

THE INTERNATIONAL LABOUR ORGANIZATION, LABOUR STANDARDS AND INDUSTRIAL RELATIONS IN NIGERIA

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Abstract

This paper examines the role of the International Labour Organisation (ILO) in regulating and promoting equitable industrial relations within the global labour framework. Using a doctrinal research methodology through examination of relevant statutes and instruments, which are consistent with the study analyses relevant ILO Conventions, Recommendations, and supervisory mechanisms in shaping national labour laws and industrial policies. The paper finds that the ILO plays a significant role in addressing industrial disputes, promoting collective bargaining, safeguarding workers' rights, and influencing labour legislation across member states, including Nigeria. The paper recommends strengthening the domestication of ILO Standards, improved enforcement mechanisms, and capacity building and awareness, among others.

Keywords: Convention, industrial relations, labour, International Labour Organisation

1.0 INTRODUCTION

In legal terms, international labour standards are formal legal instruments developed by the ILO's tripartite constituents, namely governments, employers, and workers. Conventions and Protocols are binding international treaties that may be ratified by member states, while Recommendations are non-binding instruments that offer guidance on how a Convention may be implemented or on areas requiring policy attention. In this sense, Conventions establish the core obligations, whereas Recommendations

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elaborate and clarify the practical application of those obligations. Once adopted, member states are required under article 19(6) of the ILO Constitution to submit the instrument to their competent authority for consideration, usually with a view to ratification in the case of Conventions.

The importance of international labour standards lies in their capacity to harmonize national labour laws with universally accepted principles of dignity, equity, and security at work. They also serve as an important reference point for courts, lawmakers, policymakers, and labour administrators in addressing industrial disputes, collective bargaining, occupational safety, minimum age for employment, freedom of association, and the elimination of forced and child labour. Thus, international labour law is not merely theoretical; it has direct implications for national labour legislation and industrial policy, especially in countries seeking to align domestic law with international best practices.

2.0 HISTORY OF THE ILO

The ILO was created in 1919 as part of the Treaty of Versailles at the end of the First World War, based on the conviction that lasting peace can only be achieved if it rests on social justice.¹ This foundational idea shaped the Organization's mandate from the outset: labour conditions should not be treated as a purely domestic issue, but as a matter of international concern because unfair labour practices can undermine social stability and international peace.² The ILO began its work in Geneva in 1920 and, within its first two years, adopted nine Conventions and ten Recommendations addressing issues such as working hours, unemployment, maternity protection, night work, and minimum age for employment.³

¹ International Labour Organization, homepage (ILO) <<https://www.ilo.org/about-ilo/history-ilo>> accessed 23 July 2026.

² *ibid*

³ *ibid*

A major milestone in the development of the Organization occurred in 1926, when the Committee of Experts on the Application of Conventions and Recommendations was established to supervise implementation of ILO standards.⁴ This body remains one of the central mechanisms for monitoring compliance today. During the Second World War, the ILO continued to refine its mandate, and in 1944 the Declaration of Philadelphia reaffirmed that labour is not a commodity and that all human beings are entitled to pursue both material well-being and spiritual development in freedom and dignity.⁵ That Declaration remains a constitutional statement of the ILO's aims and objectives.

In 1946, the ILO became a specialized agency of the United Nations, thereby strengthening its place in the international legal order.⁶ From that point onward, the Organization expanded significantly in membership and influence, especially as decolonization brought many new states into the global labour system. Over time, the ILO has remained a key institution for developing labour norms, assisting states with technical cooperation, and supervising the application of ratified Conventions through reporting, expert review, representation, and complaint procedures.

2.1 Role of International Labour Law and Standards

International labour law and international labour standards perform an important function at the domestic level. International labour law, in its broad sense, constitutes the body of legally cognisable rules that governs labour relations across borders and within member states through conventions, protocols, and treaty-based obligations. International labour standards, by contrast, represent the substantive

⁴ *ibid*

⁵ *ibid*

⁶ *ibid*

principles and normative benchmarks developed by the International Labour Organization (ILO) to guide the making, interpretation, and reform of national labour law and social policy.

In this way, international labour standards operate both as a source of legal reference point for domestic labour regulation. These standards are drawn up by the ILO's tripartite constituents, namely governments, employers, and workers, and are adopted at the International Labour Conference.⁷ They are primarily expressed through Conventions and Protocols, which are legally binding international treaties that may be ratified by member states, and through Recommendations, which are non-binding instruments that serve as practical guidelines.⁸ Where a Convention sets out the basic obligation or principle, the related Recommendation usually explains and elaborates on how that principle should be implemented in practice. This structure allows the ILO to combine legal certainty with flexibility, so that member states may adapt international standards to their domestic legal systems.

At the domestic level, international labour standards help governments draft and implement labour legislation that aligns with internationally accepted principles.⁹ They also guide the development of administrative institutions such as labour inspectorates, employment services, social security systems, and dispute-resolution mechanisms.¹⁰ In this sense, the standards do not merely regulate employment relations in the abstract; they also shape the practical machinery through which labour law is enforced and administered. For

⁷ International Labour Organization, homepage (ILO) <<https://www.ilo.org/international-labour-standards/benefits-international-labour-standards>> accessed 23 July 2026.

⁸ *ibid*

⁹ *ibid*

¹⁰ *ibid*

developing countries, they provide an important model for law reform, policy design, and institutional strengthening.

The role of the ILO is especially visible in key labour standards that have become central to modern labour regulation. These include the principles of freedom of association and collective bargaining, the abolition of forced labour, the elimination of child labour, non-discrimination in employment and occupation, occupational safety and health, and the promotion of decent work.¹¹ These standards are not isolated policy goals; they form the core of the international labour rights framework and are intended to secure dignity, fairness, and equity in the workplace.

The significance of international labour standards is also reflected in their supervisory and normative effect. Once a Convention is ratified, the ratifying state undertakes to apply it in national law and practice and to report regularly on its implementation.¹² Although Recommendations are not binding, they carry persuasive authority and often influence judicial interpretation, legislative reform, and administrative policy. Accordingly, international labour law helps preserve, promote, and enforce the international labour standards system within domestic jurisdictions by establishing minimum standards against which national legislation may be measured.

In Nigeria, the constitutional position is that a treaty does not have the force of law unless it is enacted by the National Assembly, as required by section 12(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). This means that an unincorporated treaty is generally not directly enforceable in a Nigerian court. However, once a treaty is domesticated, it becomes part of Nigerian law and can be

¹¹ *ibid*

¹² *ibid*

relied upon in appropriate proceedings. The implication is that ratification alone is not enough; legislative incorporation is usually necessary before a Convention can have full domestic effect.

The Nigerian Supreme Court's approach in *Abacha v. Fawehinmi*¹³ supports the view that international instruments should be interpreted in a manner consistent with civilized legal principles and the nature of the treaty. After copious assessment of the nature of treaties, and reference to foreign case laws, the court held that since Nigeria had incorporated the charter into its domestic legal framework through statute, as a treaty it becomes binding and our laws must give effect to it like other laws pulling within the judicial powers of the courts.¹⁴ Examples;

- i. Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).
- ii. Right to Organize and Collective Bargaining Convention, 1949 (No. 98).
- iii. Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).
- iv. Minimum Age Convention, 1973 (No. 138).
- v. Worst Forms of Child Labour Convention, 1999 (No. 182).
- vi. Equal Remuneration Convention, 1951 (No. 100).
- vii. Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
- viii. Occupational Safety and Health Convention, 1981 (No. 155).
- ix. Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

¹³ General Sani Abacha & Ors v Chief Gani Fawehinmi (2000) 6 NWLR (Pt 660) 228 (SC) <<https://compendium.itcilo.org/en/compendium-decisions/supreme-court-of-nigeria-abacha-v.-fawehinmi-28-april-2000-no.-sc45-1997> > accessed 31 July 2026.

¹⁴ *ibid*

- x. Violence and Harassment Convention, 2019 (No. 190).

These instruments collectively establish the minimum global standards for fair labour relations and decent work. They also provide governments with a structured basis for enacting labour legislation, improving labour inspection, protecting vulnerable workers, and addressing industrial disputes. In Nigeria, recent ratification of Conventions Nos. 187 and 190 demonstrates continuing engagement with the international labour standards system and a growing commitment to workplace safety and human dignity.

Thus, international labour standards serve as the bridge between international labour law and domestic labour regulation. They supply the minimum normative content for labour legislation, guide the reform of national institutions, and promote the realization of decent work, social justice, and industrial harmony. Their effectiveness, however, depends on ratification, domestication, and faithful implementation by member states.

2.2 International Labour Standards and Nigerian Labour Law

International labour law and international labour standards play an important role in shaping Nigerian labour law and industrial policy. Under international law, states that ratify a treaty are expected to act in good faith and avoid steps that would defeat its object and purpose, in line with the Vienna Convention principle of *pacta sunt servanda*.¹⁵ Where a treaty has been validly ratified and domesticated, it may become enforceable in the domestic legal system. In Nigeria, section

¹⁵ International Labour Organization (ILO), ILO homepage <<https://www.ilo.org/international-labour-standards/benefits-international-labour-standards>> accessed 23 July 2026; International Labour Organization (ILO), ILO homepage <<https://www.ilo.org>> accessed 23 July 2026

12(1) of the Constitution provides that no treaty shall have the force of law unless enacted by the National Assembly.

This means that, although ratification is important at the international level, domestication is what gives a treaty direct legal force in Nigerian courts. The decision in *Abacha v. Fawehinmi*¹⁶ remains significant because the Supreme Court affirmed that the African Charter on Human and Peoples' Rights, having been domesticated, formed part of Nigerian law and could be enforced by the courts. The case also supports the broader principle that once an international instrument is incorporated into domestic law, Nigerian courts must give effect to it like any other statute.

2.3 How ILO Standards Influence Nigerian Law

The ILO influences Nigerian labour law in two major ways. First, it provides substantive standards that guide lawmakers in drafting and reforming labour legislation. Second, it supplies interpretive principles that courts and policymakers may rely on when dealing with unclear or inadequate domestic rules. The ILO's conventions on freedom of association, collective bargaining, forced labour, child labour, discrimination, occupational safety and health, and violence and harassment have all shaped the content and direction of modern labour regulation.

For example, the ILO's standards on forced labour and child labour support Nigerian laws that prohibit exploitation in employment. Its conventions on equality and non-discrimination reinforce legal protections for women, young persons, and vulnerable workers. Its occupational safety and health standards influence workplace regulation, inspection, and employer duties. More recently, Nigeria's ratification of Conventions No. 187 and No. 190 shows a clearer

¹⁶ *ibid*

policy commitment to safe and healthy workplaces and to combating violence and harassment in the world of work.

Some of the most important ILO instruments that shape Nigerian labour policy include:

- a. Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).
- b. Right to Organize and Collective Bargaining Convention, 1949 (No. 98).
- c. Forced Labour Convention, 1930 (No. 29).
- d. Abolition of Forced Labour Convention, 1957 (No. 105).
- e. Minimum Age Convention, 1973 (No. 138).
- f. Worst Forms of Child Labour Convention, 1999 (No. 182).
- g. Equal Remuneration Convention, 1951 (No. 100).
- h. Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
- i. Occupational Safety and Health Convention, 1981 (No. 155).
- j. Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
- k. Violence and Harassment Convention, 2019 (No. 190).

These standards are important because they establish minimum international benchmarks for labour protection. Even where a Convention has not been domesticated, it may still influence policy reform, judicial reasoning, and administrative practice. In that sense, the ILO operates not only as a treaty-making body but also as a normative guide for domestic labour governance.

The importance of international labour standards can also be seen in cases where courts refer to international norms to interpret domestic

labour rights. In *Ejike Maduka v. Microsoft*,¹⁷ the claimant relied on international standards, including General Recommendation No. 19 on violence against women, to support her complaint of sexual harassment at work. The case demonstrates how international instruments may assist courts in understanding concepts such as harassment, dignity at work, and employer responsibility, especially where domestic law is silent or incomplete.

This reflects a broader principle: international labour law may supplement domestic labour law by providing definitions, standards, and policy direction. It does not automatically override Nigerian law, but where domestic law is vague, incomplete, or being interpreted purposively, international standards may provide valuable guidance.

The ILO affects Nigerian law by encouraging legal reform, institutional development, and stronger enforcement. It pushes government to improve labour administration, strengthen labour inspection, promote collective bargaining, and address exploitative practices. It also influences national debates on workplace safety, gender equality, child labour, and the rights of informal and vulnerable workers. Recent ratifications show that Nigeria continues to engage with the international labour system in a way that affects domestic policy priorities.

In practical terms, the ILO's influence means that Nigerian labour law is not developed in isolation. It is shaped by international commitments, comparative labour standards, and global expectations of decent work. Where these standards are domesticated, they become

¹⁷ (unrep) suit No. MICN/LA1492/2012. Judge delivered 19 December 2013; *Mrs folarin orekmaiya v. The incorporated trustees of Clinton Health Access initiative Nigeria & org* decided by the National Industrial Court of Nigeria in the Abuja Judicial Division on 11 November 2011 suit No NIC/ABJ/13/2011.

enforceable; where they are not, they still remain persuasive in law reform and policy development.

Accordingly, international labour standards serve as a bridge between international commitments and domestic labour regulation in Nigeria. Through ratified and domesticated conventions, the ILO shapes the content of Nigerian labour law, strengthens workers' rights, and informs labour policy. Even where direct enforcement is not possible, the standards remain important interpretive and policy tools for courts, lawmakers, and labour administrators. The overall effect is to promote fairer industrial relations, better working conditions, and the progressive realization of decent work.

1.4 International Labour Law and Nigerian Labour Relations

International labour law plays a significant role in shaping Nigerian labour relations. It provides minimum global standards on workers' rights, union participation, equality, occupational safety, and fair treatment at work. Where those standards are ratified and domesticated, they become part of Nigerian law and may be relied on by courts, regulators, employers, unions, and employees.

Under section 12(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), a treaty has no force of law in Nigeria unless enacted by the National Assembly. This means that international labour conventions do not become directly enforceable merely because Nigeria has ratified them. However, once domesticated, they may be applied by Nigerian courts, and even where not fully domesticated, they may still guide interpretation and influence labour policy.

The Supreme Court's decision in *Abacha v. Fawehinmi* remains important. The court held that once the African Charter on Human and

Peoples' Rights was domesticated, it became part of Nigerian law and was enforceable by the courts. The case illustrates the principle that international instruments can acquire domestic force through legislation and then shape the content of enforceable rights.

1.5 ILO Standards Relevant to Nigeria

The ILO has developed several fundamental conventions that have influenced Nigerian labour law and policy. These include:

- a. Convention No. 87 on Freedom of Association and Protection of the Right to Organise.
- b. Convention No. 98 on the Right to Organise and Collective Bargaining.
- c. Convention No. 100 on Equal Remuneration.
- d. Convention No. 111 on Discrimination in Employment and Occupation.
- e. Convention No. 29 and No. 105 on forced labour.
- f. Convention No. 138 on Minimum Age.
- g. Convention No. 182 on the Worst Forms of Child Labour.
- h. Convention No. 155 on Occupational Safety and Health.
- i. Convention No. 187 on the Promotional Framework for Occupational Safety and Health.
- j. Convention No. 190 on Violence and Harassment in the World of Work.

These conventions establish international minimum standards that influence Nigerian legislation on union rights, anti-discrimination, workplace safety, child labour, and protection against exploitation. They also provide a framework for law reform and policy development.

3.0 HOW ILO STANDARDS AFFECT NIGERIAN LAW

The ILO affects Nigerian law in two main ways. First, it supplies legal principles that help courts interpret domestic labour rights in a purposive and rights-protective way. Second, it guides lawmakers and policymakers in designing better labour laws and institutions.

A strong example is the case involving sexual harassment and workplace discrimination, where the court relied on international norms, including CEDAW General Recommendation No. 19 and ILO Convention No. 111, to hold that sexual harassment is a form of gender discrimination. The court treated the international instruments as useful interpretive tools for understanding the applicant's constitutional right to dignity and freedom from discrimination. This shows that international labour standards can help fill gaps in domestic law and support a broader rights-based approach to employment disputes.

Another example is the decision involving a labour dispute over union representation. The court held that an employer has no right to interfere in workers' choice of union or to determine how union activity should be organized. The court relied on section 40 of the Constitution and ILO Convention No. 87, which protects freedom of association and the right of workers to organize. This reflects the way ILO standards reinforce constitutional labour rights in Nigeria.

3.1 Freedom of Association and Union Rights

Freedom of association is one of the most important labour rights protected by both the Nigerian Constitution and ILO standards. Section 40 of the Constitution guarantees the right of every person to assemble and associate freely, including the right to form or belong to any trade union for the protection of his interests. ILO Convention No. 87 strengthens this protection by recognizing the right of workers and

employers to form organizations of their own choosing without prior authorization.

In practical terms, this means that an employer cannot create a union for workers, compel workers to join a union chosen by management, or interfere with the internal administration of a union. Cases like *Nestoil Ltd v. NUPENG* and *NASU v. Vice-Chancellor, University of Agriculture, Abeokuta*¹⁸ demonstrate that Nigerian courts regard union choice and internal union affairs as matters for workers and their organizations, not for employers. The Court found that the employer did not have the capacity to act in this matter and could not relinquish the workers membership of the union since an employer cannot and must not interfere in the union activity of its employees. In fact, according to the court, the employer had neither a right nor an interest in the matter as to whether its workers join a specific union; neither did the employer have the right to interfere in union issues in any way. The court reiterated that the statement of principles is in accordance with section 40 of Constitution as amended, and ILO Convention No.87, which establishes the right of workers, and employee organizations to "organize their administration and activities and to formulate their programs (Articles) and recognize these organization's aim of furthering and defending the interests of workers or of employees (Article 10). Their freedom involves a certain number of principles that have been established over time and are as follows: workers and employees without distinction whatsoever, shall have the right to establish organizations of their own choosing without previous authorization; to draw up their constitutions and rules; to elect their representatives in full freedom; to organize their administration and activities and to formulate their programs.

¹⁸ (unrep) Suit No NIC/LA/08/2010, National Industrial Court of Nigeria, Lagos, Judgement delivered 8 March 2010

3.2 Sexual Harassment and Gender Discrimination

International labour standards also influence Nigerian law in relation to discrimination and harassment at work. In the case involving Microsoft,¹⁹ the court accepted that sexual harassment can amount to gender discrimination and degrading treatment. The claimant relied on international instruments such as CEDAW and ILO Convention No. 111, and the court used those norms to interpret the constitutional protection against discrimination and inhuman treatment. Noting that the above-mentioned instruments have been ratified by Nigeria and are applicable to construe the fundamental rights of the applicant expressly guaranteed in the 1999 constitution as amended.

The significance of the case is that it demonstrates how international labour and human rights standards can be used to give meaning to domestic rights. It also shows that employers may be held liable where they fail to act against discriminatory or harassing conduct by managers or supervisors. In this way, the ILO and related international instruments shape the content of workplace equality and dignity norms in Nigeria. In particular, the court held that: The interpretation and meaning of CEDAW General recommendation 19, ILO Convention No.111, and the 1st and 2nd respondents (Microsoft Nigeria and Microsoft Corporation) anti-harassment and anti-discrimination policy is that sexual harassment is a form of discrimination based on gender. Therefore, concluding that the actions of the Country Manager amounted to sexual harassment within the meaning of CEDAW General recommendation 19, it stated that the applicant's "fundamental right against discrimination has been violated".

¹⁹ Ejieke maduka v. Microsoft (unrep) suit No MICN/LA1492/2012. Judge delivered 19 December 2013; Mrs. Folarin Orek Maiya v. The incorporated trustees of Clinton Health Access initiative Nigeria & Org decided by the National Industrial Court of Nigeria in the Abuja Judicial Division on 11 November 2011, suit No NIC/ABJ/13/2011.

Moreover, it concluded that the termination of the applicant's employment, simply because she refused to succumb to sexual harassment from the Country Manager constituted a violation of human dignity and freedom from discrimination as projected by the African Charter on Human and People's Rights (ratification and enforcement) set.

With reference to the liability of Microsoft Nigeria and Microsoft Corporation, the court held that it was their duty "to take utmost care to ensure that her fundamental right to freedom from discrimination and degrading treatment was not violated". By the inaction and silence, they both tolerated and sanctioned the (Country Manager) conduct. Therefore, the court considered both of them variously liable for the acts of sexual harassment carried out by the Country Manager.

In conclusion, by referring to international law to interpret domestic laws, the court found that the applicant's right to human dignity and freedom from discrimination has been violated and ordered the payment of general damages by the Country Manager as well as Microsoft Nigeria and Microsoft Corporation. Similarly, in the common wealth of Australia V Human Rights and Equal opportunity commission.²⁰ The federal court of Australia relied on international law as a guide in interpreting domestic law as protection against discrimination in employment and occupation on the grounds of age. In that case, an Australian named applier, then forty-seven years old, was unsuccessfully considered by a promotion board for recommendation for promotion to a senior rank. He appealed that

²⁰ [2000] FcA 1854 <<https://compendium.itcilo.org/en/compendium-decisions/federal-court-of-australia-the-commonwealth-of-australia-v.-human-rights-equal-opportunity-commission-15-december-2000-2000-fca-1854>> accessed 4 August 2026.

decision alleging discrimination on the ground of age in violation of Article 3(1) of the Human Rights and Equal opportunity Bill, 1986. The national law did not explicitly establish as the term "discrimination" of Article 3(1) of the Bill covered "indirect discrimination". The Australian Federal court used international instruments to solve this interpretation problem. It relied not only on ILO Convention No.111 on Discrimination of Article 3 (1) of the Bill covered "indirect discrimination" (Employment and Occupation) but also on the document of the ILO supervisory bodies clarifying the meaning of the Convention.

3.3 Effect on Labour Policy

The influence of the ILO is not limited to court decisions. It also affects national labour policy, legislative drafting, and institutional design. Nigeria's engagement with ILO standards has influenced reforms relating to occupational safety, collective bargaining, child labour, forced labour, and workplace equality. It also informs the work of labour inspectors, ministries, industrial courts, and trade union regulators.

Recent ratification of ILO Conventions on occupational safety and health and on violence and harassment shows continued policy alignment with international standards.²¹ These ratifications indicate that Nigeria is using international labour law to strengthen domestic labour protection and improve workplace conditions. Even where the law is not yet fully harmonized, ILO standards remain important policy benchmarks for future reform.

Accordingly, international labour law and ILO conventions are not merely abstract international obligations. In Nigeria, they serve as

²¹ International Labour Organization (ILO), ILO homepage < <https://www.ilo.org> > accessed 23 July 2026.

persuasive and sometimes binding tools for interpreting labour rights, protecting workers, guiding judicial decisions, and shaping public policy. Through domestication, constitutional interpretation, and judicial reliance on international standards, the ILO continues to influence Nigerian labour law in the areas of union rights, anti-discrimination, sexual harassment, workplace safety, and decent work.

4.0 INTERNATIONAL LABOUR ORGANIZATION

The International Labour Organization (ILO) is the central institution for the development and promotion of international labour standards. It was established in 1919 by the Treaty of Versailles and later became a specialized agency of the United Nations.²² The ILO is unique among international organizations because of its tripartite structure, which brings together governments, employers, and workers from its 187 member states to develop labour standards, formulate policies, and design programs that promote decent work for all women and men.

The principal objectives of the ILO are to promote workers' rights, encourage decent employment opportunities, enhance social protection, and strengthen dialogue on work-related issues. Its broader goal is to assist member states in achieving full and productive employment and decent work for all, including women and young persons, as reflected in the ILO Declaration on Social Justice for a Fair Globalization of 2008. Through cooperation among its three social partners, the Organization provides a credible platform for the discussion and resolution of labour-related issues.

Since its establishment, the ILO has adopted a large body of international labour standards, including conventions and

²² Signed at 28 June 1919 in Versailles <<https://avalon.law.yale.edu/imt/partvii.asp>> accessed 4 August 2026.

recommendations designed to set minimum standards for employment, working conditions, social protection, and industrial relations.

4.1 The ILO Constitution

The Constitution of the International Labour Organization, with its preamble and forty articles and annexes, reflects the ambitious social and legal objectives of the Organization.²³ The preamble states that lasting peace can be established only if it is based upon social justice. It further recognizes that conditions of labour involving injustice, hardship, and deprivation require urgent improvement.

The preamble identifies several areas requiring international action, including the regulation of working hours, the establishment of a maximum working day and working week, the regulation of labour supply, the prevention of unemployment, the provision of a living wage, and the protection of workers against sickness, disease, and injury arising out of employment. It also emphasizes the protection of children, young persons, and women, the provision for old age and injury, the protection of workers employed in countries other than their own, the recognition of equal remuneration for work of equal value, the recognition of freedom of association, and the provision of technical and vocational education.

The Constitution also highlights an important international principle: the failure of any nation to adopt humane conditions of labour creates an obstacle to the progress of other nations. In this way, the Constitution links labour justice with international peace and cooperation.

²³ International Labour Organization. *Declaration of Philadelphia* (Declaration concerning the aims and purposes of the International Labour Organization), adopted 10 May 1944, Philadelphia < <https://webapps.ilo.org/static/english/inwork/cb-policy-guide/declarationofPhiladelphia1944.pdf> > accessed 4 August 2026.

4.2 International Labour Conference

The International Labour Conference is the supreme decision-making body of the ILO. Under article 3(1) of the Constitution, the Conference is composed of representatives of the member states and meets from time to time to deliberate on labour matters. Each member state is represented by four delegates: two government delegates, one employer delegate, and one worker delegate.²⁴

The Conference performs several important functions. It adopts Conventions and Recommendations based on proposals prepared by the Governing Body, depending on the nature of the subject matter. It also has the authority to abrogate obsolete Conventions and withdraw outdated Recommendations.²⁵ A two-thirds majority is generally required for the adoption or abrogation of these instruments. Once a decision is made, the Director-General notifies the member states and the Secretary-General of the United Nations.

Through this mechanism, the ILO creates, updates, and modernizes international labour standards in response to changing social and economic realities.

4.3 Aims, Purposes, and Fundamental Principles of the Declaration of Philadelphia

The Declaration of Philadelphia is annexed to the ILO Constitution and forms an integral part of it. It restates the aims and purposes of the International Labour Organization and the principles that should guide

²⁴ ILO constitution, Article 3.5

²⁵ International Labour Office, 'ILO Conference abrogates six Conventions, withdraws three Recommendations' (5 June 2018) <https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_631058/lang-en/index.htm> accessed 4 August 2026

the policies of its members. The Declaration affirms several foundational ideas that continue to shape international labour law.

First, it declares that labour is not a commodity. This principle rejects the treatment of human labour as a mere market object and affirms the dignity of work. Second, it states that freedom of expression and of association are essential to sustained progress. This connects labour rights with democratic participation and collective bargaining. Third, it recognizes that poverty anywhere constitutes a danger to prosperity everywhere, thereby linking labour justice with global economic and social stability.

The Declaration further emphasizes that the struggle for peace must be pursued through continuous international cooperation and through the participation of workers, employers, and governments on equal footing. It reinforces the belief that lasting peace can only be achieved if it is based on social justice. For this reason, the Declaration remains one of the most important normative statements in the history of the ILO.

Together, the ILO, its Constitution, the International Labour Conference, and the Declaration of Philadelphia provide the institutional and normative foundation for international labour standards. They establish the legal and policy framework through which the Organization promotes decent work, social justice, and fair industrial relations across the world.

5.0 CORE LABOUR STANDARDS

Out of the ILO's large body of conventions, eight Conventions have been identified as core labour standards. These instruments are regarded as fundamental because they express basic principles that all ILO member states are expected to respect, promote, and realize by

virtue of their membership in the Organization. Their special status was affirmed by the ILO Declaration on Fundamental Principles and Rights at Work, 1998, which provides that all members, even if they have not ratified the relevant Conventions, have an obligation arising from the very fact of membership to respect, promote, and realize in good faith the principles concerning the fundamental rights covered by those Conventions.

The core Conventions are:

- Conventions Nos. 87 and 98 on freedom of association, the right to organize, and collective bargaining.
- i. Conventions Nos. 29 and 105 on the abolition of forced labour.
- ii. Conventions Nos. 138 and 182 on the abolition of child labour.
- iii. Conventions Nos. 100 and 111 on equality and non-discrimination in employment and occupation.

These instruments are not only core international labour standards; they also embody core principles of international labour law. They form the minimum normative foundation for decent work, fair labour relations, and human dignity in the workplace.

5.1 Freedom of Association, Collective Bargaining, and Industrial Action

Freedom to join a union, bargain collectively, and take industrial action is one of the central guarantees of international labour law. The two principal ILO instruments protecting this right are the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

Convention No. 87 is widely regarded as a bedrock principle of international labour law.²⁶ It contains detailed provisions on the right of workers and employers to form and join organizations of their own choosing without prior authorization. The Convention also protects the autonomy of such organizations and prohibits undue interference by public authorities.

Its major provisions may be summarized as follows:

- i. Article 2 provides that workers and employers, without distinction whatsoever, have the right to establish and join organizations of their own choosing without previous authorization, subject only to the rules of the organization concerned.
- ii. Article 3 guarantees the right of workers' and employers' organizations to draw up their constitutions and rules, elect their representatives in full freedom, organize their administration and activities, and formulate their programs.
- iii. Article 3 further requires public authorities to refrain from interference that would restrict this right or impede its lawful exercise.
- iv. Article 4 provides that workers' and employers' organizations shall not be liable to dissolution or suspension by administrative authority.
- v. Article 5 recognizes the right of such organizations to establish and join federations and confederations and to affiliate with international organizations of workers and employers.

Together, these provisions protect the institutional independence of trade unions and employers' associations. They also reinforce the right

²⁶ Charnovitz Steve, "The ILO Convention on Freedom of Association and its Future in the United States" (2008) 102 *American Journal of International law*.

of workers to organize collectively for the protection and advancement of their interests.

These guarantees have become central to modern labour relations because they safeguard the collective voice of workers and ensure that industrial relations are conducted on a fair and democratic basis.

5.0 CONCLUSION

The International Labour Organisation (ILO) remains a central institution in the regulation and promotion of industrial relations at both the international and domestic levels. Through its standard-setting instruments, particularly Conventions and Recommendations, the ILO has significantly influenced labour legislation, workplace practices, and the protection of workers' rights across member states. Its unique tripartite structure, which brings together governments, employers, and workers, enhances legitimacy, inclusiveness, and balanced participation in the formulation of labour standards and the resolution of industrial issues.

This study has shown that the ILO has made substantial contributions to the promotion of decent work, the prevention and resolution of industrial disputes, and the improvement of occupational safety and health standards. In Nigeria and other developing economies, the influence of the ILO is visible in labour reforms and policy frameworks designed to strengthen industrial harmony and protect workers' welfare.

However, the effectiveness of the ILO is limited by several factors, including weak enforcement powers, uneven ratification and domestication of its Conventions, and the continuing tension between international labour obligations and state sovereignty. Consequently, while the ILO has made notable contributions to social justice and industrial development, its impact ultimately depends on the

willingness of member states to implement and comply with its standards in good faith.

6.0 RECOMMENDATIONS

a. Strengthening Domestication of ILO Standards

Member states, particularly Nigeria, should ensure the full domestication and implementation of relevant ILO Conventions in domestic law. This will enhance compliance, improve legal certainty, and make the standards more enforceable in national courts.

b. Improved Enforcement Mechanisms

There is a need for stronger supervisory and enforcement mechanisms within the ILO system to encourage greater compliance by member states. More effective monitoring and follow-up procedures would help ensure that international labour standards are not merely symbolic.

c. Capacity Building and Awareness

Government institutions, employers, workers, and trade unions should be educated on the content and significance of ILO standards. Training and awareness programmes would improve understanding of labour rights and obligations and promote better observance in practice.

d. Enhanced Tripartite Collaboration

Greater cooperation among governments, employers, and trade unions should be encouraged to deepen social dialogue and prevent industrial conflict. A stronger tripartite partnership will support constructive negotiation and consensus-building in labour relations.

e. Judicial Support and Interpretation

National courts should adopt a purposive and progressive approach to labour disputes by interpreting domestic labour laws in line with ILO principles and standards. This will strengthen workers' protection and ensure that labour laws are applied in a manner consistent with international best practice.

Addressing Emerging Labour Issues

The ILO should pay greater attention to new and evolving forms of work, including gig work, automation, platform labour, and informally structured employment. These developments present new regulatory challenges that require updated international labour responses.

f. Political Will and Good Governance

The success of international labour standards depends on the political will of member states. Governments must demonstrate genuine commitment to labour reform, industrial peace, and social justice by translating international obligations into practical domestic action.

In conclusion, if these recommendations are effectively implemented, they will strengthen the role of the ILO in fostering sustainable industrial relations, decent work, and social justice in the workplace.