

KNS representantskap 29.6

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Fackliga rättigheter i Norden och på global nivå.

At the global level – ILO

- Conventions and recommendations
- ILO Supervisory System
- CFA

Nordic TU right

- Nordic Countries and Labour Standard
- Nordic complains at the ILO

More general comments

1. At the global level – ILO

- Conventions and recommendations
- ILO Supervisory System
- CFA

1. 1. Conventions and recommendations

International labour standards:

are legal instruments drawn up by the ILO's constituents (**governments, employers and workers**) and setting out basic principles and rights at work. They are either **conventions**, which are legally binding international treaties that may be ratified by member states, or **recommendations**, which serve as non binding guidelines.

In many cases, a convention lays down the basic principles to be implemented by ratifying countries, while a related recommendation supplements the convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous, i.e. not linked to any convention.

Conventions and recommendations II

8 Fundamental Conventions (8/4)

Child Labour:

ILO C. no. 29	Forced labour, 1930
ILO C. no. 105	Abolition of Forced Labour, 1957

Freedom of Association:

ILO C. no. 87	Freedom of Association & Right to Organize, 1948
ILO C. no. 98	Right to Organize and Collective Bargaining, 1949

Discrimination:

ILO C. no. 100	Equal Remuneration, 1951
ILO C. no. 111	Discrimination (Employment. & Occupation), 1958

Forced Labour

ILO C. no. 138	Minimum Age, 1973
ILO C. no. 182	Worst Forms of Child Labour, 1999

Conventionens and recommendations III

Governance Conventions

Declaration on Social Justice for a Fair Globalization , 2008. Follow-up importance:

1. Labour Inspection Convention, 1947 (No. 81)
2. Employment Policy Convention, 1964 (No. 122)
3. Labour Inspection (Agriculture) Convention, 1969 (No. 129)
4. Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Technical Conventions (177)

As of Today:

ILO member States: 187

ILO instruments adopted: 399

Conventions: 189

Protocols: 6

Recommendations: 204

1.2 ILO Supervisory System

▶ Committee of Experts on the Application of Conventions and Recommendations (CEACR) Committee of Experts:

- 20 independent Experts, appointed by the Governing Body
- First time in 1926 - Report to the ILC –helps to ensure that countries implement – **in law and practice** the conventions they ratify

▶ Conference Committee on the Application of Standards (CAS)

- Report of the Committee of Experts on the Application of Conventions and Recommendations
- Cases to be discussed in the Committee:
- Pre-list of around 40 cases from ITUC
- To be discussed with Employers Group
- Final list of 25 cases

▶ Committee on Freedom of Association (CFA)

1.3 Committee on Freedom of Association (CFA)

- Established in 1951
- Tripartite GB Committee (3 + 3 + 3 titulars and equal number of deputies = 18)
- Independent chair
- Members sit in their personal capacity
- Members from W + E must be GB-members (Nordic representation)
- Examines complaints containing allegations of violations of the Conventions on freedom of association & Collective Bargaining (C. 87 & 98)
- Regardless of whether or not the countries concerned have ratified those instruments (1998 FPRW)
- CFA sittings and working documents are private and its conclusions and recommendations based on consensus
- Regularly reviews its procedures
- Digest (2006 version)

Geographical distribution CFA cases 1995 - 2007

Latin America	52%	(400 cases)
Europe	16%	(122 cases)
Africa	14%	(111 cases)
Asia	12%	(94 cases)
North America	6%	(43 cases)

2. Nordic TU right

- Nordic Countries and Labour Standard
- Nordic complains at the ILO
- More general comments

2.1 Nordic Countries & Labour Standard

- **Norway:** has ratified 109 Conventions and 3 Protocols, of which 74 are in force.
- **Finland:** has ratified 102 Conventions and 3 Protocols, of which 72 are in force.
- **Sweden:** has ratified 93 Conventions and 3 Protocols, of which 66 are still in force.
- **Denmark:** has ratified 72 Conventions and one Protocol, of which 53 are in force.
- **Iceland:** has ratified 24 Conventions, of which 22 are in force.

Nordic Countries and Labour Standard II

Conventions adopted in 1980-2016 in the Nordic countries.

- **Finland, Norway and Sweden** have ratified the largest number of ILO Conventions in the Nordic countries. The number of ratifications varies according to the local employment market and local industries, as well as local governance.
- In **Denmark**, the labour market is regulated primarily by the social partners and much has therefore been left to collective bargaining procedures.
- **Iceland** has been cautious towards ratifying the ILO Conventions; therefore, it has only ratified a relatively small number of Conventions. Since the Nordic ILO Reports have been published, the Government of Iceland has shown signs of being less hesitant, though. The size and the capacity of the Government of Iceland as well as the fact that Iceland became a member of the ILO 25 years later in comparison to the other Nordic countries has affected the total number of ratifications to a degree.

The number of ratified Conventions varies between each country.

Nordic Countries and Labour Standard III

Fundamental ILO Conventions

- All the Nordic countries have ratified all eight fundamental ILO Conventions Only Norway has ratified the Protocol to Convention 29, Forced Labour Convention, which will come into force on 9 November 2016.

Governance Conventions

- **Denmark, Finland, Iceland, Sweden and Norway** have ratified all the Governance Conventions. **Iceland was the last to ratify** the Conventions Nr. 81 and Nr. 129 on March 2009, and thus all the Nordic countries now are committed to fulfil the Governance Conventions.

2.2 Nordic complains at the ILO

- **Denmark = 20 cases** (Latest: *Case No. 3039* - the complainants alleged that the Government violated the principle of bargaining in good faith during the collective bargaining process and extended and renewed the collective agreement through legislation without consultation of the workers' associations concerned. Between the Danish Union of Teachers (DUT), the Local Government Denmark (LGDK) and the Agency for the Modernization of Public Administration (Modernization Agency). *CFA meeting June 2016*
- **Ratification of Convention 188 - 189**
- **Finland = 1 case** (but last year's social dialogue)
- **Iceland = 4 cases**
- **Norway = 13 cases** (Latest: *Case No. 3039* - the complainant alleges that the Government intervened in collective bargaining in the laundry and dry-cleaning industry through the imposition of compulsory arbitration, thereby restricting the right to strike and the right to collective bargaining . Between the Government of Norway and the Industri Energi (IE). *CFA meeting June 2016.*
- **Sweden = 3 cases** (No present case but Viking, Laval and c. 158 Termination of Employment)

3. More general comments

- At the ILO/Global level
- At the Nordic level
- A growing phenomena

3.1 At the ILO/Global level

- Attacking not only the Right to Strike
- Other challenges

Para 576 (Digest) on the right to strike

“ The right to strike may be restricted or prohibited: (1) in the public service only for public servants exercising authority in the name of the State; or (2) in essential services in the strict sense of the term (that is, services the interruption of which would endanger the life, personal safety or health of the whole or part of the population).”

Essential services (limitations on the right to strike)

- Hospital sector
- Electricity services
- Water supply services
- Telephone services
- Police and armed forces
- Fire-fighting services
- Public or private prison services
- Food for school children and school cleaning
- Air traffic control

Not essential services

- Radio and television
- Petroleum sector
- Ports
- Banking
- Department stores and pleasure parks
- Metal and mining
- Transport generally
- Airline pilots
- Railway services
- Postal services
- Agricultural activities
- etc...

Employer concerns on CFA

- The right to strike (trade/commercial concerns)
- Trade union solidarity strikes
- Striker replacement
- Essential services
- Minimum services
- Reinstatement and/or compensation
- Naming of companies
- Companies are not always consulted
- Exhaust national procedures before CFA examination of complaints
- Challenge the duty for Governments to *promote* collective bargaining (C.98, Art. 4)

Attacks against the CFA by Employers

- Regularly distributing documents attacking various parts of the CFA jurisprudence
- Voicing dissenting views in certain cases in their statement when GB adopts the CFA Report – despite the fact that CFA work is based on consensus.
- Wants the Office to play a minor role
- Attacks the R2S
- Want new jurisprudence (Digest)

Difficulties for Workers in the CFA

- To defend the right to strike in hospitals
- To defend strikes if they become violent
- Contradictory info - lack of solid proof
- Lack of details in the complaint
- To know the representativity of the complainant
- If dismissals are due to anti-union discrimination or restructuring or personal reasons
- To prove lack of good faith bargaining by employers
- When Governments only provides a reply from the company/municipality/province without making any evaluation itself
- To prevent that "bad" complaints does not result in bad jurisprudence

Other challenges

- Not more but less regulation
 - Both Gvt and Employers
 - Economic and political trend
 - The world has become a global battlefield
- But maybe Global Supply Chain is the way forward

3.2 At the Nordic level

- The Nordic model under attack?
- Employers position – At the national and the global level – “Real Employers”
- Will our Governments continue to support the ILO?
- What’s happening in France, UK, Finland etc.....
- Our part of the world is the “ILO model” – History?
- What role should/could the Nordic countries play in the future? (Govt/Emp/W)

3.3 A growing phenomena

- Governments banning (or restricting) existing collective agreements due to
 - national social policy objectives/pension matters (Sweden, Colombia, Greece)
 - national/regional economic policy objectives (EU/ECJ) or economic crises response (Greece...)
- Employers position are changing towards
 - - Not only attacking the R2S but also CB
 - - More divided (CBI) and Lawyers taking over
- Employers and many Government want less regulation

Where does this leave the ILO ?