

The ILO Declaration on Fundamental Principles and Rights at Work: A Follow-up

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Since its adoption in 1998, the ILO Declaration on Fundamental Principles and Rights at Work, has emerged as a powerful instrument of the international community to assess the social implications of globalization and to take promotional corrective measures. The declaration commits not only ILO's 175 member-states but civil society at large to ensure that globalization proceeds with due regard for four fundamental principles, namely:

- ◆ respect for freedom of association and the right to collective bargaining
- ◆ the abolition of forced labor
- ◆ the effective abolition of child labor and
- ◆ abstaining from all forms of discrimination in respect of employment and occupation.

These four principles are embodied in ILO's eight core conventions. These key International Labor Standards (ILS) embody the basic human rights which are directly related to the world of work.¹

Whatever the economic system and political orientation of a country may be, its socioeconomic development and performance can and must be assessed in terms of compliance with these guiding principles and core standards to ensure or bring about decent work for all. This is a tall order in a globalizing world subjected to fast technological change.

Figure I gives an overview of the linkages between ILS and globalization, of the national and international proponents of economic growth and social justice and of the mechanisms of implementation and follow-up. While the ILO's key role in facilitating the adoption of the declaration is beyond doubt, it will rely on a broad partnership to bring about effective compliance at global, regional and

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¹ Conventions Nos. 87 and 98 on Freedom of Association and Collective Bargaining; Conventions Nos. 29 and 105 on the Abolition of Forced Labor; Conventions Nos. 100 and 111 on Equal Remuneration and Non-Discrimination; Convention Nos. 138 and 182 on the Abolition of Child Labor, in particular its worst forms.

For details see: Gert A. Gust "Fundamental Labor Rights and Their Relevance for the Philippines" in *Philippine Journal of Labor and Industrial Relations*, Vol. XVIII Nos. 1&2, 1998.

national levels. This partnership has a long tradition and is based on similar perceptions on the quality of development and the means of bringing it about.

Figure 1 ILS and Globalization: Development with a human face and Decent Work for all

Objectives	Economic Growth		Social Justice
	←————→		
International Proponents	WTO	World Bank UNDP	ILO, International Labour Movements, NGOs
National Proponents	Trade & Finance Ministries	Economic Ministries: Finance, Planning, Trade Industry, Employers' org.	Social Ministries: Employment/ Labor Manpower; Civil Society, unions
Global Policy Instruments	Decisions of WTO Rounds	Social Summit Action Plan (1995); ILO Declaration on Fundamental Workers' Rights (1998); "ILO core" standards; "Decent Work" programmes	
Implementation	International agreements at WTO Rounds	Structural Adjustments Programmes, Lending Policy Technical Assistance	Ratification of ILO Standards, Technical Cooperation, Advocacy, Research and Publications
Global Follow-up (in cooperation with national partners)	1) Global, regional, country, sectoral reviews by World Bank, IMF, Regional Development Banks, WTO 2) UNDP Human Development Reports		1) ILC review of compliance with "core" standards 2) International Commission: Review of Social Aspects of Globalization (2001-2003)

For at least three decades, "economic growth" and "social justice" have been the overriding objectives for economic and social development. Backed by extensive research, multilateral agencies and the social partners at global, regional and national levels, have and still are advocating their respective perceptions of economic growth and social justice under different slogans and with varying degrees of intensity.

In the 1970s, the ILO had taken the lead by developing the basic needs approach and by propagating it under its World Employment Program (WEP). Moving away from its traditional trickle down philosophy and adopting poverty alleviation as its overriding objective, the World Bank started promoting "Growth with Social

Justice". Unicefs's "Development with a Human Face" as well as WHO's "Health for All", UNDP's emphasis on human development and the UN's theme of sustainable development were and still are preoccupied with specific social aspects in development. The extensive debate in the 1980s and 1990s surrounding the role of WTO culminated in a global commitment to abandon the social clause in international trade as a means of promoting social development. The outcome of the debate was the adoption in 1998 of the ILO Declaration and the launching of the ILO's Decent Work for All campaign.

The rest of this paper attempts to explain the interplay of these objectives and concepts as well as the role of the different national and international partners involved starting with the ILO's traditional constituents (governments', employers' and workers' organizations) and extending to the whole civil society.

Historical background

While most of the fundamental principles and core standards have existed for decades, their formal packaging as a solemn declaration of the ILO in 1998 was the result of two concurrent trends: the disintegration and dismantling of the communist world, marked by the end of the Cold War and the phenomenal rise of the universal market economy. Together with technological change, these produced the phenomenon which today is commonly known as globalization.

The euphoria in the early 1990s about the demise of the bi-polar world and the emergence of a global economy could not for long cover up for the persistence and even aggravation of old social ills like mass poverty, social injustice, child labor or discrimination. The specter of social tension, conflict and war, unemployment and under-employment, large-scale mass migration and depletion of resources led to an increasingly intense debate on the human rights of the excluded and those facing new threats. The time was ripe for global recognition of the fundamental principles and rights at work.

The adoption in 1998 of the declaration by the International Labor Conference was the outcome of half a decade of intensive debate, involving virtually the whole international community, with ILO, WTO, the World Bank and the UN system as the main multilateral players.

The debate at the June 1994 International Labor Conference (as well as around the founding of the WTO that same year) confirmed the absence of a consensus to create any formal linkage between labor standards and international trade. However, there was agreement to discuss further the social dimensions of international trade in a new working party of the ILO governing body. At the same time, the ILO governing body also agreed to discuss ways of strengthening the application of labor standards — the human rights falling into the competence of the ILO.

In March 1995, the World Summit for Social Development in Copenhagen agreed on a list of four categories of fundamental labor rights, namely 1) freedom of association and collective bargaining, 2) abolition of forced labor, 3) elimination of child labor and 4) non-discrimination related to employment. This short list did not include such important questions like wages, working conditions or social security as their level generally is dependent on the economic growth of a given economy. The Copenhagen Summit declared that even countries that had not yet ratified the core conventions related to the above four categories, were bound to respect them as a matter of principle.

The ministerial meeting of the WTO in Singapore in 1996, underlined that the notion of core standards should always refer to ILO standards, thus their promotion fell into the competence of the ILO. It also stressed that labor standards should not be used for protectionist purposes or for denying developing countries their comparative advantage, primarily based on lower wages. This agreement was paralleled by an OECD study on trade and labor standards, which also concluded that the relevant labor standards belonged to the domain of the ILO. This effectively removed the very real risk of different international organizations referring to different and possibly contradictory sets of core standards.

In June 1998, the International Labor Conference adopted the ILO Declaration on Fundamental Principles and Rights at Work and its follow-up. This adoption provided the basis for making operational the obligation, established by the World Social Summit in Copenhagen, for all countries to respect and promote the fundamental principles and related core standards. New, specific mechanisms were put into place to ensure compliance with the declaration through global follow-up and a country level framework of decent work for all.

These two major modalities for operationalising the declaration are being described in turn below.

Global Follow-up

Over time, a number of new mechanisms were introduced while existing ones were streamlined to ensure the effective follow-up to the declaration, for example:

- ◆ annual reporting to ILO by countries which have not ratified individual core conventions;
- ◆ global reports on the situation concerning one of the four categories of fundamental principles and rights at work
- ◆ technical assistance through ILO's global programs related to the four categories. In addition to the long-established International Program on the Elimination of Child Labor (IPEC), the ILO has recently created programs on freedom of

association and forced labor and is planning to set up a program on non-discrimination in employment. Over one-half of ILO's technical cooperation resources are now channeled into standards- related activities

- ◆ research, publications and dissemination of information, conferences and meetings.

The above-mentioned global reports have emerged as key instruments for follow-up and the formulation of technical cooperation activities by the ILO and its tripartite constituents. Prepared through an elaborate process of consultations with ILO constituents and partners, described in Figure 2, the global reports are the subject of intense debate in ILO policy-making bodies and fora. They serve as global benchmark on labor rights, similar to the UNDP's human development reports.

A new important development has been the setting up of a world commission on the social dimensions of globalization with a secretariat at ILO Geneva. Prior consultations have been scheduled to take place in different regions and countries, including the Philippines.

It has become increasingly clear that the issues of social development under globalization cannot be treated in isolation, nor are they the prerogative of individual organizations. Sometime ago, the debate on standards, trade, employment etc. seemed to focus on the relationship between ILO and WTO. Now virtually all segments of the multilateral system are involved in one way or another such as the UN system and its various agencies, the international financial institutions and regional development banks, the OECD, the EU and other major regional groupings.

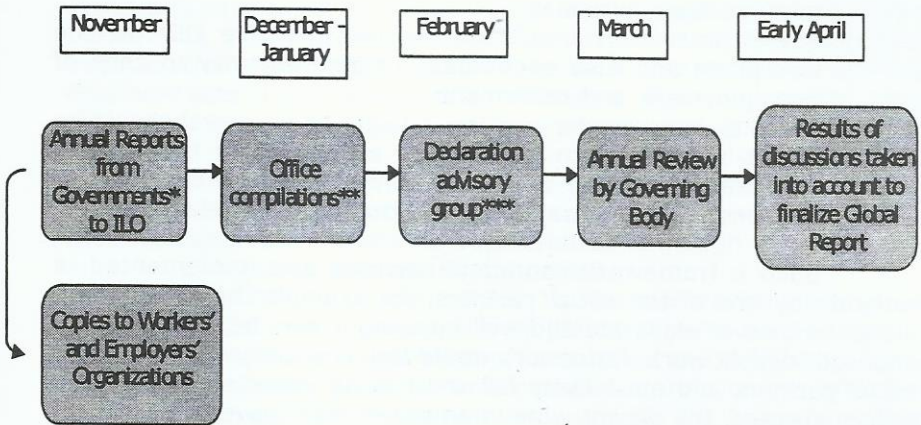
A country level framework of decent work for all

There is general agreement that compliance by countries, industries, firms or individuals with the various aspects of the declaration will go a long way to concretize the decent work framework. The process can be facilitated and accelerated if "decent work for all" is adopted as the primary goal for economic and social development and promoted within a framework for advocacy, promotion, technical advisory services, monitoring, feedback and evaluation.

There is no ready-made blueprint for the decent work framework. Various modalities have been tested and they are showing good results. While each and every country, industry or firm is free to adopt the framework which is best suited for its particular situation, the following elements should receive full attention and serve as pillars and cornerstones for such a framework.

Figure 2. Follow-up under the Declaration

1. Review of Annual Reports



* Only Governments that have not yet ratified all the ILO fundamental Conventions need to report on efforts made under the Declaration

** Reports compiled in English, French and Spanish

*** Reviews Office compilation and prepares introduction for Governing Body

2. Global Report and Conclusions for Technical Cooperation



* Purpose:

- Provides a dynamic global picture for each set of fundamental rights and principles, in all ILO member States
- Serves as a basis to:
 - assess the effectiveness of ILO assistance
 - determine priorities for technical cooperation and action plans

** Schedule of Global Reports beginning in 2000

- Year 1 - Freedom of Association and Collective Bargaining
- Year 2 - Elimination of Forced or Compulsory Labour
- Year 3 - Abolition of Child Labour
- Year 4 - Elimination of Discrimination

- 1) There should be observance of the core labor standards to ensure fundamental labor rights for all;
- 2) Gainful employment must be made available to all men and women who want to work to secure their income and to mobilize their potential;
- 3) Social protection should go beyond effective OSH at the workplace and also encompass income security in case of unemployment and retirement
- 4) Social dialogue at the country, industry or firm level should be broad-based and thus serve as a vehicle for meaningful consultations among the social partners on essential matters of economic and social policy or firm and work-related issues.

Such a framework cannot be defined and implemented in isolation by one of the social partners, for example the government alone. However elaborate and well-meaning it may be, a unilaterally imposed decent work framework would lack credibility with the other social partners and most likely fall short in its expected results. To ensure success, the decent work framework must have the broadest possible support; ideally it will be defined, promoted, implemented and evaluated through close consultation of the social partners – government, management and labor- as well as civil society.

The Philippines provides a good example, where government, employers' and workers' organizations have closely worked together in the formulation of the Philippine Action Program for Decent Work. In line with the Philippine Medium-Term National Development Plan 2001-2004, the action program responds to such national priorities as the reduction of mass poverty especially in rural areas; the promotion of SMEs and self-employment in urban areas as well as to the enhancement of international competitiveness.²

Formally adopted in May 2002, the three-year action program will be refined through regular monitoring and consultation by and among the social partners under the auspices of a high-level tripartite advisory committee. The first initiative of its kind in Asia, the Philippine Action Program for Decent Work will receive all the attention and support it deserves by the international community. Needless to say that the ILO is fully committed to provide substantial technical assistance at all stages to ensure full success of the three-year exercise.

² Werner Konrad Blenk "The ILO's Program Thrust: Decent Work for Women and Men Everywhere", in *Philippine Journal of Labor & Industrial Relations*, Volumes XIX-XX, 1999-2000
ILO "Action Programme for Decent Work: Philippines", May 2002.

Accomplishments of ILS under Globalization: A balance sheet

There is now a consensus on the content of the declaration and the core ILO standards. Since the 1995 Copenhagen Social Summit the international community has relied on the core ILO standards in promoting social progress under globalization. This consensus has helped to avoid a situation where different organizations like WTO, ILO or the World Bank would operate divergent sets of international labor standards. Most importantly, labor standards should not be used for protectionist purposes or for denying developing countries their comparative advantages in international trade. Also the interpretation of core standards remains the sole prerogative of ILO policy making bodies, where the international community is represented through government, employers' organizations and trade unions.

Since 2000, the follow-up to the declaration has been operational with the compilation of global reports on freedom of association and collective bargaining, forced labor and child labor. These analyses of global, regional and national trends in the effective application of specific core conventions, provide the basis for setting policy directions, for promotional and corrective measures.

Technical cooperation programs on all four principles and rights of the declaration are expanding. A new action program against forced labor has been started and covers the trafficking of people, too. Moreover, in 2001 the ILO governing body authorized the director-general to set up a world commission of eminent persons, to study and make recommendations concerning the social implications of globalization.

To further facilitate the universal practical application of the declaration in a national setting, the ILO Director Juan Somavia launched the Decent Work for All Program to promote job opportunities for women and men everywhere, in conditions of freedom, equity, security and human dignity. The Philippines is one of the first countries where the Action Program for Decent Work has been adopted in 2002 for implementation in close partnership between government, management, labor and the ILO.

Since the adoption of the declaration in 1998, the ratification rate of core conventions has increased remarkably. Today it can be said that there are prospects of almost universal ratification. So far the Philippines has ratified all core conventions, except No. 29 on forced labor. It has however, ratified the second Convention on Forced Labor No. 105.

Technical cooperation has emerged as an important means for promoting the wider application of the concepts embodied in the declaration, especially the core conventions and the decent work framework. Preceding the adoption of the declaration, the International Program on the Elimination of Child Labor (IPEC) has taken the lead in providing effective technical assistance in relation to core standards specifically related to children and young workers.

In conclusion, it is safe to say that the declaration has set in motion a global process of reviewing, and if necessary correcting, the social implications of globalization. This process is irreversible but its orientation can be and must be influenced because its benefits do not today come to the majority of people. The social partners everywhere as well as the international community have been committed and enlisted to play an active role in bringing about decent work for all.

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