



## **2013 COORDINATION SEGMENT**

### **Panel II**

### **Using Human Rights instruments and ILO standards and recommendations to achieve decent work for all**

*Monday, 8 July 2013, 10:00 – 13:00*

### **ISSUES NOTE**

The Committee on Economic, Social, and Cultural Rights recognizes decent work in accordance to Article 6<sup>1</sup> of the International Covenant on Economic, Social and Cultural Rights, as the respect for the fundamental right of the human person as well as the rights of workers in terms of conditions, worker safety and remuneration, which is necessary to ensure the equal opportunities for all.<sup>2</sup> Decent work has become a shared objective of the international community, which has been acknowledged within UN General Assembly Resolutions, ECOSOC Ministerial Declarations, codified in international legal instruments and presented at major UN conferences and summits, as an integral feature of the global development agenda inextricably linked with international human rights principles.

The 2012 ECOSOC Ministerial Declaration called for greater efforts at the international and national levels, to adopt a people-centred framework for sustainable development, placing employment and decent work at the centre of growth and development strategies to address challenges arising from uneven economic growth, extreme poverty and the disaggregated levels development in rural and urban communities. The Ministerial Declaration further reaffirmed international commitments and obligations of State parties to relevant international human rights instruments, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, as well as the relevant internationally agreed labour standards of the International Labour Organization, which seek to protect and promote an individuals right to development. In this regard, development and human rights are complimentary and mutually reinforcing, as the further intensification of each component is fundamental to achieving a sustainable livelihood for all.

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<sup>1</sup> ICESCR Article 6: (1) The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. (2) The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

<sup>2</sup> *The right to work*, General Comment No.18, Committee on Economic, Social and Cultural Rights, 6 February 2006.

The global economic crisis has resulted in increasing levels of unemployment, lack of decent job opportunities, jobless growth and emerging barriers for newly skilled youth to enter the labour force. Providing decent work for all has thus become a prominent issue in the global dialogues on the post-2015 agenda, as a necessary component of sustainability.<sup>3</sup> In this regard, the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda has proposed to “create jobs, sustainable livelihoods and equitable growth,”<sup>4</sup> to be incorporated as a new goal within the post-2015 framework.

The International Labour Organization, the only tripartite international organization with labour market actors fully represented in its governance structures and constituency, formulated numerous labour standards for Member states, to ensure the goal of social justice and decent work remains central to their mandate. The international labour standards developed by the ILO address the growing concerns of workers in the global economy in areas such as forced labour, social security, and collective bargaining which are also proscribed in a number of ILO Conventions.<sup>5</sup>

The ILO has also developed various mechanisms to measure the increasing challenges for individuals to enter the job market and to properly gauge where the standards of decent work are being met. In turn, mechanisms such as ILOSTAT, a quantitative database of Labour statistics; Decent Work Country Programmes; and a Toolkit for Mainstreaming Employment and Decent Work serve as useful indicators to address the emerging gaps in the labour force within developing and developed countries. The ILO’s Decent Work Agenda has further developed four strategic objectives which have created the foundation for decent work to be implemented for all: job creation, guaranteeing rights at work, extending social protection, and promoting social dialogue with gender equality as a crosscutting objective.

The guiding principles of the Universal Declaration of Human Rights relative to ensuring the right to work, a free choice of employment, just and favourable conditions of work and to protection against unemployment, has been codified in various ILO Conventions to guarantee the inalienable rights of individuals at work.<sup>6</sup> Implementation of rights protection mechanisms is essential to enforce non-discrimination in the work place, protect against child and forced labour conditions and to observe gender equality within the labour force, which are prerequisites for providing decent work for all. The International Covenant on Economic, Social and Cultural Rights identifies that States parties undertake necessary measures to “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights,”<sup>7</sup> underlining the need for a comprehensive system of protection to combat gender discrimination and to ensure equal opportunities and treatment between men and

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<sup>3</sup> *The Global conversation begins: Emerging views for a new development agenda*, UNDG, 2013.

<sup>4</sup> *A new global partnership: Eradicate poverty and transform economies through sustainable development*, the Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, 2013.

<sup>5</sup> International Labour Standards, ILO.

<sup>6</sup> The ILO fundamental Conventions are the Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Equal Remuneration Convention, 1951 (No. 100), Abolition of Forced Labour Convention, 1957 (No. 105), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Minimum Age Convention, 1973 (No. 138), Worst Forms of Child Labour Convention, 1999 (No. 182).

<sup>7</sup> CESCR General Comment 18 (2005) Para. 13. Article 3 of the Covenant

women in relation to their right to work. The Convention on the Elimination of All Forms of Discrimination against Women requires States parties to take all appropriate measures to eliminate discrimination against women, including in the areas of employment and economic life. Furthermore, the Committee on the Elimination of Discrimination against Women made specific recommendations on issues affecting women, including on equal remuneration for work of equal value, unpaid women workers in rural and urban family enterprises, and women migrant workers. Guaranteeing the enjoyment of equal rights between men and women workers continues to be a pressing issue addressed by the ILO through advising member states to uphold their international obligations to provide a balanced gender inclusive work environment and to protect the non-derogable rights of men, women and children within the work place.

An educated and skilled workforce is critical to achieving inclusive economic growth with decent work opportunities for all. Quality childcare and early childhood development must be an integral part of the long-term planning process to achieve these goals. Deficits in childcare and early childhood development have cumulative impacts on children throughout their childhood and early adulthood, affecting their capacity to acquire the social, technical and knowledge skills required to compete in the job market, and to secure decent jobs<sup>8</sup>. Poor families are particularly affected, as household incomes are inadequate to meet children's needs for health care, nutrition, childcare and education. Working parents are further faced with the competing demands of providing childcare and enhancing decent work opportunities. Women are disproportionately affected by this situation, as they bear most of the responsibility for providing or ensuring childcare, and for taking on the unpaid care giving work that this entails. Childcare responsibilities limit their opportunities for engaging in the labour market and finding decent work. Household poverty has also been found to be a key factor leading to school dropout among primary school children, and to the incidence of child labour.<sup>9</sup> Thus, UNICEF and ILO have partnered together to propose a package of social policies that address the range of constraints outlined above, affecting the wellbeing of families and children. It aims to support working families, promote gender equality, and protect the rights of the child.<sup>10</sup> These policies should be grounded in a human rights-based framework, incorporating, in particular, the Convention on the Rights of the Child, and ILO Convention No. 156 and accompanying Recommendation No. 165, on Workers with Family Responsibilities.

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<sup>8</sup> Carneiro, P. and Heckman, J., 'Human Capital Policy', Discussion Paper No. 821, Institute for the Study of Labor, Bonn, Germany, July 2003.

<sup>9</sup> ILO: Accelerating action against child labour, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report of the Director-General, Report I(B), International Labour Conference, 99th Session, Geneva 2010

<sup>10</sup> UNICEF-ILO *Supporting Workers with family responsibilities: connecting child development and the decent work agenda* Geneva, July 2013.

Child labour not only undermines rights of children, but also jeopardizes future social and economic progress.<sup>11</sup> While it is true that not all work is bad for children, child labour is a complex issue, and many factors can influence whether children work or not. These factors could include, for example, poverty, barriers to education, market demand, income shocks on households, violence, poor quality and associated costs of education, inadequate enforcement of legislation and policies to protect children. As of 2008, 215 million children were engaged in some forms of child labour.<sup>12</sup> Progress has been made when Governments' ratification of key Conventions such as the ILO Conventions Nos 138 and 182 and the UN Convention on the Rights of the Child has been accompanied by incorporation of these into their own laws and enforcement of legislation. An integrated response to child labour is needed to address the complexity of this issue. These could include actions by Governments in the areas of national legislation and enforcement, education and training, social protection and labour market policies; as well as actions by social partners, non-governmental organizations, and international and regional organizations, including through advocacy and outreach, partnerships and technical and financial assistance to support Governments' efforts in this regard.

Job creation is an essential pillar of the ILO Decent Work Agenda but has remained a global challenge. Seventy-three million young people are expected to be unemployed in 2013<sup>13</sup> and the global unemployment rate is expected to reach 208 million in 2015.<sup>14</sup> The increasing divide between over-skilled and under-skilled workers also poses a barrier for individuals seeking employment with limited opportunities in the job market.<sup>15</sup> In this regard, strengthening of education and training systems and the provision of basic skills needs to be a top priority to enhance equal opportunity and access to an increasingly competitive job market.<sup>16</sup> To meet the increasing needs for individuals seeking employment opportunities, the ILO members developed a Global Employment Agenda<sup>17</sup>, policies which aim to ensure that employment remains a core feature of social and economic frameworks to promote a sustainable work environment for all. Global initiatives to address challenges to job creation are imperative to meet the needs of providing decent work for all.

Extending social protection and promoting social dialogue are integral features of achieving decent work, which are necessary to meet the growing needs of an expanding work force. The ILO Social Protection Floors Recommendation, 2012 (No. 202), referenced in the ECOSOC 2012 Ministerial Declaration, sets out a clear framework for establishing and monitoring social protection floors as a fundamental element of national social security systems and promotes their progressive application. With eighty percent of the world's

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<sup>11</sup> Toolkit for mainstreaming employment and decent work/United Nations System Chief Executives Board for Coordination (ILO, Geneva, 2007)

<sup>12</sup> ILO: Accelerating action against child labour, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report of the Director-General, Report I(B), International Labour Conference, 99th Session, Geneva 2010

<sup>13</sup> *Global employment trends for youth 2013: A generation at risk*, ILO, 2013.

<sup>14</sup> *World of work report 2013: Repairing the economic and social fabric*, ILO, 2013.

<sup>15</sup> *Global employment trends for youth 2013: A generation at risk*, ILO, 2013.

<sup>16</sup> *Toward the ILO Centenary: Realities, renewal, and tripartite commitment*, Report of the Director-General, ILO 2013.

<sup>17</sup> *Global Employment Agenda*, ILO, 2013.

population lacking adequate social security protection, the United Nations launched Social Protection Floor Initiative<sup>18</sup> to promote the progressive application of national social security systems and to provide equal access to social services in areas such as health and education. Fostering social dialogue is critical to allow those most affected in the labour market, employers, workers and their organizations, to have a voice in relevant decisions and advance decent work opportunities that meet international labour standards and provide the necessary social protections to all individuals at the work place.

Mobilizing the ILO Decent Work Agenda requires enhanced collaboration and coordination with key stakeholders such as civil society, governments, private sector, to integrate initiatives at the international, national, and local levels. The involvement and collaboration of all actors within the international community is necessary to further the decent work agenda. A dynamic, inclusive, well-functioning and socially responsible private sector has been recognized as an important stakeholder to generate decent jobs and ensure respect for rights at work, through developing codes of conduct and social auditing mechanisms. In this regard, the development of an appropriate policy and regulatory framework is needed to foster a dynamic and well-functioning business sector, while improving income growth and distribution, raising productivity, empowering women and protecting labour rights and the environment.<sup>19</sup> The United Nations Global Compact, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the UN Working Group on Business and Human Rights, as well as the work of the ILO and its tripartite constituency, have had an important role in this regards.

Member States commitment to observing international human rights and labour standards are necessary to ensure relevant protection mechanisms are established to obtain decent work for all. The United Nations Development Group Human Rights Mainstreaming Mechanism (UNDG-HRM), established in 2009, has promoted a coordinated and coherent UN system-wide approach towards the integration of human rights principles and international standards into UN operational activities for development. The UNDG-HRM has been instrumental in bridging the dichotomy between labour standards and human rights, reinforcing that a human rights framework forms the core of the internationally agreed upon development agenda, as well as relevant instruments of specialized agencies, and the work of the ILO supervisory bodies. The UNDG-HRM could be an important vehicle to integrate international human rights standards, including the fundamental principles of the right to work, and further the realization of decent work for all in the immediate future.

### **Objective and proposed focus of the panel**

The panel will focus on how the UN human rights framework, including the enforcement fundamental principles and protection of the right to work, as well as the ILO labour

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<sup>18</sup> Social Floor Initiative, ILO, 2009.

<sup>19</sup> 2012 Ministerial Declaration.

standards, will increase the inclusion of vulnerable populations such as women and youth in obtaining decent work.

### **Proposed questions for discussion**

- How can cooperation and coherence in the UN system be reinforced to promote employment-led recovery, underpinned by respect for human rights, including labour rights, supported by a social protection floor, and participatory processes through social dialogue?
- What are the main challenges plaguing the international community that hinders the realization of decent work for all, and how can such challenges be addressed?
- What role can business and trade unions take to support the implementation of human rights standards and other international instruments for the achievement of decent work?
- What specific action is needed to protect and ensure the rights of groups most at risk of decent work deficits?
- Have the gender dimensions of decent work been appropriately addressed in UN responses?
- What is the role of good governance in advancing decent work, and how can it be strengthened in this context?
- How can the UN system, through its instruments and supervisory mechanisms, promote decent work in a coherent and collective manner with all relevant stakeholders?
- What action is being taken by the UN system, including its funds, programmes and agencies, to translate the right to decent work into reality on the ground?
- How can the international community promote balanced, coherent and comprehensive approaches to development that ensure decent work for vulnerable communities?