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Core Conventions of International Labour Organization and its Impact in India

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ABSTRACT

The author has covered the ILO's role, duties, and India's contribution to the ILO in this article. There is a certain division in opinions regarding the impacts of such links on employment, despite the fact that the WTO is not directly involved in the monitoring of international labour standards and that there is no explicit link between the two. The relationship has faced opposition from many nations, especially India. The worker organisations in India really aren't pleased with the current labour standards; on a global scale, they have adopted a position against any connection between both the ILO and WTO, but they still fight for better labour standards on a national level.

Keywords: *ILO, India, the International Labor Conference, the Governing Body, the International Labor Office.*

I. INTRODUCTION

The International Labor Organization (ILO), which was founded in 1919, is one of the key components of the UN system. It has made a substantial contribution³ to the drafting of international labour standards and to their promotion. It has profited from these norms in turn as it has created its own institutional and legislative framework for social and labour issues. Through the World Trade Organization's social clauses, efforts have recently been made to link standards to global trade (WTO). This is intended to be accomplished by harmonising national institutions and laws so that improved conformity with international standards is protected by strict legislation.

Likewise, campaigns to support fair trade, social labelling, company codes, and consumer boycotts are all voluntary efforts to advance worldwide labour standards.

II. SOFT LAWS AND VOLUNTARY INITIATIVES

Through what is known as "social labelling," a number of non-governmental groups and businesses are currently working to enlighten consumers about the goods and businesses that

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³ Venkata Ratnam CS. (1998). International labour standards and India. 41. 993-1003.

do not use child labour. Some have even offered or supported schools for child labourers as well as employment or welfare benefits to their parents, in addition to establishing a child labor-free workplace. Four industries—hand-knotted carpets, clothing, leather goods, and tea—have high social labelling prevalence in their export markets.

III. INDIA AND ILO ? DESCRIBE THE SCENARIO?

Since 1922, India has served as a regular member of the ILO Governing Body and is a founding member of the organisation.

The first ILO office in India opened its doors in 1928. Mutual confidence and respect serve as the cornerstones of the decades-long successful collaboration between the ILO and its constituents. This cooperation is based on sustaining institutional capacities and enhancing partner capacities.

Six of the eight core/fundamental ILO conventions have been ratified by India. These norms include:

- Norms for Forced Labor
- Abrogation of the Convention Against Forced Labor
- Fair Compensation Convention
- Employment Occupation Discrimination Convention
- Minimum Age Requirement
- Convention on the worst kinds of child labour

The Freedom of Association & Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organise & Collective Bargaining Convention, 1949, are the two foundational conventions that India has not ratified (No. 98).

ILO Conventions No. 87 and 98 have not been ratified mostly because of restrictions placed on government employees.

The ratification of these conventions would entail granting government employees certain rights that are currently illegal under the law, such as the freedom to strike, openly criticise the government's policies, accept gifts freely, join foreign organisations, etc.

IV. WHAT FUNCTION DO UNIONS PLAY AT THE ILO?

The ILO heavily relies on trade unions to determine policy, and national trade union confederations are where worker group representation comes from.

The secretariat's Bureau for Employees' Activities is committed to empowering independent, democratic trade unions to more effectively protect the rights and interests of workers.

V. WHAT IS THE SUPERVISORY ROLE OF THE ILO?

The ILO oversees the application of ILO conventions that member nations have ratified. This is accomplished by:

the Expert Committee on the Implementation of Conventions and Recommendations.

The Tripartite Committee just on Application of the Conventions and Recommendations of the International Labour Conference.

Additionally, member states are obligated to submit reports on how the conventions that have ratified are faring in terms of implementation.

VI. WHO ARE THE COMPLAINTS FILED AGAINST?

The ILO files complaints against individuals or organisations who disobey international laws, but it does not discipline states.

It is possible to complain about member states who disobey ILO conventions that have ratified.

A member state that has signed the same convention may file a complaint, as may a representative at the International Labour Conference or even the ILO's Governing Body.

VII. INTERNATIONAL TRADE AND GLOBAL LABOUR STANDARDS

The connected International labour standards are established by the agreements that the ILO has enacted. They exist to uphold certain fundamental minimum standards across the board. An effort is being undertaken to tie international trade to a system⁴ of social clauses as a way to document globalisation and social justice, in order to prevent developing nations from benefiting from trade liberalisation on the basis of comparably low labour costs. International labour standards have a good reason behind them. Their normative attractiveness is undeniable. However, there is debate over how they should be enforced, particularly over claims that some fundamental labour laws should be linked to universally accepted norms. Therefore, the issue is not whether or not to establish global labour standards.

The issue isn't assuming there ought to be some sort of exchange related discipline for countries and organizations that keep on looking for upper hand through the encroachment of principal

⁴ Effect given to the recommendations of the Committee and the Governing Body, available at [http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2908895\(last visited 23.03.2014\)](http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2908895(last visited 23.03.2014))

privileges. Bosses in various rich countries and associations, legislatures, and managers in various non-industrial countries have opposed any authority association among exchange and work norms. While apparently makers in created countries need to benefit by using the modest work in emerging countries, laborers in created countries trust that assuming agricultural countries are given the general benefit of modest work, it might affect their positions.

Accordingly, social accomplices in agricultural nations view the connecting of social proviso to exchange as an endeavor by state run administrations and laborers created nations to keep the non-industrial countries from getting this benefit.

Californian businesses were forced to consider moving their bases to India due to visa limitations on Indian software engineers visiting the US if their difficulties finding skilled labour remained. However, there is no need for concern about a race to the bottom given the appallingly low share of manufactured exports from poor to rich countries. The General Agreement on Trade and Tariffs was replaced by the World Trade Organization (WTO) in 1995 following the end of the Uruguay round of trade liberalisation. The ILO took the lead by passing the Convention No. 182 requiring prompt action to abolish the worst kinds of child labour in 1999 and the Fundamental Principles Declaration in 1998.

VIII. PRESIDENCY OF THE ILO'S GOVERNING BODY

After 35 years, India was elected to lead the International Labour Organization's Governing Body, beginning a new chapter in their beneficial partnership that dates back 100 years. For the months of October 2020 to June 2021, Shri Apurva Chandra, Secretary (Labour and Employment), will preside over the International Labour Organization's (ILO) Governing Body. A prestigious position in the world is that of ILO's Chairperson of the Governing Body. The ILO's highest executive body, the Governing Body (GB), decides on policies, programmes, the agenda, the budget, and chooses the Director-General. The International Labour Conference endorsed the Declaration on Fundamental Principles on June 18, 1998, at its 86th session.

IX. THE FUTURE OF GLOBAL LABOR STANDARDS

The north-south divide, the relative dominance of the ILO as well as the WTO, and the various pressures inside and among involved parties on the merits of harmonising labour standards vs. deregulating labour markets are all factors influencing the future of international labour standards. Many industrialised countries' governments⁵ and labour groups support a connection

⁵ Effect given to the recommendations of the Committee and the Governing Body, available at http://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2903405 (last visited 23.03.2014)

between fundamental labour standards and trade. The prevailing belief in developing and newly industrialising nations is that wages rise only when economies and employment opportunities expand. The relationship between economic growth and labour standards may not be proportionate; in other words, while labour standards may not rise or fall at the same pace and rate as economies expand, their decline would be greater than that of economic growth. Consolidated attempts to raise labour standards could coexist with the deregulation of labour markets in nations with sustained economic growth.

X. CONCLUSION

One of the key organisations within the UN System⁶ is the International Labor Organization (ILO). It has significantly contributed to the advancement of global labour standards. India was an original ILO member and made a contribution to the codification of the standards. The ILO is a distinctive institution within the UN System that offers representation for companies, unions, and governments. India is one of the original ILO members. The ILO had 175 member nations as of 2004.

⁶ ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up: Adopted by the international Labour Conference at its Eighty-sixth Session, Geneva, 18 June 1998 (Annex revised 15 June 2010), available at <http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang-en/index.htm> (last visited 24.03.2014)