



Declaration on the Fundamental Principles and Rights at Work

Within the international debate on CSR, the principles contained in the ILO's Declaration on the Fundamental Principles and Rights at Work form part of the framework of the labour dimension. The Declaration contains the following principles

Freedom of association and the effective recognition of the right to collective bargaining

The principle of freedom of association and the effective recognition of the right to collective bargaining guarantees to workers and employers the possibility of joining organizations and acting together not only to protect their own economic interests but also their civil freedoms such as the right to life, to security, to integrity, and to personal and collective freedom. The principle ensures protection against any act of interference and discrimination, as well as against all forms of harassment.

The principle comprises the following rights and guarantees

1. The right for workers and employers, without any distinction whatsoever, to establish and join organizations of their own choosing in order to promote and protect their own interests, without previous authorization
2. The right for workers' and employers' organizations to function freely, to draw up their own constitutions and rules, to freely elect their representatives, to organize their administration and activities and to formulate their programmes
3. The right of workers' and employers' organizations to establish and join federations and confederations and to affiliate internationally
4. The guarantee that such organizations shall not be dissolved or suspended by administrative authorities
5. The protection against any act of anti-union discrimination or interference
6. The promotion of collective bargaining.

These principles are contained in ILO Convention 87 concerning Freedom of Association and Protection of the Right to Organise and ILO Convention 98 concerning the Application of the Principles of the Right to Organise and to Bargain collectively.

The abolition of all forms of forced or compulsory labour

The term forced or compulsory labour means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered themselves voluntarily.

The fact that the worker receives a salary or a wage is irrelevant to determine if a situation can be considered as forced or compulsory labour.

Two elements characterize forced or compulsory labour:

- Threat of penalty
- Work or service undertaken involuntarily.

Forced or compulsory labour also refers to situations in which work is imposed as a

- ➔ Means of political coercion
- ➔ Method of mobilizing and using labour for purposes of economic development
- ➔ Means of labour discipline
- ➔ Punishment for having participated in strikes and
- ➔ Means of racial, social, national or religious discrimination.

Training and compulsory education shall not be considered as forms of forced labour.

The following forms of compulsory labour are not considered forced labour

- ➔ Compulsory military service, when it is limited to mere military activities
- ➔ Civic obligations for citizens, for instance the obligation of taking part in a jury or assisting a person who is in danger
- ➔ Any work or service exacted from any person as a consequence of a conviction

in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations

- ➔ Labour requested in emergencies to prevent dangers of life and normal conditions of existence of the whole or part of the population, such as in cases of war, calamity or threatened calamity and
- ➔ Public works such as those carried out by members of a community in the direct interest of the community, provided that those members or their direct representatives have the right to be consulted with regard to the need for such service.

The effective abolition of child labour


The term child labour refers to

any kind of activity or work which, by its nature or the circumstances in which it is carried out, is harmful to the intellectual, physical, social and moral development of young people and undermines their education, preventing them from going to school, constraining them to abandon schooling too soon or requesting them to work and study at the same time.

ILO Convention 182 concerning the Elimination of the Worst Forms of Child Labour (1999) identifies the worst forms of child labour in the following situations

- ➔ Slavery and similar practices
- ➔ The use, procurement or offering of a child for prostitution, production of pornography or pornographic performances
- ➔ The use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs and
- ➔ Work that, by its very nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

ILO Convention 182 also requires that ratifying States design and implement programmes of action to eliminate the worst forms of child labour *as a matter of urgency*. It states



that Members must take into account the importance of education in eliminating child labour and, in particular, “ensure access to free basic education and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour.”

ILO Convention 182 specifically mentions girls because the types of child labour that generally involve a disproportionate number of girls are its less visible forms.

ILO Convention 138 concerning the **Minimum Age for Admission to Employment**, sets forth that the minimum age for admission to employment or work shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years, in order to ensure the full physical and mental development of the child. A minimum age of 14 years can be initially admissible in countries where the economy and educational institutions are insufficiently developed.

As far as dangerous work is concerned, the minimum age shall be 18 years. However, such work may be performed from the age of 16 years in cases where

- ➔ National employers' and workers' organizations have been consulted beforehand
- ➔ The safety, health and morals of the young persons concerned are fully protected and
- ➔ The young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Activities that are not likely to harm young people's health and development and do not interfere with their school attendance or their participation in vocational orientation and training programmes are considered as **light work** and the minimum age for performing them shall be 13 years. In those countries where the economy and educational institutions are insufficiently developed, the minimum age for light work can be 12 years.

Workers under 18 years of age should be guaranteed satisfactory conditions of work. In particular, they shall benefit from

- ➔ A fair remuneration, on the basis of the principle “equal pay for equal work”
- ➔ The strict limitation of hours spent at work weekly and daily, including the prohibition of overtime in order to have enough time for education, training, rest and leisure activities
- ➔ A minimum consecutive period of 12 hours night's rest and a rest period every week
- ➔ Paid annual leave of at least two weeks and, in any case, a period not shorter than the one accorded to adults
- ➔ Coverage by social security schemes dealing with accidents at work, health assistance and forms of sick pay and
- ➔ Safety rules and satisfactory health conditions as well as appropriate education and supervision.

The elimination of discrimination in respect of employment and occupation

Discrimination can arise in a variety of work-related activities such as: recruitment, remuneration, hours of work and rest, paid holidays, maternity protection, security of tenure, job assignments, performance assessment and advancement, training opportunities, job prospects, social security, and occupational safety and health.

Discrimination in employment and occupation means treating people differently or less favourably because of characteristics that are not related to their merit or the inherent requirements of the job. According to ILO Convention No.111 concerning Discrimination in Respect of Employment and Occupation “discrimination is any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”. The Convention therefore identifies the following seven grounds of discrimination

- ➔ **Race and colour** Distinctions made on the basis of belonging to an ethnic group, which affect for instance ethnic minorities and indigenous and tribal populations
- ➔ **Sex** Discrimination on the basis of biological characteristics and functions that distinguish men and women and of social differences between men and women. They comprise, for instance, distinctions on the basis of civil status, marital status, family situation and maternity
- ➔ **Religion** Distinctions on the basis of membership or not to a certain religion or expression of religious beliefs. This also includes discrimination against atheists
- ➔ **Political opinion** Discrimination based on different opinions with respect to established political principles, membership to a political party, political or socio-political attitudes, civic commitment or moral qualities
- ➔ **National extraction** Distinctions made on the basis of a person's place of birth, ancestry or foreign origin. They affect for instance national or linguistic minorities, nationals who have acquired their citizenship by naturalization, and/or descendants of foreign immigrants
- ➔ **Social origin** Discrimination towards certain individuals because of their social class, socio-occupational category or caste. In some contexts, social origin can influence the professional future of the subject because he/she is denied access to a certain job or he/she is only assigned certain activities.

ILO Convention 111 clearly states that Member States may determine other distinctions than these according to their national reality and in consultation with representative employers' and workers' organizations.

Non-discrimination means simply that employees are selected on the basis of their ability to do the job and that there is no distinction, exclusion or preference made on other grounds.

The principle of non-discrimination in respect of employment and occupation comprises the principle of equal remuneration for men and women who accomplish work of equal value. According to the ILO Equal Remuneration Convention 100, the principle refers to all the elements of remuneration, such as the salary or ordinary wage and other basic fees, directly or indirectly paid, in money or in kind. To objectively determine the value of work it is necessary to take into account the following elements: work components, responsibilities, skills, efforts, working conditions and main results.

Distinctions on the basis of the skills needed for a certain work, special measures of protection or assistance provided by national law (such as the ones concerning health and maternity) the correction of historical wrongs, and measures regarding a person legitimately suspected of accomplishing activities that may jeopardize the State's security, are not considered discrimination.



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