Core International Labor Standards

Submitted by: Rutgers Business School
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