

*The World Parliament of Labour*  
*Freedom of Association and the International Labour Organisation' First*  
*Hundred Years*



A symposium celebrating the ILO's hundredth anniversary

UCL Faculty of Laws, London 13 November 2019, 5-7 pm

Organisers: Keith Ewing, Nicola Kountouris

Institutional support: KCL School of Law - UCL Faculty of Laws (UCL Global Engagement Fund)

This year marks the International Labour Organisation's (ILO) first centenary. Its establishment by the Treaty of Versailles was, perhaps somewhat aspiringly, 'moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world'.<sup>1</sup> Universal peace could only be established, the Treaty solemnly proclaimed, 'if it is based upon social justice' and social justice was to be primarily pursued by agreeing and establishing decent international labour standards. For this purpose the Treaty established a number of bodies, the most prominent and central being unquestionably the General Conference of Representatives of the Member States,<sup>2</sup> now known as the International Labour Conference (ILC), a tripartite body 'composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members'.<sup>3</sup> This body and, by association, the ILO as a whole<sup>4</sup> are often referred to as 'The World Parliament of Labour',<sup>5</sup> in a way that seeks to highlight both the rule-setting role of the organisation and its very unique democratic

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<sup>1</sup> Section 1, Part XIII, Chapter VI of the Treaty of Versailles, signed on 28 June 1919.

<sup>2</sup> Article 388 of the Treaty.

<sup>3</sup> Article 389 of the Treaty.

<sup>4</sup> See [Speech by Director-General of the International Labour Organisation, Juan Somavia](#), at the Socialist International Council meeting of 29-30 June 2007. Also R. J. P. Mortished, 'The World Parliament of Labour: A Study of the International Labour Organization: Its Past Achievements and Potentialities for the Future, and Proposals for Its Reorganization: a Report' (Fabian Society, 1946).

<sup>5</sup> See ILO, 'World Parliament of Labour turns 100', *World of Work Magazine* n°71, April 2011. See also L. Marieke, 'Study of a century of tripartite representation at the International Labour Organization' (2016) *Revue Française de Science Politique*, 27.

and representative credentials. In October-November 1919 the ILC (then called the General Conference) produced and adopted its first six Conventions.

If the ILC is often described as ‘the motor’ of the ILO,<sup>6</sup> then Freedom of Association ought to be seen as the fuel and lubricant that make that engine work. Within the ILO, Freedom of Association is both a constitutional component of the Organisation,<sup>7</sup> a principle protected and referred to by a number of Conventions and Recommendations,<sup>8</sup> a Fundamental Principle,<sup>9</sup> and a pre-requisite for both the effective functioning of tripartism and for ensuring that the regulatory and standard setting activities of the ILO are, and are perceived to be, legitimate and effective. The members of this ‘Parliament of Labour’ not being elected, their legitimacy (and that of the ILO as a whole) rests on models of representation that depart from the classic democratic electoral model and that heavily rely on the industrial representativity of the various delegates.

So the ‘democratic’ credentials of the ILO in effect depend, first and foremost, on the democratic processes shaping the mandates of the nominated representatives participating to its activities. Within this peculiar democratic dimension, freedom of association plays a crucial role as it ensures that both these mandates and the national processes that shape them are vested with some form of industrial legitimacy. One may say that, in this respect, FoA has a vertical, bottom-up, dimension, seeking to ensure that the organisation’s tripartite structures are truly representative and, in particular, that workers can participate on an equal standing to employers and governments on the basis of their industrial strength.

Secondly, the ability of the ILO to reach legitimate outcomes in an effective way, also depends on the processes shaping good and democratic industrial relations within the organisation itself. In this sense, effective tripartism and social dialogue are eminently reliant on a strong and positive horizontal and internal understanding of the principle of freedom of association, implying an obligation for all Members and delegates to respect, to promote, and to realize, in good faith the objectives pursued by the Organisation. For as long as this horizontal dimension of FoA is recognised, the principle is likely to continue to permeate all its internal activities, policy documents, and the international instruments it generates.

Thirdly, the recognition of freedom of association as the fundamental principle that shapes the global role of the ILO, arguably calls for the Organisation to promote its recognition and effective application beyond the narrow confines of its own activities, and in particular vis-à-vis other international or regional organisations and treaty bodies, such as the WTO, the EU, and the growing number of regional and multilateral trade agreements. So freedom of association is not just essential to the tripartite internal constitutional structure of the ILO, but also to the external dimension of the

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<sup>6</sup> See ILO, ‘World Parliament of Labour turns 100’, World of Work Magazine n°71, April 2011, page 3.

<sup>7</sup> Cf. the Preamble to Part XIII of the Treaty of Versailles, expressly providing for the “recognition of the principle of freedom of association”.

<sup>8</sup> Most directly by C- 87, C-98, C-135, C-141, C-151, although virtually every ILO instrument refers or heavily relies on it.

<sup>9</sup> Cf. the Declaration of Philadelphia of 1944 recognising it as a “fundamental principle”, and of course the ILO Declaration on Fundamental Principles and Rights at Work of 1998, also stating that ‘all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution’ this fundamental principle.

activities it pursues. After all, ‘the effectiveness of the general principles of freedom of association, [is] one of the primary safeguards of peace and social justice’,<sup>10</sup> and this is an ambitious goal that cannot be pursued in isolation from other international and regional actors.

The symposium seeks to bring together a number of experts from the world of academia, the ILO, and a number of other national, regional, and international organisations and bodies to celebrate first hundredth anniversary of the World Parliament of Labour and assess the functions and functioning of the principle of freedom of association as emerging, directly and indirectly, from the works and activities of the organisation. The symposium adopts a deliberately broad and loose understanding of how freedom of association is relevant to the activities and to the very existence of the ILO, precisely to encourage a rich and multifaceted engagement with the concept itself. Perspectives focusing on the analysis of the principle as stemming from ILO Convention 87 or other ILO instruments and documents; or on the way the principle is understood as operating by particular bodies of the Organisation (including of course the CFA and the CEACR) or by other national or international organisations, institutions, legal regimes, or treaties; any comparative enquiry on the impact of the principle or analyses on how other areas of ILO intervention have either benefited from or interacted with freedom or association. All these, and many other, perspectives would no doubt fit the format and purpose of this symposium, which will also be an opportunity to elaborate on the new ILO Centenary Declaration for the Future of Work.

So far the following speakers have agreed to attend and present:

- Andrea Allamprese - Assistant Professor in Labour Law, University of Modena
- Diamond Ashiagbor – Professor of Law, University of Kent
- Daniel Blackburn – International Centre for Trade Union Rights, Director
- Alan Bogg – Professor of Labour Law, University of Bristol
- Halton Cheadle – Professor of Public Law, Cape Town University, ILO CEACR member
- Karen Curtis – Director, ILO Freedom of Association Branch
- Valerio De Stefano - BOF-ZAP Research Professor, KUL,
- Keith Ewing – Professor of Public Law, King’s College London
- Mark Freedland - Emeritus Professor of Employment Law, Oxford; Honorary Prof. UCL
- Lord Hendy QC – Hon Prof. UCL Laws, Old Square Chambers
- Nicola Kountouris – Professor of Labour Law and European Law, UCL
- Esther Lynch – Deputy General Secretary, ETUC
- Virginia Mantouvalou – Professor in Human Rights and Labour Law, UCL
- Karon Monaghan QC – Matrix Chambers, Hon Prof. UCL Laws, ILO CEACR member
- Colm O’Cinneide – Professor of Constitutional and Human Rights Law, UCL
- Astrid Sanders - Associate Professor of Labour Law, LSE

Book your place at:

<https://www.ucl.ac.uk/laws/events/2019/nov/symposium-celebrating-ilos-hundredth-anniversary>

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<sup>10</sup> ILO, *Freedom of Association - Compilation of decisions of the Committee on Freedom of Association* (6<sup>th</sup> ed., Geneva, 2018), page 5.