



University of  
Zurich<sup>UZH</sup>

Institute for International Law

## Labour: The state of international labour law

International Economic Law  
Prof. Christine Kaufmann

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### Information: exam dates

- If you are not sure about the date of your oral exam in International Economic Law, please check:

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- If you still have questions regarding your exam, please contact:  
[lst.kaufmann@rwi.uzh.ch](mailto:lst.kaufmann@rwi.uzh.ch)



## Objectives

- Learn about the specifics of the ILO
- Understand the development and the relevance of core labour rights
- Understand the different legal concepts regulating labour issues in international law



## Establishment of the ILO

(1/3)

- The Treaty of Versailles
  - Motivation for establishing the ILO
    - Humanitarian considerations
    - Interdependence of social peace and world peace
    - Prevent social dumping with international labour standards
  - Establishment of a permanent institution to define internationally applicable labour standards



## Establishment of the ILO

(2/3)

### ➤ Constitution of the ILO

- Establishment of a permanent int. organisation („statutes“)
- Institutional framework for enacting labour standards
- Tripartite approach for the int. labour conference:
  - 1 workers' representative
  - 1 employers' representative
  - 2 government representatives

} Delegation of a  
member state



## Establishment of the ILO

(3/3)

### ➤ Contd.: Constitution of the ILO

- Philadelphia-Declaration 1944
  - Legal nature
  - „Labour is not a commodity“
  - Meaning of Art. II d: Mainstreaming
- Means of the ILO
  - Standard setting
  - Technical cooperation
  - Research



## Fundamental Conventions of the ILO

- Elimination of all forms of forced or compulsory labour (No. 29 and 105)
- Freedom of association, right to organise and collective bargaining (No. 87 and 98)
- Elimination of discrimination, equal remuneration (No. 100 and 111)
- Abolition of child labour (No. 138 and 182)
- Implementation of the conventions



## The way to the ILO Declaration 1998

- Action Programme: World summit for social development, Copenhagen 1995
- OECD report trade, employment and labour standards 1996
- Singapore Declaration of WTO 1996
  - WTO member states support labour standards
  - Comparative advantage of developing countries
  - ILO as the competent organization to deal with labour rights
- Developments from standards to rights



## ILO Declaration on Fundamental Principles and Rights at Work 1998 (1/2)

- Challenges for the ILO
  - Fundamental conventions not broadly ratified
  - Tripartite structure prohibits reservations
- Reach universal consensus
  - Concentrate on process-oriented vs. outcome oriented rights
  - Leave details to states
- Pragmatic approach:
  - Non binding document, “voluntary”
  - Legal nature?
- Enforcement mechanism



## ILO Declaration on Fundamental Principles and Rights at Work 1998 (2/2)

- Content
  - Core labour standards: Reference to the fundamental conventions
  - Comparative advantage of developing countries must not be diminished (cf. Singapore Declaration)
- Implementation
  - Annual reports by member states which have not yet ratified all the fundamental conventions
  - Comprehensive study about one of the core labour rights published by the International Labour Office each year.



## Developing the social dimension of a globalized economy

- New agenda: Decent work for all 1999
  - Achieving universal respect for fundamental principles and rights at work
  - The creation of greater employment and income opportunities
  - Extending social protection and promoting social dialogue
- Commission on the social dimension of globalization 2004



## ILO Declaration on Social Justice for a Fair Globalization 2008

- Defines the role of the ILO much more in line with the Philadelphia Declaration
- “noting ... that that the **violation of fundamental principles** and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist trade purposes.”
  - Confirms the role of the ILO as the competent organisation for labour rights
  - Complements the Comparative advantage clause in the Singapore Declaration 1996 and the ILO Declaration 1998: Comparative advantage works both ways



## Recent developments

(1/2)

- Better Work (since 2007)
  - Partnership programme with International Finance Corporation
  - Compliance with labour standards and competitiveness in supply chains
- Social Protection Floor Initiative (launched in 2009)
  - Joint Initiative ILO-WHO
  - Supported by the G-20 summits
  - Social Protection Floor for a Fair and Inclusive Globalization, 2011
- Assessing and Addressing the Effects of International Trade on Employment
  - Making Globalization Socially Sustainable, joint WTO-ILO publication, 2011
  - Trade and Employment: From Myths to Facts 2011



## Recent developments

(2/2)

- World Development Report 2013: Jobs
  - In 2012, the World Bank published its World Development Report on Jobs. This report was drafted in the process of a strong cooperation between the ILO and the World Bank.
  - The report itself underlines the importance of jobs and livelihoods in the development process.
  - The ILO sees this step as a chance to provide better policy advice to member states in cooperation with the World Bank.

<http://www.youtube.com/watch?v=jcPO1EM8wzQ>