



International
Labour
Organization

Strategic use of ILO supervisory mechanisms for trade unions in the Caribbean

**Fundamental Principles and Rights at
work.**

Five categories.

Port of Spain 7 August 24

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Fundamental

C029 - Forced Labour Convention, 1930 + **Protocol to C 29**

C105 - Abolition of Forced Labour Convention, 1957

C087 - Freedom of Association and Protection of the
Right to Organise Convention, 1948

C098 - Right to Organise and Collective Bargaining
Convention, 1949

C100 - Equal Remuneration Convention, 1951

C111 - Discrimination (Employment and Occupation) Convention, 1958

C138 - Minimum Age Convention, 1973

C182 - Worst Forms of Child Labour Convention, 1999

C155 - OSH Convention, 1985

C187 - Promotional Framework for OSH Convention, 2006

Freedom of
association and
Collective
Bargaining
C 87 and C 98

Fight against child
labour
C 138 and C 182

Fight against
Forced Labour
C 29 (P29) and C
105

Fight against
Discrimination in
Employment and
Occupation
C 100 and C 111

Safe and healthy
working
environment.
C 155 and C 187

Freedom of association and Collective Bargaining

C 87

- ▶ Autonomy and independence of organizations from public authorities, in their establishment, operation and dissolution
- ▶ Rights for Employers and workers
- ▶ The armed forces and the police (narrowly defined) are not included and are left to national discretion whether or not they reach them.

C 98

- ▶ Complements C87, deals with relations between workers and employers
- ▶ Protection against any act of anti-union discrimination
- ▶ Protection against employers interference;
- ▶ Promotion of an environment for voluntary and in good faith collective bargaining
- ▶ All workers and employers and their organizations
- ▶ Except for the armed forces and the police (interpreted narrowly) and public servants engaged in the administration of the State.

Fight against Child Labour

C 138

Minimum ages for admission to employment or work

	General minimum age	Light work	Hazardous work
General rule Not less than the age of completion of compulsory schooling and, in any case, not less than:	15 years	13 years	18 years (16 years under certain conditions)
Where the economy and educational facilities are insufficiently developed Initially not less than:	14 years	12 years	18 years (16 years under certain conditions)

C 182

Child: all persons under the age of 18 years.

The worst forms of child labour:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- 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.

Fight against forced labour

C 29

Forced or compulsory labour: all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered her or himself voluntarily.

- ★ Each State which ratifies the Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.
- ★ The illegal exaction of forced or compulsory labour must be punishable as a penal offence with penalties that are really adequate and strictly enforced.
- ★ However, certain types of labour are excluded from the scope of the Convention:
 - ➡ work of a purely military character exacted in virtue of compulsory military service laws;
 - ➡ work which forms part of the normal civic obligations of citizens;
 - ➡ work exacted from any person as a consequence of a conviction in a court of law, provided that:
 - said work is carried out under the supervision and control of a public authority; and that
 - the said person is not hired to or placed at the disposal of private individuals, companies or associations;

C 105

- ★ Any State which ratifies the Convention undertakes to suppress and not to make use of any form of forced or compulsory labour:
 - ➡ as a means of political coercion or education or as a punishment for holding or expressing political 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.

The Forced Labour Protocol's main provisions

Definition

It reaffirms the definition of forced labour contained in Convention No. 29.

Prevention (Article 2)

- Educating and informing those considered particularly vulnerable, employers and the wider public.
- Extending the coverage and enforcement of relevant laws to all workers and sectors.
- Strengthening **labour inspection** and other services responsible for implementation of these laws.
- Protection from abuses arising during the **recruitment process**.
- Supporting **due diligence** by the public and private sectors.
- Addressing **root causes** and factors that heighten the risks of forced labour.

Protection (Article 3 and 4(2))

- Effective measures for the identification, release, protection, recovery and rehabilitation of victims.
- **Protecting victims from punishment** for unlawful activities that they were compelled to commit.

Remedies (Article 4(1))

- Ensuring victims' access to appropriate and effective remedies, such as **compensation**, irrespective of their presence or legal status in the territory.

Trafficking in persons (Article 1(3))

- Measures taken under the Protocol must include specific action against trafficking in persons for forced labour.

Effective measures (Article 1(1))

In giving effect to their obligation to suppress forced labour under the Forced Labour Convention, the Protocol requires States to take effective measures to prevent and eliminate forced labour, to provide victims protection and access to appropriate and effective remedies, such as compensation, and to sanction perpetrators.

Implementation and consultation (Article 1(2))

- Development of a national policy and plan of action in consultation with **employers' and workers' organizations**.
- Systemic action taken in coordination with these organizations as well as with other groups concerned.

International Cooperation (Article 5)

- Cooperation between and among States to prevent and eliminate forced labour.

Fight against non discrimination in Employment and Occupation.

C 100

Remuneration: the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the workers' employment.

For the purpose of the Convention, the term "equal remuneration for men and women workers for work of equal value" refers to rates of remuneration established without discrimination based, directly or indirectly, on sex.

- ★ Each State party to the Convention has to ensure, in so far as is consistent with the methods in operation for determining rates of remuneration, the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.
- ★ One of the means recommended for assisting in giving effect to the Convention is the objective appraisal of jobs on the basis of the work to be performed.
- ★ Where differential rates between workers correspond, without regard to sex, to differences in the work to be performed, as determined by such objective appraisal, these must not be considered as being contrary to the principle of equal remuneration.
- ★ Governments have to cooperate with employers' and workers' organizations for the purpose of giving effect to the provisions of the Convention.

C 111

Discrimination: any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin (or such other ground as may be specified by the State concerned), which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

- ★ Each State which ratifies the Convention undertakes to declare and pursue a national policy designed to promote equality of opportunity and treatment with a view to eliminating any discrimination in respect of:
 - ➔ access to vocational training;
 - ➔ access to employment and to particular occupations; and
 - ➔ terms and conditions of employment.
- ★ In particular, it has to:
 - ➔ seek the co-operation of employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of its policy;
 - ➔ repeal any statutory or administrative provisions which are inconsistent with the policy;
 - ➔ enact legislation and promote educational programmes to secure its acceptance;
 - ➔ ensure observance of the policy in employment, vocational guidance, vocational training and placement services under the direction of a national authority;
 - ➔ indicate in its annual reports on the application of the Convention the action taken in pursuance of this policy.

Safe and healthy working environment

C 155

- ★ The Convention applies to all workers in all branches of economic activity.
- ★ However, where there exist particular difficulties of application, a State may, after consultation with organizations of employers and workers, exclude from its application, in part or in whole:
 - particular branches of economic activity;
 - limited categories of workers.

Principles of national policy

- ★ Each State which ratifies the Convention has to, in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a coherent national policy to prevent accidents and injury to health by minimizing hazards, so far as is reasonably practicable.
- ★ This policy shall take account of the following main spheres of action in so far as they affect occupational safety and health and the working environment:
 - material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes);
 - relationships between the material elements of work and the persons who carry out or supervise the work;
 - adaptation of machinery, equipment, working time, organization of work and work processes to the physical and mental capacities of the workers;
 - training, including necessary further training, qualifications and motivations of persons involved in safety and health;
 - communication and co-operation at the level of the undertaking and at all other appropriate levels up to and including the national level;

C 187

National policy is the national policy on occupational safety and health and the working environment developed in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 1981 (No. 155).

National preventative safety and health culture is a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.

- ★ States shall promote continuous improvement of occupational safety and health (OSH) to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national programme.
- ★ States shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programmes on OSH by taking into account the principles set out in relevant instruments of the ILO.
- ★ States, in consultation with the most representative organizations of employers and workers, shall periodically consider what measures could be taken to ratify relevant OSH Conventions of the ILO.

Many thanks for the kind attention



And for not...



Víctor Hugo