


**University of
Zurich^{UZH}**
Institute for International Law

Labour in International Economic Law

International Economic Law
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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

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Establishment of the ILO (1/3)

➤ The Treaty of Versailles (Text No. 44)

- 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

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Establishment of the ILO (2/3)

➤ Constitution of the ILO (Text No. 45)

- 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

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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



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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

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ILO Declaration on Fundamental Principles and Rights at Work 1998 (Text 46) (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

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ILO Declaration on Fundamental Principles and Rights at Work 1998 (Text No. 46) (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.

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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

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ILO Declaration on Social Justice for a Fair Globalization 2008 (Text No. 47)

- 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

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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
 - The Social Dimension of Free Trade Agreements 2013

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Recent developments

(2/2)

- World Development Report 2013: Jobs (Text No. 48)
 - Published by the World Bank was drafted in cooperation with the ILO
 - Underlines importance of jobs and livelihoods for development
 - Opportunity for the ILO to provide better policy advice to member states in cooperation with the World Bank.

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