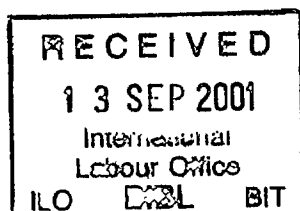


ILO DECLARATION ON PRINCIPLES: A NEW INSTRUMENT TO PROMOTE FUNDAMENTAL RIGHTS

A workers' education guide¹



¹ This workers' education guide was prepared by Monique Cloutier of the Bureau for Workers' Activities.



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PREFACE

When the *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up* was adopted at the 86th Session of the International Labour Conference in 1998, I said “the verdict of history will turn on how effectively the Declaration and follow-up are used. That will require more political will than was shown in some quarters during this debate”¹ Therefore the importance and strength of this Declaration will be determined by how effectively it is used by the tripartite constituents of the ILO and the ILO itself to guarantee respect of the fundamental rights and principles which constitute the substance of the eight core Conventions. The fact that this guide is being issued at the same time the Governing Body is completing the detail involved in the follow-up reflects the determination of the Workers’ group to use this Declaration quickly to good effect to remove from the world of work the scourge of forced and child labour, to put an end to discrimination, and to guarantee the right of workers to belong to and be represented by trade unions.

It is worth recalling that when the Workers’ group joined the process of negotiating the Declaration, we consistently said that we did not want just some fine words on paper but we wanted attached to it an effective, meaningful and credible follow-up. Therefore I believe that this Declaration and its Follow-up, if applied fully and with good-will, could be a powerful tool to assist in the task of ensuring the respect of fundamental principles and rights at work in

¹ See *Record of Proceedings*, p. 22/15, 86th Session, International Labour Conference, 1998.

all countries. Furthermore, this will help in pursuing the overall aim of the ILO, which is to achieve the universal ratification and application of the eight core Conventions. Another condition which the Workers' group set when it engaged in the negotiation and adoption of this Declaration was that it must be accompanied by an acceptable strengthening of the supervisory mechanisms of the application of international labour standards and these two elements must proceed in tandem. We trust that our Government and employer partners will commit themselves to both these objectives. Only such tripartite consensus will enable the ILO to advance significantly in the accomplishment of the most critical task now before it – to promote universal respect for ILO principles concerning fundamental rights at work and their realization.

As we stand on the threshold of the third millennium, the accelerating globalization of the economy renders ever more urgent the mission of the ILO, which is to establish and promote global minimum social rules, without which there can be no sustainable development, social justice or peace.

I trust that this booklet will help trade unions all over the world to understand and make full use of the follow-up mechanism of the Declaration. This Declaration is not an end in itself but a new tool to help the ILO protect workers and to alleviate the impact of globalization on the world of work.

William Brett
Chairman of the Workers' group
Vice-Chairman of the ILO Governing Body

INTRODUCTION

Respect for the principles and rights enshrined in the fundamental Conventions of the ILO has always been a prime concern of trade union organizations. For those States that have ratified these core Conventions, the supervisory mechanism now in place effectively ensures their application, and trade union organizations are increasingly prepared to use them.

The application of the principles and rights contained in the two Conventions on freedom of association, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), is assured in part by the Committee on Freedom of Association even for countries which have not ratified them.

The *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up*, adopted by the International Labour Conference at its 86th Session (June 1998), introduces a new instrument for promoting these principles and rights, especially for member States which have not ratified these Conventions.

The Declaration has a twofold significance: first, it recognizes that all member States have an obligation to respect “in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of the those Conventions”; and secondly, the first element of the Follow-up annexed to the Declaration envisages the production of reports on progress achieved by member States which have not yet ratified them in implementing

the principles enshrined in the Conventions. It is therefore very important that national trade union organizations play an active part in the follow-up process.

This guide has been prepared to assist them to do so and we hope that it will help each trade union organization to fulfil the tasks incumbent on it more easily. It is only through optimal use of the follow-up mechanism that the Organization will be able to assist member States which still have some difficulty in applying the fundamental principles governing men and women at work.

Manuel Simón Velasco
Director
ILO Bureau for Workers' Activities

WHY A DECLARATION?

For many years the Workers' group has been wondering whether the ILO really attaches the importance it should to the fundamental rights of men and women at work. The economic, political and social background to the ILO's work has undergone unprecedented change over the last 15 years. In his report *Defending values, promoting change*, submitted to the International Labour Conference on the occasion of the ILO's 75th anniversary (81st session, 1994), the Director-General alluded to certain aspects of the impact of these changes on the work and regulatory function of the ILO. The guarantee of fundamental rights should allow the social partners to claim freely their fair share of economic progress generated by the liberalization of trade. At the same Conference, the delegates gave the Director-General a mandate to submit proposals aimed at revitalizing the ILO and adapting its means of action to take account of changes in the world situation.

Subsequently, while nursing concerns regarding the process of globalization and the possible social consequences of trade liberalization, international circles were unstinting in their praise of the ILO. At the World Summit for Social Development organized by the United Nations (Copenhagen, 1995), the participants agreed on the need to promote actively respect for ILO Conventions. Following this agreement, the Director-General launched his campaign for the ratification of the fundamental Conventions by asking member States to indicate the measures that they intended to take to ratify and apply those instruments. The programme of action adopted

at Copenhagen stipulates that even countries which have not ratified the fundamental Conventions should aim to respect their principles. If they do not have a legal obligation, they do at least have a political and moral obligation. It was also at this juncture that the Minimum Age Convention, 1973 (No. 138), became a fundamental Convention.

An OECD study¹ shows that any fears that respect for the fundamental principles would affect the competitive position of the countries concerned in the context of liberalization are quite unfounded. On the contrary, there is a valid argument that in the long term they would strengthen the economic performance of all countries.

Furthermore, at the WTO Ministerial Conference in Singapore (1996), the Ministers of Trade, in an important declaration for men and women workers, asserted their intention to observe internationally recognized fundamental labour standards and made it clear that the ILO was the competent body to establish such standards and promote them. However, there were scarcely any noteworthy measures to give substance to this role. In this regard, they noted that the WTO and the ILO secretariats would continue their collaboration.

The Workers' group therefore demanded more vigorous promotion and monitoring of fundamental rights. As these principles are an integral part of the social justice mentioned in the preamble of the ILO Constitution, the Workers' group wished to shape a mechanism like the one already in place for freedom of association to be applied to all the ILO's fundamental Conventions. It should be remembered that proceedings can be initiated against governments even if

¹ C. Deléchat; M. Lunat; A. Richards; R. Torres: *Trade, employment and labour standards: A study of core workers' rights and international trade* (Paris, OECD, 1996).

they have not ratified the ILO Conventions on freedom of association, namely the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention 1949 (No. 98). Indeed, membership of the ILO presupposes formal acceptance of the obligations of its Constitution, which proclaims the principle of freedom of association.

Workers then stumbled against many governments which did not wish to be subjected to new obligations against their will. They asserted that it would be contrary to international law to bind member States which had not ratified the Conventions in question. Workers also tried to persuade governments to include a “social clause” in commercial agreements. Such a clause would have been relatively effective in making trade conditional on the respect of fundamental labour rights and principles; but there was very strong resistance to that, too, on the part of the majority of member States.

The constituent parties of the ILO therefore decided to continue the discussion in the form of a solemn Declaration: the third one to be adopted by the ILO. The first was the Declaration of Philadelphia in 1944, which the ILO subsequently incorporated into its Constitution. The second, adopted in 1964, concerned action against apartheid in South Africa. It was subsequently declared obsolete and revoked by the Conference in 1994 when that scourge had disappeared.

The third Declaration is meant to be a social and political response to the challenges of the era of globalization. It contains a social minimum that every member State must respect in the globalization process in the context of the ILO’s mandate.

WHAT FUNDAMENTAL RIGHTS?

The list of these rights is now almost beyond dispute: freedom of association and collective bargaining, prohibition of forced or compulsory labour, effective elimination of child labour, and non-discrimination and equality of treatment (especially in the form of equal remuneration for work of equal value proclaimed by the Constitution). While there was no disagreement on which rights should be included in the Declaration, there were important discussions on how the Declaration should be used.

WHAT FOLLOW-UP?

During the discussions that led to the adoption of the Declaration, it was clearly established that a declaration of principles, very important though it might be, was not enough. It could never be more than an expression of good intentions. It needed to be brought to life through appropriate, significant and effective follow-up measures. That is why the annex contains a specific follow-up provision which is an integral part of the Declaration.

However, the Declaration is promotional and does not in any way concern complaints or sanctions. It must guide the Organization in planning technical cooperation with a view to improving the assistance provided to member States in their efforts to respect fundamental rights. Paragraph 5 of the Declaration also states that labour standards should not be used for protectionist trade purposes or deprive a member State of a comparative advantage, resolving in this manner a major issue discussed in Singapore.

The purpose of the follow-up mechanism is to “encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration”.

The follow-up mechanism carries two components :

- The first consists of an **annual follow-up** on the efforts made with regard to the fundamental principles and rights by those member States which have not ratified the specified Conventions. What is the prevailing situation and how can it be improved? With these annual reports, the member States concerned will themselves become aware of the obstacles related to respect for the fundamental principles and rights and will be called on to define their own needs for technical cooperation.
- The second is a **global report**, prepared by the Director-General of the ILO and submitted to the International Labour Conference. It will cover, each year, one of the four fundamental principles in turn. It is based on the report submitted by member States which have not ratified the fundamental Conventions in the context of the annual follow-up, as well as any other relevant information, including reports under articles 22, 24 and 26 of the Constitution for those member States which have ratified these Conventions.

ANNUAL FOLLOW-UP

This mechanism began with the dispatch of requests for reports in 1999 and their examination by the Office, assisted by a group of experts designated to monitor the Declaration. The Governing Body will then study the report submitted by this group of experts in March 2000.

The annual reports cover the four categories of fundamental rights and are requested pursuant to article 19, 5(e) of the Constitution from all member States which have not ratified the specified Conventions. Employers' and workers' organizations are invited to provide their comments and governments are required, in accordance with the practice under article 23 of the Constitution, to identify the organizations to which they have sent copies of their annual reports.

The examination of the reports consists of three stages:

1. The Office first compiles reports submitted by the Members concerned and the comments submitted by employers and workers.
2. These comments are then examined by a group of expert-advisers, seven in all, who are appointed by the Governing Body on the basis of nominations submitted by the Director-General following extensive consultation. They must be of proven independence, impartiality and recognized experience in the areas covered by the Declaration and be conversant with a broad range of issues. The expert-advisers submit to the Governing Body an introduction to the collection of reports, drawing its attention to those aspects that appear to warrant closer examination.
3. Finally, the Governing Body discusses the collected reports and the introduction by the group of expert-advisers, and draws the necessary conclusion. During the discussion, even member States which are not represented on the Governing Body may take part in the discussions in order to clarify or supplement information.

THE GLOBAL REPORT

The wish of the Conference was that the global report should, over a cycle of four years, provide an overview of the situation of all Member countries with regard to each of the four categories of fundamental principles and rights. The cycle begins in 2000 with freedom of association and the effective recognition of the right to collective bargaining.

The other categories will be covered in the following order:

- the elimination of all forms of forced or compulsory labour (2001);
- the effective abolition of child labour (2002);
- the elimination of discrimination in respect of employment and occupation (2003).

In preparing the global report, the Office will take into account:

- the annual follow-up for member States which have not ratified the fundamental Conventions;
- the various procedures for monitoring application of the Conventions for member States which have ratified the fundamental Conventions;
- the reports of the Committee on Freedom of Association;
- any other available information.

The report, which is considered as a separate part of the Director-General's report, will then be discussed in a plenary meeting in a session specifically designated for the purpose. This Conference discussion should allow the Governing Body to decide on action plans for technical cooperation.

CONCLUSION

The Declaration and its Follow-up are promotional instruments and do not take the place of existing mechanisms or instruments, rather complementing them so that workers' rights are better respected. All trade union organizations should be informed of their existence, and especially of the importance of taking part in the follow-up process, whether or not their governments reply to questionnaires sent out by the Office. Questionnaires are sent out in April each year and the reports must reach the Office not later than 1 September. As it is not certain that all governments will send a copy of the questionnaires to trade union organizations, those who have not received one should request it from the ILO Bureau for Workers' Activities (ACTRAV) or the closest local office and submit their comments by the deadline. It is vital for trade union organizations to play an active part in the process if the Declaration is to achieve its objectives.

The ILO Declaration on Fundamental Principles and Rights at Work represents a major stride forward in defining the fundamental social rules that should govern economic globalization. It is also an important step towards securing more universal respect for the fundamental rights of workers as essential values of the ILO and the international community as a whole.

Figure 1

ANNUAL FOLLOW-UP

Only for countries which have not ratified the fundamental Conventions

The four categories of fundamental rights

April: Questionnaires sent out by the Office



1 September: Reports and comments must be received by the Office



The Office assembles the reports and comments received



A group of expert-advisers studies the collected reports and prepares an introduction



The Governing Body discusses the collected reports and the introduction

Figure 2

GLOBAL REPORT

Each year: **a single category of fundamental rights**

2000: freedom of association and the effective recognition of the right to collective bargaining

2001: the elimination of all forms of forced or compulsory labour

2002: the effective abolition of child labour

2003: the elimination of discrimination in respect of employment and occupation

2004: the sequence restarts

Report based:

- on annual follow-up, *for countries which have not ratified the Conventions concerned*
- on the various monitoring procedures *for countries which have ratified the Conventions concerned*
- on the reports of the Committee on Freedom of Association, if any
- on any other available information



Report discussed in a plenary meeting at a special session of the **International Labour Conference**



The Governing Body determines action plans for technical cooperation

Annex I

ILO Declaration on Fundamental Principles and Rights at Work

Whereas the ILO was founded in the conviction that social justice is essential to universal and lasting peace;

Whereas economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions;

Whereas the ILO should, now more than ever, draw upon all its standard-setting, technical cooperation and research resources in all its areas of competence, in particular employment, vocational training and working conditions, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

Whereas the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving their problems, and promote effective policies aimed at job creation;

Whereas, in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential;

Whereas the ILO is the constitutionally mandated international organization and the competent body to set and deal with international labour standards, and enjoys universal support and acknowledgement in promoting fundamental rights at work as the expression of its constitutional principles;

Whereas it is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization and to promote their universal application;

The International Labour Conference,

1. Recalls:

- (a) that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;
- (b) that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.

2. 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, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:
 - (a) freedom of association and the effective recognition of the right to collective bargaining;
 - (b) the elimination of all forms of forced or compulsory labour;
 - (c) the effective abolition of child labour; and
 - (d) the elimination of discrimination in respect of employment and occupation.

3. Recognizes the obligation on the Organization to assist its Members, in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, pursuant to article 12 of its Constitution, to support these efforts:
 - (a) by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;
 - (b) by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions; and

- (c) by helping the Members in their efforts to create a climate for economic and social development.
- 4. Decides that, to give full effect to this Declaration, a promotional follow-up, which is meaningful and effective, shall be implemented in accordance with the measures specified in the annex hereto, which shall be considered as an integral part of this Declaration.
- 5. Stresses that labour standards should not be used for protectionist trade purposes, and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes; in addition, the comparative advantage of any country should in no way be called into question by this Declaration and its follow-up.

Annex II

Follow-up to the Declaration

I. OVERALL PURPOSE

1. The aim of the follow-up described below is to encourage the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.

3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e) of the Constitution; and the global report will serve to obtain the best results from the procedures carried out pursuant to the Constitution.

II. ANNUAL FOLLOW-UP CONCERNING NON-RATIFIED FUNDAMENTAL CONVENTIONS

A. Purpose and scope

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures to replace the four-year review introduced by the Governing Body in 1995, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.

2. The follow-up will cover each year the four areas of fundamental principles and rights specified in the Declaration.

B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e) of the Constitution. The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

2. These reports, as compiled by the Office, will be reviewed by the Governing Body.

3. With a view to presenting an introduction to the reports thus compiled, drawing attention to any aspects which might call for a more in-depth discussion, the Office may call upon a group of experts appointed for this purpose by the Governing Body.

4. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

III. GLOBAL REPORT

A. Purpose and scope

1. The purpose of this report is to provide a dynamic global picture relating to each category of fundamental principles and rights noted during the preceding four-year period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.

2. The report will cover, each year, one of the four categories of fundamental principles and rights in turn.

B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the

Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution.

2. This report will be submitted to the Conference for tripartite discussion as a report of the Director-General. The Conference may deal with this report separately from reports under article 12 of its Standing Orders, and may discuss it during a sitting devoted entirely to this report, or in any other appropriate way. It will then be for the Governing Body, at an early session, to draw conclusions from this discussion concerning the priorities and plans of action for technical cooperation to be implemented for the following four-year period.

IV. IT IS UNDERSTOOD THAT:

1. Proposals shall be made for amendments to the Standing Orders of the Governing Body and the Conference which are required to implement the preceding provisions.

2. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.

The foregoing is the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up duly adopted by the General Conference of the International Labour Organization during its Eighty-sixth Session which was held at Geneva and declared closed the 18 June 1998.

Annex III

Summary of core labour standards

CONVENTION NO. 87

*Freedom of association and protection of the right to organize,
1948*

The right, freely exercised, of workers and employers, without distinction, to organize for furthering and defending their interests. Workers and employers, without distinction whatsoever, have the right to establish and to join organizations of their own choosing with a view to furthering and defending their respective interests. Such organizations have the right to draw up their own constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes. Public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise of this right. The organizations shall not be liable to be dissolved or suspended by administrative authority.

Organizations have the right to establish and join federations and confederations which shall enjoy the same rights and guarantees. The Convention also provides for the right to affiliate with international organizations.

The acquisition of legal personality by all these organizations shall not be subject to restrictive conditions. In exercising the rights provided for in the Convention, employers

and workers and their respective organizations shall respect the law of the land. The law of the land and the way in which it is applied, however, shall not impair the guarantees provided for in the Convention.

CONVENTION NO. 98

Right to organize and collective bargaining, 1949

Protection of workers who are exercising the right to organize; non-interference between workers' and employers' organizations; promotion of voluntary collective bargaining. Workers shall enjoy adequate protection against acts of anti-union discrimination.

They shall be protected more particularly against refusal to employ them by reason of their trade union membership, and against dismissal or any other prejudice by reason of union membership or participation in trade union activities. Workers' and employers' organizations shall enjoy protection against acts of interference by each other. This protection is extended in particular against acts designed to promote the domination, the financing or the control of workers' organizations by employers or employers' organizations. Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organize as defined by the Convention. Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the development and utilization of voluntary collective bargaining to regulate terms and conditions of employment.

CONVENTION NO. 29

Forced labour, 1930

Suppression of forced labour.

The fundamental commitment made by States ratifying the Convention is to suppress the use of forced or compulsory labour in all its forms in the shortest possible time. A general definition of forced or compulsory labour is given, but the Convention does not apply to five categories of work or compulsory service, subject to certain conditions and guarantees. The five categories are: compulsory military service; certain civic obligations; prison labour; work exacted in cases of emergency; and minor communal services.

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence.

CONVENTION NO. 105

Abolition of forced labour, 1957

Prohibition of the recourse to forced or compulsory labour in any form for certain purposes. Under the Convention, States undertake to suppress any form of forced or compulsory labour in five defined cases, namely:

- “as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system”;
- “as a method of mobilizing and using labour for purposes of economic development”;
- “as a means of labour discipline”;

- “as a punishment for having participated in strikes”;
- “as a means of racial, social, national or religious discrimination”.

CONVENTION NO. 100

Equal remuneration, 1951

Equal remuneration for men and women for work of equal value.

States having ratified the Convention shall promote and, in so far as is consistent with the methods in operation for determining rates of remuneration, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

The Convention shall apply to basic wages or salaries and to any additional emoluments whatsoever, payable directly or indirectly, in cash or in kind, by the employer to the worker and arising out of his or her employment. The Convention defines equal remuneration for work of equal value as remuneration established without discrimination based on sex. This principle may be applied by means of national laws or regulations, legal machinery for wage determination, collective agreements or a combination of these various means. One of the means specified for assisting in giving effect to the Convention is the objective appraisal of jobs on the basis of the work to be performed. The Convention provides that governments shall cooperate with employers' and workers' organizations for the purpose of giving effect to its provisions.

CONVENTION NO. 111

Discrimination (employment and occupation), 1958

To promote equality of opportunity and treatment in respect of employment and occupation.

The Convention assigns to each State which ratifies it the fundamental aim of promoting equality of opportunity and treatment by declaring and pursuing a national policy aimed at eliminating all forms of discrimination in respect of employment and occupation.

Discrimination is defined as any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin (or any other motive determined by the State concerned) which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

The scope of the Convention covers access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Member States having ratified this Convention undertake to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with this policy, and to enact legislation and promote educational programmes which favour its acceptance and implementation in cooperation with employers' and workers' organizations. This policy shall be pursued and observed in respect of employment under the direct control of a national authority, and of vocational guidance and training, and placement services under the direction of such an authority.

CONVENTION NO. 138

Minimum age, 1973

The abolition of child labour. The minimum age for admission to employment or work shall be not less than the age of completion of compulsory schooling (normally not less than 15 years).

The ratifying State undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. The minimum age to be specified in conformity with the Convention shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. Developing countries may initially specify a minimum age of 14 years.

The minimum age shall not be less than 18 years – 16 years under certain conditions – for any type of employment or work which is likely to jeopardize the health, safety or morals of young persons.

The Convention provides that limited categories of employment or work may be excluded from its application where special and substantial problems of application arise.

CONVENTION NO. 182

Worst Forms of Child Labour Convention, 1999

The Convention urges countries to prohibit and eliminate the worst forms of child labour by all boys and girls under 18 years of age. The Minimum Age Convention (No. 138) and Recommendation (No. 146) remain the fundamental instruments on child labour.

Are considered worst forms of child labour: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom, forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The Convention calls on workers' and employers' organizations to play a prominent role in eliminating child labour as consultative partners of their respective governments:

- (1) determining types of hazardous work, periodically examining its list, and, if necessary, revising it;
- (2) identifying where hazardous work exists;
- (3) monitoring progress in eliminating the worst forms of child labour ;
- (4) designing and implementing programmes of action to eliminate the worst forms of child labour as a priority. Governments may take into consideration the views of other concerned groups in designing

and implementing programmes of action to eliminate as a priority the worst forms of child labour.

The Convention requires effective implementation and enforcement of national provisions prohibiting and eliminating the worst forms of child labour. Penal or other sanctions may help enforcement, but at any rate governments must designate a competent national authority.

Elimination requires effective and time-bound measures tackling the worst forms of child labour at the various stages of their manifestation : prevent the engagement of children in the worst forms of child labour ; direct assistance to remove boys and girls once they have been engaged, and ensure access to free basic education, or even vocational training, once the boy or girl has been removed from one of the worst forms of child labour. Children at special risk must be identified and reached out to. The special situation of girls must be taken into consideration. Time-bound measures must take into account the importance of education.

International cooperation and assistance in the areas of social and economic development, poverty eradication and universal education must be enhanced.