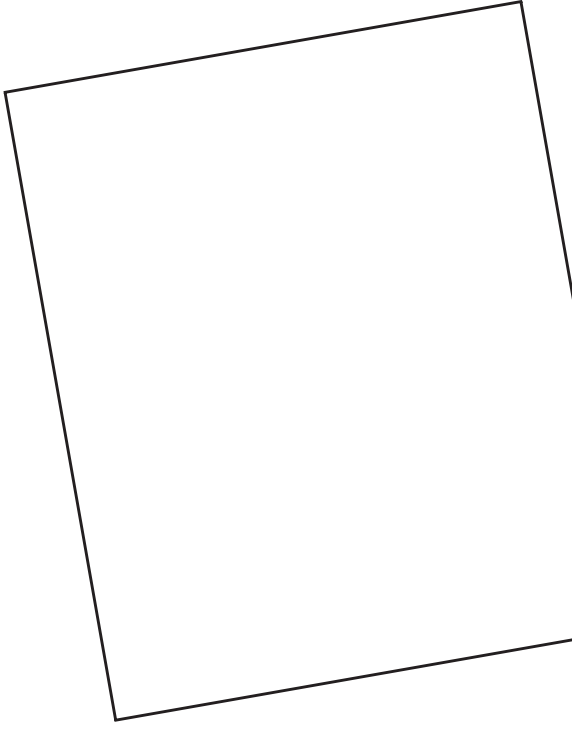


USING ILO CONVENTIONS

- ◆ Think about an important issue concerning your union's or your country's international policies, or an issue that could have an international dimension.
- ◆ Look at some of the ILO Conventions and Recommendations to see if there is one that is relevant to your problem.
- ◆ Use the Worksheet included in these materials to help you record your findings.



Notes



National mechanisms and international cooperation for capacity-building in developing countries

37.3 (b)

Reorienting technical cooperation and, in that process, setting new priorities in the field, including that related to transfer of technology and know-how process, setting new priorities in the field, including that related to transfer of technology and know-how processes, while giving due attention to the specific conditions and individual needs of recipients, and improving coordination among providers of assistance for support to countries' own programme of action.

DISCUSSION POINTS

You have now studied some of the main categories of subjects which are related to the concept of environmentally sustainable development and know which are dealt with by different ILO standards.

- ◆ Which are the most important to you and your trade union at the moment? Why?
- ◆ What subjects do you feel are still missing?
- ◆ Are the Conventions that are most important to you among those ratified by your country? If not, find out the reasons for your government not ratifying them.
- ◆ How can you find out about what Conventions other countries have ratified? Or how they are implemented in other countries?
- ◆ Has your union ever made use of its possibility to report to the ILO triennial survey of actions concerning multinational enterprises (on applying the provisions of the Tripartite Declaration)? Give examples.