

Compliance with the International Labour Standards in Time of Crisis /Selected Cases/

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Abstract:

International labour standards are changing their appearance during the ongoing financial crisis and their implementation may seem complicated. On the following pages we will outline the risks and opportunities of the labour markets. For our analysis we selected three cases of applying ILS in the Czech Republic, Poland and the Slovak Republic in three selected areas of the labour market. In the area of human resource development, employment policy of risk groups and in the field of equal opportunities in the labour market.

Key Word: International labour standards; unemployment; human resource development; risk groups; equality; labour market;

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I. INTRODUCTION

The aim of the presented material is to bring near the current situation of complying with the ILS in selected countries with regard to their current economic position and economic growth under the influence of the crisis on employment and support of labour markets. Selected concrete cases map only one specific tool for improving employment in the country. The measures reflect valid ILS in a new, innovative form customized to the current situation, stemming from conditions of the labour market, which is subject to change due to the global economic crisis.

In order to synchronize economic progress and promote social protection and justice, the representatives of ILO decided in 1919 to establish the international catalogue of labour standards. Adopted international labour standards cover a wide area of the world of work. They include areas related to e.g. child labour, forced labour, discrimination in the labour market, the position of women and men in the labour market. By administrative support of the functioning of the labour market and its control, measures to support employment, activities of trade unions and by their role in maintaining and creating jobs. An important part of the ILS are working conditions connected with wages, working hours, safety and occupational health, employees' social security, the issue of migrant workers, etc. In the coming years the original concept was further developed in several documents that were ratified by many countries and this catalogue became a universal tool for creating an optimally functioning labour market without borders.

Declaration from the year 2008 binds ILO to assist member countries in fulfilling the 4 strategic objectives:

Objective 1: Support and implementation of universally applicable standards and fundamental principles and rights at work.

Objective 2: Creating more opportunities for women and men to secure decent jobs.

Objective 3: Increasing the coverage and effectiveness of social protection for all.

Objective 4: Strengthening of Tripartite and social dialogue.

Efficient functioning and fulfilling of the objectives requires active approach of national governments and concept of their national action plans in the area of employment and in the area of anti-crisis measures. ILO as an international organization and its documents conceived on basis of international law has control mechanisms for the implementation and compliance with ratified international labour standards in different countries. The base still remains national legislation of employment based on democracy and fundamental human rights.

In addition to support mechanisms ILS provides also technical assistance to member countries for programs that do not fall directly under the ILO, such as the Poverty Reduction Strategy - PRSP. Strategic framework for the years 2010-2015 adopted in 2009 is based on economic development in each country. ILO stresses the importance of technical support, application of ILS and control in the form of the ILO surveillance of ILS in different countries.

"In addition to supporting reconstruction and development, the promotion of labour standards and other international labour standards, which support the economic recovery in the labour market, it is an effort to reduce inequality between women and men." = "The promotion of core labour standards and other international labour standards that support the economic and jobs recovery and reduce gender inequality" (International Labour Standards, 2020) GJP /Global Employment Pact/ and ILS are powerful tools in the hands of national policies in terms of their national action plans, they are tools how to adequately respond to the crisis and find solutions alleviating its effects and ILO acts as a supervisory body. The system of supervision of ILS is unique and helpful in the implementation of treaties ratified by member states. Hereby ILO regularly monitors the implementation of these standards and its role is to point out areas where it would be possible to further improve the implementation of ILS. In case of problems with the application of ILO standards, ILO tries to support the country through technical assistance also in the field of social dialogue. ILO has two supervisory mechanisms:

1. regular surveillance system, which consists of providing periodic reports by member states about measures adopted to implement the ratified agreement about ILS,
2. special measures regarding formal procedures and the procedure for dealing with complaints and the exercise of freedom of association.

„Normative action is an indispensable tool to make decent work a reality. „(Applying and promoting International Labour Standards, 2020) Control is carried out in collaboration among ILO, which creates conclusions on the basis of contracts submitted by member countries and the determined observations are then provided to employers and employee organizations.

The problem of small economies is that they are largely or entirely dependent on international companies, usually only on a small number of such companies. Consequence of such a state of dependence is that if such a transnational company finds itself in trouble, it pulls down the entire national economy and a large number of small and medium-sized companies, which will naturally increase unemployment. The economic crisis reduces the global labour market; therefore, jobs are disappearing also in Western Europe. People migrating for work return to their home country, which also deepens the economic problems, especially in Central and Eastern Europe.

II. SELECTED CASES

Many countries are characterised by specific structural unemployment, especially in Central and Eastern Europe; in this context, Western European countries have not recorded a large increase in unemployment. Generally, countries with low levels of structural unemployment have a lower increase in unemployment due to the economic crisis. According to the OECD Employment Outlook 2012 labour markets with lingering economic crisis increases their resistance. OECD examines the aspects, how it is possible to achieve the aforesaid also in the event of a recession. The unemployment rate remains at a high level, while the number of long-term unemployed increases, which means the highest risk of persistent unemployment for them, then it is low-skilled and young people. In order that OECD countries achieve the level of unemployment from the period before the crisis, they would need to create 14 million new jobs. Nowadays, when countries have already adopted one or more "anti-crisis rescue packages" and when the possibilities of monetary and fiscal policies seem to be currently exhausted, the way to achieve the objective are structural reforms in production and in the labour market. Within the structural reforms, structural barriers will be removed, which prevent specific groups of workers and employers to fill free jobs.

Risks

The risk endangering the labour market arising from the crisis is particularly unemployment. In terms of ILS we know no universal tool to be used in all countries by which unemployment could be reduced or prevented effectively, it can only be operated with the right to work and receive earnings as part of human rights. In relation to the crisis there has been a decline in wages, particularly in the public sector. Here collective bargaining is more effective than any other tool. Yet, for example in Poland wage bargaining has been partially suspended in some sectors. Flexibility of working time may seem advantageous in time of crisis. Adjusting working time has been used, among others, in Slovakia, the Czech Republic and Poland, but also in Germany, Malaysia and others. An unfavourable phenomenon in the world is still child and forced labour. Even countries respecting the rights of children, such as Ireland, recorded an increase in child labour, for example on farms, where they are not adequately protected. Another risk is reducing funding assigned for social security of employees. It is a measure accepted by employers in order to reduce staff costs so that the company could maintain employment even in times of crisis. The risk is also loosening of conditions for the termination of employment by the employer. Such a step would be accepted for example by the Czech Republic and Australia. A part of the Polish anti-crisis package was also the change of working time. 24 hour flexible working hours have been introduced; the companies also have the option to reduce working time by up to 50% in the period of 6 months. A change in the amount, time and terms of provision of social benefits is a measure which should be helpful in increasing employment.

Opportunities

Resilience of labour markets lies in their ability to withstand economic fluctuations with minimum social costs. Countries with structurally established policies and institutions are of great importance for increasing the resilience of labour markets. They reduce the impact of economic shocks on the labour market and at the same time they help to reduce the impacts of changes in income from work on the total household income. The solution could be to coordinate institutions of collective bargaining which would also alleviate the impacts on employment, with adjustment of wages or working time. OECD observers point to the fact that the preference for employment contracts for an indefinite period, as well as stringent protective provisions of contracts for permanent employees, are associated with weaker structural outputs and lower resilience of the labour market. Therefore it is much more difficult to adjust for example working hours or rewarding.

However, a higher incidence of temporary employment is associated with more frequent adjustments of working hours and rewarding.

The current situation offers a number of opportunities that can stabilize the labour market. Creating jobs in time of crisis is complicated. In Poland and many other countries reduction of working hours proved to be an effective tool and helped to avoid job losses. In the area of social protection and benefits we can mention the creation of offices of employment services. In Argentina, 115 from the current 324 offices were founded in the years of crisis 2008-2010.

2.1 Human resources development

The human resources development program offers a wide range of possibilities how in times of crisis a company can “retain” and develop the qualification of its employees, whose potential would otherwise be little used in the company. In Germany, in terms of maintenance of employment and ILO standards, the employers allowed requalification and further education of their employees, while remaining in employment, but the education is fully paid by the state. A similar step was adopted by Poland. In Nigeria, free education was pushed through. However, access to education is not enabled to everybody in this country.

The case Czech Republic: The Czech-Moravian Trade Union Conference /ČMKOS/ and the Confederation of Industry of the Czech Republic commented on the report of the government about current conditions for the ratification of the convention relating to programs and policies of education and training. Lifelong learning is seen as an integrated complex, financed also from the EU funds, which allocated funds for the period 2007-2013. In the current period, the Czech government has carried out several analysis of the current situation, which was reflected in strategic guidelines for lifelong learning. The aim is to remove barriers to education and open it up to a large number of people interested. Human resource development focused mainly on lifelong learning. The current situation, however, will require shifting boundaries of development strategies by other areas of education. Professional training also in terms of expert advice is coming to the fore. The Programme “Educate Yourself” was launched in March 2009 to support companies exposed to the impact of the economic and financial crisis. It provides training opportunities to part-time workers. The Programme is funded by the European Social Fund. (Labour market policies in times of crisis;2013, pp.55) A negative aspect in the case of the Czech Republic is the lack of recording statistical data regarding existing policies and programs of expert advice and training. Cooperation of employers, trade unions and the government creates concepts of active and passive employment policy, which could be much narrower. Companies in human resources development as well as the unemployed cooperate with specialized departments of labour offices, which are able to adequately provide information about the tools of active employment policy, for example in the form of requalification courses. Groups of experts made up of employers as well as disadvantaged citizens are helpful for people with disabilities. Results of professional discussions are forms of work rehabilitation, which are as closely as possible adjusted to a specific company or employed or unemployed disabled citizens.

2.2 Employment policy of risk groups

The current anti-crisis measures to support employment and maintain ILO standards are characterized by a new, proactive approach to this issue. Particularly sensitive is the employment of risk groups in the labour market, in case of which even the existing legislation does not meet the expectations. Also, an important part of active employment policy is to preserve jobs of the so called vulnerable workers, who are most at risk of walking papers.

The case Poland: Employment policy is regulated by the Act on promotion of employment and institutions in the labour market. Poland has been struggling with high unemployment for long. On average, from 2008 to 2010 the funds for the employment policy were divided in a ratio of 70:30. About 70% of the funding was for the passive employment policy and only 30% for active measures. Active measures in the labour market in Poland are divided into five key areas, requalification, employment stimuli, integration of disadvantaged groups, direct job creation and the so called start-up stimuli. Based on the findings of the government, the effectiveness of employment services and mutual cooperation of partners in the labour market

has improved since 2009, as confirmed by the committee = Committee of Experts on the Application of Conventions and Recommendations. „...the most important change relates to the separation of the Centre for Professional Activation from the structure of the *poviat* labour office into a specialized, decentralized unit mandated with the implementation of services and tools into the labour market.“ (Report of the Committee of Experts on the Application of Conventions and Recommendations. 2020, p. 737). In terms of the National Action Plan from the year 2008, risk groups in the labour market were defined, such as people with disabilities, older workers and the long-term unemployed. According to the available data, 14,649 people with disabilities and 49,388 older persons attended individual programs to promote employment of these groups and the number of long-term unemployed people has fallen by half. The year 2008 was not so negative for the Polish labour market like the next year. In the following years, the unemployment rate was rising, there has been a slight downturn in late 2009, when the government re-evaluated tools of employment policies and launched new anti-crisis measures. But as we see in the table below, even that did not stop the increase in the number of unemployed.

Table No.1 The unemployment rate in Poland

Unemployment rate in %	2008	2009	2010
Total	9,5	12,1	12,4

Source: processed according to *Aneks kartogramy, tablice statystyczne* . [2012-06-15]. Available on the Internet:

<http://translate.google.com/translate?hl=cs&sl=pl&tl=cs&u=http%3A%2F%2Fwww.psz.praca.gov.pl%2Fmain.php%3Fdo%3DSho>

There were cracks in the national action plans to promote full employment, especially in the implementation of proposed measures. Risk groups were still young people and the position of women in the labour market and their employment remained problematic. The Polish unemployment average was slightly higher than the average unemployment of young people in the EU. In 2008, the proportion of unemployed young people was 17.3% and in 2010 it increased to 23.7%. The negative aspect of young people when searching for and retaining a job was little work experience and the level of professional training. In 2009, active measures in the labour market were used by 267,953 persons younger than 25 years. This meant an increase of interest by 2.6% compared with 2008. The following year, the interest dropped significantly and active employment policy programs were attended by only 96,975 persons younger than 25 years. The new initiative came in 2010 and focused, similarly like in other countries, on general education programs, professional training and promotion of vocational training programs for people younger than 30 years. „Public Employment Service can fund 12-month apprenticeships during which the young person receives 120 per cent of unemployment benefit.“ (Labour market policies in times of crisis; 2020pp.56) Financial support is realized in the form of loans. The status of women in the labour market is one of the priority themes of ILS. The position of women in Poland has improved but nevertheless we are still faced with forms of discrimination in the labour market. There is still a traditional division of social roles in the society, which often influences employment and rewarding of women. The difference between the unemployment of men and women has decreased in recent years. E.g. in 2005 there were 16.6% unemployed men registered from all job seekers. The proportion of women was 19.1% from the total number of jobseekers. In 2009, the employment support programs were attended by 384,634 women; in 2010 it was only 144.149 women. The Polish government is continuing its efforts to overcome the stereotype in the assessment of male and female roles in the society and at work.

2.3 Equal opportunities =Equality

The countries projected equal opportunities in terms of ILS particularly into support of disadvantaged people into the labour market. Although the crisis has partly slowed down the development of these activities, some countries even managed to work out the most from this situation. E.g. Serbia made its access to subsidies easier in order to promote the employment of people with disabilities, young people with disabilities and minorities, mostly Roma people. Many of them asked for government subsidies to start and develop their own business, which is not very frequent in these groups of people.

Case Slovakia: Slovakia adopted the concept for support of the Roma minority in the area of employment and education, the Medium-term Concept of the Development of the Roma National Minority in the Slovak Republic (2008-13). Means of increasing employment opportunities for the long-term unemployed Roma should be social enterprises. A significant increase in the employment of this group has not yet been reported. „ According to a research of UNDP / Development Programme of the United Nations / in 2010, the methodology of statistical survey of workers showed that population 15 to 64 year-old-people within the Roma are mostly unemployed - 72% of Roma men and 75% of Roma women. According to the same research using

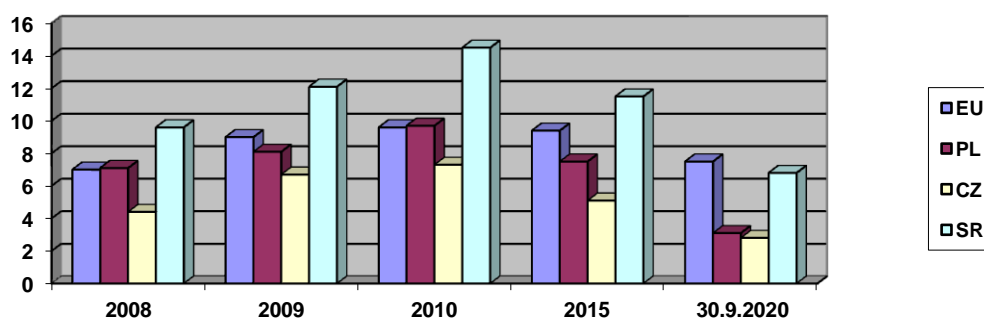
the same methodology, 20% of Roma men and 11% of Roma women are employed.” (Stratégia Slovenskej republiky pre integráciu Rómov do roku 2020.2012, pp. 15) The biggest obstacle to the employment of Roma is their low qualification. They are not ready for occupational performance, which leads to discrimination against them in the labour market, which does not really stem from racial bias of potential employers, but just from a low level of education, training, lack of work habits and low work motivation of Roma people. The paradox is that currently the most impulses to investigate racial discrimination while looking for or keeping a job at the Slovak National Centre for Human Rights / NCHR / comes from the Roma minority. In particular, it is impulses to investigate the practices of employers in admission procedures. The Slovak Republic has a number of anti-discrimination measures. It is primarily the anti-discrimination law, which has been in force since 2004 and also the so called compensatory measures to remove social and economic inequalities of the Roma population, where the focus of the proposed solutions is an alternative approach to education of Roma children and training, their integration into the majority population. Along with the support of the state to improve the housing conditions and health care for the Roma people. The Roma population is the most at risk of poverty. Marginalization and segregation in pre-school or school-age negatively affects their future mental and physical development. Also, in many cases, the adverse social environment affects another attitude to education and finding a job. Numerous governmental and non-governmental organizations are involved in the removal of these phenomena.

III. RESULT

The consequences and implications of the global financial crisis continue to affect labour markets and labour standards. As a result it is not possible to keep all in the original form. Control authorities play an important role in the innovation and introduction of new measures in terms of the ILS. In addition to the national supervisory authorities it is also the ILO committees. Control bodies function on the ground of observations and recommendations of national correspondents. The negative side, however, is only a limited amount of information obtained in this way for close control of ILS. The Committee has also limited time for consideration of all comments; therefore assessment of the situation on the labour market is insufficient. An obstacle to monitoring compliance with and implementation of ILS can also be reports submitted by national governments, which not always reflect the real situation. The situation is worse in countries where the presence of correspondents of ILO is completely absent.

The national response to the crisis in employment policy results from various economic factors such as inflation, slowdown in the market, a decrease in productivity and increase in unemployment and reducing the country's competitiveness. The most common problem was delayed payment of wages to employees, whether in the public or private sector. In this context, social dialogue and measures of wage policy play an important role. „In the midst of a crisis, social dialogue is crucial to negotiating outcomes that protect both the interests of employers and workers. This involves governments identifying ways of helping firms adjust to the rapid economic contraction, which entails providing financial support to employers to avoid mass layoffs.“ (A view on international labour standards, labour law and MSEs; 2013, pp.21) When planning wage policy, it is necessary to take into account the protection of employees' rights in bankruptcy proceedings, prevention of wage arrears. When planning stimuli packages, it should be focused on public work and the range of subsidized training should be extended. In an effort to mitigate the impact of the economic crisis, there should be a greater support for public works programs. Programs connected with developing the social infrastructure, supporting community development and employment focus on vulnerable groups of the population, which are the most threatened by the crisis.

Chart.1 The unemployment rate in Slovakia /SK/, the Czech Republic /CZ/, Poland /PL/ and the EU



	2008	2009	2010	2015	September 2020
EU	7	9	9,6	9,4	7,5
CZ	4,4	6,7	7,3	5,1	2,8
PL	7,1	8,1	9,7	7,5	3,1
SK	9,6	12,1	14,5	11,5	6,8

Unemployment statistics: [http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Unemployment_rate_2004-2015_\(%25\)_new.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Unemployment_rate_2004-2015_(%25)_new.png),
https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Unemployment_statistics#Unemployment_in_the_EU_and_the_euro_area

IV. CONCLUSION

Social cohesion and political and economic stability is a prerequisite for the effective implementation of ILS. The economic crisis has brought a series of austerity measures which has adversely affected the public discussion on social protection and thus the application of ILS. The aforementioned risks are most commonly associated with social securities of employees, resp. job seekers. Risk groups in the labour market are also weakened by the stabilization of labour markets. Structural changes are therefore necessary to improve the current situation and thereby to maintain the existing social securities, at least those guaranteed by the state. In individual areas, as mentioned, it is possible to find more suitable solutions, while not working with the assumption that what works in one country will work in another. Individuality of the proposed measures in terms of ILS has shown no significant increase in the employment rate, but the measures are of a long-term nature. (Chart No. 1).

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