

INTERNATIONAL LABOR ORGANIZATION (ILO) – SPECIALIZED UNITED NATIONS AGENCY FOR SOCIAL JUSTICE, HUMAN AND LABOR RIGHTS

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Abstract: The relevance of the study is due to the important historical role of one of the specialized agencies of the United Nations – the International Labor Organization (ILO) – in regulating social and labor relations on a global scale. The purpose of the study is to examine, using the latest sources and literature, the history, goals, objectives, structure, and mechanism of functioning of the ILO as an international organization advocating for social justice and decent work. The article presents the results of research on the nature, activities, and importance of the ILO in the system of international relations. The main achievements of the ILO, modern challenges and problems in the field of labor, new opportunities and guidelines for cooperation between states and social partners in their pursuit of social justice, as well as measures to further improve the activities of the ILO, are indicated. Attention is paid to the Declaration of the 100th anniversary of the ILO on the future of the world of work “To work for a better future”, adopted in 2019. The characteristics of the ILO’s social and labor strategy in the context of globalization at the present stage are given. In the context of globalization with increasing income differentiation between and within countries, there is a need for mutually beneficial cooperation of the ILO with the IMF, the World Bank, and the WTO to help develop poor countries. The ILO aims at developing an International Labor Code.

Keywords: International Labor Organization (ILO), International Labor Conference (ILC), International Labor Office (ILO), tripartism, social and labor relations, decent work, social justice

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INTRODUCTION

The basis of human existence is work. In the process of work, a person realizes the meaning of its existence, transforming the world and itself. "Each thing is made by labor," says folk wisdom. Modern social and labor relations and rights are the result of their long historical formation and development. An important stage in the development of human rights and labor rights, in particular, were the European bourgeois-democratic revolutions of the 17th-18th centuries. One manifestation of human economic freedom was the freedom of labor, which was developed in the 18th century by the classics of economic thought such as A. Smith, R. Cantillon, D. Ricardo, F. Quesnay, etc. At the end of the same century, the French socialists G. Babeuf and S. Fourier raised the question of the human right to work. In 1819, the social reformist S. Sismondi, in his work "New Beginnings of Political Economy", argued that the right to work and the right to exist should be ensured by social legislation and should propose a ban on child labor, a limitation of working hours, payment by an entrepreneur of sick leave, unemployment, pensions and retirement, etc. The problems of the right to work and to exist in a concentrated form were raised by the Austrian lawyer and philosopher A. Menger (1841-1907). The natural law theory served as the basis for scientists to allocate three interrelated rights of an employee: freedom of labor, the product produced by him, and the free exchange of labor products. K. Marx relied on these provisions in the construction of his teaching (Kostin, 2002). In the last third of the 19th and the early 21st centuries, public law regulation of social and labor relations has developed significantly. The legalization of labor rights, in most countries, was adopted in the following sequence: regulation of labor protection for children and women, the formation of some minimum requirements under the terms of an individual labor contract (the maximum working day first for some, and then for all categories of workers; in some cases, the minimum wage and the frequency of its payment, and sanitary and hygienic requirements for working conditions). The legislative regulation of labor rights was reduced to the protection of an employee from excessive exploitation, thereby legalizing those labor rights of an employee that primarily ensured the physical survival of an employee in the era of initial capital accumulation. Without improving the situation of workers, whose numbers were steadily growing under the conditions of industrialization, there was a danger of social upheavals and revolutions. In conditions when economic growth was achieved due to unrestrained exploitation of workers, work in factories was exhausting and low-paid,

social protection was practically absent, and the idea of creating an international organization for social and labor problems arose. The main reasons for the creation of the ILO were the political, socio-humanitarian, and economic problems of that time: the socialist revolution that was won in Russia in 1917 and the threat of the expansion of the revolutionary movement in other European countries. The difficult and unacceptable working and living conditions of workers from a humanistic standpoint, the appeals of advanced humanist thinkers, and the desire of individual states to improve the situation of workers — all these have required solving social and labor problems simultaneously in many countries.

BACKGROUND AND CONDITIONS FOR THE CREATION OF THE ILO

The ILO emerged on the basis of the European social reformism of the 19th century and the strengthened labor movement. In 1818, at the Congress of the Holy Alliance in Aachen (Germany), the English industrialist and Utopian socialist R. Owen (1771-1858) proposed to adopt a Regulation on the protection of workers and create a special commission on social and labor issues. In 1855, the French industrialist D. Legrand, in the development of R. Owen's ideas, pointed out that "only social reform" could prevent possible social upheavals in the future (Kostin, 2002). The congresses of the I and II Internationals played an important role in the development of the labor movement and international labor law, at which the most important documents in the field of labor and social guarantees for workers were adopted: the 8-hour working day for workers; the protection of women's labor; the organization of children's labor; the development of trade unions, etc. The result of the development of the Social Democratic Movement and a number of working conferences in Europe in the 1890s was the foundation of the International Association of Labor Legislation in 1900, which was a predecessor of the ILO and collected and published labor laws of different countries. At the end of the 19th century, trade unions and organizations of workers began to arise in industrialized countries, demanding democratic rights and decent working and living conditions. The first revolutionary democratic organizations and parties were also created, including in Russia (in 1898, the RSDLP, which split into Bolsheviks and Mensheviks in 1903). In 1905, the first trade unions appeared in Russia. The First World War, which began in 1914, exacerbated socio-political and labor contradictions in the world. In 1917, a revolution took place in Russia, and the ghost of the revolution wandered through Europe (revolutionary actions began in

Germany and Hungary). In order to prevent revolutions through the peaceful and evolutionary resolution of conflicts, the governments, employers, and workers (the reformist wing of workers' trade unions) of France, England, and the US came up with the idea of creating an international organization for the regulation of social and labor relations. In 1919, the International Labor Organization (ILO) was established in Paris by the 13th part (Articles 387-427) of the Versailles Peace Treaty under the League of Nations. On April 11, 1919, the ILO Charter was adopted, beginning with the words: "universal and lasting peace can be established only on the basis of social justice" (these words remain the ideological foundation of the ILO to this day). And on October 29, 1919, in Washington (US), with the participation of representatives from 45 countries, the First International Labor Conference (the highest body of the ILO) began its work, where the first six Conventions were adopted: on working hours, on unemployment, on maternity protection, on restricting women's work at night, on the minimum age for hiring children in industry, and on the restriction of the work of adolescents in industry. The First Convention established an 8-hour working day and a 48-hour working week in the industry. The opening date of the conference became the Founding Day of the ILO, although the conference continued its work until January 27, 1920. Alber Thomas, a politician and minister in the French government during the First World War, became the Director of the International Labor Office (the governing body of the ILO) for the period from 1919 to 1932. When the League of Nations and the ILO were created, the so-called "American paradox" arose. US President W. Nelson advocated the creation of the League of Nations, and the Chairman of the American Federation of Labor, S. Gompers, headed the commission for the creation of the ILO. But on November 20, 1919, the US Senate refused to ratify the Versailles Agreement and the treaty establishing the League of Nations, thereby removing American representatives from this process. In fact, the United States did not officially participate in the creation of the League of Nations and the ILO, and the main work was carried out by Anglo-French representatives. The structure of the established ILO was as follows:

The General Conference is the highest body of the ILO that determines its main goals and ways to achieve them and has broad powers: adopts the norms of international law, accepts new members, reviews and approves the budget, approves a two-year program of activities every two years, elects the Administrative Council, committees and conference groups, monitors the application of Conventions and Recommendations at the national level, etc. The General Conference is a global forum for discussing

global social and labor issues. Each participating State has the right to send four delegates to the conference: two from the Government and one from representatives of workers and employers. At the same time, each delegate has the right to speak independently and vote independently.

The Administrative Council is the highest executive body of the ILO, elected at the session of the General Conference for 3 years. He elects the Director-General, directs the activities of the International Labor Office and the Director-General, determines and develops the agenda of the Conference, etc. The Administrative Council consists of a Chairman, 56 permanent members (28 of whom represent the Governments of the ILO member States), and 66 deputies.

The International Labor Office is a permanent secretariat that performs the functions of an operational headquarters, research and publishing center. Its main tasks are the preparation of documents and reports for conferences and meetings of the ILO, and the management of cooperation programs. The Office is headed by the Director-General, who is elected for a 5-year term. The International Labor Office has more than 40 offices around the world.

According to the adopted Statute, the objectives of the ILO are: achieving universal peace on the basis of social justice; improving working conditions, which entail injustice, need, and deprivation for more people and generate discontent, endangering peace and harmony throughout the world; and the achievement of a universal understanding that the failure of any country to provide workers with humane working conditions is an obstacle for other peoples who want to improve the situation of workers in their countries. The strategic objectives of the ILO are: development and implementation of norms and fundamental principles and rights in the field of labor; creating more opportunities for women and men to ensure decent employment; expanding the coverage and improving the effectiveness of social protection for all; and strengthening the tripartite structure and maintaining social dialogue.

ACTIVITIES OF THE ILO IN THE PERIOD FROM 1919 TO 1945

From 1919 to 1945, the Ministry of Labor focused on organizational construction, rule-making, and control over the implementation of the statutory goals of the ILO: ensuring decent work, achieving social justice, protecting social and labor human rights, etc. Basic ILO documents are: Conventions, which are subject to ratification by the member countries of the ILO and are international treaties binding upon ratification;

Recommendations and Declarations, which are not legally binding acts but must be taken into account in their activities by the members of the organization. The headquarters of the ILO and its governing body, the International Labor Office, have been located in Geneva since 1920. In 1921, at the 3rd session of the General Conference, close attention was paid to social and labor issues in agriculture. At the same time, the ILO adopted Recommendations No. 19, "On Migration Statistics", on collecting information on emigration, immigration, and repatriation. From the very beginning, the ILO was characterized by tripartism, i.e., activities based on tripartite representation: state governments, entrepreneurs, and workers. The purpose of the ILO is to promote social justice and decent work. In 1926, the ILO headquarters moved to a new building on the shores of Lake Geneva, and a Latin saying was written on the first stone laid in its foundation: "Si vis pacem, cole justitiam" (*If you want peace, seek justice*). The uniqueness of the ILO is reflected in the design of the front gates of the building: to open them, you need to use three keys, symbolizing tripartism – the equal importance of all three groups of tripartite participants of the organization (representatives of governments, employers, and employees). In 1926, the General Conference of Labor decided to create a mechanism for monitoring the implementation of Conventions and Recommendations. For this purpose, a Committee of Experts was created, including independent lawyers from different countries. The activities of the ILO in the 1930s were aimed at developing Conventions on compensation for Workers and on Sickness Insurance in Industry and Agriculture, as well as on the procedure for setting the minimum wage. In 1934, the USSR and the US joined the ILO, which significantly increased the influence of this organization. By 1939, the ILO had adopted 63 Conventions, the number of member countries had reached 57, and the number of ratifications averaged 15 Conventions per country. In 1939, the Soviet-Finnish war began. The League of Nations accused the USSR of belligerence and expelled it from its ranks, including from the ILO. In 1940, due to the outbreak of World War II, the ILO headquarters were temporarily moved to Montreal (Canada). During the war, the meetings of the ICT were not held (Manwaring, 1986). In 1944, the 26th session of the ILO was held in Philadelphia (US), where the Declaration on the Goals and Objectives of the ILO was adopted (included in the Charter) and Recommendation No. 71 "On the settlement of employment issues during the transition from war to peace". The Philadelphia Declaration enshrined the following principles: labor is not a commodity; freedom of speech and freedom of association are a prerequisite for continuous progress; poverty in any place is a threat to the general well-

being; all people, regardless of race, faith, or gender, have the right to realize their well-being and spiritual development in conditions of freedom and dignity, economic stability and equal opportunities. The 1944 Declaration defines the ILO's programmatic objectives, covering most of the areas of social progress: full employment and improvement of living standards; job satisfaction; provision of training opportunities and movement of workers for the purpose of employment and settlement; policy in the field of wages, working hours, and other working conditions; recognition of the right to collective bargaining; expansion of social security; necessary protection of the life and health of workers in all jobs; protection of the welfare of children and mothers; provision of necessary food, housing, and opportunities for recreation and culture; and ensuring equal opportunities in the field of general and compulsory education (Kostin, 2002). In 1945, the ILO returned to Geneva and has been headquartered in Switzerland ever since.

ILO ACTIVITIES IN THE POST-WAR PERIOD FROM 1945 TO 1991

From 1945 to 1991, the activities of the ILO acquired a universal character; by 1990, it had united representatives of 150 states in its ranks. Such ILO functions as research (the International Institute of Social and Labor Relations was established in 1960), technical cooperation (the Turin Training Center was opened in 1965), and information and educational work were developed. In 1946, the ILO became one of the largest specialized organizations associated with the UN, established in 1945. From 1946 to 1948, sectoral committees were established in the ILO, which determined the guidelines of sectoral social and labor policy. In 1948, the ILO adopted Convention No. 87 "On Freedom of Association and Protection of the Right to Organize", which pointed out the need to provide freedom and protection of workers' and entrepreneurs' rights. In 1949, Convention No. 98 "On the Application of the Principles of the Right to Organize and Conduct Collective Bargaining" was adopted. Regional offices of the ILO began to be established, and regional ILO conferences were held. In 1954, the USSR resumed its membership in the ILO and, two years later, ratified 17 Conventions at once. The ILO also includes Ukraine and Belarus as independent members. In 1964, the second ILO Declaration was adopted, which was dedicated to actions against apartheid in South Africa. With the end of apartheid, it was declared obsolete and abolished in 1994 (Kostin, 2002). In 1966, on the recommendation of the ILO, the UN General Assembly adopted the International Act on Economic, Social and Cultural Rights,

which provides for the right to work and includes the right of every person to be able to earn a living through work that they freely choose or freely agree to. In 1969, the ILO received the Nobel Peace Prize for strengthening fraternity and peace among peoples, ensuring decent work and justice for workers and providing technical assistance to other developing countries. In the 1970s, the concept of “basic needs” became widespread in the ILO, i.e., the establishment of a minimum standard of living that the state should give to the poorest groups of its population in terms of personal consumption: access to safe drinking water; sanitation; transport; healthcare; education, etc. At the same time, a person who can and wants to work must have a paid job. To achieve these goals, the ILO proposed rapid economic growth and a significant redistribution of income between the rich and poor segments of the population in favor of the latter. In 1977, under the Director-General of the ILO, Frenchman F. Blanchard, the United States withdrew from the ILO, accusing its leadership of unnecessarily discussing the conflict in the Arab territories occupied by Israel, of “erosion of tripartism” and of “pro-Soviet orientation”. But in 1980, the US returned to the ILO. In 1984, the ILO adopted Recommendation No. 169 “On Employment Policy”. It was noted that the promotion of full, productive and freely chosen employment, provided for by the Convention and the 1964 Recommendation on Employment Policy, should be considered a means of ensuring in practice the exercise of the right to work. In 1986, Convention No. 160 “On Labor Statistics” was adopted, obliging each member of the ILO to publish statistical indicators on labor. The issues of agricultural development, underemployment of urban workers, problems of women’s labor, migration of workers, etc., were of great concern to the ILO during these years.

SOCIAL AND LABOR STRATEGY OF THE ILO IN THE CONTEXT OF GLOBALIZATION AT THE PRESENT STAGE

Today, the ILO unites 187 states (out of 193 UN members), in which more than 98% of the world’s population lives, so international social and labor standards have become universal. Over the 103 years of its activity, the ILO has adopted 5 Declarations, 190 Conventions, 206 Recommendations, 5 protocols of a conventional nature, a significant number of resolutions and statements, guidelines and other acts on various areas of activity in the field of labor and social security. 108 general conferences of the ILO – International Labor Conferences (ILC) were held, at which the most pressing issues of development and regulation in the sphere of labor were discussed. The 109th

session of the International Labor Conference was postponed from 2020 to May 2021 and was held online due to the COVID-19 pandemic. The first meeting was held on May 20, 2021, in Geneva to elect its officers. On March 25, 2022, Gilbert Hunbo (Republic of Togo) was elected the new Director-General of the ILO instead of J. Ryder; his term of office will begin on October 1, 2022. In 1998, the ILO adopted the Declaration on Fundamental Principles and Rights at Work and the Mechanism for its Implementation, which enshrines four principles: freedom of association and the right to collective bargaining; prohibition of discrimination in labor relations; elimination of forced labor; and prohibition of child labor. Eight adopted ILO Conventions (Conventions No. 87 and 98, 100 and 111, 29 and 105, 138 and 182, respectively), which are called fundamental, were devoted to these four principles. It was decided to prepare the annual reports of the ILO member States and the global report of the Director-General of the International Labor Office on one of these four fundamental principles. In 1999, the report of the Director-General of the International Labor Office at the 87th session of the International Labor Conference formulated the Concept of Decent Work, where the main objective of the ILO was called the expansion of opportunities for women and men to find decent and productive work in conditions of freedom, justice, security, and human dignity. The concept of decent work includes four components: employment, social protection, workers' rights, and social dialogue. Decent work is recognized as an important step towards greater social integration, creating conditions for the comprehensive development of the human personality (Krainov, Rudneva, Fedyakin, 2021). In 2000, a report was prepared on freedom of association and the effective recognition of the right to collective bargaining. The 2001 report was devoted to the abolition of all forms of forced or compulsory labor. The 2002 report was devoted to the effective prohibition of child labor, and in 2003, to non-discrimination in work and occupation. The beginning of a new cycle was initiated by the 2004 report "Uniting in organizations for Social Justice". The second report of the second cycle, "Global Alliance against Forced Labor", was discussed in 2005, and the third, "Ending child labor: goals are close", in 2006. The concept of decent work was institutionalized in 2008 when the ILO adopted the declaration "On Social Justice for a Fair Globalization". It defines the principles binding on all ILO member states: freedom of association and effective recognition of the right to collective bargaining; abolition of all forms of forced or compulsory labor; the effective prohibition of child labor; and non-discrimination in the field of labor and employment. In 2008, with the onset of the global economic crisis, representatives of some countries called for a revision of the traditional values of the ILO: the rejection of direct labor

contracts with employees, “flexible employment”, and the curtailment of social guarantees to workers. But the majority of the organization’s members, including Russia, supported the preservation of the ILO’s traditional values. In September 2015, the UN Member States adopted the 2030 Agenda for Sustainable Development. It contains 17 global goals and 169 targets aimed at eradicating poverty, preserving the planet’s resources, and ensuring well-being for all. The ILO initiative on the Future of the World of Work received institutional confirmation in the “Declaration of the Century on the Future of the World of Work” at the 108th International Labor Conference in June 2019. It testifies to the relevance and significance of the ILO’s mandate in the changing world of work and calls for a human-centered approach to shaping the future of the world of work: effective provision of gender equality of opportunities and treatment, effective universal access to lifelong learning opportunities and quality education; universal access to comprehensive and stable social protection, respect for the fundamental rights of workers, an adequate minimum wage, maximum limitation of working hours, occupational safety and health, programs to promote decent work and increase productivity, programs and measures to ensure proper confidentiality and protection of personal data in accordance with the problems and opportunities arising in the field of work in connection with the introduction of digital technologies and platforms (Krainov, Rudneva, Fedyakin, 2021). In the year of the 100th anniversary of the ILO, the report of the ILO Director-General G. Ryder noted that the ILO should unite the efforts of governments, employers, and workers around the world to create new prospects for future generations of workers: universal guarantees in the field of labor and employment; guaranteed social protection from birth to old age; universal right to continuous management training technological changes in connection with the development of automation, digitalization, artificial intelligence, robotics; increased investment in the household, green economy, and agricultural economy, etc. After the collapse of the USSR, Russia, as the successor to the international obligations of the Soviet Union, became a member of the ILO. To date, the Russian Federation has ratified 77 ILO Conventions. The ILO Sub-Regional Office for Eastern Europe and Central Asia has been operating in Moscow since 1959. The Bureau coordinates The ILO operates in ten countries – Russia, Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. The Moscow Bureau of the ILO also celebrated its 50th anniversary in 2019. In 2018, Russia became the 56th member of the ILO to ratify Convention No. 102 “On Minimum Standards of Social Security”, which defines the responsibility of the state for social security, whether it is the payment of sick leave,

maternity leave, or pensions. This is a basic document of the norms of social security of the population, which still needs to be implemented in real life (Krainov, 2019). In its work, the International Labor Organization uses four main methods: the development of social partnership between governments, workers' organizations, and entrepreneurs (tripartism); the development and adoption of international labor standards (conventions and recommendations) and control over their use (normative activity); assistance to countries in solving social and labor problems (in the ILO this is called technical cooperation); conducting research and publishing on social and labor problems. There are many contradictory things in the modern world of work. For example, the problem of automation and digitalization of production and their impact on humans is acute. The introduction of artificial intelligence and the development of robotics have led to the loss of outdated jobs. At the same time, under the conditions of socialization and greening of the economy, new technological shifts can lead to the creation of new jobs. The ILO strategy puts forward the task of interstate regulation of globalization in order to reduce its negative consequences. In this regard, it is necessary to strengthen the social protection of workers through social partnership - tripartism. In the context of globalization with the growth of income differentiation between and within countries, the mutually beneficial cooperation of the ILO with the IMF, the World Bank, and the WTO is necessary to help developing countries and the poor. The ILO aims to develop an International Labor Code.

CONCLUSIONS

The role and importance of the ILO are determined by the place of work in the life of society since there is not a single sphere of human activity in which it would be possible to achieve significant results without labor. The problem of labor is one of the most urgent problems of human life. The ILO is the only international organization operating on the principle of tripartism when a compromise solution is worked out and adopted with the participation of three parties - trade unions, entrepreneurs, and representatives of the state. The ILO has gone through a difficult evolutionary path, despite objective difficulties, has stood the test of time and is now the world center of social and labor legislation and social partnership. It acts with the aim of establishing and preserving social justice and harmony, protecting workers' rights, developing the principles of tripartism, and social progress throughout the world.

REFERENCES

- Kostin, L. A. (2002). *International Labor Organization* (in Russ), pp. 416.
- Krainov, G.N. (2019). About the current state of the trade union movement in Russia (in Russ). *Sociological Research*, (8), pp. 157-161. DOI: 10.31857/S013216250006179-9.
- Krainov G.N., Rudneva S.E., Fedyakin, A.V. (2021). International Labor Organization and the Future of the World of Work. *European Proceedings of Social and Behavioral Sciences*, pp. 879-885. DOI:10.15405/epsbs.2021.11.118/URL:https://www.researchgate.net/publication/356614450_International_Labour_Organization_And_The_Future_Of_The_World_Of_Work#read
- Manwaring, J. (1986). *International Labour Organization: A Canadian View*. Ottawa, Labour Canada.