

Foreign Labor Developments



ILO conference focuses on bargaining, worker safety, rather than politics

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It came as a surprise to many observers, and a relief to most participants. After years of concentrating on political issues, the 1981 Conference of the International Labor Organization focused on technical issues, such as industrial relations and working conditions. If this tendency continues, the ILO could emerge as one of the stronger and more broadly supported specialized agencies of the United Nations. Representatives from 145 countries attended the 67th Session of the ILO conference, which met in Geneva, Switzerland, during June 3–24. Alioune Diagne of Senegal was elected conference president.

For all its focus on technical issues, the 1981 conference was not without drama. Lech Walesa, head of Poland's Solidarity trade union—and the first truly independent worker delegate ever from a Communist country—received an enthusiastic welcome when he thanked the ILO for its help during the difficult period of Solidarity's development. Similarly, there was an air of tension when the conference formally censured the Soviet Union for prohibiting free trade unions, after years of avoiding this explosive issue.

The United States did not escape criticism. The U.S. Government cast two of seven abstentions on an otherwise unanimous vote approving a new ILO declaration condemning South Africa's apartheid policy. Both the U.S. worker and employer delegates voted in favor of the declaration. Although the U.S. Government argued that the declaration's call for direct assistance to liberation movements prevented full support for the declaration, a number of delegates openly criticized U.S. policies toward South Africa.

Technical issues

The 1981 conference considered five technical items. Three resulted in the adoption of new Conventions and Recommendations; the remaining two will be discussed at the 1982 conference.

A Convention is an international treaty that carries a *legal obligation* for states which ratify or sign it. A Recommendation is a document which *suggests* measures that can be taken to implement labor policies.

This year, the adopted standards increasingly used "flexibility devices," which define different methods of implementation so that countries with widely differing situations can ratify the standards. The employers' groups and a number of governments, including the United States, were largely responsible for promoting the use of these devices.

Collective bargaining. Previous ILO standards have established the principles of collective bargaining. The purpose of the Convention and Recommendation adopted by the 1981 conference is to promote collective bargaining in all branches of economic activity. The Convention outlines specific subjects which might be covered in collective bargaining—working conditions, terms of employment, and relations between employers and workers. In addition, it states that freedom of collective bargaining should not be hampered, and that national authorities should consult with all concerned parties before taking any action on the specific issues.

The delegates debated a number of controversial provisions surrounding the collective bargaining Convention. Several governments argued for modifications that would allow flexibility in determining the scope of the Convention. Under this proposal, certain sectors, such as agriculture or public service employees, could be excluded at the option of the ratifying states. However, all such amendments were defeated, leaving the universal coverage language intact.

Delegates were more successful with changes aimed at preventing intervention by national authorities in the collective bargaining process. The employers, with the support of the U.S. Government, wanted to define "promote" as "to encourage and facilitate." After much discussion, the employers withdrew this amendment with the understanding that the standards implied "no obligation for the state to intervene or compel negotia-

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tions." In the Recommendation on this issue, one provision was altered so that governments "may provide," rather than "should provide," services such as training in collective bargaining.

The U.S. Government and employer delegates did not support the Convention, but did support the Recommendation. The U.S. worker delegate supported both instruments.

Workers with family responsibilities. Child care, flexible working schedules, part-time jobs, vocational guidance, and placement services for parents entering or re-entering the workforce were addressed in a new Convention and Recommendation. The two standards are meant to ensure equal treatment and opportunity for all workers with dependents.

One part of the Recommendation on these issues presented problems to certain governments. The provision in question specified that workers on extended parental leave be financially compensated and protected by social security. This was resolved by an amendment which allows member states to provide, when necessary, social security benefits, tax relief, or other measures consistent with national policy.

The U.S. Government and worker delegates supported both the Convention and Recommendation, while the employer delegate abstained on both.

Safety, health, and working environment. Standards on occupational safety and health and the working environment were adopted with virtually unanimous votes. The Convention provides for the development of national policies on the working environment and emphasizes the importance of a comprehensive accident prevention system and the need for cooperation between management and workers. The Recommendation specifies areas for preventive action—ventilation, noise and vibration, barometric pressure, clothing, sanitation, and mental stress due to conditions of work. In addition, it details the obligations of employers and workers in maintaining a safe and healthy workplace.

The adopted standards advocate workers' safety committees to consult with management on work content or organization of work, training programs on safety and health, and protection from dismissal or other discriminatory measures for workers involved in safety and health issues. On the national level, the standards encourage governments to identify hazards, issue regulations or codes of practice on safety and health, and advise workers and employers on how to reduce safety and health hazards. The conference adopted both standards with virtually unanimous votes.

Proposed standards. The conference discussed possible new standards regarding terminations of employment

by employers. These proposed standards will be considered by the 1982 conference. This year, employers and workers were opposed on almost all points raised. The governments were divided because of differences in their legal systems and approaches to the question of termination of employment. Neither the U.S. Government nor employer delegates supported the proposed conclusions because of the emphasis on government intervention in private disputes and the adversarial nature of the proposed provisions. However, the U.S. worker delegate supported the proposed standards.

The conference started work on possible standards concerning social security rights of workers and family members who are employed outside their home countries. The conference agreed that even if a Convention is adopted by the 1982 conference, a third discussion would be necessary in 1983 to develop a Recommendation concerning model provisions for use in bilateral or multilateral social security treaties. The U.S. delegation supported the conclusions of this committee.

Supervising ILO standards

One of the more volatile issues was the use of the "special list" and "special paragraph" systems to highlight violations of ILO standards. The conclusions of the Conference demonstrate a renewed determination to cite countries for violations, regardless of political or economic pressures.

The most dramatic case involved the Soviet Union which, for the first time, was cited in a special paragraph for violating ILO standards on freedom of association. On two previous occasions, in 1974 and 1977, the Soviet Union had been cited by a conference committee for violating ILO standards, but the full conference did not adopt the committee's report.

This year, the conference also cited in "special paragraphs" six other countries with continuing problems in upholding ILO standards. According to the ILO report, Argentina, Bolivia, and the Central African Republic have not yet ensured full freedom of association. The conference requested the Argentine government to guarantee full respect for freedom of association and collective bargaining standards and asked for further information on all cases of imprisoned trade union leaders.

Bolivia claims to be in the process of preparing new legislation that will conform with freedom of association standards. The conference urged Bolivia to expedite the legislation, as little progress had been made in recent years. On two occasions in the past year, the ILO assisted the Central African Republic in developing legislative texts that would address and correct its observance of freedom of association standards; to date, these texts have not been adopted. The conference expressed "hope that there would be real progress by next year."

On forced labor standards, the conference found that Tanzania and the Central African Republic have serious compliance problems. Tanzania's current law allows for compulsory cultivation as well as involuntary labor for public and development purposes in agriculture and industry. In the Central African Republic, compulsory labor may be imposed on persons convicted for political reasons, as well as persons who cannot show proof of a "normal" occupation or student status.

Chile was set apart in a "special paragraph" for its problems in observing standards concerning discrimination in employment. The conference was particularly concerned about Chile's policy of "debureaucratization," which may have been used to dismiss persons for their political opinions.

Guatemala was not only cited in a special paragraph for problems in meeting standards on labor clauses and plantations, but also was censured for "continued failure to implement" ILO freedom of association standards. Guatemalan authorities explained they were aware of the discrepancies and were drafting a new labor code to correct the situation. However, the conference said that this explanation had been given for too many years, and that despite numerous requests, the Guatemalan government was not cooperating with ILO supervisory bodies and had not made any progress in guaranteeing the right to freedom of association in law and practice.

The conference addressed the problems of child labor, particularly in developing countries where extreme economic need makes the problem serious and a solution difficult. The conference will conduct more indepth discussions on this subject in 1983 for the purpose of examining existing ILO standards and deciding whether they need updating.

Resolutions

In past years, the ILO conference often has been used as a forum for discussing political resolutions that, according to many delegations, were outside the competence of the organization. Generally, this problem was avoided this year. The only politically controversial resolution dealt with disarmament.

A resolution given top priority was aimed at overcoming the shortage of competent managers, particularly those in developing countries. The resolution encourages the ILO and member states to provide training for managers and entrepreneurs in such matters as labor relations, collective bargaining, and relations with free and independent trade unions.

The conference also adopted a resolution on the ILO's role in the new International Development Strategy. It emphasizes the need for tripartite consultation in development policies, as well as on the importance of ratification and observance of key ILO standards.

A third resolution on the social and economic consequences of disarmament threatened to take the ILO into political discussions similar to those already underway in other U.N. agencies. After protracted negotiations, however, the conference adopted a proposal requesting the ILO to perform certain functions which are rightfully within its competence and to cooperate with other U.N. agencies in their work on disarmament.

Another resolution requests the ILO to research the future needs of vocational training systems and to establish regional training institutes. In addition, the resolution asks member states to develop, in consultation with workers' and employers' organizations, comprehensive national training policies and programs.

The resolutions adopted this year keep the ILO focused on issues which are most important to member states. However, this has not always been the case and the ILO is continuing its efforts to ensure that extraneous political resolutions are not introduced in or considered by future sessions. For 8 years, a Working Party on Structure has been considering proposals, one of which would make it more difficult to introduce politically inspired resolutions which are extraneous to the ILO's work. A tentative agreement, reached in February 1981, suggests that a 13-member conference review committee decide whether a political resolution should be circulated at a conference. The 1981 conference did not discuss this suggestion, but did consider questions concerning the composition of the governing body. The conference concluded that the Working Party on Structure should meet again to finalize its proposals for consideration in 1982.

A step in right direction

While the 1981 ILO conference concentrated on technical issues, there nevertheless was an undercurrent of political issues throughout the session. The Middle East situation, which had preoccupied past ILO conferences, was kept under control and limited to speeches at nearly empty plenary sessions. The declaration on apartheid, which could have posed major problems for the United States, was resolved in such manner that the U.S. Government was able to abstain from voting. The conference's censure of the Soviet Union for violating trade union rights standards was not seriously challenged by the Soviet Government.

This does not guarantee, however, that future sessions will be spared the political storms of the past. To be sure, there is a general desire among most member countries to depoliticize the ILO. Many delegates believe that substantial progress has been made. Few ILO observers would conclude that the 1981 conference was anything more than another step in the right direction, albeit an important and in many ways impressive step. □