

## **Background Guide**



## **International Labour Organisation**

Agenda: Ensuring the basic standard of living and human rights for the domestic and international labour

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# Letter from the Executive Board

Greetings Delegates,

We hope you're safe and well in these times of distress. Welcome to the 7th edition of the Strawberry Fields High School Model United Nations Conference. Being hosted online for the first time ever, we hope that this edition is enriched with an amazing experience and becomes a platform for constructive discussion and debate. We urge each delegate to have a thorough understanding of the agenda, so as to make the most of your two days at SFHSMUN 2020.

The International Labour Organisation is a committee which has existed since 1919, even before the formal establishment of the United Nations Organisation. The ILO works towards ensuring fair treatment and a decent work environment for domestic and international labour. The agenda aims to facilitate discussion to create safer and fairer workspaces for labour across the world.

We suggested that each delegate goes through this background guide as an advisory document, picking up the fundamentals of the agenda and the committee. We also advise that you go through the conventions and policies already established by the ILO, in order to understand the scope of the powers and functions of the committee.

In case you have any doubts related to the agenda, committee or otherwise, feel free to reach out to us. Hope to witness a fruitful debate and have a great learning experience. Looking forward to seeing you all soon!

Regards,

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Chairperson

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## About the Committee

Established in 1919 and headquartered in Geneva, Switzerland, the International Labour Organisation is the only agency in the UN which works on a tripartite structure. The committee closely works with the **government, employer, and worker representatives**. This three-party structure makes the ILO a unique forum in which the governments and the social partners of the economy of its Member States can freely debate and elaborate labour standards and policies.

The ILO, with its **187 member states**, works to set **labour standards, develop policies and devise programmes promoting decent work for all persons**.

In 1998, the **86th International Labour Conference** adopted the [Declaration on Fundamental Principles and Rights at Work](#). This declaration contains four fundamental policies:

- The right of workers to associate freely and bargain collectively
- The end of forced and compulsory labour
- The end of child labour
- The end of unfair discrimination among workers

The ILO is a major provider of reliable labour data internationally, and hence, also helps in research related to labour conditions in various countries, and helps identify breaches in the international labour law.

The committee ensures basic safety and checks exploitation in work situations. ILO is a benchmark in international labour law, and whether ratified or not, the decisions of the committee sets standards for governments and employers across the world. Domestic and international labour force is directly or indirectly dependent on the International Labour Organisation for working for their benefit and ensuring that they are not treated unfairly and have a basic standard of work and life, which protects them from exploitation.

The ILO holds the power to make **conventions**, which are ratified and enforced, **protocols** linked to the conventions (both of which can be modified), and **recommendations**, which may be linked to the agenda of the convention, or may address a separate issue altogether.

## About the Agenda

101 years since its establishment, the International Labour Organisation strives to work for the protection of human and labour rights in the workplace. The organisation does this by facilitating a platform between the **government, employer, and worker representatives**. This platform enables the first two parties to implement the conventions, protocols and recommendations given by the ILO. This framework also allows the workers and their representatives a **decent work** environment, **fair wages, adequate standards of living, basic dignity and human rights**.

This agenda aims to understand and review the present conventions of the ILO related to human rights and basic standards of living, while also suggesting methods and techniques to ensure the protection of both these factors towards the international and domestic labour force.

Though there is no specific case to be discussed in the committee, delegates are strongly advised to review the present breaches in human rights and standards of living related to the workforce. These cases, and the ones resolved, set precedents and act as advisories for the committee to function smoothly. The ILO aims to establish a discrimination free work environment, ensuring no exploitation of workers and maintenance of basic quality of work environment.

**Standards of living** for domestic and international workers entails the **housing provided to the workers** by the employer as part of the contract of work. These housing facilities must be of a certain standard so that workers are not mentally or physically affected by problematic housing facilities. The standard of living also indirectly entails the payment of **fair wages** to the workers so that they can support their dependants and lead comfortable and dignified lives. **Decent working conditions** in factories and other workplaces are also a basic requisite to ensure healthy and happy standards of living for workers, both domestic and international.

Domestic and international work force is often subjected to exploitation and **human right violations**. This may be in the form of **extremely long working hours, mental and/or physical abuse, bonded labour, restrictions on taking leaves, undue pressure to keep working** among many other forms of violations. The function of the ILO, in this regard, is to bring positive changes to the international labour laws and provide technical help in problematic areas to ensure the compliance of human rights at all workplaces across the world. This issue is **extremely high priority** as it involves the lives of the labour force and a delay in action can cause massive

damages. Conventions and recommendations by the ILO are taken seriously by the government, and are implemented to ensure that employers comply with the same.

The objective of the committee is to formulate guidelines and methods by which the rights and standards of living of the labour force can be ensured. These conventions and recommendations can only be achieved by the consensus of member states by constructive debate and discussion. Thorough understanding of the present situation of human rights and standards of living is required to analyze the situation and suggest improvements to streamline it. The economies of the whole world run on the support of the domestic and international labour force. Hence, it becomes very important to protect the rights and living standards of the people who drive the world economy.



## Case Studies

These are for the supplemental research. The ambit of the committee is not limited to simply these, and the delegates may want to explore the ideas more deeply. However, this should be an interesting starting point and we encourage you to read more about these specifically.

### **Qatar**

Qatar has a migrant labor force of over 2 million people, who comprise approximately 95 percent of its total labor force. Approximately 1 million workers are employed in construction while another 100,000 are domestic workers. The kafala system governing the employment of migrant workers gives employers excessive control over them, including the power to prevent them from changing jobs, escaping abusive labor situations, and for some workers, leaving the country.

In October 2017, the International Trade Union Confederation announced Qatar's agreement with the International Labour Organisation (ILO) to substantially reform the current kafala system, institute a nondiscriminatory minimum wage, improve payment of wages, and end document confiscation and the need for an exit permit for most workers wanting to leave the country. The agreement called for stepped-up efforts to prevent forced labor, enhance labor inspections and occupational safety and health protocols—including, by developing a heat mitigation strategy—and refine the contractual system to improve labor recruitment procedures.

Since then, the government has introduced several reforms. They included in 2017, setting a [temporary minimum wage](#), [introducing a law for domestic workers](#), and setting up [new dispute resolution committees](#); in 2018 establishing a [workers' support and insurance fund](#), and ending the requirement for most workers to get their employer's permission to leave the country; and in 2019 mandating the establishment of joining labor committees in companies employing more than 30 workers for collective bargaining, and disseminating enhanced guidelines on heat stress aimed at employers and workers.

While positive, these reforms have not gone far enough, and implementation has been uneven. The 2017 domestic workers law is [poorly enforced and does not meet international standards](#). The workers' support and insurance fund, introduced in



October 2018 to make sure workers receive wages when companies fail to pay, is not yet operating. Authorities are [failing to enforce bans on passport confiscations and workers' paying recruitment fees](#). Most importantly, the *kafala system* by and large remains in place. The [partial reform of the exit permit system](#) does not apply to domestic workers, government employees, and up to 5 percent of any company's workforce who still need their employer's permission to leave the country. While others no longer need an exit permit, they may not be able to leave if their passports are confiscated.

The heat stress guidelines are also not comprehensive or obligatory for employers and do not come with any enforcement mechanisms. In 2019, Qatar [continued to enforce](#) a demonstrably rudimentary midday summer working hours ban. Moreover, for six years, Qatar has not made public meaningful data on migrant worker deaths that would allow an assessment of the extent to which heat stress is a factor. However, new medical research published in July 2019 concluded that heatstroke is a likely cause of cardiovascular fatalities among migrant workers in Qatar.

Qatar's labor law does not guarantee migrant workers the right to strike and to free association. In August 2019, despite a ban on migrant workers striking, thousands of workers employed by at least three different companies [went on strike](#) to protest poor working conditions, unpaid and delayed wages, and threats of reduced wages.

On October 16, 2019, the ILO announced that Qatar's Council of Ministers endorsed new legislation that would allow workers to change employers without employer

consent, and a new law to establish a non-discriminatory minimum wage. The legislation, which still requires approval by Qatar's Shura (Advisory) Council and sign-off by the Emir, is expected to come into force by January 2020. According to the statement, a ministerial decree by the minister of interior was also signed, removing exit permit requirements for all workers, except military personnel.

## **United States of America**

Each year thousands of U.S. workers are fired or suffer other reprisals for trying to organise unions. Millions of workers are excluded from labor laws meant to protect workers' organising and bargaining rights, and their number is growing. Violations of



workers' freedom of association are a strong but hidden undercurrent in the vast American economy.

"I know the law gives us rights on paper, but where's the reality?" asks Ernest Duval, a Florida nursing home worker unlawfully fired for leading a union organising effort in 1994. Duval finally returned to work in 1999 but was fired again in 2000. His employer had a long memory.

When it comes to workers' right to form unions, loophole-ridden laws, paralysing delays and feeble enforcement have created a culture of impunity in many areas of U.S. labor law and practice. According to statistics from the National Labor Relations Board (NLRB), the federal agency created to enforce workers' organising and bargaining rights, the problem is getting worse.

In the 1950s, workers who suffered reprisals for exercising the right to freedom of association numbered in the hundreds each year. In 1969 the number was more than 6,000. By the 1990s more than 20,000 workers each year suffered a reprisal serious enough for the NLRB to issue a "back-pay" or other remedial order.

Violations of workers' rights are especially troubling when the United States calls on other countries to respect "core labor standards," including freedom of association. U.S. officials argue that such standards should be included in rules of the international trade system. But U.S. efforts to have other countries upgrade their labor standards falter when the United States itself fails to protect workers' right to organise.

In our new report on workers' freedom of association in the United States under international human rights standards, Human Rights Watch found that one-sided rules for union organising unfairly favour employers over workers. Farm workers, domestic workers, low-level supervisors and other categories of workers numbering in the millions are expressly denied labor-law protection for organising and bargaining rights. Immigrant workers especially face widespread threats and discrimination if they seek to form unions.

Too often, policy debates over U.S. labor law and practice turn on whether they make it easier or harder for unions to organise workers, and whether that's good or bad for the economy. From this standpoint, workers' organising efforts are just labor-

management disputes over shares of the economic pie. But basic human rights such as freedom of association should not be linked to economic outcomes.

The 200-page Human Rights Watch report is based on case studies across a range of industries, occupations and regions of the United States. The report recognises that U.S. workers generally do not confront gross human rights violations where death squads assassinate union activists or collective bargaining is outlawed. But the absence of systematic government repression does not mean that workers have effective exercise of the right to freedom of association. The case studies in the Human Rights Watch report uncover a distressing pattern of threats, harassment, spying, firings and other reprisals against worker activists and a labor law system that is failing to deter such violations.

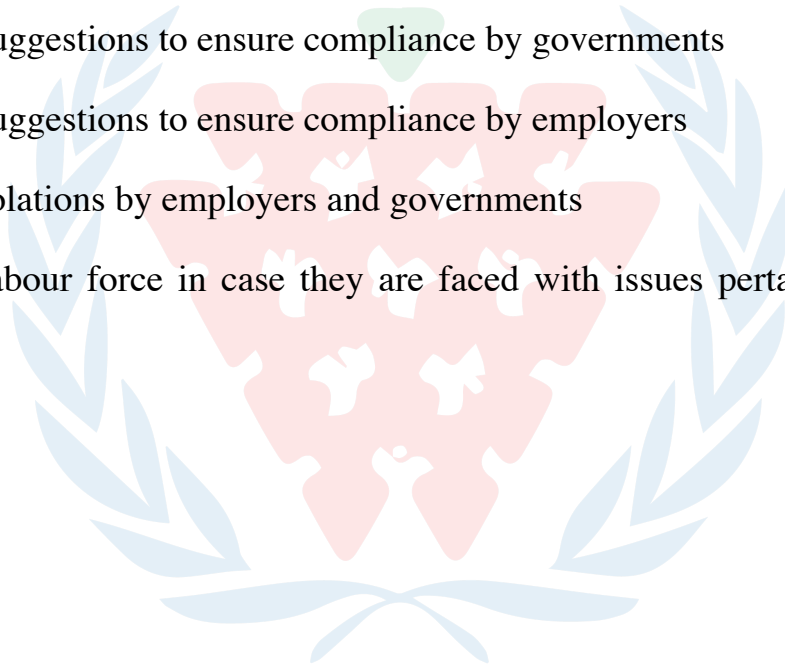
The Human Rights Watch report should prompt U.S. policymakers to reframe the debate over labor rights and trade, recognising that workers' rights violations are not peculiar to developing countries. The United States should continue to press for workers' rights in trade and investment--but on a foundation of equality and humility, recognising that workers in nearly all countries run risks when they try to form unions. If the United States starts walking the walk on workers' rights, it will be in a stronger position to persuade the international community to make labor rights an integral part of the global trade and investment system.

*We have tried to keep the ambit of the discussion as vast as possible. However, this is a list of possible agendas that could be kept in mind while discussing the topic at hand. We understand that this gives you the leeway to research as much as possible, and perhaps that is for the best. We also suggest that you utilise the social media channels set up before the conference begins, in order to narrow down on questions that are both more specific and pertinent as the committee and delegates see fit.*

*With that being said, have fun!*

## **Suggested Areas of Discussion**

- Current conventions and measures taken by the ILO
- Situation in different countries in context to the agenda
- Review of ILO policies and their relation to the 2030 Sustainable Development Goals
- Human rights violations against the labour force in specific areas
- Recognising and analysing efforts to improve standards of living for domestic and international labour
- Methods and suggestions to ensure compliance by governments
- Methods and suggestions to ensure compliance by employers
- Reasons for violations by employers and governments
- Remedies to labour force in case they are faced with issues pertaining to ILO conventions



## Sources

- [International Labour Standards on Social security](#)
- [ILO worker housing standards](#)
- [The benefits of International Labour Standards](#)
- [International Labour Standards on Wages](#)
- [International Labour Standards on Social policy](#)
- [Introduction to International Labour Standards](#)
- [ILO Declaration on Fundamental Principles and Rights at Work](#)
- [Here's How The International Labour Organization Protects Human Rights](#)
- [Promotion and protection of human rights by the ILO](#)
- [Workers rights in the USA](#)
- [Workers Rights in Qatar](#)
- [Additional papers on intersectionality of workers rights and geographical spaces](#)