

edited by Machilu Zimba and Paolo Tomassetti

## A word with... Cleopatra Doumbia-Henry

Director of Labour Standards, ILO



On the occasion of her working trip to Rome, we had the pleasure of speaking with Dr. Doumbia-Henry, Director of the Labour Standards Department at the International Labour Organization. Our conversation covered a wide range of topics, from how the ILO's mandate and goals for social justice attracted her to work for them, to the overall functioning of the ILO labour standards. She also provided some insight into the ILO's continued future focus on the challenges that young people face in the labour market, and her thoughts on work-life balance.

**Dr. Doumbia-Henry, not only are you director of International Labour Standards at the ILO, but you are also in the near future to share your experience teaching International labour law and globalization. Firstly, what drew you towards work at the ILO in particular, and now to teaching?**

I joined the ILO in 1986, that is almost 25 years ago. In fact, I joined the ILO after I had started working in another institution. This was after I had

completed a PhD in International Law, with a focus on the law of international organizations. I investigated the law making process of different organizations and that gave me a very broad exposure to organizations such as the United Nations and specialized agencies. I felt very much at home in the area of work that the ILO was involved in, in promoting social justice and workers' rights. This area of work has continued to be a great passion for me in my work with both developed and developing countries, trying to see how particularly developing countries can meet and reach international standards, and in some way climb the social justice staircase. There are still challenges for them, but seeing how certain instruments can bring about change, shows that this can be part of the solution and this has been a wonderful experience for me. Prior to my PhD studies I taught law at the University of the West Indies, so I began my working career as a teacher, and in a way sharing knowledge and information have always been important for me. I have continued to give lectures in the area of maritime law (part of my PhD studies were in this field). Our department also has a large internship programme, giving young people, especially young lawyers, exposure to the international labour rights system. The internship programme is also a very important way of identifying potential officials to work for the organization in the future, coming

from a range of backgrounds and regions. I think that teaching or rather sharing information is something that I attach a lot of value to, and given the exposure and experience that I have acquired over the years, it is something that I feel I need to give back to young people, who are the future. I find it important to prepare for generation change, and a necessary element of this is the management of human capital and human resources. Institutions have to rejuvenate, to help young people to grow, gain experience and in the future to take on leadership roles. I think that I am a teacher at heart more than anything else.

**What may be of interest to our readership, is the work of the ILO through the adoption Conventions and Recommendations . These international labour standards are aimed at promoting decent work for all, however not all ILO member countries agree to the signing of certain conventions. In your opinion what are some of the Conventions with the least support from Member States, and what are the reasons for this?**

As you know, the ILO was created in 1919, the year its Constitution was adopted in the framework of the Treaty of Versailles. The Organization was created to promote social justice, and given a mandate to develop international labour standards. Since its creation, it has adopted a huge body of international labour standards, providing for protection of workers from before the cradle to after the grave, and everything else in between. For instance, protections such as the right to freedom of association and collective bargaining, to non-discrimination in employment and occupation, no forced labour, no child labour, the 40 hour work week, leave with pay, a right to a safe and healthy working environment, social security protection are all embedded in particular ILO standards. However, nothing can be done without first and foremost the enabling rights. These are the right to freedom of association and the right to collective bargaining, without them you cannot enjoy other rights as workers. I will address this again in a while, only to say that international standards are a core mandate of the ILO. The ILO is a standards setting body, but in addition to this, it also has a very important characteristic that distinguishes it from any of the other organizations of the United Nations system, and that is its tripartite structure. Tripartism is part of its strength, even though for

some may be seen as a weakness. Part of its strength lies in the fact that the labour standards that are adopted, to the extent of which they are up to date, reflect the vision, values and consensus of the ILO tripartite actors (workers, employers and government representatives). You then find that you have a unique brand of treaty making that you cannot find elsewhere, with the input of civil society at its widest and most representative. In my opinion, these are some of the elements that we need to take into consideration when we look at ILO standards and at the content and objectives of these standards.

**Perhaps on the other hand, and at the same time, it is more difficult to gain consensus with all partners?**

And that is why it is amazing to observe that since the creation of the ILO, it has adopted 188 Conventions, 5 Protocols and 200 Recommendations. That is phenomenal. In other words, this is an Organization that knows very well how to build tripartite consensus; it has developed this to an art. It is a democratic institution, so its Constitution provides for the will of the majority, but that will of the majority also takes into account the employers and workers representatives. The results belie the difficulty, because in the end it has great success. Furthermore, and this is tremendous, the ILO with the Universal Postal Union, were the only international organizations that survived the Second World War. The ILO has been able to continuously ensure the currency of the mandate of the Organization. In 1944, after the Second World War the ILO adopted the Declaration of Philadelphia. This instrument restated the significance and relevance of the ILO's mandate to promote social justice. In 1998, after the end of the cold war, the ILO adopted the Declaration of Fundamental Principles and Rights at Work, the 1988 Declaration. This identified four categories of fundamental principles and rights that irrespective of ratification, and by the very fact of membership, every ILO Member State by virtue of their membership of the Organization were committing themselves to respect, promote and to realize these fundamental principles and rights. They relate to the right to freedom of association and collective bargaining, the abolition of forced labour, the prohibition of child labour and the prohibition of non-discrimination in occupation and employment. The 1998 Declaration has been a very

powerful re-affirmation of the ILO's core mandate. There are eight Conventions that underline these principles and rights. Two of these deal with child labour, two with freedom of association, two with non-discrimination, and two with forced labour. The 1998 Declaration has had an important impact in moving countries towards ratification of these Conventions. Today, almost more than 92% of the ILO's 183 members have ratified all the eight fundamental rights conventions. There are 50 ratifications that are remaining to achieve the universal ratifications of the eight fundamental Conventions. The ILO continues to campaign to have these ratified by 2015, which is the target date for meeting the millennium development goals. The work carries on as some very important countries have not ratified all of the eight fundamental Conventions. Furthermore, the 1998 Declaration has a follow-up mechanism that includes reporting by those countries that have not yet ratified the eight fundamental rights. These countries have to send regular reports to the ILO on how they are proceeding towards ratification of these rights. This in itself is a very important tool. In 2008, the ILO in light of the challenges that globalization has brought decided to respond by adopting the Declaration on Social Justice for a Fair Globalization, and this declaration re-affirmed the significance of the 1998 Declaration on Fundamental Principles and Rights at Work. The Social Justice Declaration in addition to the eight ILO fundamental Conventions, identified four other Conventions as governance instruments in the world of work. They concern tripartite consultation, labour inspection and employment policy. In respect of the latter, Member States are to have in place an employment policy with a view of moving forward to full employment. All in all, when we examine the fundamentals, I would say that the Conventions 87 and 98, dealing with freedom of association and the right to collective bargaining, despite the high levels of ratifications are the least ratified of the fundamentals. The ILO Convention 182 on the worst forms of child labour has seen the most rapid country ratification. Perhaps in this case, we can liken this response to motherhood. No parent wants their children to engage in the worst forms of labour such as prostitution, pornography, the production and trafficking of drugs and so on, but would rather prefer that they be in school. We observe, in this particular case, that the political response has been tremendous. There still remain a number of challenges in

the developing countries with regards to child labour. Certain circumstances lead to the prevalence of children working, for example in times of economic crisis, natural disasters like drought, the increasing number of HIV/AIDS orphans who are forced into parenting roles and so work, child soldiers and poverty. This is where international cooperation comes into play in the form of international development assistance, but this assistance should be assistance that empowers.

**In terms of the world of work changing, we are also noticing that those interested in securing workers' rights are not only the traditional actors: workers organizations, government and business. A number of lobbyists or civil society groups are increasingly becoming aware of the plight of workers and lobbying for change in national policies and labour legislation. On an international platform, is there room for these civil society groups to have their voices heard at the ILO?**

Yes, indeed there is. Every year the ILO invites, in observer capacity, a number of non-governmental organizations that have a special interest on issues are invited to attend its the ILO annual International Labour Conference or its sectoral meetings dealing with specific issues. These groups have to meet certain criteria in terms of their international status, that is they need to be international groups. This year, in June, the ILO will have a conference on the development of a new standard to protect domestic workers, and you will find that a number of non-governmental organizations have been rather militant in favour of protecting domestic workers rights, or domestic migrant workers rights, and these groups will be present at the conference. They will be working through employers and workers organizations or even through governments to ensure that their agendas are placed on the table. In this way they can channel their voice. Another example is the ILO Convention concerning Indigenous Peoples. NGOs working with Indigenous peoples can work with workers organizations to put forward their issues or concerns. Again, there are a number of international NGOs working for the rights of children, and persons with disabilities that also have been able to engage through workers' organizations with the ILO procedures, including its supervisory mechanisms. So, yes, the ILO has a long-standing practice that have always

included these groups. They do not have the same rights as our social partners, Employers and Workers organizations, whose roles are recognized in the ILO Constitution itself. The ILO was the first organization to give constitutional rank to non-governmental organizations. Other NGOs have a different status at the ILO. There is the process of including other NGOs on an ILO Special List once they meet certain criteria. Once they are included in this List, they are able to attend ILO meetings in an expedited way.

**At Adapt one of our key research areas is focused on young people in the labour market, in particular investigating the school-to-work transition and youth employment around the world. In your opinion, what are the most important current ILO campaigns against child labour and better working opportunities for the young?**

Youth unemployment has always been an issue of importance at the ILO. There have been a number of initiatives, including the Youth Employment Network. In the last few years, the ILO has focused a number of its major reports on youth employment and their access to the labour market. Recent upheavals in North Africa and the Middle East reminded us of the important role that young people have played in fighting against injustice, and have been able to bring about change. Again, the ILO has decided that it will refocus its attention on youth and employment at a the International Labour Conference in June 2012 where the issue of transitions from school to the labour market, training and job creation among others will be discussed. Last year, in its report on the ILO employment instruments, the ILO Committee of Experts focused its analysis, inter alia, on the Human Resources Development Convention, No.142, and the Employment Policy Convention No. 122. A specific focused lens was placed on the problem of youth unemployment, and graduate unemployment. Graduate unemployment not just in developed countries, but also in developing countries is raising serious concerns, and needs to be addressed. This is also being addressed in the activities of the ILO.

**As a working woman, what are some of the challenges you have faced in the work place, and overall do you think that the world of work has become more friendly towards women?**

I think that this depends on the perspective that one takes, and where one works. International organizations have a very special responsibility to lead by example and to reflect good practice in terms of gender equality. I have been fortunate, that neither being a woman nor being a black woman have I considered that to be an impediment for me, and my career progression. I have had all the opportunities like everyone else due regard given to competence and experience, and I have been able to exercise responsibilities in different ways. It is indeed true that the more responsibility one takes on, particularly as a woman, the challenge of balancing work and family exists. This is certainly a challenge and responsibility that I think must be shared with a spouse or partner. So, assuming mutual responsibility is something that is very critical, to enable those in a senior position to be the professional that he or she is. But these are no doubt important challenges and one has to balance these in his or her own life. It is certainly possible to balance work and family, and I think that this is irrespective of the position one holds. Each one of us needs to make that judgment call and choice but we should have the opportunity to be able to make that choice. My regret is that so many women still cannot make that choice. It is a different story if you don't have the option. I think I have been fortunate to have the option, that I could take the path that I have always wanted to take and be a professional woman, a mother and a wife. The joy of my life is the fact that I have such a supportive family and I am very proud of them.

**Are there more women working in international organizations than they were when you started working almost 25 years ago?**

Certainly there are more women in professional positions and more women at senior levels. Certainly there has been a major change or shift here. I would say that our Director General, Juan Somavia, has made gender equality a very important pillar during his terms of office. Currently 43.3% of the total staff of the ILO are women. I think that he has done a fantastic job in this regard. In my Department, I am beginning to worry about the gender balance the other way around, which is making sure that we look at it in both ways, both men and women.