HAVE THE INTERVENTIONS OF THE INTERNATIONAL LABOUR ORGANIZATION TO THE LABOUR MARKETS BEEN EFFECTIVE?

Cases of Argentina and Finland

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Abstract

Global economical crisis has set high expectations to national politics. Working issues are highly connected to many political principles and actions. This is why concentrating on the form and efficiency of interventions of the International Labour Organization (ILO) can be seen as a very current topic. In this study there are two case countries, Argentina and Finland. In democratic point of view they have fairly similar paths in the field of labour and the activity concerning these issues has been quite noticeable in the past, even though they are in different stage of development.

Work is seen as a human right and fair conditions of work are presented through important international covenants. The ideology of social justice, as presented by John Rawls, is introduced here as the concept is central to the work of the ILO. In order to understand the meaning of social justice to the functionality of the ILO and to get a clearer picture of organizational relations in the labour markets, the organizational theoretical approaches by Starbuck and Scherer are brought up. This is also done in order to understand whether an international organizational actor, within field that is still seen to be highly under the control of sovereign countries themselves, can work efficiently.

There were no directly related former studies found concerning not only the work of national labour organizations but also of the ILO. The indicators are based on most general and central subjects covered by the International Labour Standards, provided by the ILO. Indicators used to measure the efforts of the countries to appreciate the contents of international covenants are: ratification of international conventions, national legislation and labour organizational structure. The ones used to measure the efficiency of the ILO interventions are: activity of the ILO in the national level, functionality of the complaint system and the number of complaints. By analysing the information found through the indicators is meant to find out if the ILO has had effective interventions to the labour markets of the case countries in 1990s and the early 21st century. The hypothesis is that concerning the developing countries the ILO has more flexibility and power to its interventions, and in question of highly developed and generally democratic countries more challenges are met concerning how to keep the response system active and abreast.

important concepts: labour, social justice, International Labour organization, trade unions, decision making, international covenants, efficiency
CONTENTS

1 INTRODUCTION ........................................................................................................................................... 4

2 CENTRAL COVENANTS BEHIND THE CONCEPT OF WORK AS A HUMAN RIGHT ... 6
  2.1 THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ................................................................. 6
  2.2 THE INTERNATIONAL COVENANT ON ECONOMICAL, SOCIAL AND CULTURAL RIGHTS .......... 7

3 THE GLOBAL ECONOMICAL CRISIS EFFECTING TO THE LABOUR MARKETS ...... 8

4 APPROACH TO THE LABOUR ISSUES FROM THE POINT OF VIEW OF INTERNATIONAL RELATIONS RESEARCH .................................................................................................................. 8
  4.1 CONCEPT OF SOCIAL JUSTICE IN RELATION TO WORK ........................................................... 9
  4.2 ORGANIZATION THEORETICAL APPROACH TO THE WORK OF DIFFERENT LEVEL LABOUR ORGANISATIONS .............................................................................................................. 10
  4.3 THE REASONING FOR A CASE STUDY ............................................................................................ 12

5 SHORT HISTORICAL BACKGROUND OF THE FUNCTIONS OF THE ILO AND THE LABOUR MARKET ISSUES IN THE CASE COUNTRIES ........................................................................... 13
  5.1 INTERNATIONAL LABOUR ORGANISATION (ILO) ..................................................................... 13
  5.2 ARGENTINA ..................................................................................................................................... 14
  5.3 FINLAND ......................................................................................................................................... 15

6 DEFINING THE INDICATORS FOR ANALYSIS ..................................................................................... 16
  6.1 INTERNATIONAL LABOUR STANDARDS BY THE ILO ............................................................... 17
  6.2 USED INDICATORS FOR TO MEASURE THE EFFORTS OF THE COUNTRIES TO APPRECIATE THE CONTENTS OF INTERNATIONAL COVENANTS .................................................................................. 19
    6.2.1 Ratification of international conventions ............................................................................... 19
    6.2.2 National legislation concerning labour related issues ......................................................... 22
    6.2.3 Labour organizational structure ............................................................................................ 24
  6.3 USED INDICATORS FOR TO MEASURE THE EFFICIENCY OF THE WORK OF THE ILO .......... 28
    6.3.1 Activity of the ILO in the national level ............................................................................... 28
    6.3.2 Functionality of the complaint system and the number of complaints ............................. 29

7 REPORTED INTERVENTIONS TO THE LABOUR MARKETS BY THE ILO ............... 33
  7.1 ARGENTINA .................................................................................................................................... 37
    7.1.1 The character of the interventions ....................................................................................... 37
    7.1.2 The impacts of the interventions .......................................................................................... 38
  7.2 FINLAND ......................................................................................................................................... 40
7.2.1 The character of the interventions ............................................................ 40
7.2.2 The impacts of the interventions ............................................................... 41
7.3 COMPARISON OF THE INTERVENTIONS IN THE CASE COUNTRIES – HAS THE ILO MADE ADEQUATE EFFORT TO ADAPT ITS FUNCTIONS TO DIFFERENT ENVIRONMENTS ........................................ 42

8 POSSIBLE FUTURE RESEARCH APPROACHES ........................................... 43
9 CONCLUSIONS .................................................................................................. 44

BIBLIOGRAPHY ....................................................................................................... 46

APPENDIX 1: THE SUBJECTS COVERED BY INTERNATIONAL LABOUR STANDARDS... 51
APPENDIX 2: SELECTED RELEVANT ILO INSTRUMENTS TO THE INTERNATIONAL LABOUR STANDARDS IN FOCUS ......................................................................................... 52
APPENDIX 3: CENTRAL ISSUES MENTIONED IN THE INTERNATIONAL LABOUR STANDARDS AND WHERE THEY CAN BE FOUND IN THE NATIONAL LEGISLATIONS .. 59
1 INTRODUCTION

Labour market issues are fairly delicate, especially in the current situation of global economical crisis and the pressure set to the governments because of the challenging situation. Questions of this specific field are also highly connected to many political principles and actions. This is why I find the throughout research concerning the work of the International Labour Organization not only interesting but also very current. Labour markets are, however, very complicated and vast research field and some focusing is needed to be done in order to find some relevant answers to the questions of functionality of the International Labour Organization (ILO). This is why in this thesis paper the main focus is in analysing the efficiency of the interventions of the International Labour Organization in two case countries, Argentina and Finland. These two countries are selected as even if they are in many aspects countries which are in different levels of development, in democratic point of view they also are following fairly similar paths. And in both countries activity in the labour issues has been quite noticeable at least in the past.

Work can be seen as a human right and fair conditions of work are presented and explained more closely in several international covenants, of which the most central ones are also introduced in this research paper. Seeing fairness related to work is important as the ILO, which is in research focus in this paper, has the political concept of social justice very central to its functions (ILO 2008a). In order to understand the meaning of this concept to the functionality of international actor like the ILO and for to get a better picture of organizational relations present in this particular study, I will bring up not only a Rawlsian view of social justice but also the organization theoretical approaches by Starbuck and Scherer.

It is clear that because of their complexity, labour market issues are the kind from which it is not easy and many times even possible to draw any larger conclusions. Despite this fact I see closer study concerning the relations of single member states of the International Labour organization and the ILO itself crucial in order to understand at least on some aspect, whether an international organizational actor can work efficiently within field that is still seen to be highly under the control of sovereign countries themselves.
I could not reach any former studies directly related not only to the work of national labour organizations but also to the work of the ILO. This is one of the reasons why the formation of research question has kept altering hand in hand with the found research material, as in the beginning I could not know if all desired information would be accessible or found at all. The depth of analysis of the ILO interventions is also based on the quality and quantity of found information. As for instance the time to write this research paper was quite limited, the methodological emphasis here is in quantitative data instead of qualitative research like more precise interviews or questionnaires.

What I want to find out in this research paper is whether the ILO has had effective interventions to the labour markets of Argentina and Finland. And the time focus is in 1990s and early 21st century. This question can also be seen to be directly linked to the question of power and possibilities of an international organization as an active actor in a rather complicated field of labour issues. My hypothesis here is that in question of developing countries like Argentina the ILO has more flexibility and also power to its interventions. But in question of highly developed and at least generally democratic countries like Finland, the ILO might have complications to keep its response systems active and abreast enough in order to seize the more complicated questions in the field of labour issues. I assume that it is easier to build on solution methods for more easily definable questions like working hours, vacation regulations or forced labour than rather complicated issues like equality or corporate responsibility.
2 CENTRAL COVENANTS BEHIND THE CONCEPT OF WORK AS A HUMAN RIGHT

2.1 The universal declaration of human rights

The Universal Declaration of Human Rights by the United Nations (1994) has been adopted by the Human Rights movement as a charter. In the declaration the central issue is that the rights and freedoms mentioned in the declaration are entitled to all human beings, without any kind of distinctions. There are specifically two articles which talk about issues related to work. In article 23 it is declared the following:

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests. (UN 1994.)

The article 23 gives the ground for just and equal situation for all as what comes to working. On the other hand, in article 4 it is stated that no one shall be held in slavery or servitude. These both mentioned parts of the convention reflect the willingness of the United Nations to have some common control as what comes to the labour rights in its member countries. (UN 1994.) Also Council of Europe (COE 2003) has an own convention for the protection of Human rights and Fundamental Freedoms. In this convention the main concentration in the labour issues lies in the equality and justifiable treatment of all. It is based on the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations which was mentioned here earlier (COE 2003, 2).

As the human rights declarations are not legally binding as such and even the conventions are not respected in all areas there needs to be a constant attention towards these issues. The cultural, legislative, administrative and organizational differences in different countries and/or regions in the world set challenges especially in the field of human rights. Because of this some national organizational structures are needed to help taking
care also of the work related rights. As in the international level there are still not very effective structures to investigate and correct possible violations towards these rights.

### 2.2 The international covenant on economical, social and cultural rights

When discussing about the labour issues, there is at least one other central international covenant which needs to be taken into account. This is the International Covenant on Economical, Social and Cultural Rights (CESCR) which is done in accordance with the Universal Declaration of Human Rights (UNHCHR 1976). In this covenant self-determination and total equality in terms of the issues handled in the Covenant have a central role. As what comes to work related issues, in Article 6 of the Covenant the recognition of the right to work is pointed out. This agreement also lists the steps, like different level guidance and training programmes and policies, to be taken into account by the binding State Parties to the Covenant for to achieve the full realization of this right to work. (UNHCHR 1976.)

The Covenant takes one step further compared to the declaration of Human Rights by the UN. For instance in Article 7 there are few points mentioned, related to ensuring just and favourable conditions of work (UNHCHR 1976). The most interesting content of the CESCR on my point of view are, however, is the content of Article 8. The article discusses about ensuring everyone to have a right to form trade unions and join them freely as well as the trade unions to have the right to establish national federations and to be parts of international trade-union organizations, acting in lawful methods and principles (UNHCHR 1976). This I see important as in this paper the main attention lies in the form and actions of labour organizations, in international as well as national level.

It is expected that by signing and ratifying this Covenant nothing present in it shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies defining the respective responsibilities of the various organs of the UN. The State Parties also agreed that international actions for the achievement of the rights recognized in the Covenant includes methods like the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of many types of meetings for the purpose of consultation and
study organized in conjunction with the governments concerned. (UNHCHR 1976, Articles 23-24.)

3 THE GLOBAL ECONOMICAL CRISIS EFFECTING TO THE LABOUR MARKETS

World economics is a driving force globally. It influences closely to political decision making, which again influences also to the labour market functions. This can be seen well for instance from the article of International Labour Organization (UN Radio 2008) in which ILO warns that the global financial crisis is likely to increase unemployment by even 20 million people worldwide. This really shows the severity of the effects of economical changes to labour markets and reflects partly also possible existing and coming challenges in the field.

In this study the concentration will be in time period from 1990s to the beginning of the 21st century. This is based on the fact that the time period in question reflects quite well the timing of the merge of latest economical crisis and is interesting for this study because of that. I do not seek here any causal relation between the global economical crisis and the evolution of the problemacy in the labour market field. However, I see that it is important to note the relevancy of the study based on the contemporary economical situation. This is because economical issues are highly related to labour issues in national level and the new challenges faced by the employer side may reflect to the problemacy concerning these questions.

4 APPROACH TO THE LABOUR ISSUES FROM THE POINT OF VIEW OF INTERNATIONAL RELATIONS RESEARCH

My approach to the topic can be seen to follow on some level the formal-legal institutional view of political studies as the discussion is highly based on the juridical factors on international and national level. The legal systems lie on the background of the political discussion and help us to analyse the functions of formal organizations. As Rhodes (1995, 45) describe it, the formal-legal approach covers the study of written constitutional documents but also extends beyond them. He points out the importance of constitutional studies (Rhodes 1995, 51) but I have in this study decided to take a step fur-
ther and look closer into the more specific laws as well, which are still based on the constitutions.

The practise of old tradition institutionalism can be seen as historical-perspective and legalistic but the new institutionalism takes the study possibly closer to political theory, history and law without returning to the old (Rhodes 1995, 54). This way seen the new institutionalism corresponds also the needs of the research here as the main aim here is not to reflect the current situation on labour politics through the past. The historical introduction given here concerning the work of the ILO and the two case countries is meant to only give a short overview in order to understand on what the current situation is based on.

4.1 Concept of Social justice in relation to work

The concept of social justice refers to the society in which justice is achieved in every aspect of society. Equality and fair distribution, which are central questions also in the field of labour markets, can be seen as a part of it. Juan Somavia, the ILO Director-General, has said that social justice is the best way to ensure sustainable peace and eradicate poverty and sees people joining forces as an important factor (ILO 2008a). Also in the home pages of the ILO (2008a) the promotion of social justice and international recognized human and labour rights has been brought to the centre of its founding mission.

Rawls (1971) is one of the philosophers who discusses about the concept of social justice, especially in his book ‘A Theory of Justice’. He saw that every person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. He does not see that any person should sacrifice his freedom for the greater good shared by others (Rawls 1971). The idea of human rights and the rule of law can be seen also on the background of the Rawlsian view of social justice.

The World Confederation of Labour (WCL) is an international trade union confederation uniting 144 autonomous and democratic trade unions from over 100 countries worldwide. It was founded in 1920 and is the oldest existing international trade union, protection of the interests of the workers as its main function. The WCL represents the workers within the United Nations, its regional committees as well as its specialised
agencies and it strongly brings up the value of social justice as the ground for democracy. Also the view of the WCL is strongly based on the idea to have the right to work as a fundamental right for a man and the work is considered as a primary expression of man’s personality and mean of development for the human person. (WCL 2008.) I bring up this for to show the existing relations between the idea of social justice in the field of work and understanding of work as a human right being directed to all.

4.2 Organization theoretical approach to the work of different level labour organisations

As I here concentrate on the work of labour organizations I see important to bring up also the grounds for organizational theory. As for to understand the work and efficiency of different level organizations we need to understand the grounds for their work as well as problemacy in that issue. According to Starbuck (2003, 143) the history of organization theory reflects the history of managerial thought because in the beginning the main concentration was on the managerial practice, not on organizations as such. The grounds for organizations lie in the very early years (Starbuck, 2003, 145).

I need to mention, however, that the use of organization theoretical view in the case of international organization functionality is critisized by some writers. Rhodes (1995, 52-53) strongly notes that the organization theory would have very little impact on political science outside public administration and the study of their history, structure, functions, powers and relationships.

Starbuck (2003, 149) mentions one organizationally relevant theme eliciting theoretical generalizations, to be division of labour and mass production. This clearly indicates the labour issues to be very central as what comes to the organizational field. According to Starbuck (2003, 154) the development of technology can be seen to have dramatic social effects that framed the birth of organization theory. Through technological changes and industrialization for instance both women and children became more employable. In addition to this, social and economical differences between skilled and unskilled workers decreased especially by the devaluation of skills. This can be seen as the reason for skilled workers to begin to form trade unions. (Starbuck 2003, 154.)
The problemacy of organization theory seems to lie in its complexity. As mentioned by Starbuck (2003, 175) complex theories capture more aspects of what researchers observe. However, when having many different layers - like here cultural, managerial, sociological and psychological levels among others – the theoretical background sets difficulties for its interpretation and it is difficult to form a common, universal theory. The organization theory as such can be said to be concerned with explaining the genesis, existence, functionality, and the transformation of organization as argued by Scherer (2003, 310).

One important issue is to understand that international organizations do not exist in a political vacuum but they are a part of the modern state system. This is why their institutional forms and activities reflect the hopes and fears of the governments of states within that system. (Archer 2001, 29.) According to Archer (2001, 68-79), the role of an international organization can be seen in many different ways. Firstly its role may be seen as that of an instrument being used by its members for particular ends. Secondly the image of role can be that of international organizations to be arenas or forums within which actions take place. And thirdly international organizations can be seen as independent actors in the international system. (Archer 2001, 68-79.) It is quite clear that the way different countries and actors see the role of international organization also influences the way how they react its actions and follow its rules.

As an inter-governmental organization the United Nations provides structures to help to find solutions for disputes and problems and for joint action in practically every question concerning humankind. It is an organization of sovereign nations and does not have any real governmental structures. However, through its autonomous specialized agencies like the International Labour Organization the UN is able to draft conventions and programmes to specifically improve the living and working conditions of workers. (Verhellen 2000, 71.)
4.3 The reasoning for a case study

The labour issues cover a rather wide spectrum of factors both on national and international level. In this study, I have already narrowed down the focus and am not going for instance to the child labour issue any deeper but try to keep the discussion on rather general level. But in order to be able to get a better insight to the topic and some practical examples considering the effectiveness of the work of the ILO I decided to have a partially comparative case study of Argentina and Finland tied up in this paper. This is, because I also support the view of Rhodes (1995, 56) as he states that even though criticized, the case studies also bring the possibility to compare and generalise with them. And as Mackie and Marsh (1995, 174) point out, comparative analysis is essential for to avoid ethnocentrism in analysis and to generate, test as well as reformulate theories and their related concepts. None the less, a critical voice is heard from the same authors, when they state that case studies are not inevitably comparative. At the same time they still claim that when interrogating a theory or generating hypotheses through case studies, the method can be seen as comparative. (Mackie and Marsh 1995, 177.)

In case studies, it is crucial to interpret the gotten results based on the correct context. And as the case countries on question are not seemingly highly similar in the functional and developmental level, it is also important not to make any too big generalizations. As mentioned in the introduction chapter, in this thesis paper the main focus is in analysing the efficiency of the interventions of the International Labour Organization in two case countries, Argentina and Finland. The selection of the case countries is based on the fact that even if the countries in many aspects are in different levels of development, in democratic point of view they also are following fairly similar paths. And in both countries activity in the labour issues has been quite noticeable at least in past.
5 SHORT HISTORICAL BACKGROUND OF THE FUNCTIONS OF THE ILO AND THE LABOUR MARKET ISSUES IN THE CASE COUNTRIES

5.1 International Labour Organisation (ILO)

The International Labour Organization (ILO) was founded in 1919 to pursue a vision based on the premise that universal, lasting peace can be established through decent treatment of working people. The ILO became the first specialized agency of the United Nations not earlier than in 1946. (ILO 2008a.)

In the web pages of the International Labour Organization it is stated that the organization “is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity”. The main aims of the ILO are to promote rights to work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues. (ILO 2008a.)

Among the international human rights the political concept of social justice is very central in the work of ILO. As a global body the ILO is held responsible for drawing up and overseeing international labour standards, based strongly on the human rights convention by the UN. (ILO 2008a.) One of the richness in the work of the organization is that it brings together not only the governmental representatives but also representatives of employers and workers. All these counterparts together are expected to jointly shape policies and programmes concerning the labour issues. (ILO 2008a; Archer 2001, 95)

Archer (2001, 13) argues that in some cases a private union can be seen as a forerunner of a public international union. This could seen to be the case with the International Association of the Legal Protection of Labour whose existence led to the establishment of the ILO in 1919 (Archer 2001, 13).

The supreme decision making body of the organization is the International Labour Conference (ILC) which formulates international labour standards in the form of conventions and recommendations (Ministry of Labour of Finland 2003). These established international standards are to be used by national authorities in implementing conventions. For to provide governments with technical assistance in implementing labour pol-
icy, the ILO carries out an extensive technical co-operation programme. Among the actual participation to different programmes and processes important in the work of the ILO is the engagement of national governments in training, education and research. (Verhellen 2000, 71.)

5.2 Argentina

Argentina seems to be a country of paradox in some level. Its geography, cultural models and early prosperity can be seen to be close to the countries of recent settlement, such as Canada and Australia, whose economic and political experience in the twentieth century has nonetheless assumed a Latin American profile of underdevelopment and repression (Brysk 1994, 24). The role of military intervention in politics has been very strong in Argentina. For instance in the early twentieth century the armed forces began to condition policy during the labour mobilizations, partly as a response to the increasing level of violent strikes and protests plus other illegal actions by several leftist guerrilla groups (Brysk 1994, 27-30).

Brysk (1994) describes very closely in his book the phases of the human rights movement in Argentina. The human rights protest and reform comprise an extraordinary chapter in the history of the country. However, the main core in the movement was in the defence of the so called traditional rights of the person: life, liberty and personal security (Brysk 1994, 5-7).

According to Brysk (1994, 13) the populist Peronism hegemonized the discourse of dissent in Argentina and was coloured by violence, hierarchy and a subordination of ideological coherence to political pragmatism. This seemed to be one of the reasons why the non-partisan and principled character of human rights, promoting human dignity, was especially important in the country (Brysk 1994, 13).

The Argentine human rights movement produced a far-reaching and unexpected impact on state and society through the transformation of norms, practices and institutions (Brysk 1994, 21). International organizations, foreign governments, the media and citizens of other nations can be considered to have helped the Argentine human rights movement to survive (Brysk 1994, 51). The country survived from the economic crisis
of 1970’s but partly as a result of the crisis the labour was reviving as the people rallied to democracy with the repudiation of state terror (Brysk 1994, 59-89).

Cook (2006) in her book describes the profound economic and political changes in Latin America after the debt crisis of the 1980s. She sees that the transitions of the liberation of these mentioned fields have had the most apparent impact on the realm of labour reform.

According to the web pages of the national office of the ILO in Argentina (OIT 2008) the office was funded already in 1932 in Buenos Aires. The national office concentrates in the common principles of the ILO. There is also a promotion going on for regional integration and programmes promoting women and young people to be able to enter labour markets. The national office of the ILO in Argentina is responsible for realising these programmes and being active in aiming for the common goals within the ILO in the region of Argentina. Equality of opportunities between genders, child labour issues and regional development issues seem to be very central in the work of the national office of the ILO in Argentina. An important notion is that in May 2002 there was a project on child labour, which gave actual data over the phenomenon. In that time in Argentina there were 1,500,000 children working. (OIT 2008.)

5.3 Finland

According to the ILO’s documents (ILO/Finland 2008) in Finland the basic regulation of individual labour relations has traditionally been codified in the Employment Contracts Act. The first such act was passed in 1922 and afterwards replaced by new version 1970 Act and later in 2001 by the 2000 Statute. These acts set the regulations for working contracts and basis for employment, concerning for instance equality. The collective regulation of terms and conditions of employment, on the other hand, takes place within the framework of the Collective Agreements Act (1946), defining the competence of parties to collective agreements and the legal effects of such agreements. (ILO/Finland 2008.)

The latest version of the Finnish Constitution (731/1999) entered into force on March 2000 (ILO/Finland 2008). Chapter 2 of the Constitution defines the protection of basic rights and liberties, also fundamental labour rights. Along with the fundamental right to
work and the protection of the labour force, a very profound factor in Finnish labour markets is the freedom to organise in trade unions and participate in their activities. The structure and role of the Finnish labour regulation reflects many of the central features of the Nordic model of industrial relations. This is for instance why the Finnish labour market is characterised by a high level of organization on both the employee and the employer side. (ILO/Finland 2008.) One of the very important issues, when talking about Finnish labour markets, is that in Finland there is a strong ground for tripartite decision making as what comes to the labour issues. This represents well the principles of the International Labour Organization.

6 DEFINING THE INDICATORS FOR ANALYSIS

The labour market field is quite complicated and we have here as cases two countries with rather different background. I feel it is clearer to see first the indicators with which the efforts of the countries themselves concerning the appreciation of the contents of international covenants can be analysed. Then with other set of indicators I try to find out possible ways to measure the efficiency of the work of the ILO. But in order to understand the presented indicators an introduction of the International Labour Standards in focus is important.

A certain level criticism over the found material is needed. This is because it is quite normal that different actors, including the United Nations, the ILO and the national level actors, try to provide sometimes information that supports their own ideologies and forms of work. Especially the reliability of indicators is here a crucial issue. Another thing is to evaluate the indicators presented in this chapter. But it is also necessary to keep in mind that already at earlier stages, when the used data has been provided, the indicators might not have been most suitable in all cases and might not give the whole picture of the measured phenomenon.
6.1 International labour standards by the ILO

The Conventions and Recommendations of the International Labour Organization cover also a broad range of subjects concerning work and employment. The system of international labour standards is aimed at promoting opportunities for women and men to obtain decent and productive work. The important conditions taken into account are the conditions of freedom, equity, security and dignity. (ILO 2009.) Well defined international labour standards are important in contemporary globalizing world for to ensure equity and equal benefits for all, which again reflects the importance of the idea of the social justice. The globalisation, development changes world wide and for instance the raise of competition in the labour market field introduce more challenges and needs that the workers and employers face. Within this framework the need for more centralized organizations as active drivers of common interests is quite noticeable. However a wholly different issue is how the role of an international actor like the ILO is seen. In order to keep the actions of the ILO abundant I see that international organizations should be seen to have an active role as independent actors. But at the same time the importance of cooperation with the national level actors is very relevant.

In the Appendix 1 there are shortly presented the subjects covered by the international labour standards (ILO 2009). In this paper I will not go through and analyse the functionality and efficiency of the work of the ILO based an all the existing international labour standards. I concentrate in few of the most general and central standards that I have seen to be important based on the existing studies and literature. The standards on the base of my study are listed in the Table 1. In order to understand the selection of these standards on the background of my research I will explain more specifically their selection.
Table 1. The selected International Labour Standards for the study (ILO 2009).

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<th>International Labour Standard</th>
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<tr>
<td>freedom of association</td>
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<td>equality of opportunity and treatment</td>
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<td>wages</td>
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<td>social policy</td>
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For instance Leary (1996, 28), in the book edited by Compa and Diamond, brought up the issue that as the ILO has adopted hundreds of recommendations, codes and guidelines that lay down labour standards, it is inappropriate to consider all of these standards as some sort of ‘minimum international labour standards’. She introduces the priority by the ILO among these standards, which include freedom of association and collective bargaining, forced labour issues, equal remuneration and the discrimination in employment (Leary 1996, 28). At least according to her, these conventions are not only most ratified but the ILO also has tended to draw most attention to these. But as social issues are very central in the labour market discussion and the social justice is also seen on the base of the work of the ILO, I agree Ehrenberg (1996, 163) as he brings up in his paper also the minimum acceptable conditions of work not only regarding wages but also hours of work and workplace health and safety. These topics are listed in the interna-
tional labour standards, even though earlier mentioned Leary does not underline them. Despite the fact that I see the question of child labour as a very interesting and big issue worldwide I will not go deeper into it as it is too big of an issue to handle in this paper. Instead, I will focus on the convention areas mentioned by Leary and Ehrenberg. In the Appendix 2 there is a collection of more precise clarifications and some selected relevant ILO instruments in relation to the international labour standards that I focus on in this study.

From the Appendix 1 we can see that also tripartite consultation and labour administration are mentioned in the ILO’s international labour standards. In my paper I introduce and explain the common contemporary systems within the labour organizational field in the two case countries. But this is more done in order to understand the different contexts in the countries for the ILO to function, not to compare them or to judge whether the systems are “correct” due to broader standards or not. I don’t see either the vocational guidance or for instance employment promotion relevant to this particular paper as the concentration here is the probable impacts of the actions of the ILO in problem solving more than in bringing up the value of working as such. At the same time I also do not aim to research or comment the more precise international labour standards that involve certain special groups of workers, as the meaning is to keep the study in more general level.

6.2 Used indicators for to measure the efforts of the countries to appreciate the contents of international covenants

6.2.1 Ratification of international conventions

When a specialized body of the United Nations, like the International Labour Organization, and its work is discussed, it is important to see how the countries in question have handled the regulations and principles of the ILO. For to get a clearer picture of this I see that the level and timing of ratifications of important UN and ILO Conventions, concerning labour issues, is a central factor. Pure signing of these conventions can not be considered to be an indicator reliable enough. The problem of this particular way of seeing is also mentioned by Verhellen (2000, 82) as he underlines that signing a convention entails no more than a moral obligation. By signing the state indicates its inten-
tion to ratify the convention and to take all necessary steps in line with national legislation and the state also accepts a moral obligation not to take measures in breach of the convention in the period between signature and formal ratification. (Verhellen 2000, 82.) However, after ratification, in the conventions there are as well number of provisions which are legally binding and can be invoked in court in those countries which recognise the Convention’s direct effect (Verhellen 2000, 85). Based on these arguments I see that looking at the stage of ratifications of the conventions gives here more accurate picture of the commitment of the nations to the labour issues in question. But it needs to be remembered that juridical system and court practices still have a great influence on making the conventions actually enforceable.

Finland has ratified the International Covenant on Economic, Social and Cultural Rights (CESCR) in 1976 and Argentina in 1986. But there are some differences within these two countries as what comes to the ratification of central conventions of the UN/ILO concerning labour issues. The current situation with these ratifications is introduced in the Table 2.

From the Table 2 we can see that both countries have ratified the most central labour related conventions (29, 87, 98, 100, 105, 111). However, Finland seems to be some steps further on the labour issues regarding more specific regulations concerning basis for decent work, when evaluating the stage of the ratification of the above listed conventions. A positive notion here is, that within both case countries there has been activity related to labour issues also during the beginning of the 21st century, as what comes to the ratification issues. This indicates that during coming years some more ratifications and this way steps further on development may be taken by both countries.
Table 2. The ratification of central labour conventions of the ILO by Argentina (AR) and Finland (FIN) (ILO 2008b, UNHCR 2004).

<table>
<thead>
<tr>
<th>Convention name and No.</th>
<th>AR</th>
<th>FIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours of Work (Industry) Convention, No. 1</td>
<td>1933</td>
<td>-</td>
</tr>
<tr>
<td>Weekly Rest (Industry) Convention, No. 14</td>
<td>1936</td>
<td>1923</td>
</tr>
<tr>
<td>Forced Labour Convention, No. 29</td>
<td>1950</td>
<td>1936</td>
</tr>
<tr>
<td>Hours of Work (Commerce and Offices) Convention, No. 30</td>
<td>1950</td>
<td>1936</td>
</tr>
<tr>
<td></td>
<td></td>
<td>denounced 1999</td>
</tr>
<tr>
<td>Forty-Hour Week Convention, No. 47</td>
<td>-</td>
<td>1989</td>
</tr>
<tr>
<td>Freedom of Association and Protection of the Right to Organise Convention, No. 87</td>
<td>1960</td>
<td>1950</td>
</tr>
<tr>
<td>Labour Clauses (Public Contracts) Convention, No. 94</td>
<td>-</td>
<td>1951</td>
</tr>
<tr>
<td>Protection of Wages Convention, No. 95</td>
<td>1956</td>
<td>-</td>
</tr>
<tr>
<td>Right to Organise and Collective Bargaining Convention, No. 98</td>
<td>1956</td>
<td>1951</td>
</tr>
<tr>
<td>Equal Remuneration Convention, No. 100</td>
<td>1956</td>
<td>1963</td>
</tr>
<tr>
<td>Abolition of Forced Labour Convention, No. 105</td>
<td>1960</td>
<td>1960</td>
</tr>
<tr>
<td>Weekly Rest (Commerce and Offices) Convention, No. 106</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Discrimination (Employment and Occupation) Convention, No. 111</td>
<td>1968</td>
<td>1970</td>
</tr>
<tr>
<td>Reduction of Hours of Work Recommendation, No. 116</td>
<td>NVI*</td>
<td>NVI*</td>
</tr>
<tr>
<td>Minimum Wage Fixing Convention, No. 131</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Holidays with Pay Convention, No. 132</td>
<td>-</td>
<td>1990</td>
</tr>
<tr>
<td>Convention and Date</td>
<td>Year of Ratification</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------</td>
<td></td>
</tr>
<tr>
<td>Workers’ Representatives Convention, No. 135</td>
<td>2006</td>
<td>1976</td>
</tr>
<tr>
<td>Rural Workers’ Organisations Convention, No. 141</td>
<td>-</td>
<td>1977</td>
</tr>
<tr>
<td>Labour Relations (Public Service) Convention, No. 151</td>
<td>1987</td>
<td>1980</td>
</tr>
<tr>
<td>Collective Bargaining Convention, No. 154</td>
<td>1993</td>
<td>1983</td>
</tr>
<tr>
<td>Occupational Safety and Health Convention, No. 155</td>
<td>-</td>
<td>1985</td>
</tr>
<tr>
<td>Workers with Family Responsibilities Convention, No. 156</td>
<td>1988</td>
<td>1983</td>
</tr>
<tr>
<td>Occupational Health Services Convention, No. 161</td>
<td>-</td>
<td>1987</td>
</tr>
<tr>
<td>Night Work Convention, No. 171</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Protection of Workers’ Claims (Employer’s Insolvency) Convention, No. 173</td>
<td>-</td>
<td>1994</td>
</tr>
<tr>
<td>Part-Time Work Convention, No. 175</td>
<td>-</td>
<td>1999</td>
</tr>
<tr>
<td>Promotional Framework for Occupational Safety and Health Convention, No. 187</td>
<td>-</td>
<td>2008</td>
</tr>
</tbody>
</table>

* NVI = no valid information available

6.2.2 National legislation concerning labour related issues

There can still not be found a highly effective international body which would have the needed power over the countries which have signed and ratified international conventions in case the countries violate the agreed rules and regulations. This indicates that international organizations would still not be seen wholly as independent actors in the field of labour issues. And it is why the content of national legislation in the countries becomes an important factor. I see that looking closer into the national legislations, even more reliability is brought to the juridical argumentation underlining the validity of the stage of ratifications as a suitable indicator.

Finland follows the dualistic model regarding the impact of international law in national law. This means that obligations based on international treaties are transformed into
domestic law by means of a Parliamentary Act or as a Decree issued by the President. As declared also in the Finnish Constitution, in legal and administrative proceedings it is not unusual that the interpretation of statutory provisions is influenced by international treaties and EU law. By joining the European Union Finland became bound by European Community Law. (ILO/Finland 2008.) This is quite a different situation when compared to Argentina, as I have not found similar regional law for the Latin America. There is, however an organization called The Economic Commission for Latin America (ECLAC) working in the region, which is part of the Inter-American system and also has a national office in Argentina (OAS 2005, UN 2000). ECLAC is a subsidiary organ of the UN Economic and Social Council (ECOSOC), working also in collaboration and coordination with for instance the Latin American Economic System (SELA) and the Inter-American Development Bank (IDB). The importance toward regular workers is in its close contacts with trade unions and business organizations. Founded for the purposes of contributing to the economic development of Latin America and reinforcing economic relations of the countries in the region, the aim of ECLAC is to guarantee the right to social protection for everyone as the formal sector of the labour market has declined relatively. (UN 2000.) Knowing this background I would say that even though economics are highly conducting labour legislative and administrative discussions and actions, the relevance of the social view in this field is not forgotten.

I have collected to Appendix 3 the central issues mentioned in the international labour standards and where they can be found in the national legislations in the cases of Argentina and Finland. This collective table follows closely the framework set through the information presented in Appendices 1 and 2, mentioned earlier in the chapter 6.1. From the table in Appendix 3 we can see that many of the central labour issues are mentioned in several different law text points. However, some of the issues were really hard to find anywhere in labour related legislation in the form that they are mentioned in ratified international conventions. In the case of Argentina problematic issues were protection for unions against interference of others and workers freedom to dispose of their wages. In case of Finland it was hard to find relevant information from the national legislation concerning prohibition of forced labour along with the issues that public employees and their organizations should enjoy adequate protection against acts of anti-union discrimi-
nation and interference by public authorities. (Finlex 2009, ILO 2009, Ministerio de Trabajo, Empleo y Seguridad Social 2008.)

6.2.3 Labour organizational structure

For to be able to understand the functions and efficiency of the national level labour organizations it is crucial first to know the organizational structure. By this I mean the number and hierarchy of labour unions within areas. However, even thought the organizational structure can be seen as a valid indicator, the reliability of this information is a wholly different issue. As the organizational structure can seem to be very well structured and the goals of the movements can seem to be clear, but without more proper ways to measure the real actions, the results can be severely twisted or the actions may remain in the paper and not be taken into reality.

In Argentina we can find at least a couple of central labour organizations. La Sociedad Argentina de Derecho laboral (SADL) has especially child labour, HIV/AIDS, social responsibility of the companies, migrations, indigenous villages and gender as its central functional points (SADL 2008). Consejo Coordinador Argentino Sindical (CCAS) on the other hand is a member organization of the Central Latinoamericana de Trabajadores (CLAT) and a Latin American and Caribbean organization as a part of The World Confederation of Labour (WCL) (WCL 2008).

The SADL is a non-profit civil association for different level juridical workers founded in 1989. It works with the defence of the rights of the workers as its main focus and has adopted its functions to the new realities in the field of labour issues: social justice and the dignity of the working people. (SADL 2008.) The CCAS was founded during the military dictatorship in 1977 and it works for to strengthen different groupings and to guide the trade unions. Both the CLAT and CCAS as a part of it see that current societal changes have set up a wholly new kind of challenge for the social movements like labour unions. They point out the need of more collective thinking and actions of solidarity in spite of individualism for to survive in front of the “enemies” of the workers and the nation. (CCAS 2008.) This indicates that active national level organizations do exist in Argentina and they have realized also the current challenges and changes in the labour markets. As in Finland, many occupational level organizations seem to exist in
Argentina as well. I believe that there are still more actors of national level as well in Argentina but the information is not as easily accessible as in the case of Finland. The overall labour organizational decision making structure in Argentina is described in the Figure 1.

Figure 1. Labour organizational decision making levels in Argentina (CCAS 2008, SADL 2008, WCL 2008).

Finland has traditionally had a strong tripartite decision making as what comes to the labour issues, and the work of trade unions as well as employers’ associations have a strong base in the national legislation. There are three dominating central confederations on the worker side in Finland: the Central Organization of Finnish Trade Unions (SAK), the Finnish Confederation of Salaried Employees (STTK) and the Confederation of Unions for Academic Professionals in Finland (Akava). In the private sector, the employers were earlier organized mainly in two associations, namely the Confederation of Finnish Industry and Employers (TT) and the Employers’ Confederation of Service Industries (PT). However these two agreed to merge in 2004 and create a new central employers’ organization, Finnish Industries (EK). (EK 2008, Eurofound 2004, ILO/Finland 2008) In the public sector, the communes (KT), the state (VTML) and church (KiT) have their own employers’ organizations (Akava 2009). The mentioned Finnish labour organizations also participate on regular basis to international cooperation but Finland does not have any member organizations in the WCL unlike Argentina (WCL 2008).
Activity and influence of labour organizations is only effective in case they are able to activate regular workers and employers nation wide. Principles and ideologies need human force for to convert to powerful and meaningful actions. But more complex question is, what is not only valid but also reliable way to measure the activity of citizens within this organizational field? The amount of members, either organizational or private, in the organizations can be seen at least a valid indicator. It can be said to reflect the fact, how well known the organizations are. But if thought this simply, we would forget that all the organizations do not head for having private members, which would also give them more members, as the ways to function may differ quite largely. And on the other hand, a big amount of members does not yet tell about pure activity of
members. Many members may just sign up for labour organizations, wanting to get the benefits offered or for to feel to belong to a group.

In Finland the level of array in the labour field is very high, when compared even to many other parts of Europe, let alone other parts of the world. The SAK represents nearly 1,100,000 wage earners and has 22 federations, generally formed on an industrial basis, as its member associations. The STTK represents over 650,000 employees such as nurses, technical engineers, police officers and secretaries, having 21 member associations. And the Akava watches over the interest of 498,000 professional and managerial employees having 31 member associations. EK has 36 member federations and associations in the former fields of the TT including manufacturing, construction, transportation and maintenance as well as former fields of the PT in trade, banking, insurance, hotels and restaurants etc. Through the merge of TT and PT new organization EK became in the beginning of 2005 the representative of at least 15,000 companies. (Akava 2008, EK 2008, Eurofound 2004, ILO/Finland 2008, SAK 2008, STTK 2008.)

Again in this question, it is not so easy to find reliable or exact information about the situation in Argentina. In Argentina for instance the SADL has over 1200 active partners in different areas of the country. This indicates that there is quite evident activity in the field of labour issues in Argentina as well. But when comparing the sizes of the countries, with the reached information, can be said that the level of citizen activity at least in Argentina is still not as high as could be expected. But here another complexity comes to the picture as we have as examples two countries which not only have a different kind of background in the labour issues, also have their own kind of governance and communal systems.
6.3 Used indicators for to measure the efficiency of the work of the ILO

6.3.1 Activity of the ILO in the national level

My interest here lies on the issue, how efficient the work of the ILO is in Argentina and Finland and whether it needs to adapt its working methods and emphasis. Because of this focus important indicators would also be the activity and cooperative actions of the ILO in the case countries. For instance it can be seen (OIT 2008) that there are several programmes going on in Argentina, based on the aims of the ILO. And as an example of a difference compared to Finland, indigenous communities have a special attention in the work of the ILO in Argentina (OIT 2008).

In the case of Argentina, information concerning two larger programmes directed by the ILO can be reached: AREA and Decent Work. The Decent Work country programme was originally planned for years 2008-2011. According to the programme publication, the aim to promote decent work is introduced in the Millennium Development Goals for Argentina and it is defined through five part elements. The promotion of decent work in Argentina has the following aims along with the reduction of poverty: a) to reduce unemployment to less than 10% before 2015, b) to reduce the amount of non registrated employment to less than 30 %, c) to increase the coverage of social protection to 60 %, d) to diminish the proportion of workers receiving salary lower than the minimum level to less than 30 %, e) to overcome child labour. According to the programme publication during the past years the social and occupational situation has improved. There is also understanding in the company sector about the fact that articulation of economical, social and labour politics has the fundamental importance for the increase of decent work. And the Confederación del Trabajo de la República Argentina (CGT-RA) in its politics and practices has detached the dimensions which form the basis of decent work and have an objective to achieve sustainable progress in the field of social justice. (ILO 2008c.)

Integrated Programme to Support the Revitalization of Employment in Argentina (AREA Programme) had employment, local training and development as its objectives. (ILO 2007, 7-9.) The ILO-run project was funded by the Italian government and the
main focus was to help Argentine workers and companies to recover from the 2001 financial crisis by creating jobs and improving livelihoods (ILO-Rome 2009).

In the case of Finland no similar kinds of national or local programmes take place currently or in near past. The level of array may have some influence to this fact. In Finland also, as mentioned earlier, the labour organizations have fairly strong structures and they are active in promotion of working conditions as well as organization of different level campaigns by themselves.

6.3.2 Functionality of the complaint system and the number of complaints

When looking more closely into the actual question of efficiency of the ILO and national organizations in the case countries, finding suitable indicators is a challenge. Data is very much dependent on the information providers. And in some cases the information gotten through the indicators might be quite contradictory. For instance could be thought that the efficiency of labour organizations in national level could be seen reflected on the number of complaints concerning discrimination etc. in the field of labour. But then we will face the question, how exact is the data concerning these kinds of complaints as not all the cases reach the labour union level and specifically not the juridical institutions. It might also be that not all complaints are registered officially and come to a common knowledge. On the other hand one could think that the level and content of the complaints at least can give a bit clearer picture on the possible problem areas as well as strengths in the countries. But in this case the functionality and coverage of labour organizations nation wide have a crucial role and these factors need to be balanced in the study. In following text, the complaint systems concerning the Conventions of the ILO are first presented and after this some figures about the complaints concerning the case countries are brought up.

International Labour Committee (ILC) measures implementation of the Declaration on Fundamental Principles and Rights at Work through annual review, with the help of the Conference Committee on the Application of Conventions and Recommendations. The Committee drives through annually first a general discussion, reviewing a number of broad issues relating to the ratification and application of ILO standards and the compliance by member States in general with their obligation under the ILO Constitution with
regard to these standards. After this general discussion it undertakes an examination of individual cases. Once adopted by the Conference, the report of the Conference Committee is dispatched to governments. (Amnesty international 2009.)

In parallel with the regular supervisory mechanisms, employers’ and workers’ organizations can initiate representations against a member state. Any member country can lodge a complaint with the International Labour Office against another member country and in the field of freedom of association governments, employers’ as well as workers’ organizations can submit complaints against a member state even if it has not ratified the relevant conventions. In the case of representations under Article 24 of the ILO Constitution when any national or international workers’ or employers’ organization claims that a given member state has failed to apply ratified ILO Convention, the ILC acknowledges receipt, informs the government concerned and brings the matter before the officers of the governing body. The committee concludes a report with its recommendations, processes the explanations of the government in question and notifies both parties the decisions made. At any time the involved governing body may decide to handle the case under the “complaints” procedure under Article 26 of the ILO Constitution. Follow up concerning the questions raised in the representation is done by the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations. (Amnesty International 2009.)

The procedure for a complaint under article 26 of the ILO Constitution is one step deeper than the procedure of representations. A complaint can be made against an ILO member State that has not satisfactorily secured the effective application of an ILO Convention which it has ratified. The complaint can be brought by another ILO member State which has ratified the same convention, any delegate of the ILC, or the Governing Body on its own motion. As stated in the web pages of Amnesty International, this type complaints procedure has not been used often and in practice often leads to settlement of the dispute. And government that does not accept the given recommendations is entitled to refer the complaint to the International Court of Justice (ICJ). (Amnesty International 2009.)

A central notion concerning the described procedures for representations and complaints concerning the applications of the ILO Conventions is that generally it needs to be an
official trade organization or governmental body which runs the process, not a private person. Of course depending of the functionality of the trade union system and communication methods it is possible that even one person can start this heavy procedure, but this is not the most likely option.

Freedom of Association is one of the very widely discussed labour rights. According to Amnesty International (2009) the most widely used ILO petition procedure is the special procedure established for complaints concerning violations of freedom of association, in order to protect the trade union rights which have been codified in the International Labour Conference in Conventions dealing with freedom of association (No. 87 and No. 98). The Governing Body’s Committee on Freedom of Association (CFA) receives complaints directly from workers’ and employers’ organizations. On the other hand, the Fact-Finding and Conciliation Commission on Freedom of Association (FFCC) may deal with complaints that are referred to it by the Governing Body on the recommendation of the CFA or by the state concerned and may also examine complaints against non-member states of the ILO which are referred to it by the ECOSOC.

Once a complaint is received it is communicated to the government concerned that has the chance to comment on the substance of the allegations before the CFA submits a report with its conclusions and recommendations to the Governing Body. As what comes to the procedure involving FFCC, it is also based on discussion and hearings as the mandate of a commission is to ascertain the facts and to discuss the situation with the governments concerned with a view to securing the adjustment of the difficulties by agreement or friendly settlement. However, commission’s recommendations have no legal force and it has no specific enforcement measures available to ensure that its recommendations are implemented. If the country concerned has ratified one of the ILO Conventions on freedom of association, the regular supervisory bodies continue to examine the effect given to FFCC recommendations. (Amnesty International 2009.) According to the data of the ILO (2006b) concerning Argentina and Finland, there has been registered 244 cases of complaint in Argentina and one in Finland concerning Freedom of association. However, only one Freedom of association case and Representation against Argentina seems to have been done under article 24 of the ILO Constitution and even this case is originally presented already in June 1988 and the conclusion to the issue was a settlement in search for a compromise solution which all parties in-
The Freedom of association case concerning Finland on the other hand has been addressed directly to the ILO in 1963 and even then the complaint in the end was withdrawn by the party which originally sent the complaint. When taken under consideration the central international labour covenants for this study, presented in Table 2, no other representations can be found from the ILO’s database concerning these covenants in the case of Argentina. And neither can be found representations in the case of Finland. (ILO 2006b.)

It is obvious that in an international government based issues like labour markets the processes are quite heavy and not always so straight lined. In the case of complaints concerning the success of the ILO member states in fulfilling the functionality of the content of the ratified ILO Conventions it, however, is slightly disturbing that power balance seems to be lying in high level actors. The ILO bases its functions very strongly to concepts like social justice and decent work but in case of problems raises a question whether all “grass root level” problems really are acknowledged when there seems not to be direct possibilities for private persons to approach international actor like the ILO in this case. Especially in these case countries there are quite obvious differences in the level of array. In case labour organizations work more independently from the worker level and/or its members the union level might not reflect the actual situation in the labour markets by its opinions and actions. If this is the situation, the complaint system will not give a picture reliable enough of the functionality of the international level labour standard system.

From the number and character of listed complaints can be drawn anyhow a rough outline about the functionality of the labour market regulative systems within the country. In this paper my main interest lies in the situation of 1990s and the beginning of the 21st century because the world wide economical crisis has influenced strongly during this period. This is why I have collected the number and timing of individual observations of the Committee of Experts on the Application of Conventions and Recommendations into Table 3, presented under the next chapter 7, arrayed according to the number and name of the Convention in question.
7 REPORTED INTERVENTIONS TO THE LABOUR MARKETS BY THE ILO

The Committee of Experts on the Application of Conventions and Recommendations was set up in 1926 to examine the growing number of required government reports on ratified conventions. After a country has ratified an ILO convention, it is obliged to report regularly on measures taken to implement it. As governments are required to submit copies of their reports to employers’ and workers’ organizations, these organizations may also comment on the reports directly to the ILO. As a part of regular supervisory mechanisms, when the Committee of Experts examines the country level applications of international labour standards it makes two kinds of comments: observations and direct requests. As described by the ILO: “observations contain comments on fundamental questions raised by the application of a particular convention by a state” and “direct requests relate to more technical questions or requests for further information”. The latter are not published in the report but are communicated directly to the governments concerned. (ILO 2005.)

The individual observations as well as direct requests of the Committee of Experts on the Application of Conventions and Recommendations for case countries Argentina and Finland from 1990 onwards are listed to the Table 3. From this table we can find few ratified labour conventions that seem to be especially problematic as what comes to the reactivity of the Committee of Experts on the Application of Conventions and Recommendations. These are Convention 87, concerning Freedom of Association and Protection of the Right to Organise; Convention 98, concerning Right to Organise and Collective Bargaining; Convention 100, concerning Equal Remuneration; and Convention 111, concerning Discrimination (Employment and Occupation). What can be said to be slightly alarming is that both case countries have gotten already in the beginning of the year 2009 direct request from the Committee of Experts concerning the conventions 100 and 111. This indicates that the equality questions are constantly problematic in the labour markets in Argentina as well as in Finland. Because of this, in order to reach both equality of opportunities and decent level of fulfilment of social justice, ongoing work within these fields is needed. Some reflections concerning the current global financial crisis, on the other hand, may be found through the fact that both countries have received direct requests also concerning the convention 14 about the Weekly rest already
in the beginning of the year 2009. This may be because the pressure at work has escalated while financial pressure and the efficiency requests have mounted.

Table 3. The individual observations and direct requests of the Committee of Experts on the Application of Conventions and Recommendations for Argentina and Finland. (ILOLEX 2006a, ILOLEX 2006b)

<table>
<thead>
<tr>
<th>Convention</th>
<th>Committee of Experts observation: Finland</th>
<th>Committee of Experts direct requests: Finland</th>
<th>Committee of Experts observations: Argentina</th>
<th>Committee of Experts direct requests: Argentina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention No. 135, Workers' Representatives Convention, 1971 (rat. Finland: 1976)</td>
<td>-</td>
<td>2003 2005</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Convention No. 141, Rural Workers' Organisations Convention, 1975 (rat. Finland: 1977)</td>
<td>-</td>
<td>2003 2007</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Convention No. 175, Part-Time Work Convention, 1994 (rat. Finland: 1999)</td>
<td>-</td>
<td>2004</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
In the question of Finland, most of the observations by the Committee, concerning the ratifications in question, were done in 1990s but especially discrimination and equal remuneration have been pointed out more than once also in the beginning of 21st century. As what comes to Finland, an important notion needs to be made also to the implication problemacy of the Convention 156 about Workers with family responsibilities, and not least because the observation as well as direct request by the Committee were given last year, in 2008.

In Argentina, alongside with the mentioned four central conventions and the problemacy notions concerning their implication, unfortunately also observations and direct requests concerning the Convention 29 about Force labour as well as Convention 95 about Protection of wages have been done several times in the beginning of this century. The last observations are from last year 2008. So as we speak about the intention and aim in Argentina to promote and enable decent work for worker level, improvements need to be done not only to enable appropriate collective bargaining and freedom of association but also to more individual level labour contract issues. And seemingly forced labour is an unfortunate form of work that is still at least on some level present in Argentinean labour markets.

In the case of Finland, at least in the formal level, it seems that the biggest problem fields in the labour markets involve equality in different forms. Here questions of equality can mean the presence of discrimination, unclear or discriminative situation as what comes to the civil status and situation of a worker or pure equality of remuneration. I would also like to point out, however, the direct requests to the Finnish government by the Committee concerning the Occupational health services and safety conventions, which were last time given in 2007. As health issues are very central also in defining a decent working standards and evaluating the monitoring and managing systems in work related issues. The direct requests concerning the Conventions 155 and 161 can this way be seen to reflect the aim of the ILO to see its member states to have a framework for decent work in all levels. Currently neither Argentina nor Finland has yet ratified all central international labour conventions of the ILO, defined in the Table 2. I would say that in the case of Argentina the amount and character of the conventions not ratified reflect more the political and economical situation of the country than possible attitudal urge not to implicate the ideas of the conventions. But the big question rising from this
situation is, when will Argentina be ready to concentrate more not only to the so called basic background questions but to the issues which have rather a qualitative perspective? In the case of Finland, the Workers’ organizations have acted very strongly for decades and through the tripartite decision making accomplished tremendous results especially on the level of collective treats, concerning individual rights within labour questions like holidays, maternity leaves, working hours and wages. From the reached material to this thesis I have gotten a picture that in Argentina not only the organizational structure of labour organizations is different but also the results accomplished and even possibilities to influence in a nation wide level to this kind of specific factors is more limited.

7.1 Argentina

7.1.1 The character of the interventions

There was an independent evaluation of the country programme for Argentina, which was carried out in 2001-2006. A tripartite appreciation (El Ministerio de Trabajo, Empleo y Seguridad Social, la Unión Industrial Argentina y la Confederación General del Trabajo de la República Argentina) noted the high appreciation for the clients for ILO’s institutional, instant action as a response to the crisis situation in Argentina. The ILO has promised to give technical support and help to mobilize the necessary resources in order to execute the programme. The promotion of principles of equality and equity of genres is noted to be included transversally to all principles and aims of the programme. (ILO 2008c.)

As what comes to the National programme for Decent Work, the immediate response from them ILO in order to especially affirm democracy in Argentina is brought up in the programme publication. The tripartite decision makers in Argentina have defined their goals for the programme, with the mandate of the ILO, in 2008-2011 to be the following: a) to articulate the national labour politics with the politics, influencing to the quantity and quality of the work, b) to improve the conditions of work and workability, especially promoting decent work for young people and the progress of local economies, c) to contribute into prevention and eradication of child labour, d) to broaden the coverage of social protection, e) to strengthen effective social dialogue in the discussion
of social and occupational situation and f) to contribute for the reduction of informal economy as well as non-registered workers. (ILO 2008c.) Based on this knowledge can be concluded that many of the aims of the programme seem to target in the formal decision making and forming of different kinds of practices. In defining the programme content the aims can be said to be more on principle than action level. As what comes to the actual implicative level of the programme, in the programme publication (ILO 2008c) is mentioned that this kind of country level programmes constitute limited efforts in a defined time limit, integrating different technical environments and different methods for action, with the help of financing for a single programme. One of the most important things is that the programmes are tailored specifically for the case country. And in order to achieve the best possible results, the participation of national level actors together with the representatives of the ILO, in a tripartite way, is considered to be crucial. (ILO 2008c.)

In the document of independent evaluation of the ILO’s country programme for Argentina 2001-2006 (ILO 2007, 8), it is well presented that during the fight against the severe national crisis the ILO switched from dealing with specific technical assistance requests to conducting a more relevant programme. However, technical assistance accompanying the recovery process was still central. One strength of the ILO during the hard times was that it had access to extraordinary resources. And the political relevance of the ILO was seen very important. (ILO 2007, 8-9.)

There has been functioning another larger programme in the labour field in Argentina during 2004-2007, namely the AREA programme. According to the information of the ILO (ILO-Rome 2009) the central focus of this programme as well seems to have been more in the national and local level than in personal level, in promotion of full employment, improvement of government’s employment policies, and restructuring and strengthening local networks for economic development (ILO-Rome 2009).

7.1.2 The impacts of the interventions

The national programme for Decent Work for Argentina (ILO 2008c) is based on a quite similar evaluation paper Memorandum of understanding for the years 2004-2007. The two principles; a) the integration of labour politics in the national level with the
other impacted political areas through recommendations and applications and b) the integration of the ministerial work in order to operationalize the strategies in a decentralized way. As a positive result of the current programme can be considered to be that the elaboration in the name of the programme has been an important process of collective construction between the Ministerio de trabajo, empleo y seguridad social, the national ILO office and the organizations of the workers’ as well as employers’. Another positive result is that Argentina has integrated the decent work as a national objective, mentioned in the national legislation (Ley Nacional Nº 25.877) and the work basis for this has been done already before the latest programme term. (ILO 2008c.)

The earlier programmes for reaching better level of decent work in Argentina faced very complicated after-crisis situation in the early 21st century. The unemployment and poverty had increased drastically. The crisis influenced economical, social and political levels and due to the crisis situation the trust in the society was low. This is why the actions in order to reach decent work nationally worked as a response also to promote democratic governance as well as social inclusion. And results for the socio-economical situation have been relevant as 3.5 million (mostly formal) jobs have been created, the growth of the GDP has been more than 8.5 % and the rate of unemployment was reduced. (ILO 2008c.) So it can be said that some relevant progress has been reached in Argentina, thanks to concentrating in reducing poverty and having decent working conditions as an aim.

In order to get a proper picture of the impacts of interventions by the ILO as what comes to the aims to get labour politics as a part of all influenced political areas, even more profound research would be needed to be done concerning the national legislation and organizational structural changes. In the case of Argentina here, however, reaching relevant information even for more basic research is really challenging. The search of material has also given a picture that much more time and resources would be needed to get a deeper insight to these impacts of the interventions because all the impacts are not always to be found directly. Also, as one of the aims of the national programme of Decent Work is the prevention and eradication of child labour in Argentina, the effects and changes in the overall attitudes towards the issue would already provide a topic wide enough for a thesis paper.
As what comes to the coverage and character of tripartite decision making, concerning the aim functions of the Decent Work programme, at least from the publication of the ILO (2008c) one gets a picture that the cooperation between different actors in the labour market issues seem to have had desired progress. This is very important, especially because there is still a lot to be done within the labour market area in Argentina, and functional and efficient decision making together with just discussion is crucial for it. In the light of these notions one could also claim that at least in Argentina the ILO currently has a rather active role as an independent actor concerning the development and promotion of central labour issues. But as there also are some larger Latin American level labour organizational actors, partly the function of the ILO must be seen as a discussion forum as well.

Some important points related to intervention impacts are mentioned in the independent evaluation document (ILO 2007, 9). These are that the after crisis process related to labour markets ended with the inclusion of the Decent Work concept in the secondary education system’s curriculum and there were contributions pertaining to Decent Work indicators. These both factors could be seen reflecting the design and implementation of a National Decent Work Programme. (ILO 2007, 9.) An important notion concerning the AREA Programme is that the programme resources were mostly aimed at the creation of municipal labour changes (ILO 2007, 10). According to ILO-Rome, under the years 2004-2007 of the AREA Programme the GDP growth was positive and sustained, unemployment declined steadily, poverty rate fell down and average salaries as well as pensions have been growing (ILO-Rome 2009). Based on these kinds of changes the programme could be said to have been successful.

7.2 Finland

7.2.1 The character of the interventions

Finnish tripartite decision making system concerning the labour market issues has already been presented to be rather clearly organized and balanced in many aspects, when compared to the case of Argentina. In Finland, the problem fields concerning the labour issues seem to be quite differently focused, as for instance forced labour or child labour are not really an issue in this European Union member country. Also the basic princi-
ples and conditions for a decent work have been through years put in force through national level labour market organization covenants and legislative changes, for example concerning the working hours, vacations, leaves and other compensations as well as protection of the workers. This is seemingly, why Finland is most of the time one of the countries which are supporting the ILO’s efforts in order to make the system better functioning and strengthen the progress in the labour market field in more developing countries.

In countries like Finland which are at least on certain level defined to be more modernized and stable than for instance the big Latin American countries, the presence of the International Labour Organization is obviously not as concrete and the role of the organization is probably not seen as one of an independent actor. Instead, the countries may more use the ILO as a forum where to discuss about the relevant labour issues. I base this assertion to the fact that however much one tries to find information concerning the interventions of the ILO in Finland, through different official channels and focused on late 20th century and the beginning of the 21st century, basically all reached information is concerning the observations and direct requests of the Committee of Experts, presented more closely in Table 3, and not any active programmes.

7.2.2 The impacts of the interventions

As the Committee of Experts has constantly done observations and given direct requests to Finland concerning labour issues, it is clear that even in the more modernized and balanced country like Finland is mostly seen, there still are challenges in the field. But the character of problems here is emphasized differently when compared to Argentina.

When discussing about the impacts of the interventions of the ILO to Finnish labour markets, any easily definable impacts can really not be listed. Based on observations and the direct requests of the Committee of Experts naturally the state of Finland needs to focus on certain problematic fields. But for instance concerning the questions of equality it seems that even the interventions of the ILO have not had impacts strong enough as the problems remain despite these interventions.

As what comes to other fields of work of the ILO, it has been also mentioned earlier in this paper that more developed and generally democratic countries like Finland tend to
be more like co-actors for the ILO instead of targets of its actions. In these kinds of cases the question actually should be formed, what have been the impacts of the assistance of these co-actor member states to the work of the ILO?

7.3 **Comparison of the interventions in the case countries – has the ILO made adequate effort to adapt its functions to different environments**

Direct involvement of the ILO in selected crises is a central pillar of its work. To intervene, the crisis response programme undertakes technical cooperation with its partners as successful prevention requires knowledge of specific vulnerabilities and preparedness gaps. ILO/CRISIS is the unit that orchestrates direct ILO interventions in crises and can manage a whole of ILO response to provide relevant tools as well as conduct advocacy and capacity-building. (ILO 2006a.)

From the earlier chapters 7.1 and 7.2 we can see that the forms of ILO interventions do vary based on the development stage of the countries. Probably most of the adaptation process is natural and is founded upon the longer experience related to member periods and registered development within the countries of the ILO.

What I see to be very important concerning the forms of activity of the ILO is that the focus on the concept of social justice and equality in larger scale has remained central. In the case of Argentina the ILO has also in close past actively carried out participatory programmes related to decent work through which it also has aimed to train and educate the national governments. This reflects well the definition of Verhellen (2000, 71) concerning the work of the ILO. The difference compared to the case of Finland is quite big as for instance no specific work related programmes have been defined and carried out in 1990s or in the beginning of the 21st century in Finland. Instead the interventions of the ILO in Finland have focused for more specified decision making level questions and in this area the power balance of a national and international actor tend to have quite high significance. This is why, based on the found data, it seems that actually the ILO has more authority to profound level questions than to more specified. Also the methods, in order to keep countries like Finland still in positive progress concerning the labour issues, needs to be developed.
8 POSSIBLE FUTURE RESEARCH APPROACHES

From the point of view of equality among the workers the employment level and the statistics of the working men and women could give a rough estimation of the success of labour organizations and governments in succeeding to provide an equal working environment. However, even though as relevantly reliable indicator (at least in the case of Finland), this indicator perhaps can not be seen as the most validate indicator in a broad level because it focuses on a single area only.

Most of the indicators mentioned in this study are highly countable and this way give more objective information. However, according to Jepperson and Meyer (1991, 218) nationality has emerged as a powerful predictor of both organizational practices and individuals’ attitudes toward organization. So possibly not only the organizational structure in the countries but also the more personal level cultural and environmental influences may affect the attitudes towards the work of organizations. And even the activity or forms of activity of labour associations and individual workers may be explained in case there is the possibility to have a deeper look into the attitudes of workers and employers. In such a qualitative data searching, the formation of questions and defining the forms of interviews and questionnaires have a central role. It is for instance clear that the same questions and definitions most probably would not function both in Argentina and in Finland. The efficiency of different level organizations could be observed through personal evaluations of workers and employers or then through assessments of union level actors and specialists. In a closer study this sort of data collection would not only give a broader view to the phenomenon but also might bring up different points of view to the examination of the question. But defining the importance and most correct balance of the qualitative and quantitative data in this case certainly would direct the results.
9 CONCLUSIONS

The field of labour issues proved to be rather complex and in this research paper any larger overall study is not possible. This is why here the main focus stayed on the more general issues. The case countries Argentina and Finland turned out to give seemingly good, even though from quite different points of view, example of current problem fields concerning labour issues in the countries having democratically fairly similar past.

The idea of social justice was, as at least partly expected, carried through the discussion and questions of equality concerning work seem not only to lead the work of the International Labour Organization but also to be quite in focus of Argentinean and Finnish labour markets. This reflects the introduced ideology of defining work as a human right.

The labour market organizational structure in Argentina and Finland are rather different from each other. This may reflect the current situation as these two countries have a different level of development and also differently transformed organizational background. Concerning Finnish labour field decision making system the information is fairly easily reachable unlike the similar information concerning Argentina. However, in both countries the tripartite structure of having both employers’ organizations and workers’ organizations in decision making together with national governmental actors, could be seen as an aim. But at the moment this model is not yet working, at least on the grounds of the reached information, in Argentina in such a clearly organized way as in Finland.

The labour organizational structure and the accomplishments of organizational decision making also seems to be reflected at least on some level on the character of interventions of the ILO. In Argentina the ILO has in the beginning of the 21st century actively run successful national programmes concerning decent conditions of work. This alongside with more basic technical help to the government, in order to help it to implement the international standards to the national legislations, are the kind of interventions which are more easily detectable. This supports my hypothesis defined in the beginning of this study in which I assumed that in question of developing countries like Argentina the ILO has more flexibility and even more power to its interventions. Also in question
of a more highly developed and at least generally democratic country like Finland, based on the reached information concerning this study, my hypothesis got support. This is because in the case of Finland the interventions of the ILO were obviously more specified and emphasis was on the formal approaches through observations and direct requests of the Committee of Experts. So with these kinds of countries it seems that the ILO would need more resources put to keep response systems active and abreast because the problem field in these countries is highly delicate.

In order to answer my research question, whether the interventions of the ILO to the labour markets in the case countries have been effective in the past two decades, I must say that the efficiency is not so easily definable here. The work related programmes in Argentina have been documented to have positive effects on the labour issue development and national economical situation. But as what comes to the responses concerning the implication of international labour standards into the national legislation in both countries, it seems that especially in more complex questions like equality and corporate responsibility, the interventions have not been as well functioning as could be expected. But as long as the ILO has as member states countries in seemingly versatile level of development regarding labour issues, the situation most probably is not getting any better. Here needs also to be reminded that in the field of labour issues there does not yet exist a effective international level actor that would have the actual power to order the countries to follow the given orders in the labour market field, unless the question is about human rights directly, and that is a wholly different issue. Based on found information the ILO can be said to have some power over its member states, but in more general level. And not in all countries the ILO is seen as an independent international actor in the field but more as a forum where to discuss more widely about the labour issues and their problemacy.
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APPENDIX 1: THE SUBJECTS COVERED BY INTERNATIONAL LABOUR STANDARDS

freedom of association
collective bargaining
forced labour
child labour
equality of opportunity and treatment
tripartite consultation
labour administration
labour inspection
employment policy
employment promotion
vocational guidance and training
employment security
wages
working time
occupational safety and health
social security
maternity protection
social policy
migrant workers
seafarers
fishers
dockworkers
indigenous tribal people
other specific categories of workers
Source: ILO (2009)
APPENDIX 2: SELECTED RELEVANT ILO INSTRUMENTS TO THE INTERNATIONAL LABOUR STANDARDS IN FOCUS

1) Freedom of association and collective bargaining

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

“This fundamental convention sets forth the right for workers and employers to establish and join organizations of their own choosing without previous authorization. Workers' and employers' organizations shall organize freely and not be liable to be dissolved or suspended by administrative authority, and they shall have the right to establish and join federations and confederations, which may in turn affiliate with international organizations of workers and employers.”

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

“This fundamental convention provides that workers shall enjoy adequate protection against acts of anti-union discrimination, including requirements that a worker not join a union or relinquish trade union membership for employment, or dismissal of a worker because of union membership or participation in union activities. Workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other, in particular the establishment of workers' organizations under the domination of employers or employers' organizations, or the support of workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations. The convention also enshrines the right to collective bargaining.”

Workers' Representatives Convention, 1971 (No. 135)

“Workers' representatives in an undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements. Facilities in the undertaking shall be afforded to workers' representatives as may be appropriate in order to enable them to carry out their functions promptly and efficiently.”
Rural Workers' Organisations Convention, 1975 (No. 141)

“All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations, of their own choosing without previous authorization. The principles of freedom of association shall be fully respected; rural workers' organizations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression. National policy shall facilitate the establishment and growth, on a voluntary basis, of strong and independent organizations of rural workers as an effective means of ensuring the participation of these workers in economic and social development.”

Note! In February 2009 Argentina has not yet ratified this Convention.

Labour Relations (Public Service) Convention, 1978 (No. 151)

“Public employees as defined by the convention shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment, and their organizations shall enjoy complete independence from public authorities as well as adequate protection against any acts of interference by a public authority in their establishment, functioning or administration.”

Collective Bargaining Convention, 1981 (No. 154)

“Defines collective bargaining and calls for its promotion in all branches of economic activity, including public service.”

2) Forced labour

Forced Labour Convention, 1930 (No. 29)

“This fundamental convention prohibits all forms of forced or compulsory labour, which is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Exceptions are provided for work required by compulsory military service, normal civic obligations, as a consequence of a conviction in a court of law (provided that the work or service in question is carried out under the supervision and control of a public authority and that the person carrying it out is not hired to or placed at the disposal of private individuals, companies or associations), in cases of emergency, and for minor communal services performed by the members of a community in the direct interest of
the community. The convention also requires that the illegal extraction of forced or compulsory labour be punishable as a penal offence, and that ratifying states ensure that the relevant penalties imposed by law are adequate and strictly enforced.”

**Abolition of Forced Labour Convention, 1957 (No. 105)**

“This fundamental convention prohibits forced or compulsory labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination.”

Additionally, forced or compulsory labour is considered as one of the worst forms of child labour in the **Worst Forms of Child Labour Convention, 1999 (No. 182)**.

3) **Equality of opportunity and treatment**

**Equal Remuneration Convention, 1951 (No. 100)**

“This fundamental convention requires ratifying countries to ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value. The term "remuneration" is broadly defined to include the ordinary, basic or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment.”

**Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

“This fundamental convention defines discrimination as any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. It requires ratifying states to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in these fields. This includes discrimination in relation to access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.”
Workers with Family Responsibilities Convention, 1981 (No. 156)

“With the aim of creating effective equality of opportunity and treatment for men and women workers, the convention requires ratifying states to make it a goal of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities. The convention also requires governments to take account of the needs of workers with family responsibilities in community planning and to develop or promote community services, public or private, such as childcare and family services and facilities.”

4) Wages

Labour Clauses (Public Contracts) Convention, 1949 (No. 94)

“Aims at ensuring respect for minimum labour standards in the execution of public contracts.”

Note! In February 2009 Argentina has not yet ratified this Convention.

Protection of Wages Convention, 1949 (No. 95)

“Wages shall be paid in legal tender at regular intervals; in cases where partial payment of wages is in kind, the value of such allowances should be fair and reasonable. Workers shall be free to dispose of their wages as they choose. In cases of employer insolvency, wages shall enjoy a priority in the distribution of liquidated assets.”

Note! In February 2009 Finland has not yet ratified this Convention.

Minimum Wage Fixing Convention, 1970 (No. 131)

“Requires ratifying states to establish a minimum wage fixing machinery capable of determining and periodically reviewing and adjusting minimum wage rates having the force of law.”

Note! In February 2009 Argentina and Finland have not yet ratified this Convention.
Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)

“Provides for the protection of wage claims in insolvency and bankruptcy by means of a privilege or through a guarantee institution.”

Note! In February 2009 Argentina has not yet ratified this Convention.

5) Working time

Hours of Work (Industry) Convention, 1919 (No. 1)

Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)

“These above two conventions set the general standard at 48 regular hours of work per week, with a maximum of eight hours per day.”

Note! In February 2009 Finland has not yet ratified the Convention No. 1 and the ratification of Finland for the Convention No. 30 has been denounced on 23:06:1999.

Forty-Hour Week Convention, 1935 (No. 47)

Reduction of Hours of Work Recommendation, 1962 (No. 116)

“These above two instruments set out the principle of the 40-hour workweek.”

Note! In February 2009 Argentina has not yet ratified the Convention No. 47.

Weekly Rest (Industry) Convention, 1921 (No. 14)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

“The above two conventions set the general standard that workers shall enjoy a rest period of at least 24 consecutive hours every seven days.”

Note! In February 2009 Argentina and Finland have not yet ratified the Convention No. 106.
Holidays with Pay Convention (Revised), 1970 (No. 132)

“Every person to whom the convention applies shall enjoy at least three working weeks of annual paid holiday for one year of service.”

Note! In February 2009 Argentina has not yet ratified this Convention.

Night Work Convention, 1990 (No. 171)

” Requires ratifying states to take measures required by the nature of night work for the protection of night workers. Night work is defined as work performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m. Also requires alternatives to night work to be offered to women for specified periods during and after pregnancy.”

Note! In February 2009 Argentina and Finland have not yet ratified this Convention.

Part-Time Work Convention, 1994 (No. 175)

“Requires ratifying states to ensure that part-time workers receive the same protection, basic wage and social security, as well as employment conditions equivalent to those accorded to comparable full-time workers.”

Note! In February 2009 Argentina has not yet ratified this Convention.

6) Occupational safety and health (general conventions)

Occupational Safety and Health Convention, 1981 (No. 155) and its Protocol of 2002

“The convention provides for the adoption of a coherent national occupational safety and health policy, as well as action to be taken by governments and within enterprises to promote occupational safety and health and to improve working conditions. This policy shall be developed by taking into consideration national conditions and practice. The Protocol calls for the establishment and the periodic review of requirements and procedures for the recording and notification of occupational accidents and diseases, and for the publication of related annual statistics.”

Note! In February 2009 Argentina has not yet ratified this Convention.
**Occupational Health Services Convention, 1985 (No. 161)**

“This convention provides for the establishment of enterprise-level occupational health services which are entrusted with essentially preventive functions and which are responsible for advising the employer, the workers and their representatives in the enterprise on maintaining a safe and healthy working environment.”

Note! In February 2009 Argentina has not yet ratified this Convention.

**Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)**

“ This Convention aims at promoting a preventative safety and health culture and progressively achieving a safe and healthy working environment. It requires ratifying States to develop, in consultation with the most representative organizations of employers and workers, a national policy, national system, and national programme on occupational safety and health. The national policy shall be developed in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 1981 (No. 155), and the national systems and programmes shall be developed taking into account the principles set out in relevant ILO instruments. A list of relevant instruments is contained in the Annex to the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197). National systems shall provide the infrastructure for implementing national policy and programmes on occupational safety and health, such as laws and regulations, authorities or bodies, compliance mechanisms including systems of inspection, and arrangements at the level of the undertaking. National programmes shall include time-bound measures to promote occupational safety and health, enabling a measuring of progress.”

Note! In February 2009 Argentina has not yet ratified this Convention.

Source: ILO (2009)
APPENDIX 3: CENTRAL ISSUES MENTIONED IN THE INTERNATIONAL LABOUR STANDARDS AND WHERE THEY CAN BE FOUND IN THE NATIONAL LEGISLATIONS

<table>
<thead>
<tr>
<th>The issue handled in the international labour standards</th>
<th>Argentinian labour law</th>
<th>Finnish labour law</th>
</tr>
</thead>
<tbody>
<tr>
<td>workers’ and employers’ right to establish &amp; join organizations of their own choosing</td>
<td>Ley 24.185&lt;br&gt;Ley 24.013</td>
<td>11.6.1999/731</td>
</tr>
<tr>
<td>right for workers and employers to join and establish federations and confederations</td>
<td>Ley 24.185&lt;br&gt;Ley 24.013</td>
<td>7.6.1946/436</td>
</tr>
<tr>
<td>protection for unions against interference of others</td>
<td>Ley 23.351</td>
<td>11.6.1999/731&lt;br&gt;7.6.1946/436</td>
</tr>
<tr>
<td>right to collective bargaining</td>
<td>Ley 25.877&lt;br&gt;Ley 25.013&lt;br&gt;Ley 24.013&lt;br&gt;Ley 23.929&lt;br&gt;Ley 23.546</td>
<td>7.6.1946/436</td>
</tr>
</tbody>
</table>
| Workers’ representatives shall enjoy effective protection against any act prejudicial to them | Nuevo ley de empleo estable | 8.8.1986/609
<table>
<thead>
<tr>
<th></th>
<th>Ley 20.744</th>
<th>26.1.2001/55</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural workers shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing – establishment and growth of organizations</td>
<td>-</td>
<td>11.6.1999/731</td>
</tr>
<tr>
<td></td>
<td>Ley 25.191</td>
<td></td>
</tr>
</tbody>
</table>
| Public employees and their organizations shall enjoy adequate protection against acts of anti-union discrimination and interference by public authorities | Ley 25.877 | 11.6.1999/731
 |  | 26.1.2001/55 |
| Prohibit all forms of forced or compulsory labour (exception of military, normal civic organizations, consequence of conviction, cases of emergency, minor community services) | Ley 20.744 | 19.12.1889/39
 |  | (change 11.4.2008/212) |
| Prohibit forced or compulsory labour as a means of political coercion, education, as a punishment for holding or expressing political views or ideologically opposed to the system, as a method of economic development or labour discipline, punishment for having participated on strikes, as a means of racial, social, national or religious discrimination | Ley 20.744 | 11.6.1999/731
 |  | 9.7.2004/650 |
| Equal remuneration for men and women workers for work of equal value | Ley 20.744 | 20.1.2004/21
 |  | 11.6.1999/731
<p>|  | 8.8.1986/609 |
| Prohibit discrimination as any distinction, exclusion or preference made by the basis of race, sex, colour, religion, political opinion, social origin, national extraction |
| Ley 20.744 | 20.1.2004/21 |</p>
<table>
<thead>
<tr>
<th>Protection</th>
<th>Legislation</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>which has effect nulling or impairing equality</td>
<td>Ley 20.744</td>
<td>11.6.1999/731</td>
</tr>
<tr>
<td>goal: to enable persons with family responsibilities engaged in employment (or wishing for this) to exercise their right to do so without discrimination – taking in to account the needs of such persons (child care, family services etc.)</td>
<td>Ley 24.714 (public sector)</td>
<td>26.1.2001/55</td>
</tr>
<tr>
<td></td>
<td>Ley 20.744</td>
<td>8.8.1986/609</td>
</tr>
<tr>
<td>aim at ensuring respect for minimum labour standards in the execution of public contracts (wage)</td>
<td>-</td>
<td>9.8.1996/605</td>
</tr>
<tr>
<td></td>
<td>Ley 25.877</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ley 24.013</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ley 20.744</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nueva ley de empleo estable</td>
<td></td>
</tr>
<tr>
<td>in case of employers insolvency of wages, workers shall enjoy priority in the distribution of liquidated assets</td>
<td>Ley 20.744</td>
<td>26.1.2001/55</td>
</tr>
<tr>
<td></td>
<td>Ley 25.877</td>
<td>27.11.1998/866</td>
</tr>
<tr>
<td>workers free to dispose of their wages</td>
<td>Ley 20.744</td>
<td>-</td>
</tr>
<tr>
<td>wages paid in legal tender at regular intervals</td>
<td>Ley 24.467</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Ley 20.744</td>
<td>26.1.2001/55</td>
</tr>
<tr>
<td>protection of wage claims in insolvency and bankruptcy by means of a privilege or through a guarantee situation</td>
<td>-</td>
<td>26.1.2001/55</td>
</tr>
<tr>
<td></td>
<td>Ley 20.744</td>
<td>27.11.1998/866</td>
</tr>
<tr>
<td>general standard of 48 regular hours of work per week, max 8 h/day (industry and commerce and offices)</td>
<td>Ley 11.544</td>
<td>-</td>
</tr>
<tr>
<td>Principle</td>
<td>Ratification</td>
<td>Date</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Principle of 40 working hours per week</td>
<td>-</td>
<td>9.8.1996/605</td>
</tr>
<tr>
<td>enjoy a rest period of at least 24 consecutive hours every seven days</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Every worker to whom applies shall enjoy at least 3</td>
<td>-</td>
<td>8.8.1986/609</td>
</tr>
<tr>
<td>working weeks of annual paid holiday for 1 year of service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure that part-time workers receive the same protection,</td>
<td>-</td>
<td>26.1.2001/55</td>
</tr>
<tr>
<td>basic wage and social security as well as working</td>
<td></td>
<td>23.8.2002/738</td>
</tr>
<tr>
<td>conditions as comparable full-time workers</td>
<td></td>
<td>21.12.2001/1383</td>
</tr>
<tr>
<td>Coherent national occupational safety &amp; health policy</td>
<td>-</td>
<td>23.8.2002/738</td>
</tr>
<tr>
<td>and actions taken by government for promotion – annual</td>
<td>Ley 24.557</td>
<td>29.12.1988/1343</td>
</tr>
<tr>
<td>notifications of occupational accidents &amp; diseases</td>
<td>Ley 19.587</td>
<td></td>
</tr>
<tr>
<td>Establishment of enterprise level occupational health</td>
<td>-</td>
<td>23.8.2002/738</td>
</tr>
<tr>
<td>services entrusted with preventive functions and responsible advising the employer, workers and representatives maintaining safety and healthy</td>
<td>Ley 24.557</td>
<td>21.12.2001/1383</td>
</tr>
<tr>
<td>Developing a national system and a national programme on</td>
<td>-</td>
<td>23.8.2002/738</td>
</tr>
<tr>
<td>implementing (time-?)bound measures</td>
<td>Ley 24.557</td>
<td>20.1.2006/44</td>
</tr>
</tbody>
</table>

*Sign (-) indicates that the country has not ratified the convention in question*

Sources: Finlex (2009); ILO (2009), Ministerio de Trabajo, Empleo y Seguridad Social (2008)