

International Labor Organization – The Main Player in the International Arena

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Abstract: For centuries, history has preserved the sufferings of those who, through hard work, earned a living in order to exist. The First World War, in addition to the loss of many, highlighted this lack of labor regulation but also awareness of social developments and the need for legislative adaptations or the creation of new rules to facilitate the flow of socio-economic development. The peoples and states of the world have high hopes for the future work of the ILO, in its actions dedicated to promoting optimal, realistic solutions to the social problems facing billions of workers. and this all the more so as the International Labor Organization has amply proved that, *far from being a mere depository of international conventions, it has become a dynamic factor of social life, of the international arena.*

Keywords: International Labor Organization; International Labor Protection Association; International Labor Conference

For centuries, history has preserved the sufferings of those who, through hard work, earned a living in order to exist. The harsh conditions, led to many losses. There was a growing need for special regulations just to provide protection in the workplace. The First World War, in addition to the loss of many, highlighted this lack of labor regulation but also awareness of social developments and the need for legislative adaptations or the creation of new rules to facilitate the flow of socio-economic development.

Common views and ideas have led states to take the long-awaited steps in this area, which is still far from being well known. The establishment of the International Labor Organization has been the result of much debate at the international level and the desire to create a common norm for all states in order to equalize social relations in this field.

The desire to create international labor law was preceded by numerous national legislative adoptions as a result of numerous labor uprisings. The difficult conditions of work as well as the numerous accidents during work, encouraged workers to protest against the injustices to

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which they were subjected¹. Most laws referred to the reduction of the working day and the protection of child labor. Thus, in 1839, Germany adopted the first protective law on child labor, followed by France, which in 1848 issued a decision reducing the working day of factory workers to 12 hours. England reduced the working day to 10 hours in favor of women working in the textile industry, and it was in 1901 that it was regulated labor relations in enterprises.

Regarding Romania, it is known that, in accordance with the evolutions of labor legislation at European level, under the influence of socialist ideas, a labor legislation was elaborated which, despite its insufficiencies, was among the most advanced in our geographical area (the law mines - the workers' insurance part - from 1895; the Sunday rest laws of 1897 and 1910; the law on the work of minors and women from 1906; the workers' insurance law of 1912) (Popescu, 2008, p. 4).

History records the establishment of a number of international organizations, unfortunately they referred to other areas, considered much more important than bringing to light on the international arena all the problems identified at the national level regarding the unfavorable conditions in which the work was carried out. However, the causes that led to the adoption of national labor laws also imposed the idea of international labor law.

¹ March 8, 1857 New York, textile workers took to the streets to protest against inhumane working conditions and very low wages. The women were brutally dispersed by the police; On March 8, 1908, 15,000 women marched in New York, demanding a reduction in their working hours, better wages, voting rights, and the cessation of child labor. Their slogan was: "Bread and Roses", bread symbolizing economic security and roses, an improvement in their quality of life; March 25, 1911 New York in a fire caused by non-compliance with employee safety, more than 140 people, mostly women, lost their lives. The tragedy took more than 100,000 protesters, women and men, to the streets.

<https://ziarulunirea.ro/istoricul-zilei-de-8-martie-ziua-internationala-a-femeii-cum-a-aparut-aceasta-sarbatoare-in-lume-248330/>

The first labor associations in Romania were mutual aid companies. The first association of this kind was founded in 1846 in Braşov, by printing workers. In 1857 the "Association of mutual aid of miners" was established and in 1872 the foundations of the "Association of all workers in Romania" was established, which aimed at uniting in solidarity all workers in Romania. In 1879 the printing houses set up the "General Society of Printing Workers in Romania: Awakening", consisting exclusively of workers, which in 1881 will discuss the introduction of an employment contract to be imposed on all employers in that branch. The statutes of these professional organizations provided "to establish brotherhood and solidarity among workers, to fight for the improvement of their moral and material conditions". The following years are marked by strikes and workers' protests: in July 1884, a strike of 1,200 draymen from the port of Brăila took place; in July and December 1887 the strike of the CFR workers from Bucharest took place, and in 1888, in February, the strike of 300 CFR members from Galaţi took place. Also in 1888, in July, the printer's strike took place. In 1890, May 1 is celebrated for the first time in Romania. On the May 1, the workers manifested for: universal suffrage; developing international workers' solidarity; Sunday rest; tax cuts; cessation of fighting in the army; minimum wage; labor protection legislation; introduction of the progressive tax. <https://iasromania.wordpress.com/2013/04/29/cronologie-a-miscarii-sindicale-din-romania-de-la-inceputurile-ei-pana-in-1933/>

Thus, the proletariat through professional associations and trade unions, hard-won weapons, begins a fierce struggle for the respect and rights of which they have been deprived as human beings. That is why the idea of international labor law has been strongly supported by trade unions.

In the provisional regulations of the International Association, drafted by Karl Marx in 1864, the idea is found in a broader formulation, in the sense that the emancipation of labor can not only be a local or national problem but also affects all civilized nations. The congresses of Geneva (1866), Lausanne (1867) of the International first called for a uniform regulation of labor, opening the door to international regulation (Popescu, 2008, p. 5). Following a considerable number of international scientific, professional and workers' congresses and conferences, pleas in favor of international labor law were heard. The establishment of the International Labor Protection Association (Paris 1900) and the International Labor Office foreshadowed the International Labor Organization.

Thus, all the steps taken by organizing congresses and conferences as well as changing the position and role of the working class brought about by the end of the First World War, led to the founding of the International Labor Organization in 1919. This was recorded in the Versailles Peace Treaty, in the part XII of the treaty. Following the drafting of the Constitution by representatives from nine countries: Belgium, Cuba, Czechoslovakia, France, Italy, Japan, Poland, the United Kingdom and the United States, a tripartite organization was formed that brought together representatives of governments, employers and workers. The Constitution takes over the principles and values promoted by the International Association for the Legal Protection of Workers. The first International organization that brought together at the same working table with the same decision-making right three parties, at first sight in conflict of interest, but who came together to solve a problem that was far too painful for that period. On the one hand, the representatives of the governments who were looking for the quickest and most sustainable solutions for stopping the workers' revolts and maintaining peace. On the other hand represented by those who offered a job, eager for as much profit as possible regardless of the sacrifices, but who were aware of the value of labor and the profitability of its protection. The third decision-making factor of the Organization being the workers' representatives, the workers' unions who wanted new regulations for the labor field in order to protect, but also the recognition of their rights as employees.

The preamble to the constitution shows the philosophy and mission of the new organization, which states that universal peace can be founded only on the basis of social justice, and that a nation's failure to adopt a truly humane labor regime hinders the efforts of other nations to improve the situation of the workers in their own countries¹. From the first days, the International Organization of Labor reported the first contributions to the world in the field of labor. Thus, the first International Labor Conference was organized in October 1919,

¹ <https://www.ilo.org/global/about-the-ilo/history/lang--en/index.htm>.

during which 6 International Labor Conventions were adopted,¹ which, in view of their purpose, were of great importance. These included working hours in industry, unemployment, maternity protection, night work for women, and minimum work for young people and minimum age in industry. In less than two years, another 9 conventions and 10 recommendations were adopted. The speed with which IOM members have proposed solutions to long-standing problems has frightened state leaders. The latter practically called for the work of the Organization to be stopped by the motivation of excessive conventions and the great financial need for their implementation as shown by the highly critical ILO reports.

The constituents of the International Labor Organization develop international labor standards which are in fact legal instruments that establish principles and rights at work. The basic principles to be implemented are specified in the Conventions. Representatives of governments, employers and workers propose and subsequently draw up international conventions in this field, but effective adoption is carried out by the International Labor Conference which takes place every year. As conventions are international treaties, they have a binding feature, therefore the Member States are required to submit them for ratification, which shall enter into force on the same date. From that moment on, the convention is applied in the national law and practice and subsequently, at regular intervals, reports are transmitted to the ILO on the results of the implementation of the convention.

In order to facilitate the clarification of principles and rights at work, the international labor organization comes with some additions to the Conventions, providing more detailed guidelines on how they should be applied. Compared to the Conventions, they are not binding but are recommendations designed to help the most efficient and correct implementation of all provisions of international conventions.

Another activity of the International Labor Organization, other than the elaboration of conventions and recommendations, is the provision of technical assistance, and complaints may also be initiated against States that violate a convention that they ratify.

The Structure of the International Labor Organization

In order to better understand how the ILO works, we will follow the activities of this organization to clarify how it is structured and what its responsibilities are for each component of the International Labor Organization.

¹ Convention No. 1/1919 on working hours; Convention no. 2/1919 on unemployment; Convention no. 3/1919 on maternity protection; Convention no. 4/1919 on night work for women; Convention no. 5/1919 on the minimum age for employment in industry; Convention 6/1919 on night work of children in industry.

Thus we will begin the study with the supreme body of the ILO which is the *International Labor Conference*. Since 1949, the IOM Conference has always met in Geneva once a year in June for a three-week session. Each Member State is represented by a delegation of two Government Delegates, an Employers' Delegate and a Workers' Delegate, and Technical Advisers. Employers' and workers' delegations are appointed by the most nationally representative employers' and trade unions' organizations. The International Labor Organization with a tripartite structure offers the same rights to each state delegate. Everyone can express themselves freely and vote according to their own wishes. Of course, differences of opinion may arise, with delegates from its employers' unions and trade unions voting against government representatives or against each other, but this does not prevent decisions being taken by a large majority, or in some cases unanimously. This denotes the idea of creating a tripartite organization as an extremely successful one. Each constituent tends to find the most favorable solutions for its own causes, thus reaching the creation of a sustainable system in the field of labor protection. All delegations, regardless of the state they represent, have the ultimate goal of contributing to the maintenance of peace and social security, which urges them to work together, regardless of their views, to remove the difficulties in achieving it. The Conference may be attended by observers and international, governmental or non-governmental organizations.

As mentioned earlier, the most important activity of the conference is *to adopt the International Labor Conventions upon their proposal and elaboration by the constituent members and to monitor their application*. As this activity is a priority, it leads us to believe that the International Labor Conference is in fact the parliament of the International Labor Organization. In fact, the activity of the world's parliaments, in general, is to issue and adopt laws through preliminary parliamentary debates, the presentation of opinions and the proposal of solutions, which also happens during the Conference.

Other responsibilities of the conference are:

- Debate on the Report of the Director-General of the International Labor Office. The report consists of two parts. The first refers to the work of the ILO and the evolution of the economic and social situation in the world and the next develops in detail a topical issue;
- has the power to approve or disapprove the admission of non-UN member states as ILO members;
- adopted amendments to the ILO Constitution by a two-thirds majority;
- adopts the budget of the organization and elects the members of the Board of Directors;
- examined the four-year report, drawn up following the 1998 Declaration, on the four categories of fundamental rights (freedom of association and the right to collective bargaining, the elimination of discrimination in respect of employment and occupation).

- oversees the implementation of national conventions and recommendations by examining reports submitted by Member State governments. The reports reflect the fulfillment of the obligations arising from the ratification of the Convention.

- adopt every two years the biannual work program and the budget which is financed by the Member States.

The working sessions are to be conducted separately by the delegations of the Member States. They come together in three groups - governmental, employers' and workers who hold their meetings similar to political groups in a national parliament or the European Parliament of the EU, establishing their own positions, common to that group.

In essence, the ILO Conference is a real world forum from which to address the world's key social issues (Popescu, 2008, p. 53).

The Board of Directors is the executive body of the International Labor Organization. According to Article 7 of the ILO Constitution, the structure of the Council is composed of 56 government representatives (28 full members and 28 deputy members), 33 employers' representatives (14 full members and 19 deputy members) and 33 workers' representatives (14 full members and 19 deputy members). Of the 28 people representing governments, 10 will be nominated by the Member States with the most important industries, and 18 will be nominated by the Members selected for this purpose by government delegations to the Conference¹. In order to carry out its activity, the Board of Directors appoints specialized Technical Commissions. Each one carries out his activity according to an agenda, analyzing each registered question

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¹ Constitution of the International Labor Organization, art. 7.

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Beyond the principles, the Preamble to the Constitution also formulates a series of measures aimed at improving the situation of workers who, even today, after almost ten decades, are just as current, including the need to regulate working time, including setting a maximum duration. of the working day and week, the establishment of arrangements for the recruitment of workers and the fight against unemployment, the guarantee of a wage which ensures convenient living conditions, the protection of workers against accidents at work, and general and occupational diseases, the protection of children, women and adolescents, equality in work, and unions' freedom.

The peoples and states of the world have high hopes for the future work of the ILO, in its actions dedicated to promoting optimal, realistic solutions to the social problems facing billions of workers. and this all the more so as the International Labor Organization has amply

proved that, *far from being a mere depository of international conventions, it has become a dynamic factor of social life, of the international arena* (Popescu, 2008, p. 52).

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