

## **Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument**

On 9 December 2022, the Executive Secretary of the INC Plastic Pollution Secretariat sent a notification inviting written submissions from members of the committee and from observers. The template below is intended to provide guidance to members of the committee and observers in structuring the written submissions.

As requested by INC-1, written submissions will inform the secretariat in the preparation of a document with potential options for elements towards an international legally binding instrument, for consideration at the second session of the INC, without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The document is to be based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation.

The template below is meant to assist Members and Observers to prepare their written submission as a guide. A number of documents prepared for INC-1 are of relevance, notably UNEP/PP/INC.1/5 on 'Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment'.

The template is divided into three sections:

- I. Substantive elements
- II. Implementation elements
- III. Additional input

All written submissions must be sent to [unep-incplastic.secretariat@un.org](mailto:unep-incplastic.secretariat@un.org). The statements received will be compiled and made available the INC webpage.

Please note that it is not required for all fields to be answered in the template for submission.

### **Deadline for submissions:**

- 6 January 2023 for written submissions from observers.
- 10 February 2023 for written submissions from Members of the Committee.

## TEMPLATE FOR SUBMISSIONS

Name of country (for Members of the committee)	
Name of organization (for observers to the committee)	International Labour Organization (ILO)
Contact person and contact information for the submission	Yasuhiko Kamakura (kamakura@ilo.org)
Date	6 January 2023

### I. Substantive elements

#### 1. Objective(s)

a) *What objective(s) could be set out in the instrument?*

Proposed Objective:

The *Resolution adopted by the United Nations Environment Assembly on 2 March 2022 5/14 End plastic pollution: towards an international legally binding instrument*, notes “with concern that the high and rapidly increasing levels of plastic pollution represent a serious environmental problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development...” This indicates that eliminating plastic pollution requires that three elements of sustainability – economic, social and environmental dimensions - must be in place equitably. In this context, the International Labour Organization (ILO) stresses the critical importance of the social dimension, which must be respected in designing, drafting, implementing and assessing progress in implementation of the new instrument. The ILO pursues social justice in the world of work. The ILO aims to ensure that it serves the needs of working women and men by bringing together governments, employers’ and workers’ organizations to set international labour standards, develop policies and devise programmes. The very structure of the ILO, where workers and employers together have an equal voice with governments in its deliberations, shows social dialogue in action. Thus, in all dimensions of the new instrument, the views of the employers’ and workers’ organizations should be closely reflected in the designing, drafting, implementing and assessing implementation of the new instrument, by promoting a social dialogue fully involving employers’ and workers’ organizations.

Explanatory Text:

The new instrument must meet the goals and objectives of a circular economy approach. This requires considering the full life cycle of plastics throughout the entire supply chain of plastics from materials to products. The new instrument should view environmental sustainability in an integrated way, paying equal attention to economic, social and environmental dimensions. Decent work should be a priority in order to create green, safe and healthy jobs. This will

enable Member States to create an equitable world of work and resilient societies. In this regard, a systemic approach is required to implement a just transition through social dialogue involving representatives of governments, employers' and workers' organizations at all levels, including the sectoral level. Developing the new instrument and its implementation must fully respect social dialogue in all processes. It should provide a roadmap for countries to develop comprehensive just transition programmes, and national action plans to adequately respond to plastic pollution, while promoting decent work and advancing social justice.

## 2. Core obligations, control measures and voluntary approaches

- a) *What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?*

### **Obligations:**

The new instrument must take into consideration Sustainable Development Goal 8: Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All. The ILO Centenary Declaration for the Future of Work (2019) requests all Member States to focus on three areas of action: 1) increasing investment in people's capabilities; 2) increasing investment in the institutions of work; and 3) increasing investment in decent and sustainable work. A human-centred approach to combatting plastic pollution will create more decent jobs while moving towards a circular economy.

Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, safety, health, and security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men. To this end, existing inequalities must be reduced.

Promoting well-being and income security must be achieved through a combination of social protection and labour protection for all. Recent crises have painfully shown the importance of developing social protection strategies and policies based on international labour standards and social dialogue to achieve universal, comprehensive, sustainable, and adequate social protection for all, including access to healthcare. Strategies should consider the reality of those that are excluded or do not benefit from adequate protection such as workers and enterprises in the informal economy, particularly waste pickers, rural populations, migrant workers, and persons with disabilities. This requires social protection systems that are adequately designed, financed, governed and managed to protect all against life- and work-related risks, facilitate life and work transitions, and respond to emerging needs and global challenges.

A transformative agenda for gender equality and non-discrimination must be implemented with an intersectional perspective, focusing on equality of opportunities and treatment for women and men, the care economy, gender-responsive social protection, and the inclusion of persons with disabilities, people living with HIV, indigenous people and other groups that are discriminated against in the world of work.

Achieving full and productive employment requires the development of comprehensive gender-responsive employment policy frameworks that promotes structural transformations and inclusive environmental and demographic transitions for decent work. In this regard, skills and lifelong learning and active labour market policies and employment services are critical. Active labour market policies and employment services support workers through transitions in the labour market, are integrated with employment, rights, social protection, education, training and enterprises policies, and also make a decisive contribution to full and productive employment.

Support for micro, small and medium-sized enterprises for successful and inclusive transitions to a low-carbon and digital economy is increasingly important. It is also important to facilitate enterprise formation and provide stronger support to the social and solidarity economy, acknowledging its contribution to poverty reduction, inclusive societies, economic recovery and resilience. Sustainable enterprises are generators of employment and promoters of innovation and decent work, recognizing the key role of the private sector to advance sustainable development processes that generate improved living standards for all. In this regard, the *Conclusions concerning the promotion of sustainable enterprises*, adopted by the International Labour Conference in 2007, including aspects of corporate social responsibility, should be used by governments and employers' and workers' organizations to foster an enabling environment for sustainable enterprise development to create decent jobs, promote sustainable production, including sustainable packaging, introduce clean technologies, bring innovative sustainable business models to the market and contribute to productivity growth, thereby advancing decent work and environmental sustainability.

**Control measures:**

To promote occupational safety and health (OSH) and well-being of workers, including waste management workers and waste pickers, a rights-based approach must be in place. ILO instruments specify the rights and obligations of employers and workers and governments (or regulatory authorities). For example, the ILO Occupational Safety and Health Convention, 1981 (No. 155) requires each State which ratifies the Convention has to, in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a coherent national policy to prevent accidents and injury to health by minimizing hazards, so far as reasonably practicable. At the national level, States have to maintain an adequate and appropriate system of inspection, and take measures to provide guidance to employers' and workers.

Employers are required to:

- ensure, so far as is reasonably practicable, that the workplaces, machinery, equipment and processes under their control are safe and without risk to health;
- ensure, so far as is reasonably practicable, that the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken;
- provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health; such personal protective clothing and equipment should be provided, without any cost to the worker;
- provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements; and

- ensure that there are arrangements in place in which workers and their representatives are consulted, informed, and trained on OSH associated with their work.

Workers are entitled to:

- receive adequate information and be given training in OSH.
- enquire into – and be consulted by the employer on – all aspects of OSH associated with their work.
- remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health, without undue consequences.

In return, workers have the responsibilities to fulfil. Workers are required to:

- cooperate with the employer in the field of OSH;
- take reasonable care for their own safety and that of other persons who may be affected by their acts or omissions at work;
- comply with instructions given for their own safety and health and those of others;
- use safety devices and protective equipment correctly and not render them inoperative;
- report forthwith to their immediate supervisor any situation, which they have reason to believe could present a hazard and which they cannot themselves correct; and
- report any accident or injury to health, which arises in the course of or in connection with work.

**Voluntary approach:**

The ILO's international labour standards take a hybrid approach to ensure the equitable mixture of compulsory and voluntary instruments shall be in place to promote social justice in the world of work. International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either Conventions (or Protocols), which are legally binding international treaties that may be ratified by Member states, or Recommendations, which serve as non-binding guidelines. In many cases, a Convention lays down the basic principles to be implemented by ratifying countries, while a related Recommendation supplements the Convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous, i.e. not linked to a Convention.

Conventions and Recommendations are drawn up by representatives of governments, employers and workers and are adopted at the annual International Labour Conference. Once a standard is adopted, Member states are required under article 19(6) of the ILO Constitution, to submit it to their competent authority (normally Parliament) within a period of twelve months for consideration. In the case of Conventions, this means consideration for ratification. If it is ratified, a Convention generally comes into force for that country one year after the date of ratification. Ratifying countries undertake to apply the Convention in national law and practice and to report on its application at regular intervals. Technical assistance is provided by the ILO, if necessary. In addition, representation and complaint procedures can be initiated against countries for violations of a Convention that they have ratified.

## II. Implementation elements

### 1. Implementation measures

- a) *How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)*
- b) *How to ensure effectiveness of the instrument and have efficient national reporting?*
- c) *Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).*

- d) How to ensure implementation of the instrument at the national level (e.g., the role national action plans contribute to meeting the objectives and obligations of the instrument)?

#### **General principles:**

The ILO believes that a proper system to assist implementation of the new instrument must be in place at the national level.

At the country level, the ILO has *Decent Work Country Programmes (DWCPs)*. DWCPs have been established as the main vehicle for delivery of ILO support to countries. They promote decent work as a key component of national development strategies. At the same time, they organize ILO knowledge, instruments, advocacy and cooperation at the service of tripartite constituents in a results-based framework to advance the Decent Work Agenda. Tripartism, and social dialogue is central to the planning and implementation of a coherent and integrated ILO programme of assistance to constituents in Member States.

The *Global Accelerator on Jobs and Social Protection for Just Transitions* also plays a pivotal role to promote global partnerships for the development of integrated and coherent social justice policies, and for mobilizing investments and political support to implement them in target countries.

#### **Specific means of the implementation:**

The *Guidelines for a just transition towards environmentally sustainable economies and societies for all* offer a set of policies that countries can draw on to implement their climate change commitments, while putting in place macroeconomic and growth policies, labour market policies, industrial and sectoral policies, enterprise policies and policies on skills development, rights, social protection and occupational health and safety. The Guidelines underline the importance of policy coherence and effective social dialogue and tripartism (see III. Additional input, below).

To facilitate the implementation of the Guidelines, the ILO provides technical advisory services to Member States through a) a User's manual for the Guidelines; b) research papers; and c) a Green Jobs assessment. In addition, the ILO has a training arm which runs training, learning and capacity development services for governments, employers and workers' organizations. Our training centre offers several Green Jobs training courses. In addition, the ILO believes that, among others, the means of promoting transformative gender

equality, non-discrimination and social protection and international cooperation must be fully respected.

**The means of promoting transformative gender equality and non-discrimination:**

The handling of plastic waste remains largely part of the informal economy in many countries, where OSH regulations and social protections are limited or non-existent, and workers face many decent work deficits, including, inter alia, discrimination, violence and harassment, low earnings, long working hours, and poor social security. Achieving gender equality at work requires a transformative agenda, with regular evaluation of progress made, which:

- ensures equal opportunities, equal participation and equal treatment, including equal remuneration for women and men for work of equal value;
- enables a more balanced sharing of family responsibilities; and
- provides scope for achieving better work–life balance by enabling workers and employers to agree on solutions, including on working time, that consider their respective needs and benefits.

**The means of expanding universal access to comprehensive and sustainable social protection for all:**

Workers must have universal access to comprehensive, adequate and sustainable social protection, including nationally defined social protection floors, ensuring that, at a minimum, over the life cycle, all in need have access to basic income security and to essential healthcare, recognizing the right to the enjoyment of the highest attainable standard of physical and mental health as more important than ever.

Workers must enhance access to unemployment protection to ensure support for workers who have lost their jobs and livelihoods due to the pandemic and to facilitate transitions.

Workers must have access to adequate paid sick leave, and sickness benefits and health and care services, family leave and other family-friendly policies for all workers, ensuring coverage in cases of quarantine and self-isolation and developing faster delivery mechanisms for benefits.

In this regard, Governments are requested to:

- provide for equitable and sustainable financing for social protection systems through effective resource mobilization as well as reinforced global solidarity and coordination to ensure that no one is left behind;
- reinforce the essential role of the public sector in supporting well-functioning economies and societies, recognizing in particular the important role of public health and care systems in times of a health crisis and in the prevention of future shocks and pandemics; and
- support universal social protection through joint efforts with the United Nations agencies “working as one”, and through concerted efforts with relevant international, regional, subregional and national institutions and social partners, civil society and other stakeholders.

e) How to ensure effectiveness of the instrument and have efficient national reporting?

The ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and amended in 2022, is an expression of commitment by governments, employers' and workers' organizations to uphold basic human values - values that are vital to our social and economic lives. As indicated above, it affirms the obligations and commitments that are inherent in membership of the ILO, namely:

1. freedom of association and the effective recognition of the right to collective bargaining;
2. the elimination of all forms of forced or compulsory labour;
3. the effective abolition of child labour;
4. the elimination of discrimination in respect of employment and occupation; and
5. a safe and healthy working environment.

This commitment is supported by a follow-up procedure. The aim of the follow-up is to encourage the efforts made by the Members of the ILO to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia and reaffirmed in the 1998 Declaration.

This follow-up has two aspects based on existing procedures:

The Annual follow-up concerning non-ratified fundamental Conventions will entail some adaptation of the present modalities of application of article 19, paragraph 5(e), of the ILO Constitution. The forms for these reports are designed to obtain information on any changes in law and practice from governments which have not ratified one or more of the fundamental Conventions, including the Protocol of 2014 to the Forced Labour Convention. The organizations of employers and workers may voice their opinions on the reports. The information received is examined by the Governing Body of the ILO, and published in the Introduction to the Annual Review of reports, focusing on new developments and trends.

The Global Report on fundamental principles and rights at work that will serve to inform the recurrent discussion at the Conference on the needs of the Members, the ILO action undertaken, and the results achieved in the promotion of the fundamental principles and rights at work.

- f) Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).

In addition to above, there is a third way to give effect to the Declaration, via Technical Cooperation Projects which are designed to address identifiable needs in relation to the Declaration and to strengthen local capacities thereby translating principles into practice.

As discussed above, workers and employers must collaborate. Workers and/or their representatives must be given adequate information and appropriate training and be consulted by the employer. They also have to cooperate with the employer. Workers must

report forthwith to their immediate supervisor any situation which they have reasonable justification to believe presents an immediate and serious danger to their life or health. Until remedial action has been taken, the employer cannot require workers to return to a work situation where there is continuing danger. A worker who has removed him or herself from such a work situation has to be protected from undue consequences. Occupational safety and health measures must not involve any expenditure for the workers. The measures taken to facilitate cooperation between employers and workers should, where appropriate and necessary, including the appointment of joint safety and health committee or other similar bodies, the functions of which are enumerated.

## 2. Means of Implementation

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) *What measures will be required to support the implementation of the instrument?*

In addition to above, the ILO international labour standards promote international cooperation activities. For example, the Chemicals Convention, 1990 (No. 170) states: "When in an exporting Member State all or some uses of hazardous chemicals are prohibited for reasons of safety and health at work, this fact and the reasons for it shall be communicated by the exporting Member State to any importing country" (Article 19, Chemicals Convention, 1990 (No. 170)). The Prevention of Major Industrial Accidents Convention, 1993 (No. 174) states: "When, in an exporting Member State, the use of hazardous substances, technologies or processes is prohibited as a potential source of a major accident, the information on this prohibition and the reasons for it shall be made available by the exporting Member State to any importing country" (Article 22, the Prevention of Major Industrial Accidents Convention, 1993 (No. 174)).

### III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

Addressing these challenges will greatly enhance opportunities for decent work in the global supply chains of plastics. Therefore, the ILO's constituents – governments and employers' and workers' organizations – through social dialogue, have an important role to play to support a just transition.

Social justice faces significant challenges posed by greater inequalities and socio-economic insecurity, while emerging opportunities for breaking this pattern are not always being seized. A continuation of these trends threatens human dignity, social and economic development and global peace. Thus, new instruments must serve to promote social justice for all by redressing the root causes of the ongoing imbalances and missing opportunities. Numerous international labour standards provide an established and validated legislative framework that will serve as a foundation of the new instrument.

To promote social justice, the objectives of the instrument should be developed, taking into consideration the following specific elements: (The following paragraphs are the excerpts from *ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All*.)

#### QUOTE

1. The four pillars of the Decent Work Agenda - social dialogue, social protection, rights at work and employment - are indispensable building blocks of sustainable development and must be at the centre of policies for strong, sustainable and inclusive growth and development.
2. Sustainable development means that the needs of the present generation should be met without compromising the ability of future generations to meet their own needs. Sustainable development has three dimensions – economic, social and environmental – which are interrelated, of equal importance and must be addressed together.
3. Sharing a common global purpose, there are different approaches, models and tools available to each country, in accordance with its national circumstances and priorities to achieve sustainable development in its three dimensions, which is our overarching goal.
4. A just transition for all towards an environmentally sustainable economy needs to be well managed and contribute to the goals of decent work for all, social inclusion and the eradication of poverty.

5. Decent work, poverty eradication and environmental sustainability are three of the defining challenges of the twenty-first century. Economies must be productive to meet the needs of the world's growing population. Societies must be inclusive, providing opportunities for decent work for all, reducing inequalities and effectively eliminating poverty.
6. When referring to the greening of economies, enterprises and jobs, we must consider it in the context of sustainable development and poverty eradication. This is one of the important tools for achieving sustainable development and could provide options for policymaking.
7. The greening of economies presents many opportunities to achieve social objectives: it has the potential to be a new engine of growth, both in advanced and developing economies, and a net generator of decent, green jobs that can contribute significantly to poverty eradication and social inclusion. The greening of economies will enhance our ability to manage natural resources sustainably, increase energy efficiency and reduce waste, while addressing inequalities and enhancing resilience. The greening of jobs and the promotion of green jobs, both in traditional and emerging sectors, will foster a competitive, low-carbon, environmentally sustainable economy and patterns of sustainable consumption and production, and contribute to the fight against climate change.
8. Managed well, transitions to environmentally and socially sustainable economies can become a strong driver of job creation, job upgrading, social justice and poverty eradication. Greening all enterprises and jobs by introducing more energy and resource efficient practices, avoiding pollution and managing natural resources sustainably leads to innovation, enhances resilience and generates savings which drive new investment and employment.
9. Sustainable development is only possible with the active engagement of the world of work. Governments, employers and workers are not passive bystanders, but rather agents of change, who are able to develop new ways of working that safeguard the environment for present and future generations, eradicate poverty and promote social justice by fostering sustainable enterprises and creating decent work for all.
10. The path to environmentally sustainable development involves a wide range of efforts and activities from the ILO and member States, who have widely varying capabilities and ability to act in accordance with the reality of each State. In that context, cooperation, information sharing and joint action within the mandate of the ILO will be valuable.

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(Source: ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All, pp. 4-5)