



International Labour Organization (ILO)

The ILO is the specialized agency of the United Nations responsible for promoting international efforts to improve working conditions, living standards and the equitable treatment of workers worldwide. It was founded in 1919 and is the only surviving major creation of the Treaty of Versailles, which brought the League of Nations (predecessor of the UN) into being. The headquarters of the ILO is situated in Geneva, Switzerland.

Tripartite structure

Within the UN system, the ILO has a unique tripartite structure with workers and employers participating as equal partners with governments. Tripartism within the ILO means the power of decision-making is distributed between governments, workers' organizations and employers' organizations. Currently there are 183 nations (including Canada) that are member States of the ILO.

ILO Conventions

One of the primary roles of the ILO is to formulate international labour standards in the form of Conventions. These minimum standards of basic labour rights cover: freedom of association, the right to organize, collective bargaining, abolition of forced labour, equality of opportunity and treatment, and other standards regulating conditions across the entire spectrum of work related issues. As of June 2012, the ILO has adopted 189 Conventions.

A Convention defines standards and provides a model for nations to follow. Member nations are encouraged to ratify Conventions and have an obligation to put the Conven-

tions before their Parliament for consideration. Once a Convention is ratified by a country, its government is expected to treat it as an international treaty and therefore has accepted two obligations: a commitment to apply the provisions of the Convention to its laws and a willingness to accept a measure of international supervision through formal monitoring and reporting mechanisms.

Core labour standards

Of the 189 ILO Conventions, eight have been identified by the ILO's Governing Body as being fundamental to the rights of human beings at work. The ILO views these rights as a precondition for all the others in that they provide for the necessary foundation to strive for the improvement of individual and collective conditions of work.

The eight fundamental ILO Conventions are:

- [1] Forced Labour Convention, 1930 (No. 29)
- [2] Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- [3] Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
- [4] Abolition of Forced Labour Convention, 1957 (No. 105)
- [5] Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- [6] Equal Remuneration Convention, 1951 (No. 100)
- [7] Minimum Age Convention, 1973 (No. 138)
- [8] Worst Forms of Child Labour Convention, 1999 (No. 182)

In any recent debate around international trade issues, it is common to hear that trade deals between countries should include core labour standards. The core labour standards being referred to are these eight ILO fundamental Conventions.

Committee on Freedom of Association

Perhaps the most fundamental and certainly the most referred to Convention of the ILO is No. 87 – Freedom of Association and Protection of the Right to Organize Convention, 1948. Canada, with the support of all provincial and territorial governments, ratified this Convention in March, 1972.

A large majority of complaints regarding non-compliance of ILO Conventions involve Convention No. 87. Because of the importance the ILO attaches to freedom of association principles, it has established a standing committee for the monitoring and enforcement of these principles by member States. This Committee is known as the Committee on Freedom of Association (CFA) and reports directly to the ILO Governing Body. The CFA has the primary task of dealing with complaints about infringements of labour and human rights around the world.

The Committee will always ask governments that have been alleged to have violated ILO freedom of association principles to comment on the complaint made against it. Once these comments have been considered along with any further observations from the complaining organization, the CFA will report to the ILO Governing Body. If the CFA finds the alleged facts constitute an infringement of ILO freedom of association principles, the ILO Governing Body will then adopt the Committee's recommendations and communicate them to the government concerned, asking that it take appropriate measures to remedy the situation.

Effectiveness of the ILO complaints procedure

While the ILO does not have any legal authority to enforce its recommendations on

governments that it has found to violate basic ILO Conventions, it does have a great deal of moral suasion in having a government reconsider its actions that are contradictory to basic international labour standards.

Most governments that are found guilty of violating basic ILO Conventions and refuse to comply with rulings of the ILO Governing Body are usually from countries that have fragile democracies and a poor record on human rights.

In recent years the ILO rulings have had a major bearing on decisions of Canadian courts. In fact, there has been a notable link established between Canadian rights protected by the *Charter of Rights and Freedoms* and those in Conventions signed by Canada as a member State of the ILO.

In the precedent-setting ruling of the Supreme Court of Canada in June 2007 against the BC legislation known as Bill 29 which declared collective bargaining a constitutional right for all Canadians, the justices were also quite clear that Canada has not only a moral, but a legal, obligation to live up to its international commitments as spelled out in the ILO Conventions and Declarations ratified by Canada.

To quote directly from the Supreme Court ruling:

“The *Charter* should be presumed to provide at least as great a level of protection as is found in the international human rights documents that Canada has ratified,” the historic ruling declared. “The interpretation of these Conventions [ILO], in Canada and internationally, not only supports the proposition that there is a right to collective bargaining in international law, but also suggests that such a right should be recognized in the Canadian context under s.2(d) [freedom of association].” While the ILO does not have any legal authority to enforce its recommendations on governments that it has found to violate basic ILO Conventions, it does have a great deal of moral suasion in having a government reconsider its actions that are contradictory to basic international labour standards.”

