

considered inviolable basic human rights that should apply to all workers irrespective of the level of economic development of the country. To promote "core" labour rights is not to suggest that labour standards be harmonized across the full range of policies or that some minimum threshold be set. For example, a more generous minimum annual holiday package would be welcomed by many workers, but few, if any, would consider it an inviolable or "core" labour right. The separation of "core" labour rights from other labour standards removes issues such as wages from the trade-labour standards debate. Labour and human rights advocates are promoting the idea of a social clause comprised of "core" labour rights to be included under the WTO.

The concept of "core" labour rights is premised on the acceptance of a set of basic human rights. The recognition of basic human rights are addressed by a number of United Nations legal instruments. In addition to the UN Charter, which in seven different articles declares United Nations support for human rights, five major United Nations legal instruments define and protect human rights. These are: the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; and, two Operational Protocols to the latter Covenant. Together they constitute the International Bill of Human Rights.²

The construction of a set of "core" labour rights implies the creation of an identifiable set of human rights in the field of labour. To avoid confusion, however, a distinction must be drawn between general labour principles as basic human rights, and existing international legal instruments which address this linkage, i.e., ILO Conventions. This distinction may not be immediately obvious or appreciated. To illustrate, two examples of general labour rights that do not directly refer to ILO Conventions are set out below, one from Professor Gary Fields and the other from the OECD. In Fields' view, the following would constitute a set of basic labour rights

²The Universal Declaration of Human Rights is the basic international statement on human rights. It is a manifesto with primarily moral authority. The two Covenants are treaties binding on States that ratify them. The Covenant on Economic, Social and Cultural Rights, "recognizes the right to work and to free choice of employment, to fair wages, to form and join unions, to social security and to adequate standards of living conditions for people." The Covenant on Civil and Political Rights, "recognizes the right of every human person to life, liberty and security of person, to privacy, to freedom from cruel, inhuman or degrading treatment and from torture, to freedom from slavery, to immunity from arbitrary arrest, to a fair trial, to recognition as a person before the law, to immunity from retroactive sentences, to freedom of thought, conscience and religion, to freedom of opinion and expression, to liberty of movement, including the right to emigrate, to peaceful assembly and to freedom of association." See United Nations, Human Rights: The International Bill of Human Rights, United Nations, New York, 1993.