Labour in International Economic Law

International Economic Law
Prof. Christine Kaufmann
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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
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

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
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 (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
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.

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 (Text No. 47)

- Defines the role of the ILO much more in line with the Philadelphia Declaration
- "noting ... 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
  - The Social Dimension of Free Trade Agreements 2013
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