

## THE UNITED STATES AND THE INTERNATIONAL LABOR ORGANIZATION

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### Abstract

The relationship between the United States and the International Labor Organization (ILO) has been both unique and erratic. Although the US had been actively involved with the ILO since its inception in 1919, it waited until 1934 to become a full member. Afterwards, in response to various ideological, economic and political conflicts, the US withdrew its membership in 1977. Following the US withdrawal, the ILO made substantial efforts to alleviate the concerns of the US and the latter decided to rejoin in 1980. After regaining membership, the US continues to play a dominant role in the ILO.

The ILO's main goal is to improve the working and living conditions of workers throughout the world. In the past 70 years, it has passed 169 international labor conventions and 176 recommendations. These international instruments, especially the conventions, have formulated well-established international fair labor standards for the whole international community. One of the ILO's distinctions is that its operations are based on the principle of tripartism in which representatives of the employee groups, employer groups, and the government member states participate equally in an attempt to attain the goals of the Organization.

Since 1983, the US has enacted a series of important foreign trade and overseas investment legislation for the purpose of establishing internationally recognized worker rights standards for its trading partners and the recipients of its private investment programs or tariff privileges. In assessing whether the host countries, most of which are developing countries, have complied with these requirements, several fundamental labor

standards advocated by the ILO conventions have become very important yardsticks for measurement. In addition, the US has also tried to put the issue of international fair labor standards on the negotiating agenda of various Multilateral Trade Negotiations (MTNs). Furthermore, the State Department and the Department of Labor of the US have also issued annual reports which assess labor conditions in various countries. In these reports, numerous labor standards established by the ILO convention have also played an important role. Under such circumstances, the relationship between the US and the ILO is bound to become closer.

The purpose of this article is to make an in-depth examination of the relationship between the US and the ILO in the past 70 years. First, it describes briefly, in chronological order, the five stages in the development of the relationship between the two players. Second, it analyzes the legal status of the ILO conventions in American law. The US Government has only ratified 9 conventions, and most of them have not played any significant role in shaping domestic American labor law. Nonetheless, they do raise some constitutional issues. This section will use several Supreme Court decisions to analyze the status of those conventions. The issue of whether these conventions are self-executory is also fully discussed. Third, this article examines the worker rights provisions in six important US foreign trade and overseas investment legislation. Their legislative objectives, statutory framework, and other substantial achievements are assessed in detail. The US Government's effort to use multilateral channels to establish international fair labor standards is also mentioned. Finally, this article concludes that although the US has achieved some positive results by forcing several developing countries to improve their labor laws and practices through some unilateral or bilateral measures, it should cooperate more fully with the ILO and ratify more important conventions in order to obtain better results.