

# SDGNOTE



International  
Labour  
Organization



## INTERNATIONAL LABOUR STANDARDS

The 2030 Agenda embraces the three dimensions of sustainability – economic, social and environmental – in an integrated and interconnected manner, grounded in the legal framework established by the UN and its specialised agencies. It is a unique engagement, with a rights-based approach, which calls for action by all countries, foresees goals that universally apply to all, requiring thus to look at human needs more holistically and in a more interconnected way, and takes into consideration every individual, as set forth by the Vision that “no one will be left behind” (Preamble, 2030 Agenda). To this effect, it gives the international community the impetus it needs to work together to tackle the challenges confronting humanity, including those in the world of work. It contains 17 Sustainable Development Goals (SDGs) that will build on the progress achieved under the Millennium Development Goals.

### The ILO DW for SDGs Notes Series

At a special UN summit in September 2015 world leaders adopted a new vision for global development: “Transforming our world: The 2030 Agenda for Sustainable Development”.<sup>1</sup>



With the 2030 Agenda the global community has recognized that decent work is both a means and an end to achieve sustainable development. Consequently, the Decent Work Agenda – an integrated policy framework in and of itself – features prominently across the SDGs and the 2030 Agenda. The 2030 Agenda calls for integrated and transformative policies to tackle development challenges. The promotion of more and better jobs, with full respect of labour rights, with a particular focus on the labour related human rights enshrined in the ILO fundamental Conventions, is a central element that cuts across many of the Sustainable Development Goals with SDG 8 at its core.

The ILO Director-General (DG) has stressed that the 2030 Agenda is a major responsibility, opportunity, and at the same time, a challenge for the ILO. It requires a new way of working across the Office and a new way of communicating about Decent Work.

The DW for SDGs Notes series is one building block in this process. It aims to provide a thematic decent work perspective on the SDG framework for ILO officials engaging in SDG discussions with constituents, UN counterparts, as well as development partners. SDG notes are envisaged for all Programme and Budget (P&B) outcomes. These more detailed notes are complemented by short leaflets on communication and advocacy prepared for external distribution.

1- *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1, at: [Transforming our world: the 2030 Agenda for Sustainable Development](#); hereinafter *the 2030 Agenda*.





The DW for SDGs Notes should be used in conjunction with the ILO Implementation Plan for the 2030 Agenda for Sustainable Development.

The present document is an SDG Note on "International Labour Standards" which mainly concern SDG Targets 8.5 (full and productive employment and decent work), 8.8 (labour rights and safe and secure working environments) and 16.3 (rule of law and equal access to justice) and related indicators.<sup>2</sup>

## 1- THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT AND THE INTERNATIONAL LABOUR STANDARDS (ILS)

International Labour Standards (ILS) set out the basic principles and rights at work that frame the International Labour Organization's (ILO) policy work and advice. Their implementation provides the essential legal framework that is the first step towards achieving progress in promoting rights at work, creating decent jobs, improving working conditions, extending social protection and supporting sustainable enterprises.

ILS are at the very heart of the ILO, an organization established in 1919 in order to improve the existing *"conditions of labour ... involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled"*. The ILO Constitution asserted that in order to achieve the objectives set in its Preamble, the new organization would develop a system of conventions and recommendations – international labour standards – adopted by governments, employers and workers.

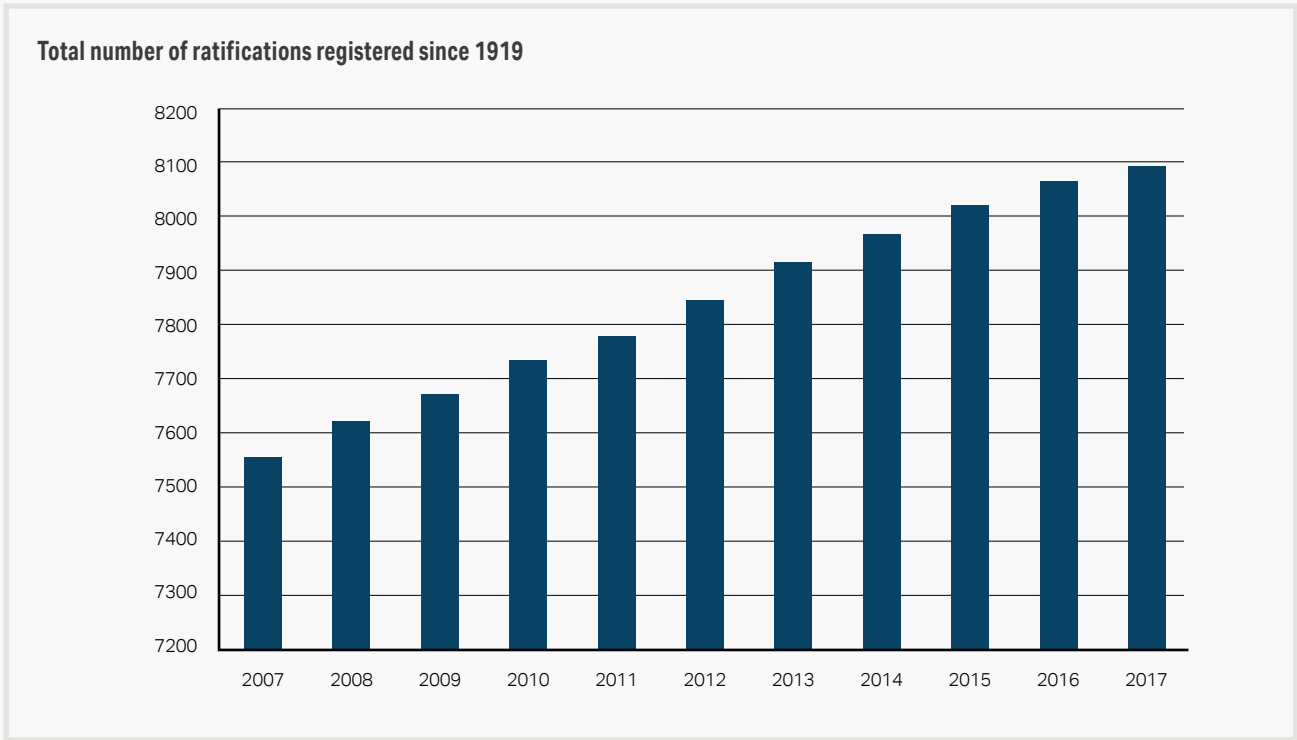
The rights at work promoted by the ILO since its inception have later been reaffirmed by the United Nations (UN) notably in the International Covenant on Economic, Social and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966). The state parties recognized the right to work, *"which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts"* (Article 6); the right to the enjoyment of just and favorable conditions of work, which include a minimum remuneration, safe and healthy conditions of work, equal opportunities for all, rest, leisure, limitation of working hours and holidays with pay (Article 7), the freedom of association and collective bargaining and the right to strike (Article 8) and the right to social security (Article 9).

Today, the ILS have grown into a comprehensive system of instruments on work and social policy, backed by a supervisory system, and are the legal component of the ILO's strategy for governing globalization, promoting sustainable development, eradicating poverty, and ensuring that people can work in dignity and safety.<sup>3</sup> The tripartite nature of the discussions leading to Conventions and Recommendations provides a sound basis for the provision of advice or the promotion of policies in support of the international agenda, including the 2030 Agenda.<sup>4</sup>

2- The Global Indicator Framework developed by the Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs) to monitor progress on 169 targets of the SDGs was agreed upon by General Assembly in July 2017. The framework has 232 indicators and each indicator has been assigned to one or several organizations to coordinate efforts around collection and reporting of national data. These indicators are classified into three tiers depending on the availability of data and internationally agreed measurement methodology. The global indicators can be found [here](#). The list of custodian agencies [here](#).

3- See NORMES web pages ([www.ilo.org/normes](http://www.ilo.org/normes)) under the heading *Introduction to ILS*, at: <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/lang--en/index.htm>; and under the heading *The need for social justice*, at: <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/need-for-social-justice/lang--en/index.htm>

4- See *The ILO Companion*, pg. 69



Source: ILO, NORMLEX home (<http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:>)

## 1.1 How does implementing the ILS contribute to the realization of the Sustainable Development Goals?

The Philadelphia Declaration (1944) asserts, in the aftermath of the Second World War, that “poverty anywhere constitutes a danger to prosperity everywhere”, social justice being the condition for a lasting peace. The ILO 2008 Declaration on Social Justice for a Fair Globalization reaffirms ILO’s capacity to promote its Decent Work Agenda in the context of globalization, to move forward towards sustainable and inclusive development. To achieve the Declaration’s full potential, the integration of decent work into national sustainable development strategies is required. The ILS provide the normative foundation for this endeavour. With the adoption of the 2030 Agenda, the ILS also become the legal basis of the ILO’s contribution to the implementation of the new Agenda.

The 2030 Agenda is universal, inclusive, transformative and firmly embedded in the normative framework of the UN system, proposing a rights-based approach to sustainable development, with specific emphasis on human rights. The world’s leaders reaffirmed their “commitment to international law and emphasize[d] that the Agenda is to be implemented in a manner that is consistent with the rights and obligations of states under international law” (Para 18, the New Agenda).The ILS form an essential component of this international normative framework and their central role in the implementation of the 2030 Agenda is highlighted in several specific targets related to the world of work.

ILS are first and foremost about the development of people as human beings,<sup>5</sup> they ensure that the economic development remains focused on improving human life and dignity, laying down the basic minimum social

5- “Labour is not a commodity”, see ILO 1944 Philadelphia Declaration.

6- See NORMES web page ([www.ilo.org/normes](http://www.ilo.org/normes)) under the heading *The benefits of International Labour Standards*, at: <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/the-benefits-of-international-labour-standards/lang--en/index.htm>

standards agreed upon by all players in the global economy.<sup>6</sup> They are a cross-cutting policy driver for the ILO and are “promoted and applied in actions under all the policy outcomes” and the four pillars of decent work.<sup>7</sup> Their implementation sustains the attainment of full and productive employment and decent work for all, which in turn, is a means and an end for the achievement of sustainable development, based on the respect for the rights at work, including the labour related human rights.



**SDG 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all**

- **8.5 By 2030 achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value**
- **8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.**

**Indicator 8.5.1:** Average hourly earnings of female and male employees, by occupation, age and persons with disabilities

**Indicator 8.5.2:** Unemployment rate, by sex, age, and persons with disabilities

**Indicator 8.8.1:** Frequency rates of fatal and non-fatal occupational injuries, by sex and migrant status

**Indicator 8.8.2:** Increase in national compliance of labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status.

For details on **Target 8.7** “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”; and its **Indicator 8.7.1**, please see SDG Note on Child Labour and Forced Labour.

ILS, as part of the UN normative framework, moreover contribute to the rule of law and the creation of legal institutions for good governance. The rule of law is the vehicle for the promotion and protection of the common normative framework, providing a structure through which the exercise of power is subjected to agreed rules, guaranteeing the protection of all human rights, including the labour related human rights. Good governance, on the other hand, ensures respect and protection of human rights, in a sustainable manner and provides the setting for an equitable distribution of benefits from growth. Thus, the application of ILS at country level, among others, ensures protection for workers and employers, contributes to formalizing the economy and warrants access to justice in case of violation of the rights at work.

7- See ILO Programme and Budget for 2016-2017 and ILO Programme and Budget for 2018-2019 on the ILO web page.



**SDG 16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**

**- 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all.**

**Indicator 16.3.1:** Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms.

Ratification and implementation of all ILS contribute to the achievement of all SGDs that are related to the strategic objectives of the Decent Work Agenda, given the latter's foundation in the ILS.

## 2- WHAT IS THE ILO'S APPROACH?

### 2.1 The International Labour Standards (ILS)

The ILO is a standard setting organization whose aim is the promotion of social justice by means of the promotion of decent work for all. The ILS are the main constitutional tools for reaching this objective. They reflect the outcome of negotiations among the three ILO constituents: governments, workers' and employers' organisations, and are adopted by vote by a plenary sitting of the International Labour Conference (ILC).

ILS take the form of **conventions**, which are legally binding on the ILO member States that have ratified them, and **recommendations**, which serve as non-binding guidelines. In many cases, a convention lays down the basic principles to be implemented and the related recommendation supplements it by providing more detailed guidelines on the application. Nonetheless, a recommendation can also be autonomous. Conventions are sometimes complemented by Protocols.

Among the ILO Conventions, the Governing Body (GB) identified eight "fundamental" ones, as they deal with the fundamental principles and rights at work, embedded in the ILO Constitution: freedom of association and collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect to employment and occupation. These rights were recognised, with the adoption of the ILO 1998 Declaration on Fundamental Principles and Rights at Work, as labour related human rights that have to be respected by all ILO member States irrespective of ratification of the relevant Conventions. They are enabling rights which open the way for the implementation of other, more technical standards.

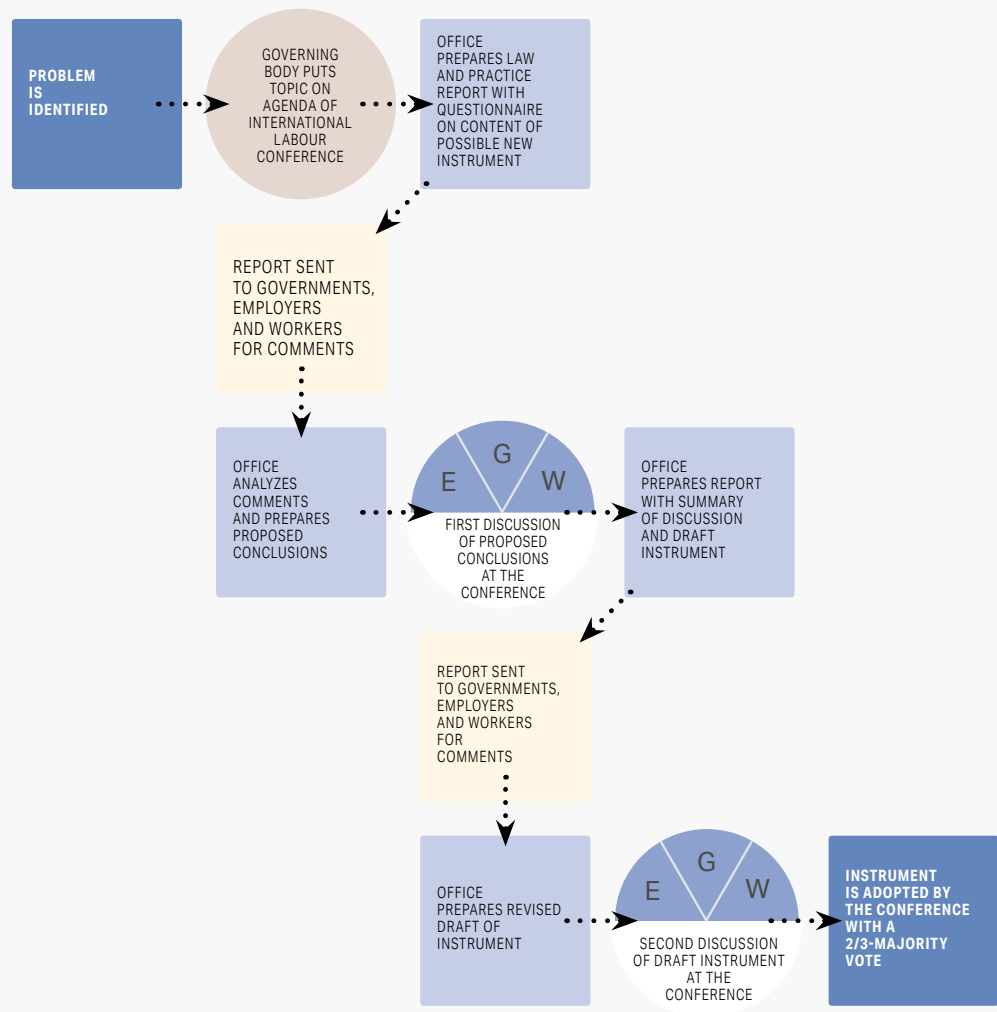
Another four Conventions have been acknowledged by the ILC Declaration on Social Justice for a Fair Globalization, 2008, as "governance" instruments which have priority for ratification, because they set the institutional framework for the functioning of the labour market including through the effective implementation of ILS: Labour Inspection Convention, 1947 (No. 81), Employment Policy Convention, 1964 (No. 122), Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Tripartite Consultations (ILS) Convention, 1976 (No. 144).<sup>8</sup>

<sup>8</sup>- See NORMES web page ([www.ilo.org/normes](http://www.ilo.org/normes)) under the heading *Conventions and Recommendations*, at: <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>





How an international labour standard is adopted



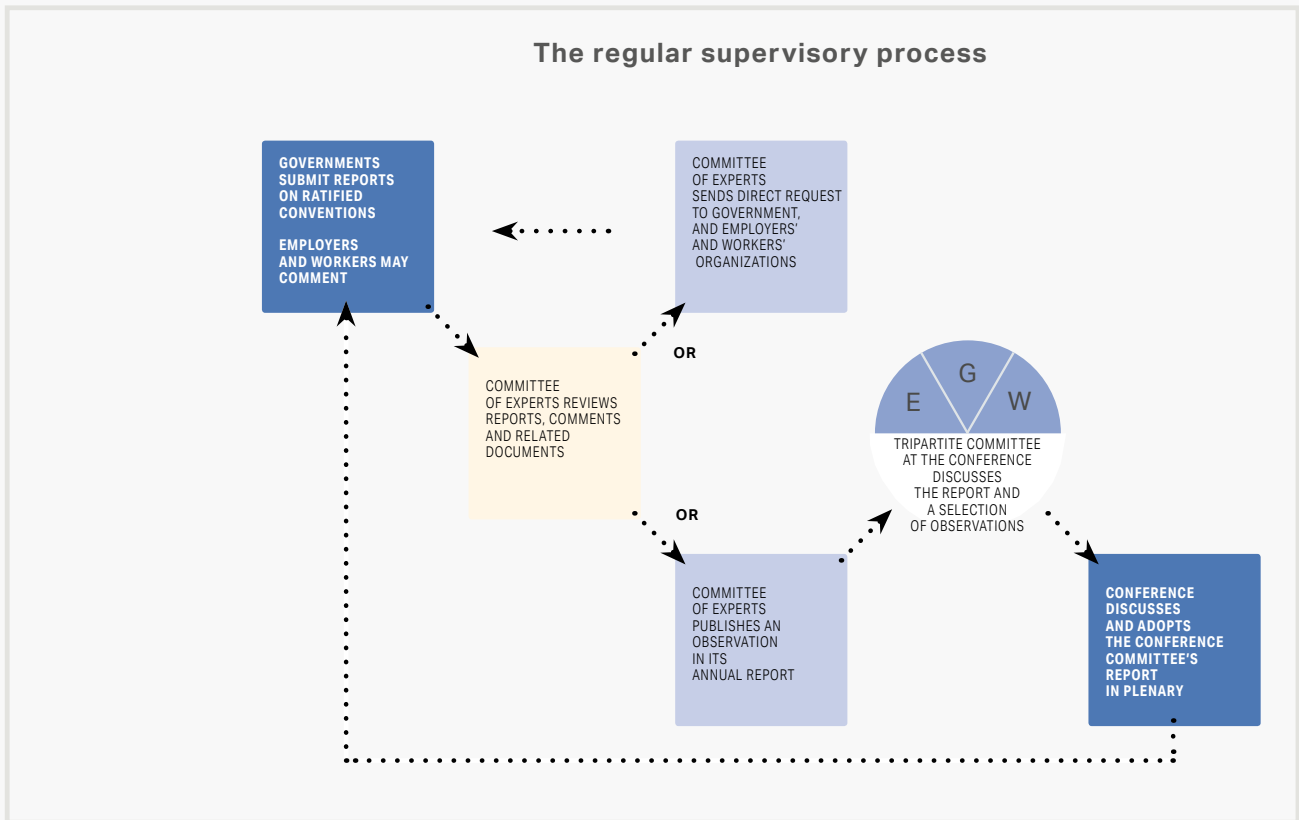
Who adopts international labour standards?
The International Labour Conference brings together delegations from all ILO member States. Each delegation comprises:
2 government delegates
1 employer delegate
1 worker delegate
Government, employer and worker delegates each have one vote in plenary.

Source: ILO, *Rules of the game: A brief introduction to international labour standards*. Third Revised Edition 2014

The supervisory system of the ILO

The ILO Constitution provides for a unique supervisory system to ensure the application and promotion of the ILS. This system is a fundamental part of the functioning of the organization<sup>9</sup> and is designed not only to regularly examine the implementation of the ratified conventions, but also to assist countries through technical assistance and social dialogue to solve problems identified in the process. Its uniqueness resides in the fact that it directly involves

9- See NORMES web page ([www.ilo.org/normes](http://www.ilo.org/normes)) under the heading *Applying and promoting International Labour Standards*, at <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/lang--en/index.htm>



Source: ILO, *Rules of the game: A brief introduction to international labour standards*. Third Revised Edition 2014

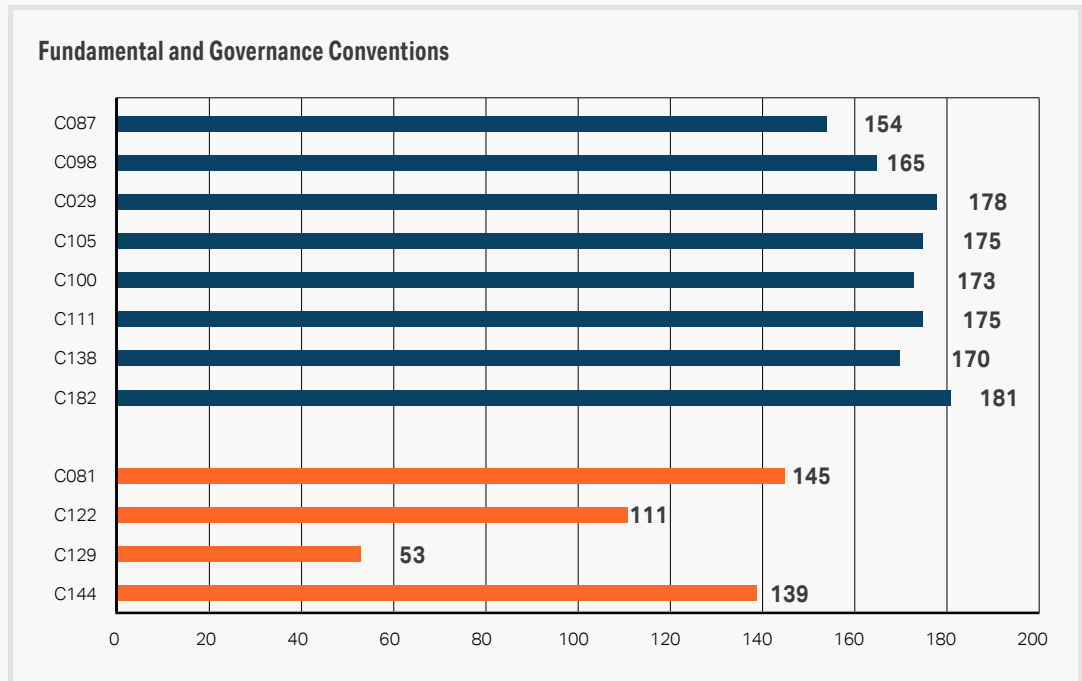
social partners in supervising the application of the standards, by formulating comments on the country regular reports or submitting complaints directly to the Office.

The various means of supervision can be classified in two categories:

- (1) The regular system of supervision – the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the International Labour Conference’s Tripartite Committee on the Application of Conventions and Recommendations (CAS) examine periodic reports submitted by the ILO member States on the measures they have taken to implement ratified and non-ratified conventions. Workers’ and employers’ organisations can send observations on these reports in order to bring their comments to the attention of the supervisory bodies. The procedure is provided for in articles 19, 22 and 23 of the ILO Constitution.
- (2) The special procedures – representations, complaints, and complaints of violation of freedom of association principles – are governed by specific Constitutional provisions or established to warrant the principles embedded in Conventions Nos. 87 and 98 on freedom of association and collective bargaining. These special procedures are initiated upon representations or complaints submitted most usually by workers’ or employers’ organizations and are important means at the disposal of the Organization’s members to ensure respect for the ILS. (For details, see below Section 4: Frequently asked questions)

The ILO Constitution provides for the organization to keep track of all developments with regards to the ILS in a country. Under article 19 of the Constitution, member States are required to communicate the formal ratification of conventions to the Director-General (DG) and, in case of absence of consent for ratification from the competent authority, to report, at appropriate intervals as requested by the GB, the position of their law and practice in regard to the matters dealt with in the convention. These reports, together with information provided by workers’ and employers’ organisations are the source for the annual General Survey that the CEACR publishes, on a subject previously chosen by the GB.





Source: ILO, NORMLEX home (<http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:>)

## 2.2 International Labour Conference (ILC) discussions and results

The **Committee for the Application of Standards**, one of the organs ensuring the regular supervision of the application of ILS, is a standing committee of the International Labour Conference (ILC). This tripartite body meets every year during the ILC to examine the annual report of the CEACR and to debate a number of cases out of those examined in the CEACR Report. The CAS, after listening to comments and information from the interested governments and social partners, may adopt conclusions containing a series of recommendations for measures by the government and invitations for governments to avail themselves of technical assistance.

Every year, the GB considers placing a standard setting item on the agenda of the Conference, leading to the adoption of new ILS. For example, in 2017, the 106<sup>th</sup> session of the ILC held the second and final discussion on the revision of the Employment (Transition from war to peace) Recommendation 1944 (No.71), which resulted in the adoption of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

## 2.3 Key areas of work

### Key actors:

**ILO's International Labour Standards Department (NORMES)** serves as the secretariat of the ILO supervisory bodies and of the GB Legal Issues and International Labour Standards segment. In this capacity, it drives the work of the Office on ILS. The NORMES Global Technical Team is composed of standards specialists located both at HQ, and in the field offices, who provide tailor made technical advice to member States with regard to ILS.<sup>10</sup>

10- Information about subjects covered by ILS is available under the heading "Subjects covered by International Labour Standards", at: [www.ilo.org/normes](http://www.ilo.org/normes)



Parallel to NORMES, experts in specific technical areas at HQ and in the field offices, contribute to the formulation and implementation of technical programmes established in relation to the various thematic branches of ILS. At the secretariat level, ILO's tripartite character is ensured by **ACTRAV** and **ACT/EMP**, who assist workers' and employers' representatives in preparing their positions on ILS-related agenda items, provide training on ILS or services on the implementation of ILS.

### **Means of action:**

Since the preparation and adoption of the 2008 Social Justice Declaration, the ILO's activities on ILS have been guided by an **integrated and comprehensive Standards Strategy**, which comprises four components: (a) better promotion and application of the existing corpus of up-to-date ILO standards; (b) strengthening of the supervisory system; (c) importance of achieving greater visibility of ILO standards; and (d) technical assistance, technical cooperation and capacity building. The four components are interrelated and mutually reinforcing, the latter two are technical tools to support the first two, who deal with the substantive issues.

**In 2013, the ILO Director-General launched the Standards Initiative**, comprised of two components, in order to better equip the ILO to carry forward its mandate for social justice into its second century.<sup>11</sup> The first component of the Initiative will enhance the relevance of ILS through a Standards Review Mechanism (SRM). Its objective is to ensure that the body of standards is robust and responsive to the constantly changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises. A Tripartite Working Group of the SRM was established by the GB in November 2014 in order to carry out this task.

The second component aims to consolidate tripartite consensus on an authoritative supervisory system. As a first step to this end, the chairpersons of the CEACR and the CFA produced a joint report on the interrelation, functioning and possible improvement of the various supervisory procedures. Based on the findings of the report, the Director-General has been requested by the GB in November 2016 to prepare and organise consultations on the further strengthening of the supervisory system. These consultations took place in February 2017 and a plan of action was adopted by the Governing Body in March 2017.

The Initiative drives and underpins the direction of work and objectives established in the Programme and Budget. It "resonates strongly with the promotion of peaceful and inclusive societies with access to justice for all, and effective, accountable and inclusive institutions".<sup>12</sup>

ILO's work in pursuing a rights-based approach to inclusive and sustainable development in the world of work is reflected in the **Programme and Budget for 2018-2019** in two ways. First, in the framework of P&B Outcome 2 on "Ratification and application of international labour standards" and second, in the framework of the effective integration of ILS in the implementation of all other outcomes as Cross-Cutting Policy Driver. During the 2018-19 biennium, several changes are envisaged, such as increased ratification of ILS, enhanced action by tripartite constituents and other actors at country-level for the application of ILS, supported through Decent Work Country Programmes and United Nations Development Assistance Frameworks, and effective tripartite engagement in and ownership of the preparation, adoption, reporting and review of ILS. ILO will support member States in attaining these objectives, which will also enable achievement of the SDG targets discussed above (see section 1.1). The need to promote a spirit of ownership among ILO constituents with regard to ILS has already been highlighted in the **Programme and Budget 2016-2017**.

11- *Towards the ILO centenary: Realities, renewal and tripartite commitment*, Report of the Director-General, ILO, 2013, at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_213836.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_213836.pdf)

12- *End to Poverty Initiative: The ILO and the 2030 Agenda*, Report of the Director-General, ILO, 2016, pg. 2, at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_479681.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_479681.pdf)

## 2.4 The role of the International Training Centre of the ILO (The Turin Centre)

The Turin Centre offers training to ILO staff, constituents, partners and other national and international stakeholders to support the development of knowledge and skills to promote ILS and rights at work, to strengthen their application and to advance the achievement of decent work for all women and men.

The Turin Centre also organises the ILS Academy,<sup>13</sup> addressing a varied audience, building bridges and understanding between groups of participants from different professions and regions. It comprises six highly specialised courses on ILS.

## 2.5 Working within the United Nations system and with other multi-stakeholder partnerships

The UN General Assembly resolutions on Quadrennial Comprehensive Policy Review of the UN operational activities for development (QCPR)<sup>14</sup> reaffirm the need for the UN development system entities to enhance the coherence and efficiency of their interventions, within the limits of their mandates and comparative advantages, in supporting member States to achieve the 2030 Agenda and the SDGs. With regard to ILS, the 2018-2019 Programme and Budget expressly stresses that the Office will continue its cooperation with the UN High Commissioner for Human Rights and other development agencies, financial institutions and other organizations, in particular on matters relating to the realisation of human rights and the SDGs targets relevant to the ILS.

Indirectly, all the ILO initiatives and partnerships with other UN agencies and stakeholders aiming to mainstream and achieve the Decent Work Agenda, contribute to the promotion and implementation of ILS, as they form the normative framework of the Agenda. Nonetheless, there are some particular examples that expressly aim at the promotion of ILS.

ILO is a member of the **Human Rights Working Group of the UN Development Group** (UNDG). The Working Group aims at integrating human rights in the UN system's work for development, so that member States be better provided with UN support in strengthening their capacities for the promotion and protection of human rights. It should be noted that the ILO supervisory bodies have always had close ties and collaboration with the supervisory bodies of other international and regional human rights treaties such as the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Discrimination against Women and the European Social Charter.

The ILO also participates in the **Human Rights up Front (HRuF)** initiative launched by the UN Secretary-General in 2013, focusing on ensuring that the UN system takes early measures, within its mandate, to prevent and respond to large-scale human rights and humanitarian law violations.

13- See International Labour Standards Academy website at: <http://www.itcilo.org/en/areas-of-expertise/international-labour-standards/international-labour-standards-academy>

14- See GA resolution 71/243 (2016) and GA resolution 67/226 (2012)

ILO's participation in the **UN Global Compact**, launched in 1999, focuses on the promotion of the four fundamental principles and rights at work, as identified in the 1998 ILO Declaration, and the respect of which is a precondition for sustainable and inclusive development. The UN Global Compact is a UN initiative to encourage businesses worldwide to adopt sustainable and socially responsible policies, and to report on their implementation. In an initiative which involves the business world, ILO's tripartism and experience with social dialogue is an important asset for the achievement of the Global Compact's objectives.

The **"50 for Freedom"** campaign was launched in 2014 by the ILO, the IOE and the ITUC, together with their partners – international organizations, civil society, NGOs, academia. The aim of the campaign is to persuade at least 50 ILO member States to ratify by 2018, the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) (For more details, see also SDG Note on Child Labour and Forced Labour).

**Alliance 8.7** is a global, multi-stakeholder alliance of organizations mandated or committed to eradicate forced labour, modern slavery, human trafficking and child labour (Target 8.7 of the SGDs); it was launched in 2016, at the initiative of the ILO. It aims at bringing together experience across diverse fields to assist all UN member States to achieve this target (For more details, see also SDG Note on Child Labour and Forced Labour).

ILO actively participated in the worldwide consultation process that led to the adoption of the **World Bank Group's revised Environmental and Social Frameworks (ESF)**. The Framework provides for the safeguard policies that the Bank and its borrowers apply to investment project financing. The Revised ESF reflect key provisions on certain international labour standards (e.g. on child and forced labour), and hence represent a step forward in its inclusion of a labour standard on Bank-financed investment projects.<sup>15</sup>



15- ILO Statement on the World Bank Environmental and Social Policy, ILO, at: [http://www.ilo.org/global/about-the-ilo/newsroom/statements-and-speeches/WCMS\\_508328/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/statements-and-speeches/WCMS_508328/lang--en/index.htm)





### 3- HOW HAVE COUNTRIES RESPONDED EFFECTIVELY?

#### 3.1 Policy options to address key challenges

**How to, by 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value (SDG 8.5)? How to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment (SDG 8.8)?**

ILO provides different forms of technical assistance to member States, in order to support them address problems in legislation and practice and to bring them in line with the ILS. This support includes: advisory or contact missions between ILO officials and government representatives to find solutions for applying the standards; and promotion activities, such as seminars, national workshops, to raise awareness of standards, build capacities of national actors, provide technical advice on the implementation. This support is increasingly drawing its authoritative force from the content of ratified and non-ratified ILS and relies on the relevant comments of the ILO supervisory bodies in order to be as targeted and effective as possible.

**How to promote the rule of law at the national and international levels and ensure equal access to justice for all (SDG 16.3)?**

In order to achieve full and productive employment and decent work and to protect labour rights and working environments, ILO member States' first step is to build the institutional frameworks and protect the fundamental rights which prevent human rights abuses and ensure well-functioning labour markets. In so doing, member States rely on the guidance provided by international labour standards in order to reform their legislation in general, at the time of ratification of the relevant ILS. In the case of the 8 fundamental conventions, however, the ILO 1998 Declaration emphasizes that member States should strive "to respect, to promote and to realize" the fundamental principles and rights at work contained in the fundamental Conventions, irrespective of their ratification, by virtue of the mere accession of the member States to the ILO and the acceptance of its Constitution.

It is important to emphasize that ILS take into consideration the diverse cultural and historical backgrounds, legal systems and levels of economic development of the ILO member States. Therefore most standards are flexible enough to be translated into national law and practice with due consideration of these differences. In some situations, they may even provide for "flexibility clauses", which allow for temporary standards, exclusion of certain categories of workers or application of only parts of the Convention.<sup>16</sup>

16- See *The ILO Companion*, pg.69

At the country level, ILO, through its network of ILS specialists and other experts, provides assistance with the ratification of a new Convention and the drafting of new legislation or revision of the existing provisions to bring them in line with the new standard. ILO assists member States, at their request, in fulfilling their reporting obligations, discussing and finding solutions to problems raised by the supervisory bodies, in order to ensure their conformity with the ILS.<sup>17</sup>

### 3.2 ILO Country-level assistance

The following case studies provide examples of how the ILO has supported and engaged with constituents, UN agencies or other stakeholders to support application of ILS:

#### **Uzbekistan: ILO Supervisory Bodies' engagement with the tripartite constituents on the implementation of the international labour standards on child labour and forced labour**

Uzbekistan ratified the Worst Forms of Child Labour Convention, 1999, (No. 182), in 2008. The CEACR examined its application every year since 2009. In 2010, 2011 and 2012, it observed that, despite existing national legislation prohibiting child labour and hazardous work in this sector, children under 18 were used for the cotton harvest. Consequently, the CEACR requested the Government to take measures to eradicate the forced labour of, or hazardous work by, children under 18 years in cotton production, and to avail itself of ILO technical assistance to this end. The ILC CAS discussed the case in a tripartite manner in 2010, 2011 and 2013. The case has not been examined after 2013 in CAS, because it noted the government's political commitment and the measures taken, with ILO support, towards better implementation of the Convention. The CEACR continued to supervise developments in the framework of its examination of Conventions Nos. 182 and 105 related to worst forms of child labour and the abolition of forced labour.

Between 2013 and 2016, three rounds of monitoring of the cotton harvest have been carried out and the results were submitted to the CEACR. Following the first joint ILO-Uzbek monitoring in 2013, the government signed, in 2014, a Decent Work Country Programme (DWCP) aiming to cooperate with the ILO on a wider basis to abolish child and forced labour. In 2015 and 2016, ILO conducted two new monitoring missions as a third party monitoring in World Bank- financed projects in agriculture, water and education sectors. In parallel, ILO support continued for Uzbekistan to implement the DWCP with the objective of effective application of ILO standards and the advancement of decent work in the country. As a result, in early 2017, the ILO Third Party Monitoring Report concluded that "no incidences of child labour and forced labour were identified with regard to World Bank-supported agriculture, water, and education projects," although forced labour remained a risk for certain categories of workers.

The Uzbek experience shows that the combination of ILO's supervisory system with technical assistance and cooperation activities can have a significant impact on the effective implementation of the international labour standards.

17- See *Technical assistance and training*, ILO, at: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/technical-assistance-and-training/lang--en/index.htm>



**Bangladesh: “Compact for continuous improvements in labour rights and factory safety in the ready-made garment and knitwear industry”  
(Government of Bangladesh, ILO, the European Union,  
later US and Canada)**

In April 2013 a Sustainability Compact was signed as a response to the collapse of the Rana Plaza factory. The Partners’ commitments under the Compact aim at respect for labour rights, in particular freedom of association and collective bargaining, improving structural integrity of buildings, occupational safety and health and responsible business conduct. Many of the commitments are directly linked to the implementation of international labour standards and the recommendations of the ILO supervisory bodies. Within this framework and ILO strategic interventions, policy development support, technical assistance and advocacy initiatives, the ILO contributed to advancing the implementation of international labour standards in Bangladesh, and implicitly of several Sustainable Development Goals and targets, such as SDG 8 (Decent Work and Economic Growth) and SDG 16 (Peace, Justice and Strong Institutions).

ILO will continue to play its role in providing the necessary technical assistance in addressing the many challenges that remain, particularly regarding workers’ rights, in order to achieve full compliance with the Sustainability Compact commitments.

### 3.3 Engagement of the ILO social partners

At country level, ILO’s tripartism translates in the fact that the social partners, as constituents, are fully engaged in the implementation of international labour standards. In this capacity, they can also get involved in the implementation and technical cooperation programmes aimed at the application of the international norms.

Engagement of and ownership by the social partners from the early stages of discussions on the adoption of a new standard, paves the way for wide support and acceptance, as well as effective implementation and enhanced impact of standards. In addition, they can help in identifying specific barriers to ratification or difficulties in application at an early stage, opening the way towards ratification and effective application.



## ? WHAT ARE SPECIAL PROCEDURES AND HOW DO THEY FUNCTION?

(1) The representation procedure is governed by articles 24 and 25 of the ILO Constitution. It is initiated by a workers' or employers' organization, if, in their view, the member State "has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party". The representation is brought to the GB, which can submit it to a tripartite committee consisting of government, employer and worker members who examine the representation and formulate recommendations in a report submitted to the GB.<sup>18</sup>

(2) The procedure for complaints: Under articles 26 to 34 of the ILO Constitution, a member State which ratified a certain convention, or a delegate to the ILC or the GB, can file a complaint against another member State for not complying with the given ratified convention. Pursuant to a complaint, the GB may establish a Commission of Inquiry, of three independent members, that undertakes a full inquiry and makes recommendations for measures to be taken in order to address the issues raised. The Commission of Inquiry is the highest investigative procedure of the ILO and is generally set-up when the member State has persistently and seriously committed violations and repeatedly refused to address them.<sup>19</sup>

(3) The procedure for complaints regarding freedom of association: It is managed by the Committee on Freedom of Association (CFA), established in 1951. The complaints may be brought by workers' or employers' organizations against an ILO member State, irrespective of whether the country in question has ratified or not the fundamental conventions on freedom of association and collective bargaining (Conventions no. 87 and 98), as these rights are part of the founding principles enshrined in the ILO Constitution. The complaint is examined by the CFA, which is a committee of the Governing Body, composed of an independent president and three representatives of each of the ILO constituents.<sup>20</sup>

## ? HOW CAN ILS CONTRIBUTE TO IMPROVE ECONOMIC PERFORMANCE?

An international legal framework on social standards ensures a level playing field in the global economy. It helps governments and employers to avoid the temptation of lowering labour standards in the belief that this could give them a greater comparative advantage in international trade. In the long run, such practices are unsustainable socially and economically damaging a country's prospects for growth and social peace. A growing body of research indicates that compliance with international labour standards often accompanies improvements in productivity and economic performance.

The beneficial effects of labour standards do not go unnoticed by foreign investors. Studies have shown that in their criteria for choosing countries in which to invest, foreign investors rank workforce quality and political and social stability above low labour costs. At the same time, there is little evidence that countries which do not respect labour standards are more competitive in the global economy.<sup>21</sup>

18- Details about *Representations* are available on NORMES website under heading "Applying and promoting ILS" at: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/representations/lang--en/index.htm>

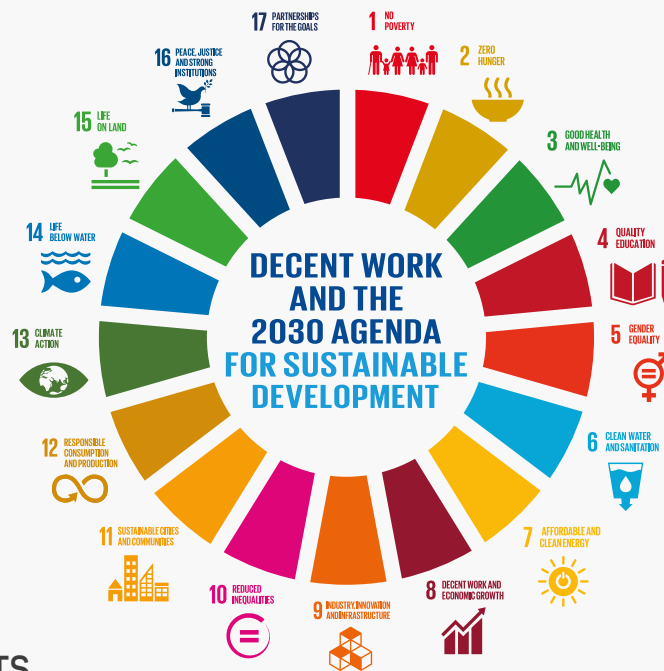
19- Details about *Complaints* are available on NORMES website under heading "Applying and promoting ILS" at: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/complaints/lang--en/index.htm>

20- Details about *Committee on Freedom of Association* are available on NORMES website under heading "Applying and promoting ILS" at: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang--en/index.htm>

21- Information about "The benefits of International Labour Standards" is available on NORMES website under the heading "Introduction to ILS" at: <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/the-benefits-of-international-labour-standards/lang--en/index.htm>

## 5- MORE INFORMATION

- ILO 2015. *Compendium of International Labour Conventions and Recommendations* (Geneva), available at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_413175.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_413175.pdf)
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- 2006. *Freedom of association. Digest of decisions and principles of the Freedom of Association Committee of the GB of the ILO*, 5th (revised) edition. (Geneva), available at: [http://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS\\_090632/lang--en/index.htm](http://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_090632/lang--en/index.htm)
- NORMLEX – information system on ILS: [www.ilo.org/normlex](http://www.ilo.org/normlex)
- NATLEX – Database on national labour, social security and related human rights legislation: [www.ilo.org/natlex](http://www.ilo.org/natlex)
- Publications on ILS: <http://www.ilo.org/global/standards/information-resources-and-publications/publications/lang--en/index.htm>
- ILO International labour standards webpage: [www.ilo.org/normes](http://www.ilo.org/normes)
- ITUC web page on human and trade union rights: <https://www.ituc-csi.org/human-and-trade-union-rights>
- IOE web page on ILS: <http://www.ioe-emp.org/policy-areas/international-labour-standards/>
- IOE web page on Business and Human Rights: <http://www.ioe-emp.org/policy-areas/business-and-human-rights/>
- UNDG Human Rights Working Group: <https://undg.org/home/undg-mechanisms/undg-hrm/>



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