

different effects in the countries concerned. This said, for some labour issues, such as health and safety and child and forced labour, there may be some scope for negotiating minimal standards. For a starting point in a minimum level negotiation, countries might turn to the work done by the International Labour Organization.

Since its establishment in 1919, the International Labour Organization has adopted more than 170 Conventions dealing with an extremely broad range of labour rights. The Conventions are only binding for countries that have ratified them. The ILO can also ask countries that have not ratified certain Conventions to report on their legislation and practice within the area covered by the Convention. The ILO may also investigate allegations that a country is denying workers' rights with regard to a Convention it has ratified, but has no enforcement powers to correct the country's actions. Moreover, there is no formal dispute settlement mechanism. In sum, pressure to abide by the Conventions is derived from moral suasion.⁶⁴ Concerns have also been expressed that the ILO, while well situated to play an institutional role in the labour-globalization interface, has failed to realize its potential in addressing labour issues. These concerns, however, may be diminishing as the ILO evolves into a more dynamic organization.⁶⁵

The negotiation of a broad list of enforceable minimum labour rights and standards applying to all countries (whether or not in the context of a trade agreement) is probably not feasible at this time. The parties to the NAFTA did not negotiate minimum levels, and there is no indication that the political will exists for such a multilateral negotiation, one that would involve significantly more countries. A separate question is the scope of labour issues a multilateral negotiation would address. As mentioned earlier, the scope of the NAALC is fairly broad. The question of which labour standards should be included in a multilateral negotiation immediately arises. Van Liemt⁶⁶ has reviewed eight different proposals and found that a core

⁶⁴ Gus Edgren, "Fair Labour Standards and Trade Liberalisation", International Labour Review, Vol. 118, No.5, Sep-Oct 1979, p. 527.

⁶⁵ As with a number of other international organizations, the ILO has been criticized in some quarters for failing to realize its potential. The ILO is tripartite in nature (government, business, and the labour movement). Canadian business has perceived the organization as being dominated by labour interests and has not actively participated in the ILO's activities. The ILO has also been seen as being dominated by European interests, with the ILO's bureaucracy resistant to reform. Discussions with Canadian government officials indicate that Canadian business is now taking a more positive interest in the organization, and that the ILO is evolving into a more dynamic organization with a greater ability to address the labour-globalization interface. See Gordon Betcherman, "Labour in a More Global Economy", a paper prepared for the Office of International Affairs, Human Resources and Labour Canada, 1993, pp. 19-20.

⁶⁶ Gijbert van Liemt, "Minimum Labour Standards and International Trade: Would a Social Clause Work?", International Labour Review, Vol. 128, No. 4, 1989, p. 437.