



International  
Labour  
Organization



## ILO Centenary Ratification Campaign

### Guidance on Ratification

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The present note compiles references to key outcome documents of the Organization that provide guidance on ratification of international labour Conventions and Protocols by ILO member States.

The note aims to assist ILO's field offices and organizations engaged in the campaign in promoting the ratification of at least 1 up-to-date Convention in the course of the centenary year (2019), thereby paying due attention to the fundamental, governance and up-to-date technical Conventions. The note summarizes existing guidance from official ILO documents and resolutions or decisions from ILO organs on ratification. As a summary, it is not exhaustive nor authoritative on questions raised under international law in relation to the ratification of Conventions.

## 1. Guidance from the 1919 Constitution

### In a nutshell

No ILO member State is forced to ratify any international labour Convention, but all ILO member States are held by the Constitution to consider ratification of all up-to-date Conventions. They should do so regularly and on the basis of consultation with the social partners.

### Reference – Article 19 (5) of the ILO Constitution

“5. In the case of a Convention:

- (a) the Convention will be communicated to all Members **for ratification**;
- (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;
- (d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the

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Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and **stating the difficulties which prevent or delay the ratification of such Convention.**"<sup>1</sup>

## 2. Guidance in respect of Fundamental Conventions

### In a nutshell

The fundamental Conventions set the standards enabling the full realization of the 4 fundamental principles and rights at work enshrined in the ILO Constitution and the 1998 Declaration on Fundamental Principles and Rights at Work.

All ILO member States, by virtue of their membership alone, must respect, promote and realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights set out in these Conventions.

All ILO member States should ratify all 8 fundamental Conventions and the Protocol of 2014 to C29 at the earliest possible stage.

### References

- [Member States should] “step up action with a view to **achieving progressively the ratification and implementation of the fundamental and governance Conventions.**”<sup>2</sup>
- [Member States should] “step up action through development cooperation and other means to campaign for the **universal ratification of the eight fundamental Conventions**, taking into account the low rates of ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (**No. 87**), and the Right to Organise and Collective Bargaining Convention, 1949 (**No. 98**), by its centenary in 2019, and the attainment of the target of **50 ratifications of the Protocol of 2014 to the Forced Labour Convention, 1930**, by 2018.”<sup>3</sup>
- “[ILO should] provide guidance to its country offices on supporting full realization of the fundamental principles and rights at work and, where necessary, **promoting the ratification of the fundamental Conventions**, and improving their application by ensuring that they are **systematically considered at the design stage of Decent Work Country Programmes.**”<sup>4</sup>

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<sup>1</sup> See [ILO Constitution](#), Article 19 Conventions and Recommendations, para 5.

<sup>2</sup> See [The ILC 2016 resolution on Advancing Social Justice through Decent Work](#), para 16(b).

<sup>3</sup> See [The ILC 2017 conclusions concerning the second recurrent discussion on fundamental principles and rights at work](#), para 4(a).

<sup>4</sup> *Ibid*, para 6(a).

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- “The Conference calls for the **universal ratification and effective implementation** of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (**No. 87**), and the Right to Organise and Collective Bargaining Convention, 1949 (**No. 98**).”<sup>5</sup>
  - “The Office should
    - Assist member States to **overcome challenges of ratification** and effective implementation of ILO Conventions **Nos 87 and 98 in all DWCPs**.
    - Increase efforts to **promote the ratification** and effective implementation of Conventions **Nos 87 and 98** and the Tripartite Consultation (International Labour Standards) Convention, 1976 (**No. 144**), and promote implementation of other relevant instruments.”<sup>6</sup>

### Available Office Tools

- [ILO Convention No 138 at a glance](#)
- ILO- IPU Handbooks for Parliamentarians on the [Worst Forms of Child Labour](#); and on Forced Labour (forthcoming)
- An introduction to legally prohibiting [hazardous work for children](#)
- [50 for Freedom campaign](#)
- [ILO Standards on Forced Labour: The New Protocol and Recommendation at a Glance](#)
- Collective bargaining: [A policy guide](#)
- Freedom of Association : [A user’s guide](#)
- [Equal Pay](#) Guide

## 3. Guidance in respect of Governance Conventions

### In a nutshell

The four governance Conventions set the standards for institutions that are key to labour market governance. The standards play a pivotal role in promoting full, productive and freely chosen employment; building social cohesion through social dialogue; and maintaining decent conditions of work through a functioning labour inspectorate. Good governance ensures that labour markets continue to generate both productive outcomes for sustainable enterprises and decent work outcomes that leave no worker behind. A campaign has promoted the ratification of these 4 Conventions since 2010, and all ILO member States should ratify them at their earliest convenience.

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<sup>5</sup> See [The ILC 2018 conclusions concerning the second recurrent discussion on social dialogue and tripartism](#), para 3(b).

<sup>6</sup> Ibid, para 7.

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## References

- [Member States should consider] “the review of their situation as regards the **ratification** or implementation of ... those instruments regarded as most significant from the viewpoint of **governance covering tripartism, employment policy and labour inspection.**”<sup>7</sup>
- [Action by the Organization to assist member States with the realization of social justice for a fair globalization includes] “the identification, updating and promotion of the list of standards that are the most significant from the viewpoint of governance.”<sup>8</sup>
- [Member States should] “step up action with a view to **achieving progressively the ratification** and implementation of the fundamental and **governance Conventions.**”<sup>9</sup>

## Available Office tools

- Labour Inspection Training ([Recommended Materials](#))
- [Labour Inspection and Employment Relationship](#)
- Labour Inspection: what it is and what it does. A guide for [workers](#)
- Labour Inspection: what it is and what it does. A guide for [employers](#)
- International Labour [Standards](#) on Labour Inspection
- [Towards](#) the universal ratification of Convention No. 144
- National Employment Policies: A [guide](#) for workers’ organisations
- International Labour [Standards](#) on Employment policy
- [Guide](#) for the formulation of national employment policies



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<sup>7</sup> See [ILO Declaration on Social Justice for a Fair Globalization](#), p.13, II Method of Implementation, para B(iii).

<sup>8</sup> Ibid, p.18, Annex: Follow Up to the Declaration, para A(vi).

<sup>9</sup> See [The ILC 2016 resolution on Advancing Social Justice through Decent Work](#), para 16(b).

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## 4. Guidance in respect of Technical Conventions

### In a nutshell

ILO member States should ratify up-to-date technical Conventions in the context of their development efforts and priorities. In doing so, they may take into account a number of strategic considerations:

- the state of their law and practice as well as the development objective in respect of the subject matter covered by the Convention;
- the reality check provided by consultations with employers and workers;
- the need for ratifications to cover each of the strategic objectives of the Decent Work Agenda, given that these objectives are mutually reinforcing in furthering decent work and should be pursued simultaneously;
- the need to ensure that the national record reflects commitment to an up-to-date body of international labour standards that respond to the changing patterns of the world of work, for the purpose of the protection of workers and taking into account the needs of sustainable enterprises;
- in the context of fair globalization, the expectations of trading partners to pursue coherence between trade and labour policies; and to pursue high levels of labour protection and subsequently refrain from weakening them;
- the capacity of the labour administration to fulfil reporting obligations, which may particularly inform the timing of ratifications in view of the preparation of first reports on their application.
- the capacity to apply the Convention in law and in practice.

### References

- review ILO instruments with a view to achieving a progressively increasing coverage of each of the four strategic objectives of the Decent Work Agenda:<sup>10</sup>
  - promoting full, productive and freely chosen employment
  - developing and enhancing measures of social protection (social security and labour protection)
  - promoting social dialogue and tripartism
  - respecting, promoting and realizing the fundamental principles and rights at work.

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<sup>10</sup> See [ILO Declaration on Social Justice for a Fair Globalization](#), p.13, II Method of Implementation, para B(iii).

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## Why ratify technical Conventions?

- international labour standards support sustainable development at every level of development
- technical standards benchmark sustainable development throughout the 17 goals of the 2030 development agenda and, in particular, define the “full, productive and freely chosen employment” and “decent work for all” in SDG 8 as a means and an end to sustainable development
- technical standards shape quality employment and support a virtuous cycle of mutually reinforcing full and productive employment and sustainable economic growth
- technical standards generate a common language of decent work and facilitate comparison between the labour laws of 187 member States
- ratification ensures that employers’ and workers’ organizations are partners and vested stakeholders in the application of standards
- ratification is an essential tool in upholding levels of decent work over time, particularly in the face of political, economic and social change or volatility
- ratification sets into motion regular supervision by the Organization which assists with closing decent work deficits when and where they occur
- ratification encourages emulation of law and practice by other member States

## Selected Office tools

- [Training package in occupational safety and health for the construction industry](#)
- [Issue Brief promoting the ratification of C102 and other social security standards](#)
- [Convention 189 at a glance](#)
- [Frequently Asked Questions \(FAQ\) about the Maritime Labour Convention, 2006](#)
- [Understanding the Indigenous and Tribal Peoples Convention](#)

## 5. The Standards Review Mechanism

### In a nutshell

The world of work is continuously changing. The Governing Body progressively reviews the extent to which international labour standards are up-to-date and recommends action by the Organization or member States accordingly. National-level decisions in respect of ratification and denunciation should be based on the latest available recommendations of the Governing Body with respect to the status of Conventions.



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## References

- “The actions taken may include Office **follow-up to promote ratification and assess reasons for non-ratification of the most up-to-date instrument** on the particular subject area.”<sup>11</sup>
- “The SRM TWG calls for time-bound follow-up to be undertaken with the aim of ensuring effective implementation of these recommendations. Such an implementation strategy would include: (i) a **targeted ratification campaign** as set out in the recommendations; (ii) the **gathering of relevant information on the reasons for non-ratification** of up-to-date instruments; and (iii) tailored technical assistance to member States designed to support implementation at the national level of the SRM TWG recommendations.”<sup>12</sup>

## 6. Appendix: The ILO fundamental and governance Conventions

### Fundamental Conventions

[C029 - Forced Labour Convention, 1930 \(No. 29\)](#)

[P029 - Protocol of 2014 to the Forced Labour Convention, 1930](#)

[C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#)

[C098 - Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#)

[C100 - Equal Remuneration Convention, 1951 \(No. 100\)](#)

[C105 - Abolition of Forced Labour Convention, 1957 \(No. 105\)](#)

[C111 - Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#)

[C138 - Minimum Age Convention, 1973 \(No. 138\)](#)

[C182 - Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#)

### Governance Conventions

[C081 - Labour Inspection Convention, 1947 \(No. 81\)](#)

[P081 - Protocol of 1995 to the Labour Inspection Convention, 1947](#)

[C122 - Employment Policy Convention, 1964 \(No. 122\)](#)

[C129 - Labour Inspection \(Agriculture\) Convention, 1969 \(No. 129\)](#)

[C144 - Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No. 144\)](#)

[www.ilo.org/100ratification](http://www.ilo.org/100ratification)

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<sup>11</sup> See [Recommendations adopted by the SRM TWG at its second meeting, submitted to the Governing Body at its 328<sup>th</sup> Session pursuant to paragraph 22 of the terms of reference of the SRM TWG](#), GB.328/LILS/2/1 (Rev), Annex I, para 2.

<sup>12</sup> *Ibid*, Annex I, para 6.