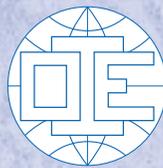


*The* **ILO**  
**Declaration**  
**on Fundamental**  
**Principles**  
*and*  
**Rights at Work:**  
**> a guide**  
**for employers**



INTERNATIONAL ORGANISATION OF EMPLOYERS

## INTRODUCTION

In June 1998, the International Labour Conference in Geneva adopted a solemn Declaration on Fundamental Principles and Rights at Work. The adoption of this Declaration, strongly supported by the employer representatives at the ILO, followed years of discussion at international level on the impact of globalisation of the economy and the role of internationally recognised core labour standards.

The Declaration and its related Follow-Up (which will become operational in the year 2000) represent an important new promotional and practical tool at the ILO's disposal to promote social progress in the modern world and to address persistent failures to respect fundamental rights at work.

The International Organisation of Employers initiated the discussions on the adoption of the Declaration and is strongly committed to ensuring its success. This leaflet is therefore intended as a short guide for employers' organisations and their members to explain the significance of the Declaration and the role employers can play in its Follow-Up.

## WHAT IS THE ILO?

The International Labour Organization (ILO) was established in 1919 and is now one of the specialised agencies of the United Nations. Its mandate is to improve working conditions worldwide. Through its unique tripartite structure (composed of governments, employer and worker organisations) one of its tasks is to establish international labour standards, known as Conventions and Recommendations. This mandate was explicitly recognised by the Copenhagen Social Summit in 1995 and the WTO Ministerial meeting in Singapore in 1996.

## WHAT IS THE DECLARATION?

The Declaration contains a set of Principles and Rights that are derived from the ILO Constitution. Therefore, all ILO member States, irrespective of their level of economic development, or indeed whether they have ratified the detailed fundamental ILO Conventions, have the obligation, due to their membership of the ILO, to respect and promote the following set of principles and rights at work:

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

These principles and rights have been further developed in the ILO's fundamental Conventions on:

- > Freedom of Association and Protection of the Right to Organise (No87) and Right to Organise and Collective Bargaining (No98)
- > Forced Labour (No29) and Abolition of Forced Labour (No105)
- > Minimum Age (No138) and Worst Forms of Child Labour (No182)
- > Equal Remuneration (No100) and Discrimination (Employment and Occupation) (No111).

The Declaration and its Follow-Up (described in detail below) are promotional tools: the emphasis will be on identifying specific needs in member States and working together to find solutions rather than passing judgement and engaging in collective condemnation and sanction. The ILO will undertake technical co-operation projects designed to assist member States to promote and respect the Principles and Rights contained in the Declaration.

## WHAT DOES THE FOLLOW-UP INVOLVE?

There are two main measures involved in the Follow-Up of the Declaration:

- > One is the Annual Review, which will be composed of reports from those member States that have not ratified one or more of the fundamental ILO Conventions. Governments will need to report on how they are promoting each of the four Principles and Rights contained in the Declaration (and not on the technical reasons why they cannot ratify such and such Convention). The Review (with an introduction prepared by a group of seven independent experts) will be discussed by the ILO Governing Body each March - the aim is to gain a picture of the situation, note where progress could, and should, be made and offer tailor-made assistance.
- > The second is the Global Report, which will be submitted to the annual International Labour Conference for discussion. This will cover, in turn, each of the four categories of fundamental principles and rights for all member States. (The process will commence at the 2000 International Labour Conference with a discussion on freedom of association). The aim of this report is to provide a dynamic global picture of global and regional trends for each category of the fundamental principles and rights.

The practical outcome of these reports and discussions will be that the ILO (in co-operation with the member State concerned) will establish a plan of action for technical co-operation where necessary. As time progresses, both the annual review and global report will provide a basis for assessing the effectiveness of ILO assistance and the political will being shown by member States to improve.

## *EMPLOYER SUPPORT FOR THE DECLARATION*

**D**uring recent years, as globalisation has progressed, public attention has focused on well-publicised cases of violations of fundamental labour rights, in particular the problem of child labour. As a response, the employer members of the ILO suggested that, in line with the ILO's Constitutional mandate and as a follow-up to the 1995 Copenhagen social summit which adopted a programme relating to basic workers' rights, the ILO Conference should draw up a Declaration by which constituents would re-commit themselves to observing the fundamental Principles and Rights at work.

The IOE supported the concept of the Declaration and also the choice of Principles and Rights that underpin the core labour standards. The Declaration does not impose on member States the detailed legal obligations of international labour Conventions that have not been ratified, sometimes for justifiable technical reasons.

During the adoption of the Declaration, some employers feared that the Declaration and its follow up could be used outside the ILO for other purposes, such as providing justifications for restrictions on trade. Such concerns have been addressed in paragraph 5 of the Declaration which states that labour standards should not be used for protectionist trade purposes and that nothing in the Declaration and follow up shall be invoked or otherwise for such purposes.

The Declaration and its follow up procedures provide a meaningful and credible alternative to trade restrictions. The follow up procedures involve both encouragement and technical assistance for countries which consistently fail to respect the Principles and Rights contained in the Declaration.

## *THE ROLE OF EMPLOYERS IN THE FOLLOW-UP TO THE DECLARATION*

**T**he Declaration is addressed to member States and governments are responsible for ensuring respect for the principles and rights within their jurisdiction. Nevertheless, employers' and workers' organisations should play an important active role in the Follow-Up procedures by:

- > Participating in the national debates on the domestic response to the Declaration
- > Reviewing and commenting on the Annual Reports submitted by national governments
- > Participating in the tripartite discussions in the Governing Body on the Annual Review and at the annual Conference on the Global Report.

In addition, the IOE urges its member federations to promote a greater awareness of the Declaration within their own organisations and respective members and to co-operate in national measures designed to ensure its application.

The importance of the Declaration was strongly underlined by the Secretary General of the United Nations, Kofi Annan, in his address to the 1999 World Economic Forum in Davos, when he launched the notion of a global compact which challenges businesses to embrace and implement (among other things) the Principles and Rights contained in the ILO Declaration. While Governments have the responsibility to implement these Principles, businesses acting on their own can nevertheless do a great deal to promote respect for them within their own spheres of influence.

**The IOE is the organisation with the largest representativity of the private sector in the world and the only body representing the interests of employers at the international level in the social and labour fields. Its present membership comprises national employers' federations in 130 countries.**

*26, chemin de Joinville, CH-1216 Cointrin - Geneva  
Tel. (+4122) 798 16 16. Fax (+4122) 798 88 62  
E-mail: [ioe@ioe-emp.org](mailto:ioe@ioe-emp.org)*