



IOE-ILO GUIDANCE NOTE ON THE 2014 PROTOCOL TO THE FORCED LABOUR CONVENTION, 1930



WHAT IS THE 2014 “PROTOCOL TO THE FORCED LABOUR CONVENTION, 1930”?

The 2014 International Labour Conference (ILC) adopted a Protocol which complements the ILO Forced Labour Convention No. 29 from 1930. This Protocol needs to be ratified by two Member States before coming into force. Its purpose is to take a more comprehensive approach to forced labour by focusing on prevention, protection and remedy - issues which were not addressed by the Forced Labour Convention in 1930. The Protocol also aims to abolish human trafficking that results in forced labour.

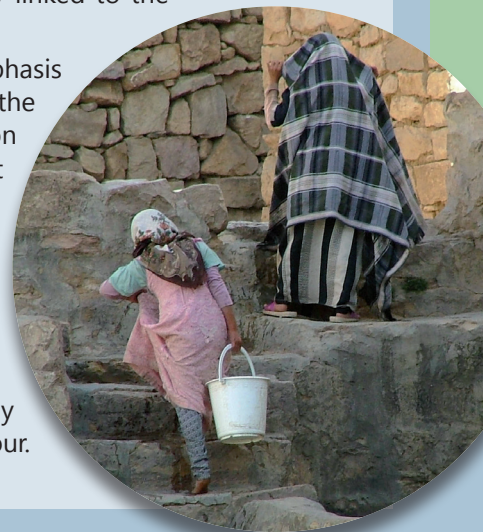
The Protocol to the Forced Labour Convention is accompanied by a Recommendation which provides technical guidance for the implementation of the Protocol. The nature of these instruments is as follows:

- The Protocol is an international treaty, subject to ratification. It creates legal obligations applicable to the ratifying State and can be ratified only by those Members that have ratified the Forced Labour Convention 29 (1930);¹
- The Recommendation has no binding force and is not subject to ratification. It provides guidance on national policy, legislation and practice.

1. Further to ratification of the Convention, the ILO 1998 Declaration states that “All Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions...”

WHY IS THE “PROTOCOL TO THE FORCED LABOUR CONVENTION, 1930” RELEVANT FOR BUSINESS?

- The Protocol and Recommendation address an issue which is highly relevant for business. Companies, especially multinational buyers, have a strong business interest in not being linked to forced or compulsory labour, especially through supply chain activities.
- The UN Guiding Principles on Business and Human Rights state in GP 12 that “the responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work.” This encompasses ILO Conventions 29 and 105, as they are part of the eight ILO core Conventions and are the basis of the fundamental principle of elimination of all forms of forced or compulsory labour. Consequently, as the “Protocol to the Forced Labour Convention, 1930” is supplementing Convention 29, the “business responsibility to respect” is automatically linked to the Protocol.
- The Protocol and the Recommendation take a very inclusive approach and put special emphasis on the engagement and support of employers’ organisations and businesses. Article 1 of the Protocol for instance states that national action plans should be elaborated in consultation with employers’ and workers’ organisations. Article 2 of the Protocol calls for support in due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour. The Protocol and the Recommendation open up new possibilities for business to be fully included in all the development of State policies with regard to forced labour, and to receive the support needed in fulfilling expectations placed on business.
- As constituents of the ILO, the Employers will be part of the development of the ILO framework of action for the implementation of these two new instruments to effectively engage and advance the international agenda for the elimination of all forms of forced labour.



WHAT IS THE IOE POSITION ON THE “PROTOCOL TO THE FORCED LABOUR CONVENTION, 1930”?

- Forced labour is an abhorrent practice and a severe human rights violation. Business supports the complete abolition and elimination of forced labour in all its forms, including human trafficking, as soon as possible – for the obvious ethical reasons that victims of forced labour lose their freedom and dignity and are bound to dangerous and unacceptable working conditions, as well as for the fact that the sustained suppression of forced or compulsory labour also contributes to ensuring fair competition. The Protocol and Recommendation thereby establish a common framework, strategy and a set of measures which can effectively eliminate all forms of forced labour and human trafficking.
- The Employers therefore voted with an overwhelming majority for the adoption of the Protocol and the Recommendation. At the ILC plenary, the Employers’ Spokesperson Ed Potter stated that: “The Protocol and Recommendation represent a call to action. They go beyond pious words; they are more than text on a piece of paper.”



HOW DOES THE IOE’S WORK ON FORCED LABOUR ADVANCE THE AGENDA FOR BUSINESS?

- The IOE has published a number of guides and handbooks on the issue of forced labour.
- The IOE, together with the ILO, has coordinated a number of activities to provide a space for employers’ representatives to understand the issue and its impact on the business community, and to develop strategies and action plans to address forced labour by exchanging information and experiences, such as the current “Work in Freedom” programme.
- The IOE is a partner of the Alliance against Trafficking in Persons, a broad international platform for co-operation initiated by OSCE to promote a human rights-based and holistic approach to the prevention of trafficking, the protection of victims’ rights and the prosecution of offenders.
- The IOE is also an important partner of the ILO “Fair Recruitment Initiative” which aims to help prevent human trafficking and enhance the development gains of labour mobility.



More information and answers to your questions

Please visit www.ioe-emp.org and www.ilo.org/forcedlabour.

If you do not find what you are looking for, please contact:

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