**Submission in response to the call for input: “Promotion and protection of human rights in the context of mitigation, adaptation, and financial actions to address climate change, with particular emphasis on loss and damage”**

**Submitted by the International Trade Union Confederation (ITUC)
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| *The Special Rapporteur on the promotion and protection of human rights in the context of climate change issued a call for input for his report on actions to address climate change, particularly in the context of loss and damage. The Special Rapporteur indicates that the primary focus on loss and damage stems from the fact that it is very evident that climate change impacts are already being faced by many people around the world and urgent action is needed to address loss and damage, particularly to realize the full enjoyment of human rights. The Special Rapporteur is exploring actions to address the human rights aspects of loss and damage that are experienced by individuals and communities in vulnerable situations, namely: women, children, persons with disabilities, indigenous peoples, local communities, peasants and other people working in rural areas, people living in conditions of water scarcity, drought and desertification, persons belonging to minority groups, homeless persons, persons living in poverty, older persons, migrants, refugees and internally displaced persons, those living in conflict areas and those already in vulnerable situations, and the importance of recognizing their agency in contributing to climate action.*[*https://www.ohchr.org/en/calls-for-input/calls-input/call-input-promotion-and-protection-human-rights-context-mitigation*](https://www.ohchr.org/en/calls-for-input/calls-input/call-input-promotion-and-protection-human-rights-context-mitigation) |

**Introduction**

The global trade union movement recognises the importance of the work of the Special Rapporteur and appreciates that Just Transition is selected as one of the six thematic priorities for the mandate. The ITUC and the trade union movement is committed to work with the Special Rapporteur on these issues.

**Question 1: What experiences and examples are you aware of that are being faced by particularly individuals and communities in vulnerable situations that have suffered loss and damage due to the adverse impacts of climate change?**

The ITUC urges the Special Rapporteur to consider adding “workers” to the list of individuals and communities in vulnerable situations. As the climate crisis worsens, workers across occupations are losing their livelihoods and being forced into more precarious jobs. Many women, migrants, persons with disabilities, and others included in the current list are also workers–particularly in low-wage sectors–whose rights are systematically denied or eroded in the workplace, compounding vulnerability and making them less resilient to climate change-related shocks. Even workers who enjoy relatively better working conditions, particularly those who are able to exercise their rights to freedom of association and collective bargaining, are at risk of being made vulnerable by climate mitigation and adaptation efforts that fail to protect and uphold worker rights.

**Question 5: What international, regional and national policies and legal approaches are necessary to protect current and future generations and achieve intergenerational justice particularly for individuals and communities, from the adverse impacts of climate change?**

The global trade union movement proposes the concept of Just Transition as a policy instrument to protect workers, their families and communities from the adverse impacts of climate change. Central to the concept of Just Transition, and more broadly to any union action, is the respect of the Fundamental Labour Rights, as defined by the ILO. The ILO has identified eight “fundamental” Conventions, covering subjects that are considered to be fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. These principles are also covered by the ILO Declaration on Fundamental Principles and Rights at Work (1998)[[1]](#footnote-1) . At the last International Labour Conference (ILC) in June 2022, the ILC took the decision to recognise occupational health and safety (OHS) as the fifth fundamental principle and right at work. [[2]](#footnote-2) All ILO member countries are obliged to uphold these fundamental conventions, irrespective whether they ratified them or not.

To engage on climate change, including on loss and damage, trade unions need to be authorized, accepted and be able to organize themselves. The ITUC’s 2021 Global Rights Index report exposes attacks on the right to strike and the right to establish and join a trade union, as well as on the registration of unions; arbitrary arrests and detentions; and the denial of freedom of speech and assembly, which is at an all-time high.[[3]](#footnote-3)

The protection of Fundamental Labour Rights is an essential part of a Just Transition (especially occupational health and safety, social dialogue and freedom of association). Just Transition measures and policies for workers, their families and communities are crucial to get support in society for the ambitious climate policies we need.

**Definition of Just Transition**

As has been recognised explicitly by the Paris Agreement, workers are central in defining and implementing just transition plans.[[4]](#footnote-4) The ITUC uses the following definition of Just Transition:

A just transition secures the future and livelihoods of workers and their communities in the transition to a low-carbon economy. It is based on social dialogue between workers and their unions, employers and governments. A plan for just transition provides and guarantees better and decent jobs, social protection, more training opportunities and greater job security for all workers affected by global warming and climate change policies.

The International Labour Organization (ILO) has provided comprehensive guidelines for the implementation of these just transition policies and measures.[[5]](#footnote-5) Social dialogue is the core instrument to deal with the ‘justice’ aspect of the transition. Organised labour negotiates with employers and governments about the elements of climate policy measures. Adequate, informed and ongoing consultation should take place with all relevant stakeholders. To reflect these different aspects, a Just Transition framework should be supported by the following pillars that reflect the different parts of the ILO Just Transition Guidelines:

* early assessment of the social and economic consequences of climate change and responses to it:
* promotion of substantial public investment in low-carbon sectors and technologies;
* implementation of active policies for the restructuring and diversification of the economy;
* promotion of professional training and retraining for the development of skills;
* strengthening of social protection systems and public investment in health, education, etc.; and
* promotion of social dialogue, collective bargaining and social participation.

**Question 7: What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organizations to dramatically increase efforts to reduce emissions of greenhouse gases, including through support to developing countries, in particular small island developing States, least developed countries and landlocked developing States, to limit the human rights impacts on particularly individuals and communities in vulnerable situations to the adverse impacts of climate change?**

**Question 8: What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organizations to increase efforts to ensure that actions to adapt to the impacts of climate change contribute to reducing, and not exacerbating, the vulnerabilities of individuals and communities in vulnerable situations to the adverse impacts of climate change?**

This answers both questions 7 and 8. The trade union movement sees providing universal social protection as an important concept to increase resilience in society and to help protect workers, families and communities against the impact of climate change. From the perspective of the movement, it should be a central part of all mitigation, adaptation and loss and damage policies. Social protection systems are a fundamental component of decent work and an essential part of just transition.[[6]](#footnote-6)

The right to social security is recognized in numerous international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and is crucial for guaranteeing a life of dignity. Social protection is a fundamental human right. Investing in universal social protection is a potent tool to combat climate change and discrimination and is an essential instrument for reducing poverty and promoting economic and social development while addressing social inclusion. It aims to provide income security and support at every stage of life for everyone, with particular attention to the most marginalized.[[7]](#footnote-7)

While social protection systems tend to be underdeveloped globally,[[8]](#footnote-8) and less than half of the world’s population have access to any form of social protection, comprehensive social protection systems will help workers respond to climate shocks and/or short-term job losses associated with the transition to low-carbon economies.

As an important element in climate policies, all countries should work to introduce and expand the adequacy and coverage of their social protection systems as well as ensure a solid and secure financing base for social protection. Tax-reform policies can be an important opportunity for mobilising increased social protection financing where necessary. Some countries have implemented specific social protection schemes specifically related to climate mitigation efforts; the United Kingdom, for instance, has implemented an efficiency scheme that helps combat fuel poverty by subsidising insulation measures for low-income households to save energy and reduce their electricity bills.[[9]](#footnote-9) Some countries have taken measures to mitigate the disproportionate impact of climate mitigation measures and have addressed the equality impacts of harmful subsidies.

Well-developed social protection systems can enable states to be resilient in the case of shocks, whether they be a climate event, a pandemic or an economic crisis. ILO evidence has shown, for example, that in the context of job losses and workplace closures due to COVID-19, those countries that had well-established social protection systems, including unemployment support, sickness benefits and social assistance, were able to respond faster and more effectively in terms of providing income security to workers who lost their jobs and livelihoods in the pandemic as compared to those states that had to resort to developing last-minute crisis-mitigation measures to support workers who lost their livelihoods.[[10]](#footnote-10)

International labour standards, in particular ILO Convention 102 on Social Security and Recommendation 202 on Social Protection Floors, provide important frameworks for the design of comprehensive social-protection systems. The tripartite conclusions on social security from the International Labour Conference in 2021, representing a consensus among governments, employers and workers, reaffirmed the importance of publicly organised, statutory social-protection systems in line with these standards.

In the context of massive job losses or structural unemployment – whether resulting from climate change loss and damage, climate mitigation measures, or another type of shock – it is important for governments to consider extending benefit levels and the duration of income support benefits to prevent unduly penalising workers whose prospects of finding a job are especially limited during a crisis.

Currently more than 53% of the global population – as many as 4.14 billion people – lack access to social protection.[[11]](#footnote-11) While it is clear that many governments have numerous means at their disposal to raise domestic resources for social protection, major financing constraints exist for low-income countries in particular, making it difficult to invest in social protection in the short term. The cost of developing social protection floors in the world’s poorest countries is estimated to represent around US$78 billion. While this represents only 0.25% of global GDP, it represents 15% of the collective GDP of low-income countries and 45% of their collective tax revenue[[12]](#footnote-12) – an unsurmountable burden for them to finance without international-level support.

Developed countries could substantially contribute to low-income countries’ social protection systems by increasing their current official development assistance (ODA) commitments and by ensuring the assistance is targeted towards building resilient social protection systems. At the global level, only around one per cent of ODA currently goes towards social protection, despite the substantial contribution that social protection plays in supporting social and economic development.[[13]](#footnote-13)

These developed countries should, moreover, endorse the proposal for a Global Social Protection Fund, which could serve to mobilise and coordinate resources at the international level to support countries that do not have sufficient fiscal space to set up social protection systems by themselves in the short term.

A Global Social Protection Fund could substantially contribute to closing social protection gaps and achieving SDG target 1.3 of realising universal social protection and could underpin efforts to ensure a just transition to a low-carbon economy and provide resilience for loss and damage. It would do this by mobilising and coordinating financing at the international level on social protection. Such coordination would help to better ensure that financing supports the achievement of international commitments, including those regarding international labour standards. The fund could effectively build on existing coordination mechanisms and institutions at the national and global levels, including the UN Social Protection Inter-Agency Cooperation Board (SPIAC-B), in line with the proposals put forward by Olivier de Schutter, UN Special Rapporteur on extreme poverty and human rights.[[14]](#footnote-14)

A global fund should help to catalyse the set-up and expansion of social protection systems that are established in law and are in line with international labour standards, rather than support small-scale or time-bound social programmes or projects. Any technical advice accompanying the fund should therefore be in line with ILO Recommendation 202 on Social Protection Floors and Convention 102 on Social Security. The ILO should be the key UN body involved in providing technical advice to recipient countries to support the development of their social protection systems, given its role in monitoring and supporting the implementation of these standards. Other UN organisations and international financial institutions also have a role to play.

Finally, we stress the need for transform economies and societies that properly value, fund, and support care work and make progress with the formalisation of informal work. Intersectional vulnerabilities need to be recognized, as marginalized workers are also often discriminated due to poverty, gender, race, disabilities, etc. Therefore, inclusive policies are needed.

Gender is one of the seven Guiding Principles in the ILO Just Transition Guidelines: “Policies and programmes need to take into account the strong gender dimension of many environmental challenges and opportunities. Specific gender policies should be considered in order to ensure equitable outcomes.”[[15]](#footnote-15) Subsequent analytical work by the ILO emphasizes the transformative role that “a just transition with inclusive climate action can play … in transforming gender norms and furthering gender equality, including in the world of work, while ensuring women have the opportunity to participate as actors, including at the decision-making and leadership level, in combating climate change and spurring green growth.” At the same the ILO notes that “the impacts of climate change, and actions that exclude women” may have magnifying effects on decent work deficits in sectors with large numbers of female workers, such as agriculture.” Similarly, the Paris Agreement calls for gender responsive adaptation action, including consultation with Indigenous Peoples. The Paris Agreement’s Gender Action Plan (GAP), adopted at COP25, calls for enhanced implementation of gender-responsive climate action at all levels and to preserve local, Indigenous and traditional knowledge and practices in different sectors. It takes into account human rights, Just Transition and the rights of Indigenous Peoples.

1. <https://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm> and <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/lang--en/index.htm> [↑](#footnote-ref-1)
2. https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\_848132/lang--en/index.htm [↑](#footnote-ref-2)
3. 2021 ITUC Global Rights Index, <https://www.ituc-csi.org/2021-global-rights-index> [↑](#footnote-ref-3)
4. UNFCCC (2015), Paris Agreement: *“Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities, “* [↑](#footnote-ref-4)
5. ILO (2015). “Guidelines for a just transition towards environmentally sustainable economies and societies for all.” <https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/documents/publication/wcms_432859.pdf> and ILO Bureau for Workers' Activities - ACTRAV (2021) *User’s manual to the ILO’s Guidelines for a just transition towards environmentally sustainable economies and societies for all*. <https://www.ilo.org/actrav/pubs/WCMS_826060/lang--en/index.htm> [↑](#footnote-ref-5)
6. ITUC (2018) Economic and Social Policy Brief: The Role of Social Protection in a Just Transition. <https://www.ituc-csi.org/IMG/pdf/role_of_social_protection_in_a_just_transition_en.pdf> [↑](#footnote-ref-6)
7. See also https://www.ohchr.org/en/social-security [↑](#footnote-ref-7)
8. See ILO World Social Protection Report 2020-2022. [↑](#footnote-ref-8)
9. <https://www.gov.uk/government/news/government-delivers-on-manifesto-pledge-with-6-billion-package-to-help-end-fuel-poverty-and-drive-innovation-in-energy-efficiency> [↑](#footnote-ref-9)
10. ILO (2021) World Social Protection Report. [↑](#footnote-ref-10)
11. ILO (2021) World Social Protection Report 2020-2022. [↑](#footnote-ref-11)
12. ILO (2020). [*Financing Gaps in Social Protection*](https://www.ilo.org/secsoc/information-resources/publications-and-tools/Workingpapers/WCMS_758705/lang--en/index.htm)*.* [↑](#footnote-ref-12)
13. ODI (2021). *Official development assistance financing for social protection.* [↑](#footnote-ref-13)
14. For more information, see De Schutter’s report on the Global Fund presented to the UN Human Rights Council in 2021: <https://www.ohchr.org/EN/Issues/Poverty/Pages/global-fund-social-protection.aspx> [↑](#footnote-ref-14)
15. Marieke Koning and Samantha Smith (2021) 'Just Transition and Gender – A Review’. <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/66/EGM/Expert%20Papers/Samantha%20SMITH_CSW66%20Expert%20Paper.pdf> [↑](#footnote-ref-15)