



# **Rethinking the limits of the ILO's supervisory system: an analysis based on the right to strike**

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# Introduction: ILO supervisory mechanism

The ILO has developed various means of supervising the application of Conventions and Recommendations in law and practice following their adoption by the International Labour Conference and their ratification by States. There are two kinds of supervisory mechanism:

Regular system of supervision

Special procedures



International  
Labour  
Organization

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# C087 - Freedom of Association and Protection of the Right to Organise Convention

Convention 87 nor Convention 98 about the principles of right of association and the right to collective bargaining (1949), explicitly mention a right to strike. Article 3 (1) of Convention 87 guarantees a right on the part of labour organizations to issue statutes and codes of conduct, to freely elect their representatives, their boards and lay down rules for their activities and to adopt their own programme.



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# Timeline: The right to strike and the ILO

1951: R092 - Voluntary Conciliation and Arbitration Recommendation, appoints the right to strike.

1988: In the case of Poland, the restrictions on the right to strike were unanimously condemned.

1991: In the Colombia case, employers first expressed their rejection of the criteria with which the CEACR addresses the right to strike.





# Opposition to the Practice of the Committee of Experts in Interpreting Standards

- ❑ Since 1994, however, it has been the source of a controversial debate between representatives of employees and employers as well as governments.
- ❑ This fermenting conflict escalated in 2012, when the group of employers' representatives refused at the International Labour Conference (ILC) to adopt and discuss a list of 25 ILO member countries accused of the most serious violations of ILO conventions.
- ❑ The resolution of the dispute will stake out the direction of the ILO in the future and decide what opportunities will be available to effectively ensure compliance with international labour and social standards, including in free trade agreements.

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## Conclusions



- ❑ It would be desirable for the International Labour Conference to issue an explicit statement expressly conceding the Committee of Experts the power to bindingly interpret ILO standards.
- ❑ Strengthening the existing set of instruments and an explicit declaration of a mandate by the Committee of Experts.
- ❑ The task is therefore to find out how the effectiveness of the existing mechanism can be strengthened. In terms of internal organization, it is conceivable here that for example the Committee of Experts could continue to provide support in interpreting country reports, the complaints and objection procedure before the ILO could be revised and the Conference Committee at the ILC could be strengthened.