

DEVELOPMENT OF INTERNATIONAL LABOR STANDARDS

ABSTRACT

The main actor to set international labor standards is the International Labor Organization (ILO). The quantity of its output is impressive. Nevertheless there are quite a few serious problems: low rate of ratification, failure of implementation in actual practice and in spite of several supervisory bodies no effective enforcement system. The Declaration on core labor standards tries to overcome these deficiencies. However, as will be shown, this move is rather ambiguous.

The focus should not be exclusively on the ILO but also at the United Nations (UN). They are also an important player in this context. Labor Rights are already contained in the legally non binding Universal Declaration on Human Rights of 1948 and later on particularly in the legally binding International Covenant on Economic, Social and Cultural Rights of 1966. However, there again are problems of ratification, implementation and enforcement.

The UN has a decisive role in the attempts to regulate global supply chains. And therein in particular the relevant body is the UN's Human Rights Council. The "Guiding Principles on Business and Human Rights" were a first step, even if the corresponding National Action Plans put merely soft pressure on the companies. However, by a Resolution of 2014 an Open-Ended Intergovernmental Working Group (OEIGWG) has been established which in 2019 has presented a draft for a binding instrument. The content and perspectives of this draft are to be analyzed, in particular in comparison to respective efforts of the ILO and recent legislation in some countries.

The efforts of private actors in promoting labor standards should not be underestimated. This refers to Codes of Conduct of Multinational Enterprises (MNE) which were pushed by the ILO, the Organization of Economic Cooperation and Development (OECD) and in particular it refers to International Framework Agreements (IFA) concluded between MNE and Global Union Federations (GUF).

Finally the impact of Social Clauses and Social Chapters in Free Trade Agreements is to be analyzed as well as the impact of Investment Protection Chapters therein. As far as the latter is concerned, the conflict resolution mechanism is of particular interest.