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## Labour: The state of international labour law



International Economic Law  
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## Objectives

- **Discover 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**
  - 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

- 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

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## Core labour standards (1/3)

### • 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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## Core labour standards (2/3)

- **ILO Declaration of 1998**

- Legislative history
  - Action Programme: World summit for social development, Copenhagen 1995
  - OECD report trade, employment and labour standards 1996
  - Singapore Declaration of WTO 1996
  - Developments from standards to rights
- Legal nature of the declaration

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## Core labour standards (3/3)

- **Contd.: ILO Declaration of 1998**

- Content
  - Core labour standards
  - Reference to the conventions
- Implementations
  - 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 Int. Labour Office each year.

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## Recent developments

- **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**
  - Complementary to 1998 Declaration
  - Comparative advantage works both ways

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