

Core Labour Standards and Human Rights in the Workplace

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Core labour standards are international instruments defining a range of human rights at work that provide a guide to a civilised, dignified and sustainable workplace. They are universally applicable regardless of stage or nature of national development, and as such provide an important focus on the workplace and the conditions of work in the process of sustainable development. In particular, the standards are considered fundamental to workers's abilities to engage in concrete workplace actions to implement sustainable development targets.

These comprehensive and widely accepted standards are Conventions and Recommendations of the International Labour Organisation, a tripartite agency of the United Nations (workers, employers, and governments). One of the ILO's most important contributions has been the development of over 350 such instruments, collectively referred to as the International Labour Code. In effect, an ILO Convention is an international treaty, and by ratifying it, a country agrees to apply its provisions in law and practice, and to accept international supervision. Recommendations supplement Conventions by setting out guidelines to orient national policy and action. Eight Conventions address the most fundamental rights of workers:

The right to organise and engage in collective bargaining Convention 87: Freedom of Association and Protection of the Right to Organise (1948); Convention 98: Right to Organise and Collective Bargaining (1949)

The right to equality at work Convention 100: Equal Remuneration Convention (1951); Convention 111: Discrimination (Employment and Occupation) Convention (1958).

The abolition of child labour

Convention 138: Minimum Age Convention (1973); Convention 182 on the Worst Forms of Child Labour (1999)

The abolition of forced labour

Convention 29: Forced Labour Convention (1930); Convention 105 on the Abolition of Forced Labour (1957)

As well as being important in their own right, core labour standards serve as 'enabling rights'; i.e., they create conditions that allow access to other important workers' rights. The Freedom of Association Convention, for example, protects the right of workers to form trade unions to counteract the arbitrary rule of the employer, altering the balance of power in the workplace, and making a crucial contribution to democracy. Indeed, the exploitation of workers and violation of other human rights is often directly linked to the denial of this right. The freedom of workers to protect themselves gives them the power to ensure that other abuses, like child and forced labour, discrimination, and unsafe conditions do not exist at the workplace.

Trade unions exert a direct influence on the labour market by creating and

KEY CHALLENGES:

- **Recognise core labour standards as internationally-accepted guides to a civilised, dignified and sustainable workplace, regardless of stage or nature of national development, and as crucial to worker participation in action towards sustainable development targets in the workplace**
- **Encourage countries to ratify and apply key Conventions and Recommendations of the International Labour Organisation that address the most fundamental rights of workers**
- **Place particular emphasis on the eight ILO Conventions that address: freedom of association and the right to engage in collective bargaining, equality at work, and the abolition of child and forced labour**
- **Recognise the additional contribution that core labour standards make as 'enabling rights' to take conditions of employment out of the realm of international economic competition**



asserting rights for both the workers they represent and working people in general. In this regard, they have been instrumental in extending gains achieved through collective bargaining to other workers by demanding state intervention in the labour market. The purpose of laws governing pay, working time, health and safety, and human rights is to take human labour out of the realm of competition. Unfortunately, current patterns of development ('globalisation') are, in effect, putting workers back into competition and, therefore eroding many of these gains.

One important area of rights is *occupational health and safety*. Conventions aimed at eliminating preventable accidents and diseases and ensuring safe working conditions include Convention 155: Occupational Health and Safety (1981) as well as a new Convention and Recommendation on Safety and Health in Agriculture (June 2001). In most cases, however, the effective exercise of the rights they provide depends on a level of worker participation made possible only through the existence of a trade union.

Other Conventions and Recommendations deal with a wide range of areas, including decent remuneration, living and working conditions, worker participation, training, migrant workers, and indigenous peoples. Workers' rights received a boost in 1998, when nations adopted the *ILO Declaration of Fundamental Principles and Rights at Work*, which reinforced the principle that membership in the ILO signifies a commitment to the Constitution of the ILO and therefore, to the fundamental rights embodied in its Conventions. Prior to the adoption of the Declaration, the central enabling standards, trade union rights (conventions 87 and 98), were already considered to be implicit in ILO membership. The Committee on Freedom of Association of the ILO Governing Body has been considering complaints in this area against governments, whether or not they have ratified those conventions for over 40 years. The principles of all of the core standards have also been endorsed in such international fora as the Social Summit in Copenhagen, the WTO Conferences in Singapore (1996) and Doha (2001), and the OECD Ministerial Council in its revision of the OECD Guidelines for Multinational Enterprises (2001).

The ILO relies on regular procedures to oversee the implementation of core labour standards. Firstly, governments must report on how they apply each Convention. Such reports are backed up by observations, surveys, or direct requests by the ILO. Any party recognised in the ILO structure (which includes trade unions) may make 'representations' to the ILO concerning violations, which will be examined by a Committee and reported in ILO publications, and to the Conference. Complaints may result in a Commission of Inquiry, and further action can be taken through the use of Article 33 of the ILO Constitution, which empowers it to take broad remedial action against persistent violators.

Some have argued that the ILO is 'toothless' in this regard, because, even in the case of the flagrant violation of core labour standards by Burma (Myanmar), ILO member

governments have so far failed to take effective action. It is therefore essential to take action in such cases and to ensure that WTO rules do not block remedial measures in compliance with ILO decisions. The WTO and other international organisations have been urged to work with the ILO to devise appropriate measures necessary to deal with recalcitrant regimes that flagrantly and clearly violate core labour rights, often in order to gain a competitive edge on world markets.

Core labour standards and human rights

The ultimate effect of having a defined group of "core" labour standards is to emphasise those workplace human rights which are most fundamental. Those who defend the violation of fundamental workers' rights argue that the way nations treat their own citizens is an expression of national sovereignty, or a function of economic development. Yet the internationally-recognised fundamental 'human rights' they oppose make demands on national policy of all countries, rich or poor, no matter what their level of development; by demanding state intervention, they challenge the purely voluntarist notion that the governance of the workplace is to be left to 'free contracting' by the parties. The basis of labour law, on the other hand, recognises that workers and their employers are not equals and that the employment relationship cannot be regulated in the same manner as are property matters under commercial law. The implementation of core conventions requires positive action by states to enforce and give these instruments effect; e.g., creation of independent judicial systems, with inspectorates and regulations that are capable of protecting these international standards.

A number of codes and other instruments of corporate responsibility have contributed to an international dialogue on labour standards. They include the ILO's *Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy*, adopted in 1976, and the OECD's *Guidelines for Multinational Enterprises*, adopted in 1976 and recently revised, which sets standards relating to the responsibilities of multinational companies including respect for labour and other human rights and the environment. Core labour standards have also been incorporated in a number of framework agreements between multinational companies and ITS, the international trade union organisations that represent workers in specific sectors. Finally, the Global Compact, launched by UN General Secretary Kofi Annan, invites companies to support nine principles in the area of human rights, worker rights, and the environment based on existing international standards. The Compact encourages dialogue build around the nine principles. Tools such as these have done much to promote the engagement of governments and the social partners, companies and trade unions, in social dialogue, a process that can only improve the climate for asserting core labour standards within the context of sustainable development. ●

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- **Encourage the WTO and other international organisations to work more closely with the ILO to promote core labour standards in all matters relating to world trade and economic development**