



International  
Labour  
Organization

# ▶ ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up



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Fundamental Principles  
and Rights at Work and  
its Follow-up**

*Adopted at the 86th Session  
of the International Labour Conference (1998)  
and amended at the 110th Session (2022)*

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## ► Preface by Guy Ryder

The Declaration on Fundamental Principles and Rights at Work and its Follow-Up was originally adopted by the International Labour Conference in June 1998. Over the subsequent twenty-four years it has become a key international benchmark of labour standards in the context of globalization. It contains the core principles that ILO Member States are called upon to respect by virtue of their membership even if they have not ratified the ILO's Conventions in which they are expressed. When adopted, the Declaration covered freedom of association and the effective right to collective bargaining; the elimination of all forms of forced and compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. On 11 June 2022, the International Labour Conference amended this Declaration by adding to it a safe and healthy working environment as a fifth principle and right.

This landmark decision addresses concretely all working women and men in all occupations and all kinds of workplaces across the world. The loss of life, accidents, and diseases caused by inadequate safety and protection of the working environment remain a dire reality in every country, from the poorest to the most prosperous. The consequences in terms of lives lost or damaged as well as the economic costs to enterprises and the economy are enormous.

Occupational safety and health is a moving target. While some improvements take place, new occupational risks emerge due to technological innovation or organizational change. Physical hazards can be compounded by mental health problems and harassment and violence at work. Increased distance work and varying forms of labour contracts create new challenges for health and safety regulations and their application. At times of economic downturn or health emergencies, safety and health at work tend to come under threat. The COVID-19 pandemic has once again demonstrated how inextricably a healthy and safe workplace ties in with clean air, water and the maintenance of a habitable environment. A safe and healthy working environment proved to be an essential element of the response to the pandemic as well as of longer-term recovery.

Ensuring a decent working environment in industry, commerce or services is generally of paramount importance for the surrounding community. Measures for occupational safety and health are a crucial ingredient in any policy mix aimed at preserving a liveable planet. Action under the amended Declaration will help shape the just transition to carbon neutral economies that focuses on people and promotes social justice while protecting the planet and scarce natural resources.

The roots of the principle of a healthy and safe working environment go back to the Preamble to the original 1919 Constitution of the ILO, which required urgent protection of the worker against sickness, disease and injury arising out of conditions of employment. Likewise, the 1944 Philadelphia Declaration, which is annexed to the Constitution, states that achieving adequate protection for the life and health of workers in all occupations is a solemn obligation of the International Labour Organization.

Health and safety at work is also firmly established in contemporary human rights law. In addition to Conventions, Recommendations and Protocols adopted by the ILO it is one means of realizing the right of everyone to “life, liberty and security of person” as referred to in the 1948 Universal Declaration of Human Rights. The International Covenant on Economic, Social and Cultural rights of 1966 recognizes a right to safe and healthy working conditions. The Constitution of the World Health Organization also affirms that the “highest attainable standard of health is one of the fundamental rights of every human being”.

In its report in the centenary year of the Organization, in 2019, the ILO Global Commission on the Future of Work concluded that it was time to recognize safety and health as a fundamental principle and right at work. This was subsequently reaffirmed in the Centenary Declaration for the Future of Work which was adopted by the International Labour Conference. The Conference requested the Governing Body to make proposals as soon as possible, for the inclusion of safe and healthy working conditions in the ILO’s framework of fundamental principles and rights at work.

The consensus on the fundamental nature of occupational safety and health was made clear in the Resolution on the inclusion of a safe and healthy working environment in the ILO’s framework of fundamental principles and rights adopted by the International Labour Conference in June 2022.

Member countries commit themselves to fundamental principles and rights at work when they adhere to the ILO's Constitution. The amended Declaration does not impose on them any new legal obligations. The inclusion of a safe and healthy working environment is a recognition of an existing constitutional principle which both the Member States and the Organization itself have an obligation to promote.

Effective protection of the right to health and safety at work should be one of the basic aims of national policy, and it calls for the mobilisation of the tripartite actors concerned. The Declaration underlines the obligation of the Organization to assist its Member States and their employers and workers in achieving these objectives. The provision of such assistance was envisaged in the follow-up of the 1998 Declaration, and it consists of two main features: regular reporting by Member States and the social partners and specific technical assistance programmes aimed at improvement and remedy.

Reporting under the Declaration complements the regular standards supervisory mechanism, which specifically deals with the Member States' application of ratified ILO Conventions. It focuses on efforts to realize the principles of the Conventions in states which have not yet ratified them. Technical cooperation with governments, employers and workers plays a key role in this process. Negotiations and social dialogue in different countries and in varying circumstances strengthen respect for the principles and rights concerned and remedy the effects of their violations. Achieving a safe and healthy working environment now falls within this active promotional framework.

At the heart of the Declaration lies a pact between the ILO and its Members. In return for their active commitment to respect, to promote and to realize fundamental principles and rights at work, the ILO pledges 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." The ILO's assistance to its Members to promote the protection of occupational safety and health will operate through labour legislation, institutions and mechanisms to benefit all those involved. To that end, the amended Declaration instructs the ILO to

pursue and step up its programmes and activities on all issues related to the working environment.

The amended Declaration is not about ratification but the Conference resolution does identify two Conventions which now fall into the category of “fundamental”. At the end of August 2022, Convention No. 155 on Occupational Health and Safety (1981) had received 75 ratifications while Convention No. 187 on a Promotional Framework for Occupational Health and Safety (2006) had received 58. Their ratification rate today is thus lower than that of Conventions in the four other categories under the Declaration. The rate of ratification of the earlier fundamental Conventions has risen significantly due to the focus and assistance that the Declaration has generated since 1998. It is reasonable to expect that the new fundamental Conventions will experience a similar rise.

Even where ratification has not yet taken place, intensified national and international programmes can promote the implementation of the principle of the right to a healthy and safe working environment. The amended Declaration also demonstrates the linkages between the different categories of fundamental principles and rights. In practice, carrying out programmes for freedom of association or against forced and child labour and discrimination frequently calls for tools which also enhance occupational safety and health. The result is an integrated approach to fundamental principles and rights at work which both recognizes and makes use of the fact that enabling workers and employers to freely and equally take action to improve their working environment is an efficient way to remedy deficits in achieving decent work generally.

Based on the Declaration the ILO will continue to cooperate with other international organizations to support the promotion of a safe and healthy working environment. Reflecting the indivisibility of human rights and conditions of work, the amended Declaration will thus further support an inclusive and coherent multilateralism which is grounded on the values and principles of social justice.

When it approved the amended Declaration, the International Labour Conference also noted that the rights and obligations of Member States arising from existing trade and investment agreements are in no way affected by it. The 1998 Declaration reaffirmed that labour standards should

not be used for protectionist purposes. In the same vein, the 2008 Social Justice Declaration indicated that labour standards should not be weakened for gaining unfair trade advantage. Since the adoption of these Declarations there has been a considerable increase in clauses on labour standards in international commercial agreements. The process of amending the 1998 Declaration provides a reminder that such agreements can only be modified if the parties to them freely so decide.

The amended Declaration reflects the ILO's and its Members' commitment to reaffirm and reinforce, at defining moments of its history, the particular significance of constitutional principles for maintaining the dynamic of universal social progress. It is another step in the process that began with the founding of the ILO in 1919, to empower governments and workers' and employers' organizations to effectively tackle the challenges to freedom, dignity, rights and health in their everyday life. The policies and measures needed include legislative and administrative decisions, labour inspection, negotiation between social partners and continuous monitoring of achievements. As Member States grapple with complex and uncertain circumstances, the ILO pledges to help them develop economic and social policies which are fully consistent with the five categories of fundamental principles and rights at work.

Geneva, September 2022



## ► Preface by Michel Hansenne

On 18 June 1998 the International Labour Organization adopted the *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up* in Geneva, thereby taking up the challenges of globalization which have been the focus of considerable debate within the ILO since 1994. Although globalization is a factor of economic growth, and economic growth is a prerequisite for social progress, the fact remains that it is not in itself enough to guarantee that progress. It must be accompanied by a certain number of social ground rules founded on common values to enable all those involved to claim their fair share of the wealth they have helped to generate.

The aim of the Declaration is to reconcile the desire to stimulate national efforts to ensure that social progress goes hand in hand with economic progress and the need to respect the diversity of circumstances, possibilities and preferences of individual countries.

A first step in this direction was made in Copenhagen in 1995, when the Heads of State and Government attending the World Summit for Social Development adopted specific commitments and a Programme of Action relating to “basic workers’ rights” – the prohibition of forced labour and child labour, freedom of association, the right to organize and bargain collectively, equal remuneration for work of equal value and the elimination of discrimination in employment. The WTO Ministerial Conference held in Singapore in 1996 then provided the opportunity for a second step to be taken. The States renewed their commitment to observe internationally recognized core labour standards, recalled that the ILO was the competent body to set and deal with these standards and reaffirmed their support for its work in promoting them.

The adoption of the Declaration constituted the third step. It makes a significant contribution to the aim set forth in paragraph 54(b) of the Programme of Action adopted by the Copenhagen Summit, which is to safeguard and promote respect for basic workers’ rights, requesting States parties to the corresponding ILO Conventions to fully implement them and other States to take into account the principles embodied in them.

The existing supervisory machinery already provides the means of assuring the application of Conventions in the States that have ratified them. For those that have not, the Declaration makes an important new contribution. Firstly, it recognizes that the Members of the ILO, even if they have not ratified the Conventions in question, 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 those Conventions”. Next, and this is the first aspect of the follow-up provided in the annex to the Declaration, it seeks to achieve this aim by implementing the ILO’s unique Constitutional procedure in accordance with which each year States that have not ratified the core Conventions will be asked to submit reports on progress made in implementing the principles enshrined in them.

Lastly, by solemnly committing itself to mobilize its budgetary resources and its influence to help its Members to achieve the aims of the Copenhagen Summit, the Organization goes one step further. This commitment will be reflected in the Global Report, the second aspect of the follow-up provided in the annex. The Global Report will provide an overview of the progress made in the preceding four-year period both in countries which have ratified the core Conventions as well as in those which have not. It will serve as a basis for assessing the effectiveness of the action taken during the preceding period and as a starting point for action plans for future assistance.

By adopting this Declaration, the ILO has taken up the challenge presented to it by the international community. It has established a social minimum at the global level to respond to the realities of globalization and can now look ahead to the new century with renewed optimism.

Geneva, June 1998

## ► 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;
  - (d) the elimination of discrimination in respect of employment and occupation; and
  - (e) a safe and healthy working environment.
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 (Revised) Follow-up to the Declaration<sup>1</sup>

### 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 on the effect given to the promotion of the fundamental principles and rights at work that will serve to inform the recurrent discussion at the Conference on the needs of the Members, the ILO action undertaken, and the results achieved in the promotion of the fundamental principles and rights at work.

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<sup>1</sup> Ed. note: The original text of the Follow-up to the Declaration, as established by the International Labour Conference in 1998, was superseded by the revised text of the annex adopted by the International Labour Conference in 2010.

## **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, 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 the five categories 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. 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 on fundamental principles and rights at work**

#### *A. Purpose and scope*

1. The purpose of the Global Report is to provide a dynamic global picture relating to the five categories of fundamental principles and rights at work noted during the preceding 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, including in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.

#### *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. It will also refer to the experience gained from technical cooperation and other relevant activities of the ILO.

2. This report will be submitted to the Conference for a recurrent discussion on the strategic objective of fundamental principles and rights at work based on the modalities agreed by the Governing Body. It will then be for the Conference to draw conclusions from this discussion on all available ILO means of action, including the priorities and plans of action for technical cooperation to be implemented for the following period, and to guide the Governing Body and the Office in their responsibilities.



#### **IV. It is understood that:**

1. 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.

