

CHAPTER -IV

INTERNATIONAL LABOUR ORGANISATION CONVENTIONS AND RECOMMENDATIONS RELATING TO INDUSTRY

4.1 Introduction :

Establishment of International Labour Organization, aims and Objective of the ILO, relationship between India and ILO, Conventions and Recommendations of ILO in regard to social security and basic human rights, and the role of ILO, on labour management relations are presented in this chapter.

International Labour Organisation (ILO) is the most important organisation in the world level and it has been working for the benefit of the workers throughout the world. It was established in the year 1919. It is a tripartiate body consisting of representatives of the Government, Employer, workers. It functions in a democratic way by taking interest for the protection of working class throughout the world.

It is also working at the international level as a 'saviour of workers' 'protector of poor' and it is a beacon light for the change of social justice

and social security. The I.L.O examines each and every problem of the workers pertaining to each member country and discusses thoroughly in the tripartite body of all the countries. The I.L.O passes many Conventions and Recommendations on different subjects like Social Security, Basic Human Rights, Welfare Measures and Collective Bargaining. On the basis of Conventions and Recommendations of I.L.O. every country incorporates its recommendations and suggestions in its respective laws.

The idea of protecting the interest of the labour against the exploitation of capitalists owes its origin to the philanthropic ideology of early thinkers and philosophers, and famous among them is “Robert Owen” who being himself an employer took interest in regulating hazardous working conditions of the workers and also in human conditions under which the workers were being crushed underneath the giant wheels of production.

The concept of Socialism as a potential and political force emerged in consequence to increasing development of capitalism, as an answer and defence to it. In the beginning, these social thoughts were considered Utopian and they came to be regarded as Utopian Socialism expanded mainly in England, France and the United States and the expression

comprises in its ambit the revolutionary thoughts of political thinker like Robert Owen, Saint- Simon, Fourier and many others. There was an industrial revolution by which many industries were established consequently social and economic evils have spread and so socialism has become very essential.

In the United Kingdom, as a consequence because of industrialization many problems arised and labour exploitation emerged. The United Kingdom was the first country to be industrialized and subsequently other countries followed to industrializing their places. With a view to have protection from the exploitation of the employers the employees tried to organize and unionise their associations, but the industrial countries such as the United Kingdom followed by the United States of America and other industrial countries made attempts to restrict the Trade Union Movement by passing anti combination laws.

The United Kingdom passed Anti-Combination Act of 1899, 1900 and the USA enacted Sherman and Clayton Acts which were vigoursly enforced against the workers to discourage formation of trade unions.

All these exploitations by the employers compelled the sufferers to take refuse in the utopian doctrines. Robert Owen being an employer took interest on the welfare of the workmen. Even during the period of shut-down of his mill he paid full wages to the workers.

It is very interesting to mention here that Robert Owen was the first employer to reduce the working hours and to abolish the system of imposing penalties on the defaulting workers. He desired for the follow up of his ideas and thoughts by the other employers also. He published essays in the year 1813 under the new name of “A New View Society”.

The Encyclopedia Britannica referring to the origin of I.L.O wrote thus “The name of Robert Owen is often quoted as pioneer of International Labour Organisation on account of the two memoranda which are submitted to the Congress Aachen in the year 1818.”¹

4.2 Establishment of International Labour Organisation

The following are the principles which gave birth to the I.L.O and these following principles were incorporated in Part-XIII of the Treaty Versailles.

¹ Enclopedia Britanica (14th Edn), Vol.12, Page 517.

- (1) Universal peace can be established only if it is based on social justice and social justice implies the working of the equitable conditions of labour.
- (2) Regulation of labour conditions must be accomplished internationally because “the failure of any nation to adopt human conditions for labour is an obstacle in the way of the other nations which desire to improve the conditions of labour in their own countries.
- (3) Examples of methods for improving conditions of labour are indicated as below :-
 - a. Establishment of maximum working days and week;
 - b. Prevention of unemployment;
 - c. Provision of adequate living wage;
 - d. Protection of labour against sickness, disease and injury arising out of his employment;
 - e. Protection of children women and young persons;
 - f. Provision for odd-age.

To achieve above mentioned objectives and to implement these principles, the Peace Treaty prescribed that a permanent organisation should be established and thus, the I.L.O came into existence in the year

1919. Article 1 of the I.L.O Constitution therefore stipulated that “A permanent organisation is hereby established for the promotion of the objectives set forth in the preamble to this constitution”.

4.2.1 Preamble of the International Labour Organisation

The preamble of the I.L.O constitution which was originally supplemented by the Peace Treaty of 1919 and later by the Philadelphia Declaration of 1944 envisages the objectives of International Labour Organisation.

4.2.2 Aims of the International Labour Organisation

The principle aim of the I.L.O is the welfare of labour as reaffirmed by the Philadelphia Conference of 1944 under the Philadelphia Declaration, on which the I.L.O. is based.

- (a) Labour is not a commodity;
 - (b) Freedom of expression and of association are essential to sustained progress;
 - (c) Poverty anywhere constitutes danger to prosperity everywhere;
- and

- (d) The war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, employing equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.²

4.2.3 The objectives of the I.L.O

The objectives of the I.L.O are enunciated in the preamble to its Constitution, supplemented by Article 427 of the Peace Treaty of Versailles, 1919; as well as by the Philadelphia Declaration of 1944.

The Declaration of Philadelphia set for 10 objectives, which the International Labour Organisation was to further promote among the Nations of the world. The theme underlying these objectives is social justice. The objectives are as follows :

- (a) Full employment and the revising of standards of living,
- (b) The employment of workers in the occupation in which they can have the satisfaction of giving the fullest measure of their skill and make their contribution to the common well being,

² M. Maheswara Swamy, "Impact of I.L.O standards on Indian Labour 2007, p.28

- (c) The provision, as means to the attainment of this end, and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement.
- (d) Policies in regard to wages and earning forms and other conditions of work. Calculate to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of protection.
- (e) The effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency and the collaboration of workers and employers in social and economic measures,
- (f) The extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care,
- (g) Adequate protection for the life and health of workers in all occupations,
- (h) Provision for child welfare and maternity protection.

4.3 Relationship between India and I.L.O:

India became the member of the I.L.O in the year 1919 which is from its inception. Though India had not won independence by that year i.e. 1919, it was admitted to the membership of the I.L.O. However its membership, of the League of Nations and the I.L.O had not gone unchallenged.

For it was argued that it would give an additional vote to the United Kingdom. The British Government gave an assurance that British India was democratically administered and upon this India along with China, Iran, Japan and Thailand were few Asian countries to be admitted to the I.L.O membership of the 24 States. Out of 40 States represented, India was one which sent a full delegation to the first session of the International Labour Conference held in the year 1919 at Washington.

It is to be mentioned here that the Indian delegation comprised of Government representatives, Sir Atul Chatterjee, and Sir Louis Ker Sha. employers delegate Sir Alexander Murry, and working delegate Sri.N.M.Joshi. Thus Indian Membership of the League of Nations and the International Labour Organisation was indeed a first step in elevating the status of assemblies in the states in spite of being a British Colony.

The I.L.O and India have common aims, goals and destiny, for, both of them are committed to world peace freedom and social justice. Both are striving for the socio economic betterment of the long suffering, long forgotten people, the people who are underprivileged and under nourished with the fullest realization that any further delay would fatal for themselves and the whole world.

4.3.1 Ratification of I.L.O standards by India

The I.L.O Conventions and Recommendations have been greatly honoured by the working class all over the world for their beneficering humanitarian and missionary zeal. These I.L.O standards are considered the embodiment of social justice by the underprivileged, a *magna carta* of their liberty and proclamation of their freedom and dignity against tyranny, whether social or economic or political.

It can be mentioned here that the I.L.O standards have been ratified by all the countries irrespective of their political complexions or economic-development and also varying forms and number depending upon many factors. India is also greatly benefited by the I.L.O standards for the welfare of the workers.

There is a detailed procedure for ratification of the Conventions and Recommendations and the Conventions analogues to International Treaties with required ratification by competent authority within a period of 18 months at the latest from the closing session of the conference.

The time limit is intended to induce quicker action by the members' state. In India the treaty making power is regarded as 'Executive Act' with in the competency of the Government of India.

However the power to exact implementation of legislation lies in hands of Parliament, in contrast to the situation obtaining in the U.S.A., Canada and Australia.

Article 253 of the Indian Constitution expressly provides that "notwithstanding anything in the foregoing provisions of this chapter. Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other decisions made at any international conference association or other body".

According the scope of implementing legislation in India not limited to subjects with in the legislative jurisdiction of the union parliament.

Therefore the making of the treaty in India is unlimited. As regards the subject matter perhaps the only limitation is that legislation to give effect to treaties and agreements or decision cannot be violate the fundamental rights mentioned in part III of the Constitution of India.

Under Article 13 of the Constitution, any law which violates rights guaranteed under part-III of the Constitution of India is void to the extent of repugnancy.

In other words, there are no constitutional limitations upon the powers of the Union Government to enter into treaties with other States or international organizations except those provided in part III of the constitution.

The treaty enables the parliament to override the federal distribution of the powers under the Constitution of India. This concept has been borrowed from the American constitution. The scope of the treaty power was considered by the Supreme Court of the United States.³

The United States and the United Kingdom entered into a treaty in 1916 for the protection of migratory bird, which in their annual migrations traversed certain parts of the United States and Canada. Pursuant to this

³ Missouri Vs. Holland, 1920, (252), U.S. 416.

treaty to give effect to its provisions the Migratory Birds Treaty Act of 1918 was passed in the United States. It prohibited the killing, capturing or selling of any migratory birds including in the terms of the treaty. Therefore such procedure will have to be followed in the case of International Labour Standards for incorporation in the respective legislations.

The Director General of International Labour Office is obliged by Article 19 (4) of the I.L.O constitution to send certified copy of the Convention or Recommendation to each of the members. After the receipt of the certified copy the Central Government circulate the same to all the State Governments, Concerned Ministries of the Government of India and also to the employers' organizations and workers organizations inviting their observations, and suggestions with regard to the desirability or otherwise of giving effect to those Conventions or Recommendations. After taking into consideration the views expressed, the central government prepares a statement on action proposal which is placed before the parliament where the statement will be discussed and considered.

The copies of the statements are thereafter forwarded to the I.L.O and to the state governments, and employers and workers organizations.

It is there mentioned that in the process of any ratification or recommendation the tripartiate consultation is very essential.

4.3.2. Conventions and Recommendations of I.L.O. in regard to Basic Human Rights

The Conventions and Recommendations of the International Labour Organisation relate to verify the subject on basic Human Rights of working class having a direct bearing on the cause of social justice and ever lasting universal peace which is most focused objectives of the International Labour Organisation.

The following Conventions/Recommendations of I.L.O. are important in recurring to basic human rights.

- (a) Freedom of association and protection of the right to organise
- (b) Forced labour
- (c) Equality of opportunity and treatment

**(a) Freedom of Association and Protection of the Right to Organise
Convention (No.87) 1948:**

This Convention provides that workers and employers shall have the right to establish and join organizations of their own choosing without previous authorization. The public authorities are to refrain from any interference which would restrict the right to form organisation or impede its lawful exercise. These organizations shall not be liable to be dissolved or suspended by administrative authority. It also provides protection against act of anti-union discrimination in respect of their employment. This convention has been ratified by Albania, Argentina, Austria, Belgium, Brazil, Byelorussia, Cuba, Denmark, Dominican Republic, Finland and France. Federal Republic of Germany and India have not ratified this particular convention.

As regards the Trade Unions Act, 1926, it limits the number of outsiders in the executive of a trade union. Further there is restriction on outsiders in the federations of Government servants who cannot affiliate themselves with any central federations of workers. Also, the Government in public interest can forego any association or trade union and detain or

arrest a trade union leader under the Essential Services Act, 1967⁴, the Preventive Detention Act, 1950, the Maintenance of Internal Security Act, 1971⁵ Likewise the Code of discipline in industry, although non-legal and non-statutory, one regulates the organisation of constitution of India itself, while guaranteeing freedom in public interest and public good. These laws and practice on trade unions do not conform to the requirements of the convention.

4.3.3 Right to organise and collective bargaining convention (No.98) 1949

This convention enjoins on workers to join or not to join union with full freedom without fear of dismissed. It calls upon the member states to create conditions and institutions for promoting and ensuring the right to organise, negotiate between employers and workers organizations with a view to the regulation of terms of employment and conditions of employment by means of collective agreement. In India the right to collective bargaining has been greatly impinged by compulsory adjudication which leaves little chance or scope for collective bargaining in the industry. Moreover, the freedom of negotiation and bargaining is

⁴ Essential Services Act, 1967

⁵ Maintenance of Internal Security Act, 1971

substituted by governmental circumventory procedures of compulsory conciliation and adjudication. Politicalisation of trade unions has impeded the growth of collective bargaining in India and the government using trade unions a pawns in their political game, do not like to promote collective bargaining. The Bombay Industrial Relations Act, 1947⁶, the Madhya Pradesh Industrial Relations Act, 1960, the Code of Discipline in Industry, 1958 make half-hearted attempts for promoting collective bargaining yet the philosophy of these measures is shadowed by the sprit of compulsory adjudication. They are merely facade of collective bargaining.

4.3.4 Abolition of Forced Labour Convention (convention 105, 1957)

It may be said that Article 23 of the Indian Constitution prohibits forced labour or involuntary labour and so an indirect constitutional compliance of the above convention. However, Article 23(2) empowers the state government to impose compulsory for public purposes like flood and other national calamities. The convention contains no such exemptions whether permanent or a temporary. India, therefore, has not ratified the said convention.

⁶ Bombay Industrial Relations Act, 1947.

4.3.5 Convention and Recommendations concerning Equity of Opportunity and Treatment

Equality in the matters of employment opportunities and treatment and in particular prevention of any discrimination on the grounds of sex, race, religion or place of birth, forms a golden rule of social justice. Discrimination on the ground of sex in the matters of payment of wages to the women workers was prevalent in almost all parts of the world.

Convention No. 100 of 1951: Equal Remuneration for Men and Women Workers for Work of Equal Value:

The International Labour Organisation adopted the much needed Convention No. 100 in its 34th session held at Geneva on 6th June, 1951. The convention contains 14 Articles and is ratified by 161 member-countries. Equal remuneration to men and women workers for work of equal value, in fact, refers to rates of wages determined without any discrimination based on sex.⁷

⁷Ahmedulla Khan's "commentary on the international labour organisation and the Indian response", 2005, p.68.

4.4 The Influence Of International Labour Organisation Standards on Indian Labour legislation

The constitution of the Republic of India has been framed to fulfill the promises made to labour during the Independence struggle in which they participated whole heartedly. A charter of "Directive principles" was placed in part IV of the Constitution concerning labour welfare, but it was made non-enforceable. The state, was however, under an obligation, subject to its economic power, to realize the goals set out in Part IV of the Constitution of India. The Supreme Court while interpreting the provisions of the constitution has played an activist role to translate into reality "India's Bill of Rights" enshrined in Part IV of the Constitution.

However, now a plethora of confusing, sometimes contradictory system of labour laws has spawned, which needs to be set right. Labour Law in India is a cluster of legislations enacted and amended by the Government from time to time, covering the gamut of issues relating to labour and its employment. The beginning of labour laws in India can be traced back to the Fatal Accident Act, 1855, Factories Act, Mines Act, 1952 and a series of labour legislations. Among the plethora of modern labour laws, the Workmen's Compensation Act, 1923 is the oldest one.

Some of the other significant labour legislations are the Trade Unions Act, 1926, the Payment of Wages Act, 1936, the Industrial Disputes Act, 1947, The Minimum Wages Act, 1948, The Factories Act, 1948, The Employees State Insurance Act, 1948, The Employees Provident Fund and Miscellaneous Provisions Act, 1952, The Payment of Bonus Act, 1965 and the Payment of Gratuity Act, 1972. Job security to labour, and checking exploitation by the employer is the essence of all these enactments.

A number of obligations have been imposed upon the employer, non-compliance of which entails penalty or prosecution also. On the other side of the coin provisions have also been made to curb unfair labour practices, such as strikes, go-slow etc., to resolve the industrial disputes and to harmonise the labour management relations.⁸

India is the member of the International Labour Organisation since its inception in the year 1919 and so far it has ratified 39 conventions, out of which two have been denounced.

The rest of the 37 conventions ratified by India pertaining to variety of subjects which are enumerated below according to subject-wise categorization.

⁸ Subrahmaya Swamy, "Indian labour standards and the WTO frame work 2000, p.44

Subject of the Convention	Date of Ratification
A. Basic Human Rights	
(i) Freedom of Association	
1. Convention No.11 Right of Association, (Agriculture) 1921	11.05.1923
2. Convention No. 141, Rural Workers Organisation, 1975	18.08.1977
(ii) Forced Labour	
3. Convention No. 29 Forced Labour, 1930	30.11.1954
4. Convention No. 105, Abolition of Forced Labour, 1957	18.05.2000
5. Convention No. 107, Indigenous and Tribal Population, 1957	29.09.1958
(iii) Equality of opportunity and treatment	
6. Convention No. 100, Equal remuneration, 1951	25.09.1958
7. Convention No. 111, Discrimination (Employment and Occupation), 1958	03.06.1960
B. Employment of Women	
8. Convention No.4 Night work (Women), 1919	14.07.1921
9. Convention No. 45 Underground work (Women), 1935	25.03.1938
10. Convention No. 89 Night work (Women), Revised 1948	27.02.1950
C. Children and Young Persons	
11. Convention No.5 Minimum Age (Industry), 1919	09.09.1955

12.	Convention No.6 Night Work of Young Persons (Industry), 1919	14.07.1921
13.	Convention No.15 Minimum Age (Trimmers and Stockers), 1921	20.11.1922
14.	Convention No.16 Medical Examination of young person (sex), 1921	20.11.1922
15.	Convention No. 90 Night work of young persons (Industry) (Revised) 1948	27.02.1950
16.	Convention No.123 Minimum age (Underground work), 1965	20.03.1975
D. Social Security		
17.	Convention No.18 Workmen's Compensation (Occupational diseases) 1925	30.09.1927
18.	Convention No. 19 Equality of treatment (Accident compensation), 1925	13.01.1964
19.	Convention No.42 Workmen's compensation (Occupational Diseases) Revised, 1934	13.01.1964
20.	Convention No. 118 Equality of Treatment (Social Security), 1962	19.08.1964
E. Labour Administration/ Labour Inspection		
21.	Convention No.81 Labour Inspection, 1947	07.04.1944
22.	Convention No.144 Tripartite consultation (International Labour Standards), 1976	27.02.1978
23.	Convention No. 160 Labour Statistics, 1985	01.04.1992
F. Conditions of work/ conditions of Employment		
24.	Convention No.1 Hours of work (Industry), 1919	14.07.1921
25.	Convention No.14 Weekly Rest (Industry), 1921	11.05.1923

26.	Convention No. 26 Minimum Wage-fixing machinery, 1928	10.01.1955
27.	Convention No. 27 Marking of weight, 1929	07.09.1931
28.	Convention No. 32 Protection against accidents (Doctors) (Revised), 1932	10.02.1947
G. Migrant Workers		
29.	Convention No.21 Inspection of Emigrants, 1926	14.01.1928
H. Particular Occupational Sector		
30.	Convention No.22 Seamen's Articles of Agreement, 1926	31.10.1632
I. Employment Service and Agencies/ Employment Policy		
31.	Convention No.88 Employment Service, 1948	24.06.1959
32.	Convention No.122 Employment Policy, 1964	17.11.1998
J. Protection against Specific Risks		
33.	Convention No.115, Radiation Protection, 1960	17.11.1975
34.	Convention No.136, Benzene Convention, 1971	16.06.1991
K. Sea Farers		
35.	Convention No. 147 Merchant Shipping (Minimum standards), 1976	26.04.1996
L. Final Articles		
36.	Convention No.80 Final Articles Revision, 1947	17.11.1947
37.	Convention No.116 Final Articles Revision, 1961	21.06.1962

India has ratified 39 out of 185 Conventions adopted by the International Labour Organisation. The ratification of the convention has put under the organisation of implementing their provisions through their incorporation in labour laws. The assistance of experts International Labour Organisation in drafting of certain labour enactments, technical assistance, and study reports and publications of the organisation have also been influencing factors. Main areas of influence of International labour organisation's conventions and recommendations, on the Indian labour legislation under suitable heads.

Hours of Work:

The convention of Hours of Work (Industry) Convention, 1919 adopted in the first session of the International labour conference limits the hours of work in industrial undertakings to 8 hours in a day and 48 hours in a week. It provides certain exceptions in respect of persons holding supervisory or managerial positions and those employed in confidential capacity. The limits of hours of work may be exceeded in certain cases, for instance, in the events of accidents, urgent work, in continuous processes, and so on. It contains special provisions for countries where the 48 hours work might be inapplicable.

India ratified the Convention in 1921 on getting a special relation. The existing labour laws incorporating the provisions of the convention include :

Factories Act, 1948, Mines Act, 1952, Beedi and Cigar workers (conditions of employment) Act, 1966 and Plantation Labour Act, 1951.

Similar Conventions like Hours of Work and Rest periods (Road Transport) No. 67, 1939 and No. 153, 1979 and Night work (Road Transport) and Recommendation (No.63), 1939 have been adopted with respect to road transport. Although India has not ratified them, many of their provisions have been incorporated in the Motor Transport Workers Act, 1961, Conventions concerning hours of work such as No. 30, 130 and recommendations Nos. 37 and 38, applicable to commerce and offices, which have also influenced the Provisions of Shops and Establishments Acts in the country.

Weekly Rest:

The Weekly Rest (Industry) Convention (No. 14), 1921 was ratified by India in 1923. The Convention provides that the entire personnel employed in any industrial undertaking is to enjoy in every period of 7

days, a period of rest amounting to at least 24 consecutive hours. Most of the protective labour laws in the country such as Factories Act, 1948, Mines Act, 1952, Plantation Labour Act, 1951, Child Labour (Prohibition and Regulation) Act, 1986, Contract Labour (Regulation and Abolition) Act, 1970 and even Shops and Establishments Acts contain provisions under this or similar other conventions.

Protection of wages :

The Protection of Wage Convention (No. 95), 1949 provides that wages payable in money must be paid regularly in legal tender and deductions may be permitted only under conditions and to the extent prescribed by national enactments, collective agreements or arbitration awards, Recommendation for Protection of Wages (No.85) was adopted in the same year, contains detailed rules relating to deductions from wages, fixation of wage periods and so forth.

Although India has not ratified the convention, its provisions have been contained in the Payment of Wages Act, 1936, Minimum Wages Act, 1948, Shops and Establishments Acts, and a few other protective labour laws.

Labour Administration :

India has ratified the labour inspection convention No. (81), 1947. The existing protective labour laws such as those relating to factories, mines, plantations, shops and establishments, motor transport, payment of wages, minimum wages, child labour, maternity benefit and others contain the provisions of the convention and influenced legislative clauses relating to labour administration and inspection.

Industrial Relations :

The conventions relating to industrial relations ratified by India are : Right of Association (Agriculture) Convention (No. 17), 1921, Rural workers organisation Con. (No.141), 1975 and Tripartite consultation (International labour standards) Con. (No. 144), 1976.

The provisions of the Conventions Nos. 11 and 141 have been included in the Trade Union Act, 1926. The contents of the Convention (No.144), 1976 have been given effect to by the provisions of labour laws providing for the constitution of tripartite bodies such as Minimum Wages Act, 1948, ESI Act, 1948 and also by non-statutory measures.

The Industrial Disputes Act, 1947 contains some provisions of a few ungratified conventions and recommendations which include: Collective Bargaining Convention (No. 154, 1981) Collective Agreements Recommendation (No.91), 1951, Voluntary Conciliation and Arbitration Recommendation. (No.92), 1951 and Collective Bargaining Recommendation (No. 163), 1981.

Thus, the International Labour Organisation has influenced Indian labour legislation, directly and indirectly. In fact, the blue print of our labour policy is based on ILO standards.

The influence of International Labour Organisation can be seen in our directive principles of state policy of our Indian Constitution (Articles 39, 41, 42,43, 43A) which lay down policy objectives in the field of labour. India has been greatly influenced by International Labour Organizations' Preamble and Philadelphia Declaration. The National Labour Bodies- The Indian Labour Committee and Standing Labour Committee-resemble the two main structures of International Labour Organisation.

4.5 Role of I.L.O on Labour Management Relations

The I.L.O plays a very significant role in labour management relations throughout the world by passing many conventions and recommendations. It can be said that the activities of the International Organizations have not been without influence on this trend, specifically in developing countries of the world. Through their work of international technical co-operation and projection of various ideals mentioned in their constitution and many International declarations, Charters and other texts implemented over years.

These ideals have found their loftiest expression in the Universal Declaration of Human Rights, 1948 and the two International Covenants of 1966 drawn up by the United Nations, one on economic, social and cultural rights and the other on civil and political rights.

There has been a natural trend, at the national level towards greater focus on Human Rights. Under the influence of such factors as the new prospects opened up by the technical progress, higher standards of education, the growth of mass media the shrinking of distance due to improved communication, the spread of ideals of social progress and human betterment.

There are other no less powerful influences which have made the question of human rights a topical issue throughout the world. Among them a new awareness of the serious consequences of ignoring or openly infringing these rights, or simply of failing to take resolute action to promote them.⁹

The universal declaration said in this regard that “poverty anywhere constitute a danger to prosperity everywhere” and affirmed that labour is not a “commodity”, that freedom of expression and association are essential to sustain progress and that common welfare and universal prosperity are the objectives to be achieved.

The important and main functions of the I.L.O are the following to achieve its objectives cited below.

- (1) To establish International Labour Standards.
- (2) To collect and distribute information on labour and industrial conditions, and
- (3) To provide technical assistance.

⁹ K. Krishna Murthy, “*Labour management relations under globalization*” “Law and policy perspective”, 2009, p.63.

The I.L.O standards are in the shape of conventions and recommendations. The convention is a treaty which, when ratified, creates binding international obligation for the country concerned while a recommendation creates no such obligation but it is certainly a guide to national action. Now the International Labour Court consists of 149 conventions and 156 recommendations,¹⁰ which cover mainly basic human rights (including freedom of association, freedom from forced labour and freedom from discrimination), the development of human resources (including Employment Policy, Employment Services and occasional guidance, training and rehabilitation) and general conditions of employment (including security, wages, hours of work and leisure, industrial relations the employment of children, young persons, women).

Industrial health, safety, welfare, social security, migration and labour administration and statistics, and some particularly dealing with industry, mining, transport, agriculture, shipping are the special problems of developing countries.¹¹

¹⁰ I.L.O, International Labour Standards, 1978.

¹¹ K. Krishna Murthy, "*Labour management relations under globalization*", *law and policy perspective*, 2009, p.64.

The International labour Conference in celebrating 10th Anniversary of the adoption by the General Assembly of the United Nations, of the Universal Declaration, in commemoration of this anniversary, adopted on 20th June, 1958, a resolution pledging the continued co-operation of the I.L.O with the United Nations in the promotion of universal respect for and observance of Human Rights and Fundamental Freedoms on the basis of dignity and worth of human person.¹²

In the resolution that I.L.O adopted on the subject at its 50th session (1966), the International Labour Conference provided support in number of ways emphasizing the protection of Human Rights and fulfilling the objects of the I.L.O.

The conference gave an undertaking to continue co-operation between the I.L.O and United Nations in the matters pertaining to the human rights and appealed the member states to ratify and fully implement the conventions relating to human rights. The year 1968 was celebrated as the International year of Human Rights, during which the workers and employers' organizations were asked to define and promote the Human Rights.

¹² C.W.Jenks, Human Rights and International Labour standards,1960, p. 5-6

The I.L.O finally invited the governing body of the International Labour Office to take some important actions relating to the human rights for example; “to promote the observance of the Fundamental Human Rights in all member states, to review and assess the role, objectives and activities of the I.L.O in the field of human rights, including the possibilities of extending standard-setting activities in this field; to encourage technical co-operation, projects and advisory missions designed to promote the human rights.

It can be said here that in all, 9 Conventions have been adopted in the field of Human Rights, 5 Conventions deal with the freedom of association, 2 related to the forced labour and one each deals with the equal pay for equal work and discrimination in employment. Of these one Convention is related to non-metropolitan countries.

With regard to India it ratified 5 conventions. The conventions which are not ratified by India are one relates to freedom of association, one relates to the abolition of forced labour and the other right to organize collective bargaining.

The impact of the activities of the I.L.O on the Indian labour problems is two fold. Firstly, the I.L.O was an important source for the labour legislation in India through the ratification of the I.L.O standards which are incorporated into existing labour laws.

Labour Law regulates matters, such as, labour employment, remunerations, and conditions of work, trade unions, and labour management relations. They also include social laws regulating such aspects as compensation for accident caused to a worker at work, fixation of minimum wages, maternity benefits, sharing of the company's profit by the workers and so on. Most of these legal instruments regulate rights and responsibilities of the working people.

The approach of India with regard to International Labour Standards has always been positive. The ILO instruments have provided guidelines and useful framework for the evolution of legislative and administrative measures for the protection and advancement of the interest of labour. To that extent the influence of ILO Conventions as a standard for reference for labour legislation and practices in India, rather than as a legally binding norm, has been significant. Ratification of a Convention imposes legally binding obligations on the country concerned and, therefore, India has been

careful in ratifying Conventions. It has always been the practice in India that we ratify a Convention when we are fully satisfied that our laws and practices are in conformity with the relevant ILO Convention. It is now considered that a better course of action is to proceed with progressive implementation of the standards, leave the formal ratification for consideration at a later stage when it becomes practicable. We have so far ratified 39 Conventions of the ILO, which is much better than the position obtaining in many other countries.