**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 Solidarity Center** ([www.solidaritycenter.org](http://www.solidaritycenter.org))

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**Introduction**

Climate experts estimate that governments have just over a decade to avert the most catastrophic impacts of climate change. The International Labor Organization (ILO) has indicated that climate change already has a serious impact on employment worldwide, including climate-driven displacement and migration, dangerous working conditions from extreme heat, job losses in the rural economy due to crop failure and job losses in urban areas due to extreme weather events. The ILO Commission on the Future of Work noted that the very actions needed to mitigate climate change will also be deeply disruptive. Thus, broad social engagement, including through collective bargaining at the sectoral level, will be absolutely necessary in order to attain economic, social and environmental sustainability.

Recognizing the impacts of climate change on workers–particularly those working in the informal economy outside of labor law protections–as well as the unintended consequences of climate mitigation and adaptation efforts that fail to include workers and their unions will be critical to identifying the policies and practices necessary to protect and promote human rights.

When climate mitigation and adaptation efforts are designed in cooperation with workers and their organizations and include access to sustainable decent work, access to full labor protections and universal social protections, workers and their communities are more resilient to the adverse impacts of climate change.

Recognizing that climate change will force more people to migrate internally and across borders, the rights of migrants must be fully protected and promoted through fair and comprehensive migration policies grounded in the welfare of migrants, rather than corporate interests or nationalism. And all workers (including climate migrants), regardless of their immigration status, must be afforded the same workplace protections and coverage under labor law protections.

The Solidarity Center welcomes the opportunity to respond to the UN Special Rapporteur’s call for input.

**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 Solidarity Center 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.

In Bangladesh, in communities like Khulna, increased salinity, siltation, flooding, and worsening cyclones have devastated the agriculture sector.[[1]](#footnote-1) In 2012, as much as 80 percent of Khulna was affected by high levels of salinity. The loss of agricultural livelihoods due to climate change has pushed workers into other precarious sectors or pushed them to migrate internally or across borders. Women workers and internal migrants often occupy the most undesirable jobs with no labor protections as conditions worsen. Solidarity Center-supported research showed that, “In many cases, the new economic activities chosen by local and migrant farmers were not profitable enough for them. Most respondents explained that they live hand to mouth. None of the respondents were part of any well-designed adaptation strategy undertaken by the government or another agency. The study also found that workers are poorly able to cope with the changes in their livelihood.”[[2]](#footnote-2)

Where migration, particularly overseas migration, is used as a climate adaptation strategy, the lack of decent work options available locally and the resulting desperation for employment contributes to making individuals more vulnerable to labor exploitation, including forced labor, debt bondage and other forms of human trafficking. In many countries of destination, migrant workers often occupy jobs where they are more likely to be exposed to more severe impacts of climate change, such as extreme heat. There is also a lack of policy coherence in many destination countries as governments respond to climate crises abroad and their accompanying migration on an ad hoc basis, instead of engaging in long-term planning. Governments must develop regular pathways for climate migrants that ensures full rights to work and rights at work for migrants. Temporary migration programs (also called guestworker, sponsorship or circular migration schemes) are not a solution to climate migration, and should never be used to solve climate displacement. In the context of rapidly escalating mass human displacement, much of which is driven by the climate crisis, the imperative to increase resettlement commitment and capacity grows ever more urgent.

**Question 2: What legislation, policies and practices do you think are necessary to provide redress for particularly individuals and communities in vulnerable situations that have suffered and will continue to suffer loss and damage due to the adverse impacts of climate change?**

As livelihoods are lost to the impacts of climate change, full access to labor and social protections becomes increasingly important for individuals and communities that are made more vulnerable. Without full access to freedom of association, occupational safety and health, collective bargaining and other core labor rights, workers are at risk of being pushed into increasingly precarious and potentially exploitative work, including through unsafe migration channels.

In developing policies and planning for concrete actions, there must be a recognition that for many individuals and groups, adaptation measures simply will not be adequate to enable them to make the decision to remain in their communities. In some cases, entire communities will have to be relocated.

The main focus of the loss and damage debate has centered on financial compensation or support from wealthy countries–those that have primarily caused the climate crisis–to those that are most impacted by the consequences and are experiencing or will experience significant loss and damage. Fair migration policy could be one very concrete step taken by wealthy nations to address loss and damage, in addition to contributing to financial support mechanisms. Migration policy that enables communities to maintain their social cohesion and their cultural identities, and ensures people’s ability to live and work with dignity is an appropriate and necessary redress option for those suffering from loss and damage.

As governments develop regular migration pathways, these pathways must account for projected climate displacement. As the climate crisis worsens, governments must proactively develop plans to integrate migrants into economies and societies in a way that allows migrants the freedom to move, settle, work, and fully participate in civic life. There must be policy coherence to ensure that regular migration pathways are developed hand in hand with the regularization of undocumented migrants, climate change responses, and humanitarian needs. Fair migration policies must center decent work and full labor protections, include permanent migration pathways over temporary pathways, enable families to remain together, and include pathways to residency and citizenship regardless of migration status. Temporary migration schemes must never be used as a substitute for humanitarian resettlement.

**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?**

In the thematic report A/76/222: *Exercise of the rights to peaceful assembly and of association as essential to advancing climate justice*, UN Special Rapporteur Voule emphasizes the critical role that trade unions can play in advancing a just transition to a low-emissions economy. He also indicates that workers and unions have been excluded from climate policy discussions and that barriers to or violations of the right to freedom of association limit workers’ ability to organize and exert collective pressure in favor of inclusive climate action. His recommendations include ensuring that all workers are guaranteed the right to freedom of association, including the right to organize, strike and bargain collectively, including over matters related to climate change and just transition.

When workers are able to fully exercise their labor rights, they can hasten action toward an inclusive low-emissions economy in a manner that reduces vulnerabilities and promotes human rights for all. While the ILO *Guidelines for a just transition towards environmentally sustainable economies and societies for all* offers concrete policy recommendations, a binding standard is required to hold governments and business enterprises accountable for engaging in social dialogue with trade unions.[[3]](#footnote-3)

Agreements like the Escazú Agreement should be adapted or replicated for use in other regions, giving impacted individuals and communities greater access to environmental information and decision-making. All impacted communities must be afforded the right to be fully consulted in decision-making about environmentally-risky activities, as well as activities aimed at responding to the adverse impacts of climate change–particularly when those activities have the potential to knowingly or inadvertently create or exacerbate vulnerabilities.

There must be a whole-of-government approach; addressing climate migration cannot be done effectively in a siloed way. Migration policy must be integrated into labor, workforce, climate adaptation and other economic and social policies.

**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?**

Advancing a just transition, in line with the ILO Just Transition Guidelines, will be critical to limiting human rights impacts on workers and their communities. If done correctly, a just transition can actually advance human rights. States, businesses, and intergovernmental organizations must treat unions as equal social partners in designing mitigation strategies and efforts, particularly at the sector or industry level.

Workers have struggled over many years to exercise their freedom of association, organizing, and collective bargaining rights to improve working conditions in some of the world’s most polluting industries, turning often unsafe jobs into safer, family-sustaining ones that uplift entire communities. Unions have played critical roles in advancing the rights of women, workers from marginalized communities, migrants, and others in vulnerable situations. Efforts to reduce emissions through industry transitions that fail to meaningfully include workers and their organizations have the potential to erode living and working standards, pushing entire communities into more precarious conditions.

Governments have the potential to support just transition/ mitigation efforts through multilateral cooperation. Launched at COP26 in Glasgow, Scotland in November 2021, the Just Energy Transition Partnership (JETP) is an initiative involving the governments of South Africa, the United States, France, Germany, the United Kingdom, and the European Union to support South Africa’s transition away from coal and toward a low-emissions economy. The Partnership aims to make $8.5 billion available to support the transition. Central to JETP is the recognition of the “necessity of a just, equitable and inclusive transition for workers and affected communities.” The Partnership further recognizes that the transition needs to be “based on the full involvement of organized labor…to ensure that workers are the major beneficiaries of [the] transition to a greener future.”[[4]](#footnote-4) If successful, JETP could serve as a model for supporting a just transition in other countries.

**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?**

Climate adaptation efforts must include access to sustainable decent work, full labor protections, and universal social protections to build resilience, reduce vulnerabilities, and ensure that people have a real choice about migrating. A focus on climate-resilient livelihoods without labor law protections for all workers, including those in the informal economy, can have the unintended consequence of exacerbating vulnerabilities as climate change-related shocks increase in frequency and severity.

Concrete actions by **States** should include:

* Ensuring that national labor laws are in line with international core labor standards
* Extending labor law protections to all workers, regardless of occupation or migration status
* Ensuring meaningful inclusion of all impacted communities, including workers, in decision-making about how adaptation resources are used
* Developing comprehensive social protection policies

Concrete actions by **business enterprises** should include:

* Bargaining in good faith with workers and their unions at the enterprise and industry-wide levels to ensure that adaptation efforts respect worker rights and promote resilience for workers and their communities
* Respecting the right of all workers to freely form or join unions

Concrete actions by the **Green Climate Fund** should include:

* Promoting sustainable decent work with full labor and social protections as part of investments aimed at promoting “livelihoods and wellbeing”

1. Rashid, Syeda Rozana, *The Intersection of Climate Change, Migration and Changing Economy* https://www.solidaritycenter.org/wp-content/uploads/2020/07/Bangladesh.Report.The-Intersection-of-Climate-Change-Migration-and-Changing-Economy.-June-2020.pdf [↑](#footnote-ref-1)
2. Ibid. Pg. 15 [↑](#footnote-ref-2)
3. Please also see: Subasinghe, R. & Vogt, J. “It’s time to start talking about a human right to a just transition.” *Equal Times*, 14 Oct. 2021 https://www.equaltimes.org/it-s-time-to-start-talking-about-a#.Yqtt0XbMI2w [↑](#footnote-ref-3)
4. https://ec.europa.eu/commission/presscorner/detail/en/IP\_21\_5768 [↑](#footnote-ref-4)