

# **REVIEW AND MONITORING OF SDGs after 2015: Models, Methods, Governance**

**Training Session**

**PART VI: ILO Complaints Procedure**

**27-28 June 2015**

# ILO Complaints Procedure



Source: ILO watch website, <http://www.industrial-union.org/issues/solidarity/ilo-watch>

# Protected Main Rights

- **Freedom of Association and of Collective Bargaining (Conventions No. 87 and No. 98)**
- **Prohibition of Forced Labour (Conventions No. 29 and No. 105)**
- **Elimination of Discrimination in Respect of Employment and Occupation (Conventions No. 100 and No. 111)**
- **Abolition of Child Labour (Conventions No. 138 and No. 182)**

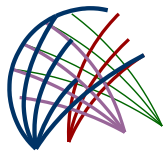
# Complaints Procedure (1)

- Regulated by **Articles 26 to 34 of the ILO Constitution**, by which a complaint against a Member State, not observing a convention to which it is a party, can be filed by:
  - another Member State also having ratified the same convention
  - any delegate to the ILO Conference (each Member State is also represented by a delegate representing the employers and a delegate representing the workers)
  - the ILO Governing Body (composed of 28 State representatives, 14 representatives of employers and 14 representatives of workers)

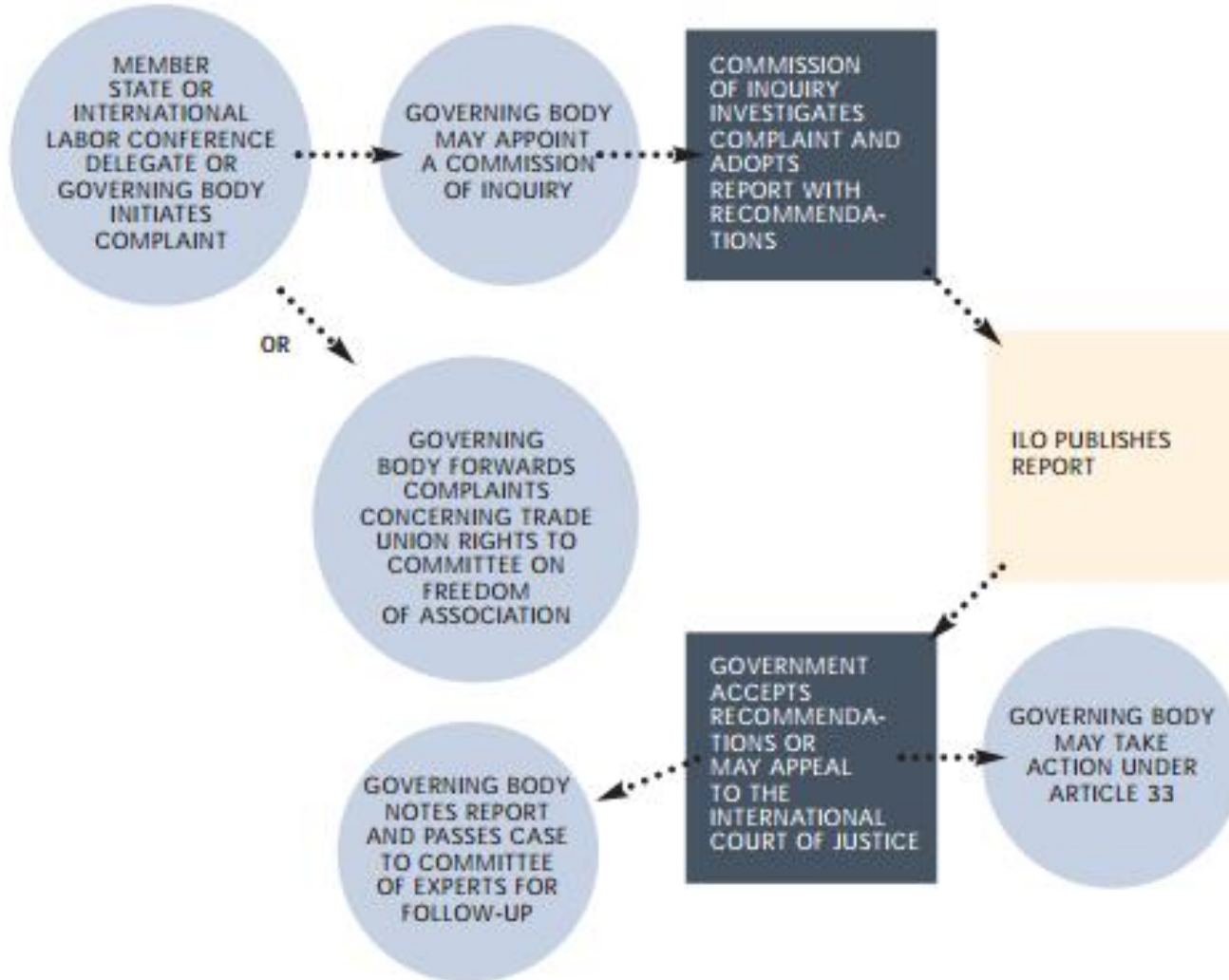
# Complaints Procedure (2)



- => **complaint cannot be filed by an individual. It is mostly done by the trade unions of the country which are represented in the ILO.**
- If a State refuses to comply with recommendations of the Commission of Inquiry, the Governing Body can take measures in virtue of **Article 33 of the ILO Constitution.**
- Article 33 has been used once in the history of the ILO in 2000, as the Governing Body has demanded to take measures to prompt **Myanmar** to curb exploitation of forced labour.



# ILO Complaints Procedure



Source: ILO website, <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/complaints/lang--en/index.htm>

# Complaints in action (1)

- **Poland** ratified both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) in 1957.
- When martial law was declared in the country in 1981, the government suspended the activities of the Solidarnosc trade union and detained or dismissed many of its leaders and members.
- After the case had been examined by the Committee on Freedom of Association, delegates at the 1982 **International Labour Conference filed a complaint under article 26 against Poland.**

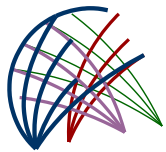
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## Complaints in action (2)

- **The resulting Commission of Inquiry found grave violations of both conventions.**
- **Based on the Commission's conclusions, the ILO and numerous countries and organizations put pressure on Poland to redress the situation, and in 1989 the Polish government gave Solidarnosc legal status.**
- **Lech Walesa, Solidarnosc leader and later President of Poland, noted that "the Commission of Inquiry created by the ILO after the imposition of martial law in my country made significant contributions to the changes which brought democracy to Poland."**

Source: ILO website, <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/complaints/lang--en/index.htm>





# African Cases



- Complaint against the Government of **Lesotho** presented by the International Federation of Building and Wood Workers (IFBWW), Case No. 1590, Report No. 283:

[www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=462&chapter=3&query=%28Lesotho%29+%40ref&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=462&chapter=3&query=%28Lesotho%29+%40ref&highlight=&querytype=bool&context=0)

Complaint against the Government of **Lesotho** presented by Lesotho General Workers' Union, Case No. 638, Report No.

126: [www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=3099&chapter=3&query=%28Lesotho%29+%40ref&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=3099&chapter=3&query=%28Lesotho%29+%40ref&highlight=&querytype=bool&context=0)

# Thank you