

INTERNATIONAL LABOUR
CONFERENCE

EIGHTY-FIFTH SESSION
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RECORD OF PROCEEDINGS

INTERNATIONAL LABOUR OFFICE
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the Employer members also called for more technical assistance and information on standards, while seeming, unless such interpretation was mistaken, to reject the proposals of the Director-General for systematic collection of information on social policies and the application of fundamental standards through a global social label. For the Workers, many positions advocated by the Employer members were a cause for concern, because they raised questions as to whether all the constituents really wanted to reinforce the supervisory system. This was particularly so when they rejected the adoption of new standards, the search for effective sanctions or the introduction of new procedures to monitor non-ratified fundamental Conventions. These examples illustrated the lack of consistency in certain positions and served to clarify the terms of the debate. Innovative proposals should not be put aside purely on the basis of legal arguments.

98. The Worker members thought the discussion had shown broad support for the initiative of the Director-General for the development of standard setting in the context of globalization. Several governments had stated their intention to proceed with ratifications following the Director-General's campaign, while others had voiced their concerns at reinforcing the practical application of Conventions.

99. The Worker members, referring to the statement of the Employer members reflected in paragraphs 86 and 87 above, noted that many governments had supplied useful and encouraging information as to the application of particular Conventions. To the Workers, the position of the Employer members concerning the right to strike was well known, as was also that of the Worker members, who fully endorsed the interpretation of the Committee of Experts, which was itself in line with the practice followed for many years by the Committee on Freedom of Association. It appeared that the Employer members were now openly criticizing the tripartite Committee on Freedom of Association in their statement that its approach to the right to strike was not in conformity with rules of legal interpretation. The Worker members would inform the Worker members of the Governing Body and its Committee on Freedom of Association of the position taken by the Employer spokesman, to seek clarification. Unless this was a misinterpretation, the position of the Employer members concerning the proposals discussed in the Governing Body and the Conference with a view to improving observance of fundamental rights, irrespective of the ratification of the corresponding Conventions, was also surprising. Their reluctance to accept a procedure analogous to that of the Committee on Freedom of Association in respect of the protection of other fundamental rights could be understood, but it did not justify the criticisms of the Committee of Experts. The discussion of these subjects needed to be pursued in a constructive manner that respected the positions of all the various parties.

100. The Employer members recalled that they had been commenting on the issue of the right to strike for many years. They acknowledged that the principle of industrial action, including the right to strike and lockouts, formed part of the principles of freedom of association as set out in Convention No. 87. Their criticisms were aimed at all the detailed jurisprudence developed over a number of years on the basis of these principles. Such detailed provisions were not to be found in either Convention No. 87 or the ILO Constitution. Moreover, the comments of the Employer members concerning the interpretation of the Committee of Experts and the Committee on Freedom of Association contained no

new elements and did not constitute a general criticism of the overall work of the two bodies.

101. The Employer members believed that there had been some misunderstanding during the general discussion on their comments concerning social labelling. They wished to reaffirm their support for the objective of greater universal respect for fundamental human rights Conventions. However, there was no easy means of achieving this objective. Some proposals had been made. These included the social clause, which had failed. The Employer members' concerns regarding social labelling were similar, although not exactly the same, to those they had expressed in respect of the social clause. A number of these concerns had been explained in the Report of the Director-General, even though he had ultimately come out in favour of social labelling. Although the idea of social labelling may be appealing to some, its effectiveness was doubtful. The details of such a scheme had not yet been fully worked out, but it was difficult to imagine how it could be applied in practice. One problem was that injustices might occur, for example where States were not granted the label or the label was withheld. In such a case, all the producers, and therefore the workers and their families in the country would suffer, even where they had observed the necessary standards. The system would therefore involve group liability. In addition, it was uncertain that such a system would achieve the desired effects in terms of consumer reaction. Although general opinion might be influenced relatively easily on such issues as the exploitation of child labour, even such important problems as forced labour represented more abstract concepts for the general public. It was uncertain that they would prevail over the immediate concerns of price and quality. The Employer members therefore believed that the viability of the proposed system had been overestimated and the dangers underestimated.

102. On the issue of standard setting, the Employer members pointed out that many of the points made in the Report of the Director-General were in line with the proposals put forward by the Employers' group over recent years. If these proposals were implemented, a new form of standard setting would be set in motion which would involve the adoption of fewer standards. They emphasized that this did not mean the adoption of no standards at all. However, any new standards adopted should focus on basic principles, rather than detailed provisions. If this approach had been adopted earlier, there would not be so many Conventions with very few ratifications. Many older standards which did not comply with the new approach would need to be revised or abrogated. It was a significant development that proposals of the nature contained in the Report of the Director-General now commanded agreement from all sides.

C. Reports requested under article 19 of the Constitution

*Labour Administration Convention (No. 150) and
Recommendation (No. 158), 1978*

103. The Committee held a discussion on the General Survey made by the Committee of Experts on the basis of reports requested under article 19 of the Constitution on Convention No. 150 and Recommendation No. 158, 1978, concerning labour administration. The survey also took into account reports on the Convention communicated under articles 22 and 35 of the Constitution, as well as