



Right to Work



Federal Ministry
for Foreign Affairs
of Austria



“(...) universal and lasting peace can be established only if it is based on social justice (...)”

Constitution of the International Labour Organisation, 1919.

- ▶ 18th century: French revolutionists claim the right to work to be important for the social and the psychological well-being of the individual.
- ▶ 19th century: Industrial Revolution, first trade unions are formed.
- ▶ 20th century: Crisis & Development affect the world.
 - Industrialists call for common international standards to avoid disadvantages in trans-national trade.
 - 1929: the stock market crash leads to a major economic crisis which gives way to political catastrophes as well.

- ▶ Founded in 1919 it became a UN specialized agency in 1947.
- ▶ Based on the belief that **poverty is a danger to prosperity and security everywhere** it aims to improve conditions for working people worldwide.
- ▶ Covers employers and employees as well as governments.
- ▶ More than 190 conventions drafted.
- ▶ 1998: Declaration on Fundamental Principles and Rights at Work ⇒ “social minimum”.
- ▶ Issues annual reports on the implementation of the principles.

- ▶ **Arts.** 4, 20, 23, 24 and 25 of the **Universal Declaration of Human Rights.**
- ▶ **Art.** 8 of the **International Covenant of Civil and Political Rights:** Prohibition of slavery.
- ▶ **International Covenant on Economic, Social and Cultural Rights:**
 - **Art.** 6: Right to work.
 - **Art.** 7: Right to just and favourable conditions of work.
 - **Art.** 8: Right to form and join trade unions.

State levels of obligation

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- ▶ Obligation to respect.
- ▶ Obligation to protect.
- ▶ Obligation to promote.
- ▶ Obligation to fulfil.

These four levels of obligations include the **prohibition of discrimination** to which special attention has to be given when it comes to the access of women and persons with disabilities to work.

- ▶ Bonded labour: to “repay” debt.
- ▶ Forced labour: recruitment under threats of violence.
- ▶ Child labour: fulltime work under exploitative and dangerous conditions, deprived of education and recreation crucial to the individual development.
- ▶ Sexual exploitation of children.
- ▶ Trafficking in human beings: mostly in connection with domestic work and prostitution.
- ▶ Forced marriages.

- ▶ ILO Committee of Experts of the Application of Conventions and Recommendations: noted 2000 changes in labour laws in over 130 countries since 1967.
- ▶ Two ILO Complaints Procedures:
 - For employers and employees associations.
 - For member states and delegates of the ILO Conference.
- ▶ ICESCR – Committee on Economic, Social and Cultural Rights:
 - Considers state reports due every 5 years.
 - An Optional Protocol for individual complaints procedure (not yet into force) was adopted in 2008.

- ▶ Campaigns to end child labour such as the International Programme for the elimination of Child Labour (IPEC), it operates in 88 countries.
- ▶ Codes of Corporate Conduct: The Global Compact introduced by UN Sec-Gen Kofi Annan the 10 Principles in compliance with basic ILO Standards.
- ▶ Labelling of items: like the “FairTrade Mark”-products of the Fairtrade Labelling Organizations International.

- ▶ Introduction of export-processing zones which circumvent basic labour standards.
- ▶ Increasing international mobility of workers.
- ▶ Decline of trade unions.
- ▶ Growing number of Youth unemployment in developed and developing countries alike.
- ▶ Influence of health on the right to work, especially HIV/AIDS forms a problem here.

- 1919 Foundation of the ILO.
- 1930 ILO Forced Labour Convention.
- 1948 ILO Freedom of Association and Protection of the Right to Organise Convention.
- 1949 ILO Right to Organise and Collective Bargaining.
- 1951 ILO Equal Remuneration Convention.
- 1957 ILO Abolition of Forced Labour Convention.
- 1958 ILO Discrimination (Employment and Occupation) Convention.
- 1966 International Covenant on Economic, Social and Cultural Rights, Arts. 6, 7, and 8.
- 1966 International Covenant on Civil and Political Rights, Art. 8.

- 1969 ILO rewarded with the Nobel Peace Prize.
- 1973 ILO Minimum Age Convention.
- 1979 Convention on the Elimination of All Forms of Discrimination against Women.
- 1989 Convention on the Rights of the Child.
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, into force 2003.
- 1992 Foundation of the International Programme for the Elimination of Child Labour.

- 1998 ILO Declaration on Fundamental Principles and Rights at Work.
- 1999 ILO Worst Forms of Child Labour Convention.
- 2001 ILO Special Action Programme to Combat Forced Labour.
- 2008 Optional Protocol to the ICESCR (not yet in force).
- 2010 Global Child Labour Conference in The Hague, adoption of the “Road-map for Achieving the Elimination of the Worst Forms of Child Labour by 2016.”