Jakob Möller dedicated his professional life, in the many years I knew him at the United Nations, to the very idea of widening the protection of international human rights through improved access to the system. It therefore makes me feel somewhat less awkward than one often does in such homages to speak of how this is done in a sister organisation to the one in which he worked, and which forms part of the same system.

History and structure of the International Labour Organization

The International Labour Organization (ILO) is the oldest of the UN system organisations dealing with human rights. Established in 1919 at the same time as the League of Nations, the ILO formed half the international system at the time. It was established to protect the rights of individuals and their organisations, in a particular but very wide field. It has taken a technical approach to the rights of workers, and has usually preferred to express its aim as the pursuit of social justice rather than of human rights. However, events in the last decade or so have forced it “out of the closet” into becoming a more assertive party to human rights deliberations at the national and international levels.

History. As the industrial revolution took hold, so did public awareness of harsh working conditions and of the need for their regulation. As this social regulation began to take form, both industrialists and trade unions became concerned that exploitation of workers in other countries could undermine the profitability of international trade on the one hand, and the growth of the concept of workers’ rights on the other. The establishment of the International Labour Organization was included in the Peace Treaty to conclude World War I, and its first constitution was Part XIII of the Treaty of Versailles of 1919.

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At its first Conference that same year, the ILO began the task of adopting international labour legislation in the form of conventions and recommendations. Among them were instruments on child labour and protection of women in the workplace, and in the next few years it adopted standards on forced labour, migrant workers and safety and health, inter alia – all subjects which continue as active concerns of the human rights movement today. As World War II was winding down, the ILO adopted the Declaration of Philadelphia in 1944, which restated and modernised its aims, and was incorporated into the Constitution in 1946. The Declaration expanded the field of action of the ILO, based on the relationship between labour and economic, social and financial questions. Its renewed mandate was stated in the Declaration in terms of human values and aspirations, prefiguring the human rights language the nascent United Nations was soon to adopt: “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”. The ILO became the first specialised agency of the United Nations system in 1945.

Structure. The ILO has a unique structure among international organisations. It is an inter-governmental organisation, but its decision-making bodies are tripartite. This means that all ILO bodies, with only a few exceptions, are composed of representatives of workers and employers as well as governments. It makes the ILO the only inter-governmental body in which governments do not have all the votes, and in which non-governmental organisations (NGOs) are given a formal role in deciding on the organisation’s policies. This is an important aspect of the “access” focus of this article.

International labour standards and human rights. The ILO was created to adopt international standards to improve the situation of working people. It adopts conventions – binding on countries which ratify them – and recommendations, which have the force of declarations and indications of best practice. Since the ILO’s establishment in 1919, it has adopted 188 conventions (as of 2008) which have garnered some 7,500 ratifications by Member States. Accompanying them are 196 recommendations.

The original ILO Constitution had taken the position that “universal and lasting peace can be established only if it is based upon social justice”, and that it was for this reason that working conditions had to be improved. In the Declaration of Philadelphia the ILO moved into human rights territory by stating its aims in terms of human values and aspirations: “all human beings, irrespective of race, creed or sex, have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”. The standards adopted in the years following 1945 were the basis for the labour-related provisions in the two human rights covenants adopted by the United Nations in 1966 to translate the Universal Declaration into more binding form.

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1 ILO Constitution, Declaration of Philadelphia, II(a).
2 These include the Committee of Experts, described below, and the Finance Committee of Government Representatives of the International Labour Conference.
3 ILO Constitution, Preamble.