

SOCIAL JUSTICE AND ILO NORMATIVE ACTION

José Luis Gil y Gil
Professor of Labour Law
University of Alcalá

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The ILO promotes social justice through standard setting

ILO normative action in a globalized world

Discussions concerning the functional approach of the ILO, focused on the promotion of fundamental principles and rights at work

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- 1. ILO normative action as a means to achieve social justice**
- 2. From hard law to soft law?**
- 3. From the self-service approach to an international social public order?**

1. ILO normative action as a means to achieve social justice

Social justice is the primary purpose of the organization, and standard-setting, the means by excellence to achieve it

Concept of ILO standard-setting action

Importance of normative action for Member States

ILO institutional bets: universal model of tripartism and persuasion to reconcile economic liberalization and social progress

1. ILO normative action as a means to achieve social justice

Social justice in the ILO Constitution, 1919, and the Declaration of Philadelphia, 1944

Specific constitutional competence of the ILO, and not of other international organizations such as the WTO, in achieving social justice

Declaration on Social Justice for a Fair Globalization, 2008:

Institutionalization of the concept of decent work

Universality and indivisibility of the objectives

2. From hard law to soft law?

Decreasing number of binding standards

Proliferation of soft law instruments

Declarations of 1977, 1998 and 2008

ILO Multilateral Framework on Labour Migration

Limits of the contrast between hard law and soft law, in regard to the ILO normative action

2. From hard law to soft law?

Proposals to strengthen the ILO standard-setting activity:

Improvement of standards policy and existing binding instruments to achieve a more modern and adapted to the XXI century international labour code

New models for the rule-making

The soft law as a complement to hard law

Coordination and coherence between the initiatives to reconcile economic efficiency and social justice

3. From the self-service approach to an international social public order?

Article 18 of the British proposal

Voluntary ratification of the conventions and self-service

Increasing importance of human rights in the ILO action

Legal obstacles: legislative techniques and formal equality

Globalization and human rights

3. From the self-service approach to an international social public order?

Importance of the Declaration on Fundamental Principles and Rights at Work, 1998

Legal obligations under the ILO Constitution

Break with the self-service

Promotion of fundamental principles and rights at work

Three categories of conventions: fundamental, priority or governance and technical

Towards an international social public order

Final remarks

Standard-setting is not an end in itself, but the most important means available to the ILO to achieve its goals

New methods of normative action do not involve an abandonment of hard law for the benefit of soft law

They can be thought of as the passage of the self-service approach to an international social public order

It is now up to the international community to extend the set of fundamental principles and rights at work that make up the rules in a globalized world