



International
Labour
Organization

- ▶ **First Meeting of the Intergovernmental Negotiating Committee (INC) to develop an International Legally Binding Instrument on Plastic Pollution, including in the Marine Environment, Uruguay, 28 November-2 December 2022**

ILO submission to the INC process

Bureau for Workers' Activities (ACTRAV); Bureau for Employers' Activities (ACTEMP); Enterprises Department (ENTERPRISES); Governance and Tripartism Department (GOVERNANCE); and Sectoral Policies Department (SECTOR)

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► 1. The sequencing and organization of INC

- No comment.

▶ 2. Substantive issues which would contribute to preparation of documentation for INC-1, in particular, regarding potential elements of the future instrument as well as priorities, needs, challenges and barriers, and overview of national measures

Key messages

- The Internationally Legally Binding Instrument on Plastic Pollution, including in the Marine Environment (“instrument”), must meet the goals and objectives of a circular economy approach. This requires considering the full life cycle of plastics. A 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 a 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 tackle plastic pollution, while promoting decent work and advancing social justice.

Substantive issues regarding potential elements of the new instrument

1. Objectives of the new instrument – The new instrument must serve to promote social justice for all

- 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 instrument must serve to promote social justice for all by redressing the root cause of the ongoing imbalances and missing opportunities. Numerous international labour standards (ILS) (*see Section 4*) 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 in 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)

2. Potential elements of the new instrument

- The world of work is suffering the consequences of combined economic, social and environmental threats, exacerbated by the effects of the COVID-19 pandemic, extreme geopolitical tensions and armed conflicts. Poverty and inequality are on the rise in many Member States. Social justice is threatened. The number of countries facing fragility, conflict and natural disasters aggravated by climate change has increased. Promoting inclusive structural transformations in the context of evolving labour markets requires the adaptation of policies and labour market institutions to promote and support just transitions for all.
- Workers and businesses continue to face long-lasting challenges generated by non-conducive policy and institutional environments, high rates of informality, low levels of productivity, skills mismatches, inadequate social protection, improper occupational safety and health (OSH), labour right violations, insufficient wage growth and reduced purchasing power in a context of high inflation, limited social dialogue, and various forms of discriminations. To redress these challenges, this section discusses: 1) the means of creating millions of decent jobs; 2) the means of promoting occupational safety and health and well-being of all workers; 3) the means of promoting transformative gender equality and non-discrimination; 4) the means of expanding universal access to comprehensive and sustainable social security for all; and 5) the means of promoting international cooperation.

The means of creating millions of decent jobs

- Plastic has become the workhorse of the modern economy and is found in all aspects of modern life, including the world of work. While providing significant benefits, the current production, including extraction, use, and disposal of plastics has many drawbacks.
- The ILO estimates that a shift to carbon-neutral and circular economies could generate an additional 100 million jobs by 2030. It is indispensable and urgent to transform the “take-make-waste” model of the plastics’ economy into a circular economy, based on a thorough and full-life-cycle approach. This will not only reduce the environmental impact, but will also open new opportunities for decent, safe and healthy work. Global supply chains on plastics will contribute to promote sustainable enterprises and address decent work deficits.

The means of promoting occupational safety and health and well-being of all workers

- Plastic production includes numerous hazardous chemicals that can affect workers' health and safety as well as their well-being. Scientific evidence links exposures to cancers, birth defects and damage to immune, endocrine and reproductive systems.
- Millions of women and men work in the plastic industry, through its entire value chain from production to transformation, collection and recycling, in sectors such as oil and gas, petrochemical, and industrial chemical industries. These workers are potentially exposed to hazardous chemicals used to make plastics, as well as plastic particles themselves. It must be noted that workers may be exposed to OSH risks without their knowledge, as chemical components of plastics often do not appear on plastic product labels or safety data sheets.
- According to a UN report: *Addressing marine litter and microplastics – UN system-wide contributions*¹, the impacts of litter – particularly plastic litter – on biota have been frequently reported. Many species are affected by the ingestion of litter, especially plastics, and there is an increasing concern that along with plastics, animals could be ingesting persistent organic pollutants (POPs) and toxic compounds, leading to impact on fish stocks through the food chain, and ultimately risks for wildlife and humans. Multiple effects of microplastics on fisheries and aquacultures, including on food safety, have been recorded.
- In addition to environmental impacts, lost and discarded fishing gear have significant socioeconomic impacts on both fishers and the broader community. Lost gears are hazardous to ship navigation and safety at sea, and there are significant costs for removing entangled gear from propellers or engines, repairs, fuel, loss of earnings, and for rescue services required when it causes breakdown. Bringing together the actors in the fishing sector, including workers' and employers' organizations, is important to address the challenges of plastic waste in the sector. Many other workers such as farmers, construction workers, textile and garment manufacturing workers and hospitality workers have also been impacted by plastic pollution.
- On 6 June 2022, the International Labour Conference (ILC) adopted the Resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work. This means that in addition to existing eight fundamental Conventions, two Conventions concerning OSH were added to the fundamental Conventions. These Conventions are the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). Thus, the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended (2022) covers five categories of the fundamental rights at world of work. These are: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation, and a safe and healthy working environment.

¹ https://www.genevaenvironmentnetwork.org/wp-content/uploads/2022/01/UNEP_EMG-REPORT_Marine-Litter-Microplastics.pdf

- To promote occupational safety and health and well-being of workers, rights-based approach must be in place. Basic OSH rights and responsibilities are summarized in box 1.

Box 1. Basic occupational safety and health rights and responsibilities

Employers' responsibilities:

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' rights:

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.

Workers' responsibilities:

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.

Source: ILO Occupational Safety and Health Convention, 1981 (No. 155).

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
- Universal social protection is supported through the joint efforts of 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.

The means of promoting international cooperation

- 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)).

3. National action plans

- National action plans should include the following policy areas and institutional arrangement for a just transition for all: (The following paragraphs are the excerpts from *ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All.*)

QUOTE

- (1) The greening of economies in the context of sustainable development and poverty eradication will require a country-specific mix of macroeconomic, industrial, sectoral and labour policies that create an enabling environment for sustainable enterprises to prosper and create decent work opportunities by mobilizing and directing public and private investment towards environmentally sustainable activities. The aim should be to generate decent jobs all along the supply chain, in dynamic, high value added sectors which stimulate the upgrading of jobs and skills as well as job creation and improved productivity in more labour-intensive industries that offer employment opportunities on a wide scale.
- (2) As the challenge cuts across several domains, there is a need for mainstreaming sustainable development across all areas, and for cooperation and coordination between employment authorities and their counterparts in various fields, including finance, planning, environment, energy, transport, health and economic and social development. Institutional arrangements must be adapted to ensure the participation of all relevant stakeholders at the international, national, regional, sectoral and local levels in the building of an appropriate policy framework. Internal coherence should be sought among institutions at the national level, as well as within international institutions at the regional and global levels for the effective integration of the three dimensions of sustainable development.
- (3) Key policy areas to address environmental, economic and social sustainability simultaneously include:
 - I. Macroeconomic and growth policies
 - II. Industrial and sectoral policies
 - III. Enterprise policies
 - IV. Skills development
 - V. Occupational safety and health
 - VI. Social protection
 - VII. Active labour market policies
 - VIII. Rights
 - IX. Social dialogue and tripartism

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For more about the above elements, please consult the ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All, pp. 9-17.

▶ 3. Content and considerations for the preparation of the forum as set out in the OEWG information document entitled: “Preparations for the forum (UNEP/PP/OEWG/1/INF/4)”

The forum should discuss how to elaborate best practices in redressing the impact of the plastic pollution through a human-centred approach that is inclusive, sustainable and resilient, that generates more decent jobs, promotes and enabling environment for sustainable enterprises, and that extends and enhances social and labour protection to all people throughout their lifetime. In this regard, the content of the forum should be developed taking into consideration the following elements.

- The guidance instrument is Sustainable Development Goal 8: Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All.
- 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.
- Inequalities must be reduced. In this regard, 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, compressive, 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 enterprise in the informal economy, 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 to support workers through transitions in the labour market, that are integrated with employment, rights, social protection, education, training and enterprises policies, also make a decisive contribution to full and productive employment.

- Support for small and medium-sized enterprises (SMEs) 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.
- *ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all* provides a coherent policy framework that outlines the necessary steps towards well-managed environmentally sustainable economies and societies, decent work for all, social inclusion and the eradication of poverty.
- The *Global Accelerator on Jobs and Social Protection for Just Transitions* plays a pivotal role to promote global partnerships for the development of integrated and coherent social justice policies and mobilize investments and political support to implement them in target countries.
- 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.

► 4. ILO information sources relating to plastic pollution

Declarations

- Global Call to Action for a Human-centered Recovery from the COVID-19 crisis that is inclusive, sustainable and resilient (2022)
- Centenary Declaration for the Future of Work (2019)
- Declaration on Social Justice for a Fair Globalization (2008)
- Declaration on Fundamental Principles and Rights at Work (1998), as amended (2022)
- Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2017)

International Labour Conference (ILC)

- Conclusions concerning decent work and the social and solidarity economy (2022)
- Conclusions concerning the second recurrent discussion on social protection (social security) (2021)
- Conclusions concerning Decent Work in Global Supply Chains (2016)
- Conclusions concerning the Promotion of Sustainable Enterprises (2007)
- Resolution concerning promotion of rural employment for poverty reduction (2008)

International Labour Standards (ILS)

Fundamental Conventions

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Governance Conventions

- Labour Inspection Convention, 1947 (No. 81)
- Employment Policy Convention, 1964 (No. 122)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Other technical Conventions

- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
- Paid Educational Leave Convention, 1974 (No. 140)
- Human Resources Development Convention, 1975 (No. 142)
- Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
- Labour Administration Convention, 1978 (No. 150)
- Labour Relations (Public Service) Convention, 1978 (No. 151)
- Collective Bargaining Convention, 1981 (No. 154)
- Occupational Health Services Convention, 1985 (No. 161)
- Violence and Harassment Convention, 2019 (No. 190)
- Employment Policy Convention, 1964 (No. 122)
- Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (P155)
- Occupational Health Services Convention, 1985 (No. 161)

- Chemical Convention, 1990 (No. 170)
- Safety and Health in Construction Convention, 1988 (No. 167)
- Safety and Health in Mines Convention, 1995 (No. 176)
- Safety and Health in Agriculture Convention, 2001 (No. 184)
- Maritime Labour Convention, 2006, as amended (MLC, 2006)
- Work in Fishing Convention, 2007 (No. 188)
- Maternity Protection Convention, 2000 (No. 183)
- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Recommendations

- Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)
- Human Resources Development Recommendation, 2004 (No. 195)
- Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)
- Promotion of Cooperatives Recommendation, 2002 (No. 193)
- Social Protection Floors Recommendation, 2012 (No. 202)

Other ILO instruments

- Guidelines for a just transition towards environmentally sustainable economies and society for all
- Code of practice on safety and health in textiles, clothing, leather and footwear industries
- Code of practice on safety and health in construction (revised version, 2022)

Training manual

- User's manual to the ILO's Guidelines for a just transition towards environmentally sustainable economies and societies for all

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