

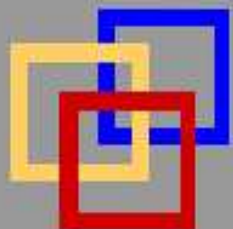
International
Labour
Standards
Department

Standard Setting and the ILO's Supervisory Function - The role of the social partners

The case of Hungary

Cleopatra Doumbia-Henry

**Director of the International Labour Standards
Department**



LANDMARKS

1919 ILO Constitution

Universal and lasting peace can be established only if it is based upon **social justice**

Tripartite structure of the ILO

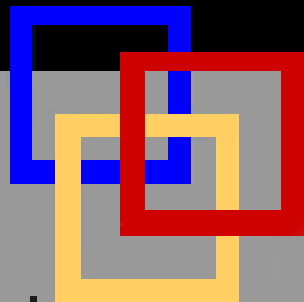
1944 Declaration of Philadelphia

1998 Declaration on Fundamental Principles and Rights at Work

2008 Declaration on Social Justice for a Fair Globalization

Four strategic objectives:

- employment
- social protection
- social dialogue and tripartism
- FPRW



The adoption of ILS: a core function of the ILO

Between 1919 and today:

189 Conventions, 203 Recommendations and 6 Protocols

Up-to-date instruments:

77 Conventions, 83 Recommendations and 6 Protocols

Most recently adopted instruments

Domestic Workers Convention, 2011 (No. 189)

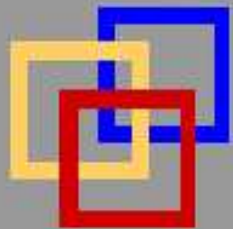
Domestic Workers Recommendation, 2011 (No. 201)

Social Protection Floors Recommendation, 2012 (No. 202)

Protocol of 2014 to the Forced Labour Convention, 1930

Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

20 August 2013: entry into force of the Maritime Labour Convention (MLC, 2006)



Fundamental Conventions

On going campaign since 1995 to get 100% ratification by 2015. To date, with 185 member States, the global ratification rate is at **91.6%.**

Freedom of Association
(No.87)
153 ratifications

Collective Bargaining
(No.98)
164 ratifications

Equal Remuneration
(No.100)
171 ratifications

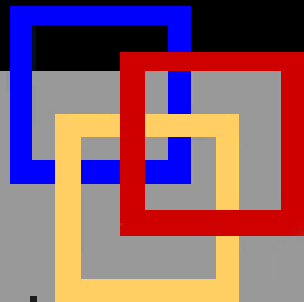
Forced Labour
(No.29)
177 ratifications

Discrimination (Employment
and occupation) (No. 111.)
172- ratifications

Abolition of Forced
Labour (No.105)
174 ratifications

Minimum Age
(No. 138)
167 ratifications

Child Labour
(No. 182)
179 ratifications



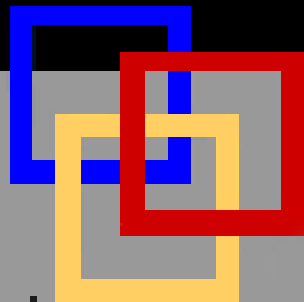
Governance Conventions

Tripartite Consultations (International Labour Standards) (No.144)
137 ratifications

Labour Inspection Conventions
(No. 81) (No. 129)
145 and 53 ratifications

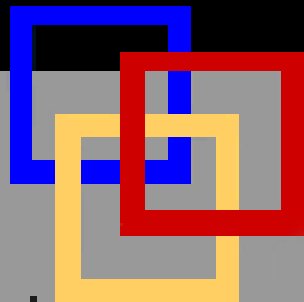
Employment Policy
(No.122)
108 ratifications

- Current global ratification rate of **59.9 %**
- In March 2008, the Governing Body recognized that these Conventions are part of the main governance instruments of the ILO. Their ratification and effective implementation will contribute to better governance of the world of work.



Technical Conventions

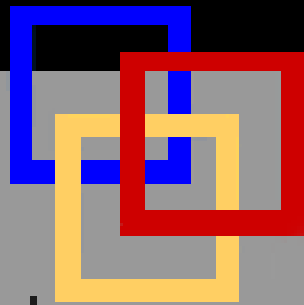
- Employment promotion
- Vocational guidance and training
- Employment security
- Labour administration
- Social policy, Wages, Working time
- Social security, Maternity protection
- Occupational safety and health
- Specific categories of workers (Migrant workers, Indigenous and tribal peoples, Seafarers, etc.)



Ratifications by Hungary

73 Conventions and 1 Protocol

- Fundamental Conventions: 8 of 8
- Governance Conventions: 4 of 4
- Technical Conventions: 61 of 177, including: C26 and C95 (wages), C155 and C161 (OSH), C181 (Private Employment Agencies), C183 (Maternity Protection), C185 (SIDs) and the MLC,2006



The ILO supervisory system

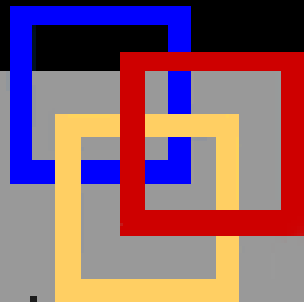
- The ILO monitors the application of international labour standards
- ILO supervision consists of:
 - Regular supervision (CEACR and CAS): based on a regular reporting obligation on the application of standards
 - Special procedures: cases of specific allegations of violations against a member State



International Labour Organization

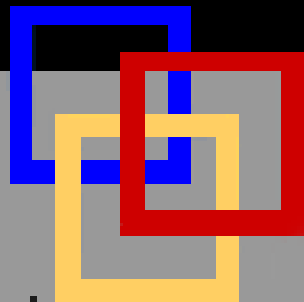
ART. 22 REPORTING PROCEDURE





Special procedures: complaints based mechanisms

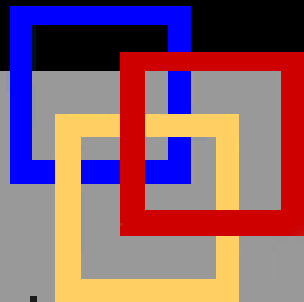
- 1) Article 24 Representations (ratified Conventions)
1 representation against Hungary in late 90's
- 2) Article 26 Complaints (ratified Conventions)
no such procedure against Hungary
- 3) Committee on Freedom of Association (CFA): allegations
may be brought against member States even if they
have not ratified the Convention concerned
Hungary: 2 cases in follow-up before the CFA



Hungary and the application of ILS

Main issues raised by the CEACR:

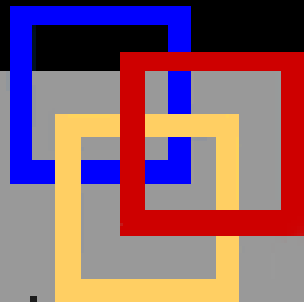
- Convention No. 87: in 2012, the Committee noted with concern that, despite its previous comments, sections 8 and 9 of the newly adopted Labour Code continued to prohibit any conduct of workers including the exercise of their right to express an opinion – whether during or outside working time – that may jeopardize the employer's reputation or legitimate economic and organizational interests.
- Convention No. 98: in 2012, the Committee made comments related to the protection against anti-union discrimination and acts of interference.



Hungary and the application of ILS

Main issues raised by the CEACR:

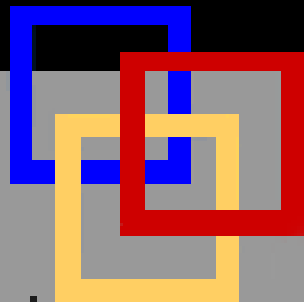
- Convention No. 111: in 2012, the Committee noted that the Labour Code did not explicitly prohibit discrimination and requested the Government to envisage taking steps to include in the Labour Code provisions defining and prohibiting direct and indirect discrimination on at least all the grounds enumerated in the Convention (race, colour, sex, political opinion, religion, national extraction and social origin) and in all aspects of employment and occupation.
- Convention No. 81: in 2011, the Committee made comments related to labour inspection functions in the area of technical information and advice and prevention of accidents and disease, as well as on the number of labour inspectors and effectiveness of the labour inspection system.
- Other pending issues



Hungary and the submission of ILS to competent authority

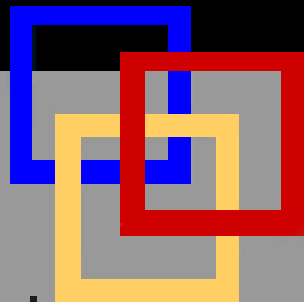
In 2013, the CEACR noted the information provided by the Government on the progress made to translate into Hungarian Convention No. 189 and Recommendations Nos 200, 201 and 202 and invited the Government to provide information on the submission to Parliament of these instruments.

In its report received on 22 October 2014, the Government indicated that consultations regarding these instruments were held in the National ILO Council and that, with the Council's approval, the submission of these standards has been delayed. The Government also indicated that submission would take place soon.



Role of the social partners in the standards system

- In the adoption of ILS (preparatory work for new or revised standards + tripartite composition of the Conference)
- In the supervision of the application of ILS:
 - Regular supervision: articles 19, 22 and 23 of the ILO Constitution
 - Special procedures:
 - Complaints before the CFA
 - Representations under article 24 of the ILO Constitution
 - Complaints under article 26 of the ILO Constitution
- Convention No. 144 on tripartite consultation (next slide)

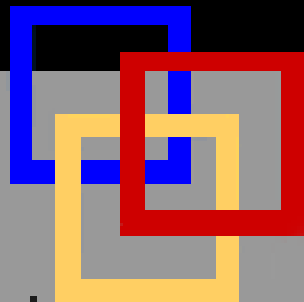


Role of the social partners in the standards system

Convention No. 144 (ratified by Hungary in 1994)

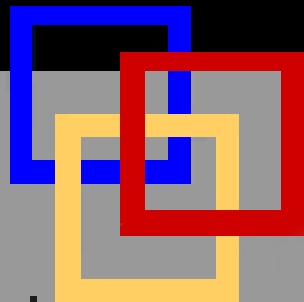
The Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), as more than 130 countries have done to date, provides that member States which ratify the Convention undertake to operate procedures which ensure effective consultations between representatives of the government, of employers and of workers on the matters concerning the activities of the ILO, including on proposed new instruments to be discussed at the Conference, on submissions of instruments to the competent authorities, on reports concerning ratified conventions, on measures related to unratified conventions and recommendations, and on proposals regarding the denunciation of conventions.

In Hungary: the tripartite National ILO Council.



National Legislation and ILS

- The role of national legislation for ensuring compliance with ILS, e.g, the Labour Law and other related legislation and regulations
- Labour Law reform and the role of the social partners
- The role of the labour inspectorate in ensuring compliance with national laws



Socio-economic dimension of ILS

ILS, a means of improving economic performance

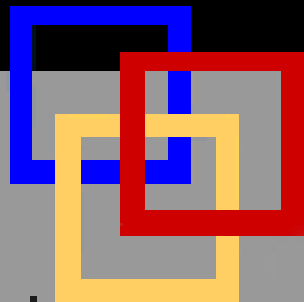
ILS are sometimes perceived as entailing significant costs and thus hindering economic development. This perception is not sustained by research and empirical evidence, which indicate, to the contrary, that compliance with ILS often accompanies improvements in productivity and economic performance.

Wages set in consultation with social partners contribute to reconciling the objectives of economic development and social justice.

Investment in vocational training can result in a better-trained workforce and higher employment levels.

Safety standards reduce accidents and health care costs and enhance enterprise productivity.

Freedom of association and collective bargaining can lead to better labour–management consultation and cooperation, thereby reducing the number of costly labour conflicts and enhancing social stability.

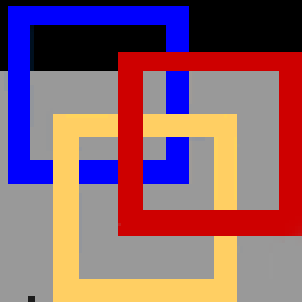


Socio-economic dimension of ILS

ILS, a safety net in times of economic crisis

Global Jobs Pact (ILC, June 2009): emphasized the importance of strengthening respect for ILS, in times of crisis, in order to prevent a downward spiral in labour conditions and build the recovery.

Relevant ILS identified in this context (in addition to the eight ILO fundamental Conventions): instruments concerning employment policy, wages, social security, the employment relationship, the termination of employment, labour administration and inspection, protection of migrant workers, labour conditions concerning public contracts, occupational safety and health, working time and social dialogue mechanisms.



International Labour Standards



Thank You for your attention

Cleopatra Doumbia-Henry
Director,
International Labour Standards
Department