



**Joint EC-ILO Seminar on  
Employment, Social protection  
and Decent Work  
in ACP countries  
Brussels, 22-25 June 2009**

**International Labour Standards and Decent  
Work in ACP Countries**

Christina Holmgren  
Standards Specialist, ILO, Addis Ababa

# Overview

- I – Topicality of International Labour Standards (ILS)
- II - The ILO, a Standard-setting Organisation
- III - Eight Core Conventions on Fundamental Principles and Rights
- IV – Monitoring Ratified International Labour Conventions
- V - Monitoring and mainstreaming International Labour Conventions
- VI – How to mainstream ILS into Decent Work Country Programmes and other Technical Assistance?
- VII – Some shortcomings, Achievements and Challenges ahead

# I – Topicality of International Labour Standards

- Teachings from History: certain parallels with current context;
- Context giving rise to ILO dates back to the period of industrialisation since mid-1850s already:
  - political philosophy of *laissez-faire*;
  - transition from agricultural to industrial economy;
  - coupled by abusive and exploitative conditions of work;
  - and increased international trade competition.
- In response: workers Congresses meet across borders to advocate for international minima labour conditions.

# I – Topicality of International Labour Standards (cont'd)

- Outbreak of the First World War and institution of the ILO by the Versailles Peace Treaty, 1919: direct link established by the Constitution between social justice and international peace;
- Since its inception in 1919, some first Conventions were adopted, attesting to the standard-setting role of the Organisation;
- Outbreak of Second World War 20 years later and lessons learnt: Great Depression characterised by increased competition and ensuing social dumping, high unemployment leading to context propitious for socio-political unrest;

# I – Topicality of International Labour Standards (cont'd)

- Other values enshrined by the ILO Constitution (Philadelphia Declaration, 1944):
  - “labour is not a commodity”;
  - “poverty anywhere constitutes a danger to prosperity everywhere”
- **Current context:** globalisation, delocalisations, rising unemployment, transition from industrial to technological economy, however: existence of important institutional infrastructure.
- **Role of International Labour Standards:**
  - provide for a minimum floor of rights for workers at the international level,
  - Promote socio-economic development.

# II - The ILO, a Standard-setting Organisation

- Tripartite Structure of ILO and consensus underlying International Labour Standards (ILS);
- Forms of ILS: Conventions and Recommendations;
- Universal character of ILS and techniques developed to meet developing countries needs:
  - “There cannot be sub-standards for sub-humans.”
  - Flexibility clauses
  - ILS pursue development goals.
- Wide encompassing fields covered by ILS:  
Employment, Social Security, Labour Administration, Women (such as Maternity protection), Migrant Workers, Indigenous Workers, and Specific occupational categories, such as Seafarers and Agricultural Workers;

# III - Eight Core Conventions on Fundamental Principles and Rights

- a) Fundamental Principles and Rights at Work
  - *ILO Declaration on these Principles and Rights was adopted in 1998;*
  - Eight core conventions:
    - Promotion of Freedom of Association and Collective Bargaining;
    - Elimination of Forced Labour;
    - Elimination of Child Labour;
    - Elimination of Discrimination at the Workplace.
  - Large Ratification Campaign Worldwide
  - Article 50 of the EU-ACP Cotonou Agreement;
- b) Four Priority Conventions:
  - Labour Inspection Conventions (Industry and Commerce, Agriculture)
  - Tripartite Consultations Convention
  - Employment Policy Convention

# IV - Monitoring ratified International Labour Conventions

- A Standards supervisory system has evolved and developed over the years based on the Reporting Obligation under Article 22 of the Constitution
- The ILO Supervisory Body: The Committee of Experts
  - Twenty Lawyers of High Level, representing all regions of the world and most legal traditions, impartial and independent, appointed in their personal capacity
- Detailed First Report: Information required:
  - Laws and regulations, policies in place, judicial decisions, responsible authorities, practice.
- Subsequent Reports to follow-up:
  - Dialogue between countries and the Committee of Experts.

# IV - Monitoring ratified International Labour Conventions (cont'd)

- Role of the Government and of the Social Partners in reporting
- Assessment by the Committee of Experts of the Reports submitted to it (conformity of legislation and practice)
  - Direct Requests
  - Observations
  - Opportunity for Governments to request for TA
- Other Supervisory bodies: Freedom of Association Committee, Conference Committee on the Application of Conventions and Recommendations.
- Sanctions in case of non-compliance?

# V - Monitoring and mainstreaming International Labour Conventions

- Examples of Technical assistance activities to support Governments in their reporting obligation: Comoros, Djibouti, Uganda.
  - One week tripartite workshop intended also to other technical Ministries, such as of Justice, Foreign Affairs, Women's Affairs, Youth, Education, Transports, etc.
- Results: reports sent to ILO, other Ministries sensitized to ILS
- Challenges: Resources available, sustainability.

# VI - How to mainstream ILS into Decent Work Country Programmes and other Technical Assistance?

The 2008 Declaration on Social Justice for a Fair Globalization:

“The four strategic objectives are inseparable, interrelated and mutually supportive”

accordingly, each DWCP is to intertwine ILS with the other three Decent Work priorities.

DWCPs are a main tool to mainstream ILS, but ILS can also be mainstreamed into other ILO Technical Assistance Projects, as well as into EU Technical Assistance, notably through Article 50 of the Cotonou Agreement

# VI - How to mainstream ILS? (cont'd)

Several approaches as every DWCP is specific to each country and is to reflect that country's priorities.

I: Mainstreaming ILS into other DWCP Priorities:

- promote ratification of relevant Standards,
- apply already ratified Standards mainly through due consideration of Committee of Experts comments,

Concrete examples according to Priorities:

- Priority on Employment Promotion: ensure due account to Conv. 122,
- Priority on Social Dialogue: Conventions 87, 98, 144
- Priority on OSH: Conv. No. 155 and others as relevant.

This implies the adoption of national policies by the Gov.

# VI - How to mainstream ILS? (cont'd)

## II - Providing a specific Priority on ILS:

### a) Through general and cross-cutting activities:

- Strengthening of the Dispute Settlement and provision for Judge training on ILS;
- Awareness-raising for Parliamentarians on ILS (domesticate ILS, ratify new ILS)

### b) Concentrate on a specific field:

- Ex. of Mauritius: Non-Discrimination under all forms
- Ex. of Djibouti: freedom of association and labour administration

## VI - How to mainstream ILS? (cont'd)

- Into other ILO and EU Technical Assistance Projects
  - a) Ensure that the Committee of Experts comments are onboard,
  - b) Follow-up on the obligation to adopt a national policy under the ratified Convention,
  - c) Promote ratification of relevant Standards,
  - d) Regarding EU projects, special emphasis on the 8 core Conventions.
- Within the UN DAO (many challenges remain but potential for collaboration in reporting, strengthening Judiciary and Parliament)

# VII – Some shortcomings, Achievements and Challenges ahead

- Impact of the Committee of Experts: Cases of Progress
- Ratification of eight core Conventions: high status in ACP countries, particularly sub-Saharan Africa,
- Standards and the informal economy: how to apply on the ground?
- At times national legislation compatible with ILS, but not applied in practice,
- Enforcement and: lack of resources, weak labour inspection, poor governance in judiciary,
- Etc, etc....

# More on ILS

- <http://www.ilo.org>
  - Click on Standards
- Rules of the Game (general introduction on ILS)
- Fundamental Rights at Work and International Labour Standards
- APPLIS database on Comments formulated by the Committee of Experts