



Submission by the Workers and Trade Unions Major Group represented by the International Trade Union Confederation (ITUC)

The International Trade Union Confederation (ITUC) is the global voice of the world’s working people. The ITUC’s primary mission is the promotion and defence of workers’ rights and interests, through international cooperation between trade unions, global campaigning and advocacy within the major global institutions.¹

Name of country (for Members of the committee)	
Name of organization (for stakeholders to the committee)	International Trade Union Confederation (ITUC) for the Workers and Trade Unions Major Group.
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I. Substantive elements

1. Objective(s)

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

<p>Proposed Objective:</p> <ul style="list-style-type: none"> • Stop all forms of plastic pollution in order to protect the human right to a healthy environment as well as the environment itself, biodiversity and fight climate change by halting the negative effects and emissions resulting from all activities and outcomes associated with the production, consumption, collection and disposal of plastic materials, products, by-products and associated chemicals across their entire life cycle comprising: (1) raw material extraction and processing; (2) design, manufacturing, packaging and distribution; (3) use, reuse, maintenance and end of life management (including segregation, collection, sorting and final disposal).

¹ The ITUC is grateful for the input received for this submission from Public Services International (PSI), the global union federation for workers in public services and from the Trade Union Confederation of the Americas (TUCA).

- All measures to stop plastic pollution shall be implemented by means of a 'just transition' that ensures a positive social impact for all workers regardless of their status (formal or informal workers; in permanent or precarious employment; employed by public or other providers) and for all communities affected. A just transition towards an environmentally sustainable economy as well as towards a safe, healthy and effective plastic disposal systems without plastic pollution and contamination needs to be properly managed and to contribute fully to the goals of decent work for all, social inclusion and the eradication of poverty.

Explanatory Text:

The objective of the ILBI should reflect the broad mandate of UNEA Resolution 5/14 to guarantee its effectiveness. Additionally, not only the 'what' should be specified (stopping and reversing plastic pollution) also the 'how' should be part of the objective. The resolution refers to the 2030 Agenda for Sustainable Development and the principles of the Rio Declaration on Environment and Development. Additionally, the Global trade union movement proposes to include an explicit reference in the objective of the instrument to the concept of 'just transition' as it is defined by the International Labour Organization in its 2015 'Guidelines for a just transition towards environmentally sustainable economies and societies for all'.² Reference to the ILO's concept of just transition guarantees that the impact on all workers involved in the plastics value chain is taken into account. It includes all waste workers regardless of their status (formal/informal; permanent/precarious; employed by public or private sector operators) both upstream and downstream in the value chain. Stopping and reversing plastic pollution in a way that guarantees a just transition for all affected workers and communities will contribute greatly to the support in civil society for the proposed measures and actions of the ILBI.

All measures to reach the objectives of the ILBI must rest upon legally enforceable obligations on the corporate actors engaged in plastic production, use, collection and disposal and assert the right to adequate, accessible and equitable waste and sanitation services as on a public good basis (health, waste management, water and sanitation, etc.). Only in this way will waste services be enabled and empowered to fulfil targets and indicators of both SDG 8, SDG 11 and SDG 12, notably with commitments to prevent, reduce, recycle and reuse - as well as to properly collect and discharge – and to properly handle and treat chemical and other hazardous waste through the whole life cycle in accordance with international standards by 2020.³

Likewise, legally binding measures are necessary to uphold the transformative commitments made by UN Habitat member states in the 2016 New Urban Agenda (NUA), which pledges to realize universal access to sustainable waste management systems, minimizing landfills and converting waste into energy, with special attention to coastal areas.⁴

² https://www.ilo.org/global/topics/green-jobs/publications/WCMS_432859/lang--en/index.htm

³ SDG targets 11.6, 12.3, 12.4, and 12.5 (<https://sdgs.un.org/goals/goal11> and <https://sdgs.un.org/goals/goal12>).

⁴ UN General Assembly (2016), para. 34, 71, 74, 121-123.

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?*

The global trade union movement proposes to include in the core obligation the respect of human and labour rights. This obligation should build on the UN General Assembly resolution (A/76/L.75) recognizing the right to a clean, healthy, and sustainable environment as a human right. Regarding labour rights the reference should be to the ILO Declaration on Fundamental Principles and Rights at Work.⁵ Specifically relevant for the INC and plastic pollution is the fundamental principle and right at work to “a safe and healthy working environment” as workers in all parts of the plastics value chain are affected, for example by exposure to the chemicals used in plastic production or by the hazards incurred when collecting and disposing of plastic waste.

While the ILBI can contain both mandatory and voluntary elements, the mandate of the resolution speaks about a ‘legally binding instrument’. This implies that the core obligations should be mandatory and not voluntary. In order to guarantee the effectivity and efficiency of the ILBI the mandatory elements need to deal with the activities and actors that are responsible for plastic pollution, preferably as early as possible in the value chain. It also implies a hierarchy in the reduce-reuse-recycle model, where priority should go to reduce unnecessary plastic use.

The global trade union movement does not support an UNFCCC-model with national action plans that are completely ‘nationally determined’. There is clear evidence that the NDC-model (Nationally Determined Contributions) in the climate negotiations is not delivering on the objectives of the Paris Agreement for the moment. Global CO₂-emissions are still going up instead of urgently going down. The ILBI needs core obligations that impose reductions of plastic pollution according to the broad scientific consensus.

Besides, the binding nature of the ILBI requires strengthening the role of state monitoring, auditing, control and sanctioning capacity, which includes adequate funding, staffing and training of officials who will have to monitor compliance with the treaty, as well as their independence by protecting them from pressures and threats (whistle-blower protection).

⁵ <https://www.ilo.org/declaration/lang--en/index.htm>

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).*

While the global trade union movement does not support a bottom-up system based on voluntary national action plans, the use of national plans will be necessary both to follow up on the global and national compliance with the goals of the ILBI and to coordinate the work at the national level. This coordination at the national level should include a meaningful, inclusive and democratic consultation process with all relevant stakeholders, including trade unions and legitimate subnational government representatives and civil society in local communities, in line with the 2021 UN General Secretary Report Our Common Agenda to achieve a more inclusive multilateralism.⁶ This approach should be contained in the ILBI as an obligation.

Such approach also builds on the need for a just transition, which is based on social dialogue with the social partners (employers, trade unions and governments) as defined at the ILO.⁷ Social dialogue and stakeholder participation are a guarantee for national support and good governance of the policies. Social dialogue should be of good quality, therefore not be limited to the formal convening of workers and their representatives and one-way briefings. Quality social dialogue entails timely access to truthful and relevant information; good faith, meaningful and symmetric consultation; and a genuine opportunity to influence/exercise shared decision-making. All formal and material obstacles to the genuine participation of trade union organisations in decision-making processes related to the implementation of the Treaty should be removed.

⁶ https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf

⁷ <https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm>

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?*

The discussion on Means of Implementation should be guided by the concept of common but differentiated responsibilities and respective capabilities. Those that are responsible for plastic pollution should pay for it. This refers to the producers and to the countries where they are located.

INCENTIVES AND PENALTIES SYSTEMS FOR PLASTIC PRODUCERS AND USERS

Socially-responsive and progressive taxes and levies on plastic production and consumption can help raise the funds to support implementation in developing countries and to compensate most affected groups. The use of taxes and levies should ensure a clear distinction between those instruments meant to encourage and guide the development and use of non-polluting technologies; and adequate, deterrent penalties for plastic pollution (“polluter pays” principle) as well as the duty to remedy the damage caused. Considering the transnational, cross-border and constantly mobile nature of plastic pollution, the Treaty need to encompass a global mechanism with clear rules to compensate the territories, countries and regions most affected by the damages caused by plastic pollution originating outside their territories.

FUNDING ADEQUATE WASTE MANAGEMENT SYSTEMS, INCLUDING DECENT EMPLOYMENT CREATION

Establishing and operating effective, adequate and professional waste management systems and infrastructures able to deal with the surge in plastic pollution in all its forms – that must be safe and fair for workers and communities as well as the environment – requires reliable, sustainable stream of public resources to finance channeled where such systems are needed, meaning in cities, metropolises and regions. The practice of open, illegal dumps and wildcat landfills is dangerous and unsustainable. Promote public sustainable investment in integrated waste sorting and recycling systems rooted in transparent and participative approaches; and ensure separate, safe routes for toxic, medical and other hazardous waste in the interest of public health and the environment

Options to do so include progressive municipal tax systems including land value capture. To this end, there is an urgent need to address the issue of lost corporate tax and ensure appropriate recovery and re-channeling mechanisms to wire tax revenues back to the local governments and communities that are on the frontline of plastic pollution with their waste and sanitation services.

Waste services often represent a major - sometimes the largest – share of municipal budgets. Funding such waste management systems needs to factor in decent working for all waste service workers (a living wage, social protection, Occupational Safety and Health (OSH), non-discrimination and equal pay, and trade union rights, collective bargaining coverage, etc.), while taking full advantage of potential represented by the circular economy to generate decent employment opportunities. Conversely, the lack of investment in tools, machinery maintenance, protective equipment and

worker training have direct negative consequences on workers' health and safety and are highly correlated with precariousness, job outsourcing/privatization and low wages.⁸

DE-PRIVATISE WASTE AND SANITATION UTILITIES AND RUN THEM ON A PUBLIC GOOD APPROACH, NOT FOR PROFIT

Besides, re-municipalisation and the de-privatisation of public waste utilities and the investment and enhancement of waste utilities and staff ran on a public good basis - rather than on profit-extraction and competition among private operators – must be promoted and included in the Treaty as an effective and legitimate instrument to tackle the global plastic pollution crisis and to expand universal access to quality waste and sanitation services that can de-plastify our planet.⁹

INCLUDE STRONG LABOUR RIGHTS AND DECENT WORK CLAUSES IN PUBLIC PROCUREMENT CONTRACTS

Promote the inclusion of strong labour and decent work clauses designed in cooperation with waste workers' unions in public procurement contracts covering municipal and territorial waste services

ENSURE STATE CAPACITY TO IMPLEMENT, MONITOR AND FOLLOW-UP AT ALL LEVELS OF GOVERNMENTS

Following the principles of just transition, capacity building and technical assistance are needed to prepare the workforce affected by the transition to stop plastic pollution as well as the public utilities and state entities at all level of government that are required to ensure the implementation, monitoring and follow-up. Capacity building of the workforce involves adequate staffing levels, skills development, implementing occupational health and safety provisions, appropriate tools to perform the work, etc.¹⁰ All measures related to capacity building and technical assistance should be developed in collaboration with the social partners in the sectors through quality social dialogue processes and effective participation. Just transition implies the effective participation of affected workers throughout the entire value chain. This process of social dialogue guarantees that the voice

⁸ Cibrario, D., "SDG11: To ensure sustainable waste services, we must value waste workers and make sure they are in decent jobs", Spotlight Report on Sustainable Development 2018 https://pop-umbrella.s3.amazonaws.com/uploads/600350e7-6172-4c14-bcb2-f9462e47255b_Cibrario_SDG_11%20Waste_article_2018_EN.pdf

⁹ The 2022 New Urban Agenda Quadrennial Report by the UN General Secretary notes: "The return of public service provision to municipal control (remunicipalisation) has emerged as a viable and legitimate policy option in cities where privatization of public goods has hindered access by low-income households. Also, UN Habitat's World Cities Report 2022 emphasises that: "Remunicipalisation' captures the trend of governments reversing the privatization trend of the 1980s and taking back ownership of assets and services that had previously been outsourced (...) co-production of urban services with the involvement of public actors and citizen groups can overcome persistent challenges. Many governments are indeed revisiting their relationship with private service providers, and are returning public service provision to municipal control, especially in urban contexts where the privatization of public goods has hindered access by low-income households. (...) Remunicipalisation is not mere change in ownership. Rather it is a new form of urban governance that reflects collective aspirations for social and environmental justice and the democratic management of public services". See Cibrario, D., Cumbers, A., "Remunicipalisation: breaking through as public policy" 31 October 2022 <https://publicservices.international/resources/news/remunicipalisation-breaking-through-as-public-policy?id=13457&lang=en>

¹⁰ As per the UN Guiding Principles on Business and Human Rights 2011. https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

and interests of these workers are considered in all phases of the value chain. It also implies the recognition of fundamental labour rights as a core dimension as well as the consideration of the different intersectionalities that need to be addressed (gender, race/ethnicity, generations). The implementation of these measures should be guided by the broad expertise on these issues that is available at the ILO and its constituencies.

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).

The global trade union movement is very concerned about possible 'conflicts of interests' that arise due to the unchecked and unbalanced participation of representatives from the industries that are responsible for plastic pollution. In the spirit of just transition, the labour movement supports the engagement of all relevant stakeholders in the negotiation process; this includes representatives of the plastic producing, using and collecting/disposal companies. However, there should be transparency of interests and a representative and balanced representation. It is unacceptable that commercial interests linked to companies and organisations responsible for plastic pollution get disproportionate access to the negotiation process. There are clear signs that this is already happening at this moment. An example of this is the strong focus on the downstream aspects of plastic pollution (recycling) compared with measures and proposals dealing with the upstream aspects (prevention). All aspects contributing to plastic pollution - downstream as well as upstream in the value chain - need to receive the necessary attention in the negotiations.

In order to guarantee balanced representation of all stakeholders, the labour movement proposes to maintain the United Nations' system of 'Major groups'. This guarantees that every stakeholder receives the same access to the negotiations (in terms of sponsored participation, speaking rights, etc.). This will prevent that stakeholders with large financial means at their disposal are overrepresented. UNEP has a well-developed approach to Major group participation that can guide this process. The system with 9 observer constituencies at UNFCCC is also a positive example that can be used in the INCs.¹¹ The UNFCCC constituencies mirror the 9 Major Groups, established in the [Agenda 21](#) and re-confirmed in the outcomes of the Rio+20 summit ([A/RES/66/288 - The future we want](#)).

Finally, the trade union movement proposes that all stakeholders that participate at the INC sign a declaration indicating their relationship (including funding, donations, links to related donations etc.) and a registry of these relationships with companies if a stakeholder is paid by a company and/or organisation that are involved in the production, use, collection and disposal of plastics. Such a registry should be made transparent for all participants. The obligation for such a declaration should ideally be implemented by INC2, or when this is not possible, by INC3.

¹¹ <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/admitted-ngos#Constituencies-in-the-UNFCCC>