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## **Core International Labor Standards**

Submitted by: Rutgers Business School



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## Core International Labor Standards

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### **Fundamental Principles and Rights at Work**

All members even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the [ILO] to **respect**, to **promote** and to **realize**...the principles concerning the fundamental rights..., namely:

- Freedom of association and the effective recognition of the right to collective bargaining
- The elimination of all forms of forced or compulsory labor
- The effective abolition of child labour
- Elimination of discrimination in respect of employment and occupation

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

## How are the Core Labor Rights Different than Other Rights?

- Market Enabling Rights
- Political and Civil Rights
- Arguably do not require costs or expenditures
- Universal – International Human Rights

## Freedom of Association and Collective Bargaining

- Foundation of the Core Labor Rights and of the ILO
  - ILO Constitution and Philadelphia Convention; ICCPR, UDHR, ICESCR

### **C87 – Right to Freedom of Association and Protection of the Right to Organize Convention, 1948**

- Workers and employers have right to join organizations and federations of own choosing
- These organizations have freedom and autonomy to draw up rules and elect leaders
- *But* must respect the law of the land

### Freedom of Association and Collective Bargaining (2)

#### **C98 – Right to Organize and Collective Bargaining Convention, 1949**

- Cannot discriminate against workers for joining a union
- Cannot be interference or dominance of unions by employers' organizations
- Domestic law has to encourage and promote voluntary negotiations between employers and unions.

### **The Elimination of All Forms of Forced or Compulsory Labour**

- **UDHR, ICCPR, ICESCR (right to work)**

#### **C29 – Forced Labour Convention, 1930**

- Work can not be compelled from someone without payment
- Exclusions
  - Military
  - *Normal* civic obligations of citizens or communal services
  - Work as consequence of conviction provided that
    - Work not at disposal of private individual

**The Elimination of All Forms of Forced or Compulsory Labour (2)**

**C105 – Abolition of Forced Labour Convention, 1957**

- Cannot use labor for political coercion or punishment
- Cannot mobilize labor as means of economic development
- Cannot use labor as means of racial or social discrimination

**The Elimination of All Forms of Forced or Compulsory Labour (3)**

***Examples***

- Domestic workers not allowed to leave house; confiscated papers
- Villagers required to build roads or development projects
- Debt Bondage
- Some Labor Trafficking

## The Effective Abolition of Child Labour

- **UDHR (right to education); ICESCR**

### Prevalence of Child Labour

- ILO estimates that **166 million children between the ages of 5 and 14**, and
- **218 million between the ages of 5 and 17** are engaged in child labour.
- 74 million children between the ages of 5 and 14 work in hazardous work activities.

## The Effective Abolition of Child Labor (2)

### C138 – Minimum Age Convention, 1973

Requires ILO members to:

- Ensure the effective abolition of child labour; and
- Raise progressively the minimum age for work consistent with the development of young persons.

### The Effective Abolition of Child Labor (3)

#### General Minimum Working Age Rules:

- **Not less than age of completion of compulsory schooling and, in any case, not less than**
  - 15 years (*generally*)
  - 13 years (*light work*)
  - 18 years for hazardous work (*16 years in certain conditions*)
- **Where economy and educational facilities are insufficiently developed**
  - 14 Years (*generally*)
  - 12 years (*light work*)
  - 18 years for hazardous work (*16 years in certain conditions*)
- *Hazardous = work likely to harm health, safety, morals*

### The Effective Abolition of Child Labor (4)

#### C182 – Worst Forms of Child Labour Convention, 1999

- Each ILO member shall take **immediate** and **effective measures** to prohibit and eliminate the worst forms of child labour as a matter of urgency.
- Child = Less than 18
- Worst Forms include
  - **Slavery** and other bondage forms (5.7 million)
  - Child **Prostitution** and **Pornography** (1.8 million)
  - Using children for **drug trafficking** (1.2 million)
  - Work likely to harm the, **health, safety, and morals** of children (300 k child soldiers)

## Elimination of Discrimination in Respect of Employment and Occupation

- UDHR, ICCPR, ICESCR (equal pay)

### C100 – Equal Remuneration Convention, 1951

- Equal remuneration for men and women workers for *work of equal value*.

### Questions and Definitions

- What is Equal Remuneration?
- What is Equal Value?

### Example

- Australia Fair Work Act (2009)

## Elimination of Discrimination in Respect of Employment and Occupation (2)

### C111 – Discrimination (Employment and Occupation) Convention, 1958

- There can be no distinction, exclusion or preference made on the basis of
  - race
  - colour
  - sex
  - religion
  - political opinion
  - national extraction
  - social origin



### **Elimination of Discrimination in Respect of Employment and Occupation (2)**

- Each State undertakes to pursue a national policy to **promote equality of opportunity and treatment with a view to eliminating any discrimination in respect of:**
  - *access to vocational training;*
  - *access to employment and to particular occupations; and*
  - *terms and conditions of employment.*

### **The Non-Core Standards**

- **Health and Safety**
  - 2.31 Million Workers die each year due to work related accidents and disease; 337 Million Occupational Accidents a Year
  - ILO conventions require consultative processes
- **Maximum Hours**
  - First ILO convention
  - 48 hours per week and 8 hours per day
- **Minimum Wages**
  - ILO conventions require regular payment of wages and fixing a minimum wage level
- **Migration**
  - Equal Treatment of migrant workers with nationals in several respects