

The International Labour Organisation (ILO)

What is the ILO

- The ILO is a United Nations Specialized Agency
- The ILO Objective: “promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security, and human dignity.”
- The ILO Provides a 3 partite forum where government, worker and employer representatives negotiate international labour standards (incl. promoting and enforcing)
- The ILO also encourages technical cooperation among ILO members.
- The ILO number of member states: 185 (compared to 45 member states in 1919).

The ILO is guided by 2 fundamental documents

- The ILO Constitution (1919)
- Declaration of Philadelphia (1944).

History of the ILO

The (ILO) was created in response to the severe working conditions prevalent at the time. There was a concern that social unrest would result from the exploitation of the working class. It was also asserted that “lasting peace can be established only if it is based upon social justice,” and that world peace is imperiled by labour conditions involving “injustice, hardship and privation to large numbers of people.” Because countries feared placing themselves at a competitive disadvantage by undertaking labour reform on their own, an international solution was sought.

The main bodies of the ILO (constitution ILO structure)

- 1- The International Labour Conference Body (ILC):
The highest body of the ILO, where each member state is represented by two government delegates, one employer delegate, and one worker delegate.
- 2- The ILO Governing Body (GB):
The executive council of the ILO, composed of 28 government members, 14 employer members, and 14 worker members
- 3- The ILO office:
The permanent secretariat of the ILO.

ILO Offices worldwide

- * The ILO Head office of the Director General in Geneva;
- * The ILO Regional office in:
 - Africa; (Ivorycoast);
 - Latin America (Peru)
 - Carribbean (Trinidad);
 - Arab states,
 - Asia & Central Asia;
 - The Pacific;

Caribbean Countries and Territories

The ILO office for the Caribbean was established in 1969 and is based in Port of Spain, Trinidad and Tobago. It serves 13 member States and 9 non-metropolitan territories of the English- and Dutch-speaking Caribbean. The member states are: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago. The non-metropolitan territories are Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Curacao, Montserrat, Sint Maarten, Turks and Caicos Islands, and Aruba.

WHAT ARE THE TASKS OF THE ILO

The main task of the ILO is to establish and enforce International Labour Standards (ILS).

The ILS

- Are legal instruments drawn up by the ILO's constituents (governments, employers and workers);
- Sets out basic principles and rights at work.
- Is enforced through a regular review of members "laws and practices" and complaint mechanisms.

Two aspects to the ILO's work, regarding the ILS

- 1- Production of the ILS (that leads to ILO Conventions and Recommendations)
 - * - ILO Conventions: legally binding international treaties that may be ratified by member states,
Example: the basic principles to be implemented by ratifying countries
 - * - ILO Recommendations: non-binding guides for national policy and legislation development)
Example: recommendation supplements the convention by providing more detailed guidelines on how it could be applied.
- 2- Supervision and enforcement of the ILS (of ILO Conventions and Recommendations)

Providing ILO technical assistance

The ILO also provides technical assistance to its members, particularly developing countries, by means of:

- Workforce training;
- Assistance in drafting legislation;
- Help in strengthening member countries "regulatory systems" for enforcing labour laws;
- Capacity-building education for governments, employers' organizations and workers organizations (provided by the International Training Centre in Turin Italy).

Ratifying an Convention

Conventions and Recommendations:

- They are drawn up by 3 partite representatives and are adopted at the ILO's annual International Labour Conference (ILC).
- Once adopted, member states are required under the ILO Constitution to submit them to their competent authority (normally the parliament) for consideration.
- In the case of Conventions, this means consideration for Ratification.
- If it is ratified, a Convention generally comes into force for that country one year after the date of ratification.

Ratifying countries commit themselves to applying the convention in national law and practice and reporting on its application at regular intervals.

The ILO provides technical assistance if necessary. In addition, representation and complaint procedures can be initiated against countries for violations of a convention they have ratified.

ILO CONVENTIONS

The total number of ILO Member states is 185. Within the ILO organization there are 189 Conventions adopted and 202 Recommendations covering a broad range of subjects.

The main ILO instruments :

- ILO Conventions	189
- ILO Recommendations	202
- ILO Protocols	5
Total ILO Instruments adopted :	396

Within the Governing Body of the office, there are 8 Conventions that should be considered fundamental to the rights of human beings at work, implemented and ratified by all member States of the organization. These are called **Fundamental ILO Conventions**.

- C87 and C98 (freedom of association and the effective recognition of the right to collective bargaining);
- C29 and C105 (the elimination of all forms of forced or compulsory labour)
- C138 and C182 (the effective abolition of child labour) and
- C100 and C111 (the elimination of discrimination in respect of employment and occupation).

There are 4 Conventions concerning matters of essential importance to labour institutions and policy have been considered as **Priority Conventions**.

- C144: Tripartite Consultation
- C081: Labour Inspection Convention
- C129: Labour Inspection (Agriculture) Convention
- C122: Employment Policy Convention, 1964

All other adopted Conventions are **Technical Conventions** that could be categorized as:

- * Up to date;
- * Out dated;
- * Instrument with interim status (new convention number);
- * Instrument to be revised;
- * Request for information.

The Kingdom of the Netherlands regarding ratified conventions

Total Ratifications for the Kingdom of the Netherlands :

- The Netherlands : (106**);
- Aruba : 33 (48**);
- Curacao : (42**);
- St. Maarten : (42**).

** Has to do with the Technical status of the Ratified Convention

ILO RATIFIED CONVENTIONS FOR ARUBA AS OF JANUARI 2014 (BY NUMBER)

No. Rat.	ILO Convention :	Date ILO Rat.	Aruba Rat.	Ratified Instrument	Date Rat. Neth.Ant.
1	C008 Unemployment Indemnity	09-07-1920	01-01-1986	Technical (to be revised)	05-08-1957
2	C009 Placing of Seamen	10-07-1920	01-01-1986	Technical (out dated)	05-08-1957
3	C014 Weekly Rest (Industry)	17-11-1921	01-01-1986	Technical (up to date)	14-07-1965
4	C022 Seamen's Art. of Agreement	04-06-1926	01-01-1986	Technical (to be revised)	05-08-1957
5	C023 Reparation of Seamen	03-06-1926	01-01-1986	Technical (out dated)	05-08-1957
6	C025 Sickness Insurance (Agr)	15-06-1927	01-01-1986	Technical (out dated)	30-05-1968
7	C029 Forced Labour	28-06-1930	01-01-1986	Fundamental	31-03-1934
8	C069 Certification of Ship's Cooks	27-06-1946	01-01-1986	Technical (to be revised)	22-04-1953
9	C074 Certification of Able Seamen	29-06-1946	01-01-1986	Technical (to be revised)	07-09-1951
10	C081 Labour Inspection	01-07-1947	01-01-1986	Governance (Priority)	15-09-1952
11	C087 Freedom of Association & Protection of Right to Org.	09-07-1948	01-01-1986	Fundamental	25-06-1951
12	C088 Employment Service	09-07-1948	01-01-1986	Technical (interim status)	25-06-1951
13	C090 Night Work Young Pers.(Ind)	10-07-1948	01-01-1986	Technical (to be revised)	15-12-1955
14	C094 Labor Clauses (Public Contr)	29-06-1949	01-01-1986	Technical (up to date)	10-06-1955
15	C095 Protection of Wages	01-07-1949	01-01-1986	Technical (up to date)	10-06-1955
16	C101 Holidays with Pay (Agr.)	06-06-1952	01-01-1986	Technical (out dated)	02-06-1964
17	C105 Abolition of Forced Labour	25-06-1957	01-01-1986	Fundamental	18-02-1960
18	C106 Weekly Rest (Commerce & Offices)	25-06-1957	01-01-1986	Technical (up to date)	08-10-1972
19	C113 Medical Examination (Fisherman)	19-06-1959	15-12-1989	Technical (to be revised)	not ratified.
20	C114 Fisherman's Art. of Agreement	19-06-1959	18-02-1986	Technical (to be revised)	not ratified.
21	C118 Equality of Treatment (Social Security)	28-06-1962	01-01-1986	Technical (up to date) Denounced Netherlands 2004	03-06-1965
22	C121 Employment Injury Benefits	08-07-1964	06-08-1986	Technical (up to date)	not ratified.
23	C122 Employment Policy	09-07-1964	01-01-1986	Governance (Priority)	09-01-1968
24	C131 Minimum Wage	22-06-1970	18-02-1986	Technical (up to date)	not ratified.
25	C135 Worker's Representatives	23-06-1971	06-08-1986	Technical (up to date)	not ratified.
26	C138 Minimum Wage	26-06-1973	18-02-1986	Fundamental	not ratified.
27	C140 Paid Education Leave	24-06-1974	18-02-1986	Technical (up to date)	not ratified.
28	C142 Human Resource Development	23-06-1975	06-08-1986	Technical (up to date)	not ratified.
29	C144 Tripartite Consultation (I.L.S.)	21-06-1976	06-08-1986	Governance (Priority)	not ratified.
30	C145 Continuity of Employment (Seafarers)	28-10-1976	06-08-1986	Technical (up to date)	not ratified.
31	C146 Seafarers Annual Leave with Pay	29-10-1976	18-02-1986	Technical (up to date)	not ratified.
32	C147 Merchant Shipping (Minimum Standards)	29-10-1976	06-08-1986	Technical (up to date)	not ratified.
33	C182 Worst Forms of Child Labour	17-06-1999	22-06-2011	Fundamental	not ratified.

ILO RATIFIED CONVENTIONS FOR ARUBA AS OF JANUARI 2014 (BY TYPE OF CONVENTION)

Fundamental

- C029 - Forced Labour Convention, 1930 (No. 29)
- C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- C105 - Abolition of Forced Labour Convention, 1957 (No. 105)
- C138 - Minimum Age Convention, 1973 (No. 138)
- C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

Governance (Priority)

- C081 - Labour Inspection Convention, 1947 (No. 81)
- C122 - Employment Policy Convention, 1964 (No. 122)
- C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Technical

- C008 - Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)
- C009 - Placing of Seamen Convention, 1920 (No. 9)
- C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)
- C022 - Seamen's Articles of Agreement Convention, 1926 (No. 22)
- C023 - Repatriation of Seamen Convention, 1926 (No. 23)

- C025 - Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
- C069 - Certification of Ships' Cooks Convention, 1946 (No. 69)
- C074 - Certification of Able Seamen Convention, 1946 (No. 74)
- C088 - Employment Service Convention, 1948 (No. 88)
- C090 - Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)

- C094 - Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
- C095 - Protection of Wages Convention, 1949 (No. 95)
- C101 - Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
- C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
- C113 - Medical Examination (Fishermen) Convention, 1959 (No. 113)

- C114 - Fishermen's Articles of Agreement Convention, 1959 (No. 114)
- C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- C121 - Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)
- C131 - Minimum Wage Fixing Convention, 1970 (No. 131)
- C135 - Workers' Representatives Convention, 1971 (No. 135)

- C140 - Paid Educational Leave Convention, 1974 (No. 140)
- C142 - Human Resources Development Convention, 1975 (No. 142)
- C145 - Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
- C146 - Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
- C147 - Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

ILO RATIFIED CONVENTIONS FOR ARUBA AS OF JANUARI 2014 (BY ILO SUBJECT)

Freedom of association, collective bargaining, and industrial relations

- C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- C135 - Workers' Representatives Convention, 1971 (No. 135)

Forced labour

- C029 - Forced Labour Convention, 1930 (No. 29)
- C105 - Abolition of Forced Labour Convention, 1957 (No. 105)

Elimination of child labour and protection of children and young persons

- C090 - Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
- C138 - Minimum Age Convention, 1973 (No. 138)
- C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)

Tripartite consultation

- C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Labour administration and inspection

- C081 - Labour Inspection Convention, 1947 (No. 81)

Employment policy and promotion

- C088 - Employment Service Convention, 1948 (No. 88)
- C122 - Employment Policy Convention, 1964 (No. 122)

Vocational guidance and training

- C140 - Paid Educational Leave Convention, 1974 (No. 140)
- C142 - Human Resources Development Convention, 1975 (No. 142)

Wages

- C094 - Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
- C095 - Protection of Wages Convention, 1949 (No. 95)
- C131 - Minimum Wage Fixing Convention, 1970 (No. 131)

Working time

- C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)
- C101 - Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
- C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

Social security

- C025 - Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
- C118 - Equality of Treatment (Social Security) Convention, 1962 (No. 118)
- C121 - Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)

Seafarers

- C008 - Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)
- C009 - Placing of Seamen Convention, 1920 (No. 9)
- C022 - Seamen's Articles of Agreement Convention, 1926 (No. 22)
- C023 - Repatriation of Seamen Convention, 1926 (No. 23)
- C069 - Certification of Ships' Cooks Convention, 1946 (No. 69)
- C074 - Certification of Able Seamen Convention, 1946 (No. 74)
- C145 - Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
- C146 - Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
- C147 - Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

Fishers

- C113 - Medical Examination (Fishermen) Convention, 1959 (No. 113)
- C114 - Fishermen's Articles of Agreement Convention, 1959 (No. 114)

Regular supervision: key provisions

1. ARTICLE 22 ILO CONSTITUTION: Member States obligation to periodically report to the ILO on the application, in law and in practice, of each ratified Convention
2. ARTICLE 23(2) ILO CONSTITUTION: Member States obligation to communicate copies of the reports on the application of ratified Conventions to the most representative organizations of employers and workers

Regular supervision: ILO reporting cycles (reporting cycles can be changes or altered)

- 3-YEAR CYCLE: Fundamental & Governance (Priority) conventions;
- 5-YEAR CYCLE: Other (technical) Conventions

Regular supervision: procedure

* The CEACR reviews reports, comments and related document. An observation or a direct request can be requested during a country's supervision. Observations and Direct Requests are available on the Internet at the website www.ilo.org:

- OBSERVATIONS

- * Serious or long-standing cases of failure to comply with ratified Conventions
- * Cases of progress
- * Published in the CEACR Report

- DIRECT REQUESTS

- * Matters of secondary importance or technical questions
- * Sent to governments and social partners

Requested yearly reports and replies to CEACR comments for Aruba

2014 (provisional schedule)

- C081- Labour Inspection-Direct Request 2012
- C087- Freedom of Association and Protection of the Right to Organise - Observation 2011; Direct Request 2011
- C088- Employment Service- Direct Request 2010
- C135- Workers' Representatives -Observation 2009

2015 (provisional schedule)

- C008- Unemployment Indemnity (Shipwreck) - Direct Request 2011
- C009- Placing of Seamen - Direct Request 2011
- C022 - Seamen's Articles of Agreement -Direct Request 2011
- C023- Repatriation of Seamen - Direct Request 2011
- C029- Forced Labour Convention- Direct Request 2012
- C069- Certification of Ships' Cooks- Direct Request 2011
- C074- Certification of Able Seamen- Direct Request 2011
- C105- Abolition of Forced Labour Convention- Direct Request 2012
- C138- Minimum Age Convention- Observation 2012
- C144- Tripartite Consultation (International Labour Standards) -Direct Request 2012
- C145- Continuity of Employment (Seafarers) Convention - Direct Request 2011
- C146- Seafarers' Annual Leave with Pay Convention - Direct Request 2011
- C147- Merchant Shipping (Minimum Standards) -Direct Request 2011
- C182- Worst Forms of Child Labour Convention -Direct Request 2013

2016 (provisional schedule)

C017

C025- Sickness Insurance (Agriculture)

C113- Medical Examination (Fishermen) -Direct Request 2011

C114- Fishermen's Articles of Agreement Convention -Direct Request 2011

C118- Equality of Treatment (Social Security)

C121- Employment Injury Benefits -Direct Request 2012

C122- Employment Policy -Direct Request 2011

2017 (provisional schedule)

C081- Labour Inspection Convention

C087- Freedom of Association and Protection of the Right to Organise Convention

C090- Night Work of Young Persons (Industry) Convention (Revised),

C094- Labour Clauses (Public Contracts) Convention -Direct Request 2013

C095- Protection of Wages Convention, Direct Request 2013

C131- Minimum Wage Fixing Convention

2018 (provisional schedule)

C014- Weekly Rest (Industry) -Direct Request 2013

C029- Forced Labour Convention,

C101- Holidays with Pay (Agriculture) -Direct Request 2009

C105 - Abolition of Forced Labour Convention,

C106- Weekly Rest (Commerce and Offices) Convention -Direct Request 2013

C138- Minimum Age Convention

C140- Paid Educational Leave Convention - Direct Request 2009

C142- Human Resources Development Convention -Direct Request 2009

C144 - Tripartite Consultation (International Labour Standards) Convention

C182 - Worst Forms of Child Labour Convention.

WHO DECIDES WHAT ARUBA SAYS AT THE ILO

- The Kingdom of the Netherlands is an ILO member state (Netherlands, Aruba, Curacao and St. Maarten). Aruba works closely with the Netherlands. During the ILC, Aruba is represented as advisers / experts (2 government delegates, 1 employer delegate and 1 worker delegate).
- The ultimate responsibility for the Aruban government's representation at the ILO rests with the Minister of Labour.
- The "Commission Tripartito pa Asuntonan di Labor International (OCIA)" is the ILO's tripartite commission of Aruba. The OCIA members consists of :
 - The DAO Director (who nominates a chearman);
 - Three employers delegate members of Aruba;
 - Three worker delegate members of Aruba;
 - Three government members of Aruba (Directie Soc.Zkn , DWJZ, DAO).
- Most policy work on ILO issues is handled by the DAO, which cooperates with other governmental departments and Aruban worker and employer organizations represented in the OCEA, as required.
- The DAO also "provides information to the ILO on Aruban labour law and practice; monitors, assesses, and reports on Aruban compliance with ratified and non-ratified ILO conventions; and ensures that government responses to ILO supervisory bodies are provided in a timely manner."
- Dept. of Foreign Affairs Aruba also oversees Aruban representation abroad, including at the UN meetings in Geneva.
- Examples of Projects/items linked with the ILO/DAO in Aruba
 - # Child Labour
 - # HIV/AIDS workplace (policy)
 - # Youth employment
 - # Green jobs
 - # Labour inspection
 - # Maritime Labour
 - # Safety and health at work
 - # Tripartism & social dialogue
 - # Forced labour
 - # Labour Force Survey
 - # Maternity protection
 - # Labour law
 - # Labour migration
 - # Working conditions
 - # Wages