

# Crises as Catalyst: A New Social Contract Grounded in Worker Rights

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## Abstract

Three crises—climate change, the COVID-19 pandemic, and extreme economic and social inequality—intersect and have had devastating impacts on workers’ rights to health, as well as the right to decent work, an underlying determinant of health. Yet these crises may act as catalysts, as responses present opportunities for transformation. Indeed, multiple international governance institutions and nongovernmental organizations have proposed new social contracts that aim to address the multiple challenges facing workers today. These initiatives promise to transform society to make workers and their families healthier and the planet more sustainable. They join and supplement earlier efforts at transformation, such as the 2030 Agenda for Sustainable Development. This article critiques (1) the market-fundamentalist neoliberal social contract, which gave rise to, or exacerbated, the three crises, and (2) the 2030 agenda and recent International Labour Organization proposals, which are all built on this neoliberal platform. Finally, the article argues for a social contract that is grounded in human rights—specifically worker rights—to address these crises and ensure greater protection of the health

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## Introduction

The title of this article hints at a sci-fi nightmarish trifecta of challenges for workers—climate change, the COVID-19 pandemic, and extreme economic inequality. Unfortunately, they are real and not nightmares. Further, they are unfolding and compounding in real time. Conditions today are similar to those a little over 100 years ago, when a global flu pandemic and post-World War I economic devastation coincided with the founding of the International Labour Organization (ILO), which was intended to secure peace through social justice, including worker rights. Like COVID-19, the 1918 influenza pandemic caused a high degree of economic uncertainty, and the ILO's work on establishing the global standards that benefitted workers' health and well-being had a direct impact on the economic recovery.<sup>1</sup> Inspired by this past example, this article looks again to worker rights as key to addressing the current trifecta of challenges for workers.

Crises often act as catalysts, presenting opportunities for societal transformation.<sup>2</sup> Recovery from the COVID-19 crisis has opened space to address climate change and extreme inequality, two other crises that have attracted far too little attention and action over the past 30 to 40 years. Thus, proposals such as the United States' "Build Back Better" plan aim to rebuild the economy, drastically impacted by COVID-19, in a manner that also addresses myriad other problems in society. Two intertwined issues of particular importance to workers that are at the center of such proposals for the COVID-19 recovery are climate change and extreme economic inequality. Thus, the COVID-19 recovery holds potential to improve conditions for workers and their families by also addressing climate change and extreme economic inequality.

Given this opportunity, many actors have been working to identify solutions. Among them, human rights nongovernmental organizations, such as the Center for Economic and Social Rights, and trade union movements, such as the European Trade Union Confederation and the International

Trade Union Confederation, have seized this opportunity to propose that worker rights be central to a new social contract that would transform the existing neoliberal social contract—prioritizing market logics—under which the present crises have arisen.<sup>3</sup> This article joins these calls. It argues that a social contract grounded in human rights would address these three interacting crises and ensure greater protection of the health and livelihoods of workers and their families.

Following this introduction, the second part of the article presents the intersecting impacts of COVID-19, climate change, and growing economic inequality on the human rights of working people, particularly their rights to health and decent work, an underlying determinant of health. It thus sets the stage for discussion of possible solutions to the problems presented. The next part then explains the concept of "social contract" and describes the dangers of the current neoliberal social contract for workers and the incorporation of that paradigm into the Sustainable Development Goals (SDGs), specifically SDG 8 on economic growth and decent work.<sup>4</sup> It also presents recent ILO proposals for new and transformative social contracts, which have been highly influenced by the neoliberal paradigm. Finally, the subsequent part presents an initial exploration for a social contract grounded in human rights by examining the three intertwined crises through the lens of the right to decent work as defined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The overarching argument in this article is that human rights—specifically worker rights—provide a just and effective foundation for a new and transformative social contract to address these three crises for workers and their families.

## Impacts of COVID-19, climate change and economic inequality on workers

Worker health and livelihoods are harshly impacted by the trifecta of the COVID-19 pandemic, climate change, and economic inequality, implicating their rights to health and to decent work.

### *COVID-19: Impacts and recovery as opportunity*

The World Health Organization (WHO) reported that as of October 10, 2021, there had been 4,831,486 COVID-19 deaths from 236,599,025 confirmed cases worldwide.<sup>5</sup> For workers, the pandemic has wrought widescale but uneven pain and suffering. In January 2021, the ILO reported that 93% of the world's workers lived in countries with some degree of COVID-19-related workplace closures.<sup>6</sup> In 2020, COVID-19-related job and worktime losses were estimated at 8.8% over the prior year, equivalent to the loss of 255 million full-time jobs.<sup>7</sup> Not surprisingly, COVID-19 contributed to a significant loss of income for workers, with an estimated decline of US\$3.7 trillion (4.4% of the global GDP) in 2020.<sup>8</sup> The impacts of job and worktime losses vary widely between regions, with countries in Latin America, the Caribbean, Southern Europe, and Southern Asia most harshly impacted.<sup>9</sup> Job and worktime losses also vary by sector, with devastating losses in accommodation, food service, and retail sectors occurring alongside positive job growth in high-skilled services such as communications, finance, and insurance.<sup>10</sup>

For those who have kept their employment, COVID-19 presents stark dangers. The ILO and WHO estimate that up to 20%–30% of COVID-19 cases in some countries may be attributed to workplace transmission.<sup>11</sup> Indeed, looking at specific groups of workers, the devastation is apparent. For example, the International Council of Nurses reported in October 2020 that more nurses had died from COVID-19 than during World War I.<sup>12</sup> Despite calls for standardized global data collection on all health care worker infections and deaths, such data remained “scant,” and by May 2021, WHO estimated that at least 115,000 health care workers had died since the beginning of the pandemic.<sup>13</sup>

Despite the harsh impacts on workers and their families, recovery from COVID-19 and the related economic crisis presents an opportunity to adopt a new global social contract with the potential to address not just the economic and social devastation for workers from COVID-19 but also the interdependent crises of climate change and

extreme economic inequality.

### *Climate change: Impacts on workers and their families*

Climate change presents multiple harms for people through land degradation, pollution, climate disasters, and rising temperatures. The ILO estimates that global warming will result in a loss of 2% of working time globally, the equivalent of 72 million full-time jobs by 2030.<sup>14</sup> The impacts are not equally shared, however. In low-income countries, 79% of the population lives in tropical areas most vulnerable to rising temperatures.<sup>15</sup> Worker exposure to extreme heat is a recognized occupational health risk with disproportionate impacts on the self-employed and workers in agriculture, construction, transport, tourism, and refuse collection.<sup>16</sup> In addition to extreme heat, other recognized climate-related work hazards include wildfires, extreme weather events, air pollution, enhanced biological hazards and psychological stress.<sup>17</sup> The United Nations (UN) estimates that between 1998 and 2017, 1.3 million people died due to climate-related disasters.<sup>18</sup>

Most workers are not protected against these harms through workplace injury insurance and do not have access to other forms of insurance, such as for unemployment and disability.<sup>19</sup> In fact, globally, less than a third (30.6%) of working-age adults enjoy comprehensive social security, including workplace injury and health protections, as well as child and family benefits and old-age pensions.<sup>20</sup> Indeed, the ILO estimates that 4.1 billion people are left “wholly unprotected.”<sup>21</sup>

Global initiatives to combat and mitigate global warming also threaten livelihoods. Many traditionally well-paying jobs, especially in the Global North, are based on an unsustainable carbon economy. The transition away from carbon-based jobs inevitably disrupts industries and worker livelihoods. However, the ILO estimates that climate change mitigation should *ultimately* increase employment because the expansion of low-carbon infrastructure translates into new jobs, which means higher labor demand across many industries.<sup>22</sup> Overall, labor productivity, earnings,

and living standards are threatened in the short term by climate change and the efforts to combat it but have potential to improve conditions for workers and their families in the longer term.<sup>23</sup>

### *Economic inequality: Driving climate change and preserving the status quo*

Another crisis that has gained attention in the context of the COVID-19 recovery is extreme economic inequality, which negatively impacts the health of workers and their families, and drives climate change.<sup>24</sup> The Economic Policy Institute reported that compensation of chief executive officers of public companies in the United States skyrocketed 1,322% between 1978 and 2020, while worker pay grew by only 18% during the same period.<sup>25</sup> These economic inequalities drive climate change, as those in the richest 1% contribute 30 times greater carbon emissions than what would be compatible per person with the Paris Agreement goal of keeping global heating below 1.5°C.<sup>26</sup> Total emissions produced by the richest 10% by 2030 could exceed the total per person emissions limit for the entire global population—regardless of the actions of the other 90% of the population.<sup>27</sup> Hyper-carbon-intensive luxury travel—private jets, luxury superyachts, and space travel—as well as capital investments, make the uber-rich the greatest contributors to climate change.<sup>28</sup> Further, they have the power to influence political processes to preserve and increase their incomes and wealth and thus their high-carbon-emitting lifestyles.<sup>29</sup> For these reasons, climate change and gross economic inequality are intertwined and must be tackled together.

While global income and wealth inequalities between individuals and households have increased continuously since the late 1970s, the gap between the wealthiest and poorest people increased even more sharply as COVID-19 swept the globe. The World Bank estimates that global extreme poverty—people living on less than US\$1.90 per day—increased from 8.4% in 2019 to 9.1% in 2020.<sup>30</sup> Meanwhile, the combined wealth of US billionaires increased by 39% between March 2020 and January 2021.<sup>31</sup> Moreover, the *Global Wealth Report 2021*

indicates that the rise of wealth inequality in 2020 was significantly higher than that recorded in any other year this century.<sup>32</sup>

The economic and social devastation caused by COVID-19 now presents a “once in a lifetime opportunity” to transform the global governance framework in a manner that will address the intertwined crises of COVID-19, climate change, and extreme economic inequality, improving the health of workers through improved opportunities for decent work on a more equitable and sustainable planet.<sup>33</sup>

### Social contracts

To address these crises, the UN, regional and international trade unions, and many nongovernmental organizations have called for a “new” or “reinvigorated” social contract. The term “social contract” is rarely defined but vaguely draws on liberal philosophers such as Locke, Hobbes, and Rousseau, whose work dates from the 1650s to 1750s.<sup>34</sup> Definitions of social contracts also draw from non-Western sources such as the Quran in which there are expectations (a contract) between God and believers.<sup>35</sup> Historically, social contracts were thought to be pacts between individuals and their rulers that set out mutual expectations to prevent anarchy and chaos. They established “fundamental norms of common consent that provide social cohesion” and “moral ideals,” giving people a “sense of worth and happiness” in society.<sup>36</sup> In this way, social contracts served as a “pact for cooperative, mutually beneficial living together.”<sup>37</sup> Social contract theory has evolved beyond consideration of individuals and their sovereign ruler to encompass collective actors and also to be conceived as operating at many different levels, from the subnational to global.<sup>38</sup>

Social contracts are rarely written out, yet declarations and formal events can signal shifts and meaningful changes. Examples of written social contracts include the 1215 Magna Carta and the 1776 Declaration of Independence.<sup>39</sup> In other cases, without explicit declaration, social contracts may change due to shifts in power, the inability of the

state or other parties to uphold their obligations, or widespread realization that the present social contract no longer meets expectations due to “dramatic social or economic changes.”<sup>30</sup> This occurred in the Arab Spring uprisings in Egypt and Tunisia, for instance.<sup>41</sup> Other examples of changes in social contracts include South Africa following the end of Apartheid, the post-World War II European reconstruction, and the 1930s depression-era New Deal in the United States. In sum, social contracts, written or not, reflect and sometimes regulate social relationships in terms of the rights and obligations of actors in society, particularly the relationships between workers, employers, and the state.

COVID-19, the climate crisis, and extreme economic inequality have arisen under a neoliberal social contract in most global contexts and have had dire impacts on worker health and human rights.<sup>42</sup> Under this social contract, many national governments have privileged private markets and actors in specifying the duties and obligations of members of societies. Their neoliberal policies include low taxes on corporations and the wealthy to free up investment with the expectation that jobs, income, and economic growth will trickle down to all. Neoliberal policies also encompass austerity measures to attract private investment, cuts in public budgets, the privatization of publicly owned infrastructure, and a weakening of the welfare state and its safety net so that workers’ access to a decent living—including housing, food, and health services—is based on private markets rather than human rights, public resources, and a robust welfare state.<sup>43</sup>

Further, consistent with the neoliberal social contract, governments in many countries constrain worker and trade union rights to prevent their effective voice in politics and policy in the workplace, in national fora, and even in global regimes.<sup>44</sup> These arrangements are especially clear in the United States, where during the neoliberal period, corporations have vigorously supported and financed pro-business political candidates and policies and evaded their responsibilities for negative social and environmental outcomes, while trade unions have been

severely constrained from protecting workers. One indicator of these policies is that “[t]he share of workers covered by a collective bargaining agreement in the U.S. fell from 27.0% in 1979 to just 11.6% in 2019.”<sup>35</sup> Indeed, in most high-income countries, unions have been losing members for the past 30 years.<sup>46</sup>

At the global level, there has also been support for the neoliberal social contract from international institutions, which have implemented policies to make people and societies subject to market discipline and logics. The World Bank and the International Monetary Fund have championed neoliberal policies through their lending programs.<sup>47</sup> The UN has also embraced market and corporate logics in making public-private partnerships a positive model for international development and global governance, including the SDGs.<sup>48</sup> In this context, the SDGs have served as the global social contract, merging neoliberalism (including reliance on private sector actors to stimulate economic growth to bring people out of poverty) with minimal explicit references to human rights and generally only where they are compatible with the neoliberal paradigm.<sup>49</sup>

This is evident in SDG 8, which has been called a “paradigm shift” in its logic that a green economy, environmental conservation, and job creation can be achieved with entrepreneurial “courage to invest in innovative solutions” rather than government regulation alone.<sup>50</sup> SDG 8 aims to “promote sustained inclusive and sustainable economic growth, full and productive employment and decent work for all.”<sup>51</sup> The goal calls for the *promotion* of decent work, diminishing its status as a human rights obligation, and then grafts it onto economic growth, which is, at best, just one path to achieve decent work.<sup>52</sup> Further, the goal, by focusing on GDP and per capita growth, embodies gendered neoliberal assumptions by ignoring unpaid social reproduction work, which does not contribute to GDP.<sup>53</sup> Critics have also noted the problematic assumption that sustainable or “green growth” can actually decouple growth from carbon emissions quickly or sufficiently enough to have a meaningful impact on climate change.<sup>54</sup> Finally,

even prior to COVID-19-supercharged economic and social inequality, United Nations Conference on Trade and Development advisor David Woodward estimated that it would take between 123 and 209 years of sustained growth to lift out of poverty the 62.3% of the world's population living below the US\$5-per-day poverty line.<sup>55</sup> The planet, with its current technological capacity, could not support such growth.<sup>56</sup>

SDG 8 embodies a social contract far removed from earlier aspirations for workers. The ILO's 1919 Constitution formalized a social contract following World War I. Among its central elements were that (1) labor is not a commodity, and (2) sustainable peace can be achieved only through social justice in which the urgent needs of workers are met in the form of regulation of working hours; prevention of unemployment; provision of an adequate living wage; protections against sickness, disease, and injury; protection of children, young persons, women, and the elderly; equality in remuneration for work of equal value; vocational and technical education; and recognition of the right to freedom of association.<sup>57</sup> The 1944 ILO Declaration of Philadelphia, following World War II, recommitted to these central elements. It also emphasized the need for policy coherence, declaring that the central aim of national and international policy is to achieve the promises of the ILO social contract and that all proposed policies and measures must be assessed based on their contribution to achieving these purposes.<sup>58</sup>

This focus on social justice for workers and the obligations of states to regulate to ensure worker health and human rights has evolved since 1944 to a more neoliberal form now embodied in the 2008 ILO Declaration on Social Justice for a Fair Globalization and the 2019 ILO Centenary Declaration. The 2008 Declaration sidesteps the 1919 Constitution's expansive conceptualization of social justice, focusing instead on narrowly achieving the ILO's discreet decent work agenda as the central purpose of the ILO.<sup>59</sup> It also recognizes the importance of economic growth, albeit while pointing to some negative consequences and forms of growth,

such as the rise of unprotected work and informal employment.<sup>60</sup> In addition, businesses take a more prominent role, as evidenced by the declaration's acknowledgment that "productive, profitable and sustainable enterprises, together with a strong social economy and a viable public sector, are critical to sustainable economic development and employment opportunities."<sup>61</sup>

Further evolution and consolidation of a neoliberal-friendly social contract is evidenced by the ILO's 2019 Global Commission on the Future of Work and its miserly framing of the social contract as "a common understanding that in return for their contribution to growth and prosperity, workers are guaranteed a just share of that progress, with respect for their rights and protection from some of the jagged edges of the market economy."<sup>62</sup> This revised social contract was subsequently incorporated into the ILO's 2019 Centenary Declaration, which also emphasizes its close relationship with the SDGs.<sup>63</sup> The 2019 Declaration recognizes that the ILO must direct its efforts at "supporting the role of the private sector as a principal source of economic growth and job creation by promoting an enabling environment for entrepreneurship and sustainable enterprises ... in order to generate decent work, productive employment and improved living standards for all."<sup>64</sup> The ILO's revision of the 1919 and 1944 social contract promotes the private sector and trickle-down economic growth.

The COVID-19 pandemic, the climate crisis, and extreme economic inequality arise in and are exacerbated by the global neoliberal context in which they are embedded, which has led to divestment in public health systems, a focus on short-term gains from carbon emissions without adequate regard for long-term impacts, and extreme economic inequalities among individuals and families within and between countries. Recovery from the economic and social devastation caused by COVID-19 now presents a crucial opportunity to change the global framework to address climate change and extreme economic inequality—an opportunity to reject neoliberalism and adopt a new transforma-

tive social contract that addresses the crises at hand more justly and comprehensively.

### A social contract grounded in human rights

In place of the current neoliberal social contract, the international human rights framework provides an alternative foundation for a social contract that respects the dignity and equality of all human beings, recognizes that everyone has duties to the community, and requires a social and international order in which all human rights can be fully realized.<sup>65</sup> Moreover, UN members have already agreed to promote and protect these rights.<sup>66</sup> While the 2030 Agenda for Sustainable Development seemingly attempts to combine international human rights and neoliberal approaches into a single social contract, the contradictions, incongruities, and conflicts among the targets and indicators—as shown particularly in SDG 8—create an unworkable and ineffective plan for saving the planet and realizing human rights for all.<sup>67</sup>

Rather than economic growth and increasing consumption as pathways to “development” and prosperity for all, a social contract based on international human rights centers on promoting and protecting the health of people and the planet.<sup>68</sup> Labor and wage policies, social protection systems, public services, tax policy, and corporate regulation could all be aligned with the goal of achieving the full array of human rights for workers and their families.<sup>69</sup> Human rights is a legitimate basis for a

social contract to recover from the trifecta of crises because (1) governments have voluntarily agreed to human rights treaties, (2) human rights impose legal obligations on governments, and (3) human rights provide mechanisms of accountability.<sup>70</sup> A social contract grounded in human rights makes realizing the rights—such as the rights to health and decent work—central organizing principles of society, rather than potential dividends to economic growth as they are today under SDG 8.

This is not a new idea. Realizing human rights and social justice was core to the original visions of both the ILO and the UN. Indeed, in the 1940s, when the ILO Declaration of Philadelphia and the Universal Declaration of Human Rights were adopted, the health of workers and their families was a central concern of both regimes. Despite the drift of the governing bodies of both organizations toward the neoliberal paradigm, as seen in SDG 8 and the ILO Centenary Declaration, the human rights treaties and the ILO conventions remain true to the original vision of these organizations. The two legal regimes are now largely in sync because the Committee on Economic Social and Cultural Rights (CESCR) relies on the ILO conventions and recommendations to interpret the work rights in international human rights law.<sup>71</sup> How does human rights address the three pressing crises for workers—COVID-19, climate change, and extreme economic inequality? Some preliminary explorations based on the work rights enshrined in the ICESCR show how a social contract grounded in human rights puts the focus on the health and

TABLE 1. Key work rights in the ICESCR

Article 6	Right to decent work	<ul style="list-style-type: none"> <li>• to gain living by freely chosen work</li> <li>• to technical and vocational programs</li> <li>• to policies to achieve economic and social development</li> <li>• to conditions that safeguard political and economic freedoms</li> </ul>
Article 7	Right to favorable conditions of work	<ul style="list-style-type: none"> <li>• to fair wages and a decent living</li> <li>• to safe and healthy working conditions</li> <li>• to rest and reasonable working hours</li> </ul>
Article 8	Union rights	<ul style="list-style-type: none"> <li>• of workers to join and form trade unions</li> <li>• of trade unions to function freely</li> <li>• to collective bargaining</li> <li>• to strike</li> </ul>
Article 9	Right to social protection	<ul style="list-style-type: none"> <li>• to social security</li> <li>• to social insurance</li> </ul>

human rights of workers and their families to meet the challenges of our time. Table 1 sets out key work rights enshrined in the ICESCR.

### *The right to decent work (article 6)*

Human rights provide essential elements of a social contract to protect the health of workers and their families in the context of climate change. Under the neoliberal social contract, governments have not taken enough action over the past 40 years to reduce CO<sub>2</sub> emissions or to build resilience to climate change, much less to implement a plan to move workers into green jobs. However, the CESCR has recognized that “all States have human rights obligations that should guide them in the design and implementation of measures to address climate change.”<sup>72</sup> This includes the obligation under article 6 of the ICESCR to ensure “the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts” and to “technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment.”

Businesses have often pitted worker rights to gain a living by work against the demands of environmentalists and climate activists to protect the right to a healthy planet. It is now clear that workers in fossil fuel exploration and production will need to move into green jobs—to ensure their health and the health of the planet. Further, research shows that while 6 million jobs may be lost in the fossil fuel energy sector, 24 million new jobs could be created through a “just transition.”<sup>73</sup> Olivier De Schutter, UN Special Rapporteur on extreme poverty and human rights, has explained that workers and communities affected by this transformation to low-carbon societies are entitled to reskilling, including appropriate training and assistance in job transitions, as well as “broader investments aimed at creating economic opportunities.”<sup>74</sup> Protecting workers and their families through this transition will also require robust social protection (article 9) and strengthening social dialogue (article 8). These work rights align closely with the “just transition” espoused by the International Trade Union

Confederation and incorporated into the Paris Agreement.<sup>75</sup>

The CESCR has also made recommendations to state parties consistent with this just transition as a component of a social contract grounded in human rights. For example, in 2019, the CESCR stated in its concluding observations to Estonia:

*The Committee recommends that the State party intensify its efforts to improve its vocational education and training programmes in order to provide the workforce with the skills and knowledge to keep up with the changing demands of the labour market. It also recommends that the State party ensure that workers who are affected by industrial restructuring and the transition to renewable energy, including those in the textile and oil shale industries, are able to make an effective and smooth transition to new occupations that enable them to maintain an adequate standard of living.*<sup>76</sup>

Importantly, in October 2021, the Human Rights Council created a new mandate for a Special Rapporteur on the promotion and protection of human rights in the context of climate change.<sup>77</sup> Once the Special Rapporteur is appointed, the rights of workers in the context of climate change should be a central focus of the mandate to ensure a just transition.

### *Rights to just and favorable conditions of work (article 7)*

UN Secretary-General António Guterres explained that COVID-19 has made clear the shortfalls of the neoliberal social contract:

*It is exposing fallacies and falsehoods everywhere:*

- *The lie that free markets can deliver healthcare for all;*
- *The fiction that unpaid care work is not work;*
- *The delusion that we live in a post-racist world;*
- *The myth that we are all in the same boat.*

*Because while we are all floating on the same sea, it's clear that some are in superyachts while others are clinging to debris.*<sup>78</sup>

The neoliberal social contract has failed workers in the context of COVID-19 and similarly fails to recognize the health of workers and their families



as a central organizing principle for action on climate change. However, climate change has enormous impacts on work conditions. For example, it increases the frequency and duration of extreme heat for farm and construction workers, hazards of wildfires for firefighters, injuries and exhaustion of rescue workers due to extreme weather events, and psychological stress due to all these climate changes.<sup>79</sup>

Human rights provide the essential elements of a social contract to ensure just and favorable conditions at work, protecting the health of workers in the context of climate change. Article 7 of the ICESCR provides, among other work rights, the rights to fair wages, safe and healthy working conditions, and reasonable limitations on working hours. While many of the provisions of article 7 are relevant to workers in the context of climate change, UN human rights mechanisms have been largely silent on this subject. Indeed, CESCR General Comment 23 on article 7 does not mention “climate.” This is an area that the CESCR, as well as the new Special Rapporteur on human rights in the context of climate change, should address.

To respect, protect, and fulfill the right to just and favorable conditions of work in the context of climate change, several measures can be taken to prevent work-related illnesses and injuries. First, health care providers and other workers need improved information and training to accurately identify, diagnose, and prevent climate-related harms, especially those related to heat.<sup>80</sup> In addition, changes in work design are necessary to reduce physical labor during periods of extreme heat and to provide air conditioning when possible.<sup>81</sup> Other interventions include scheduling work breaks for rest, providing water for hydration, and ensuring appropriate work clothing to prevent heat-related harms.<sup>82</sup> The human rights mechanisms must make clear that these interventions are essential elements of the right to favorable conditions of work in the context of climate change.

### *Union rights (article 8)*

Climate change cannot be addressed without also addressing extreme economic inequalities, which

place the power to change in the hands of a few. The neoliberal social contract has led to these extreme inequalities in income, wealth, and power. Wage inequality is one of the major contributors to economic and social inequalities, and this has resulted from the dismantling of labor protections, in particular union rights, over the past four decades.<sup>83</sup> The erosion of worker bargaining power—by suppressing union organizing, decentralizing bargaining, and dismantling union tools such as the right to strike—has led to the suppression of wages and the deterioration of worker voice in national policy and planning.<sup>84</sup> This economic inequality drives climate change.

In contrast, a social contract grounded in human rights requires action to reduce economic inequalities in order for economic and social rights to be achieved by all. In particular, article 8 of the ICESCR enshrines the rights of workers to join and form trade unions, the right of trade unions to function freely, the right to collective bargaining, and the right to strike. Juan Pablo Bohoslavsky, then Independent Expert on debt and human rights, recognized in his 2016 report the importance of unions’ right to reduce inequalities:

*International human rights law addresses inequality on many levels. First, there are economic and social rights that clearly recognize the duties of States to address and/or prevent inequality as a threat to human rights realization. These include fundamental worker’s rights—in particular the right to form and join trade unions and the right to fair remuneration—and social rights—in particular the rights to education, health and social security.<sup>85</sup>*

Similarly, Philip Alston, then UN Special Rapporteur on extreme poverty and human rights, stated in his 2015 report, “The protection of core labor rights, such as the rights to freedom of association and collective bargaining, is also essential for a more equal division of power and the reduction of economic inequalities.”<sup>86</sup> Further, Danius Pūras, then Special Rapporteur on the right to health, stated in his 2019 report:

*History shows that improving conditions in the formal and informal labour market and*

*strengthening the accountability of employers depend on freedom of association or affiliation: the opportunity for meaningful relationships of mutual recognition with other workers. Relationships of solidarity, including through unionization to secure better pay, conditions and dignity at work, are critical to the promotion of mental health.*<sup>87</sup>

The CESCR has also recognized the importance of reducing economic inequalities to realizing economic, social, and cultural rights:

*In the context of the periodic reporting system, the Committee requires States parties to provide information on the impact of income and wealth inequalities on the enjoyment of economic, social and cultural rights. This reflects the common understanding that the eradication of poverty will not be achieved in the context of widening gulfs between rich and poor both within and between countries.*<sup>88</sup>

Nonetheless, the CESCR has yet to issue a general comment on article 8 (union rights). In the context of recovery from the COVID-19 pandemic and related economic crisis, as well as the deepening climate crisis, it would be timely for the CESCR to address article 8 and its connection to achieving greater income and wealth equality. As Special Rapporteur De Schutter explains, there is an environmental cost to inequality: “The frivolous desires of the most affluent, however unsustainable they may be, may take precedence over the satisfaction of basic needs of the least affluent.”<sup>89</sup> Thus, “equality matters to sustainability ... because more equal societies use resources more efficiently.”<sup>90</sup> Moreover, a massive reduction in economic inequality—and emissions by the ultra-wealthy—will be necessary to reach the goal of limiting global warming to 1.5°C. A social contract grounded in human rights can promote the worker voice that is necessary to bringing about greater economic equality.

In sum, UN human rights mechanisms have begun to address the challenges of climate change for workers, but there remains much to be done. Worker rights are fundamental to a social contract grounded in human rights. What is more, worker

rights could positively contribute to the solutions to the intertwined crises.

## Conclusion

The trifecta of the present day intertwined crises—climate change, COVID-19, and extreme economic inequality—clearly show that the current social contract is not operating for workers as a pact for cooperative and mutually beneficial living together. Indeed, the neoliberal social contract promotes (1) the spread of COVID-19 by limiting vaccines largely to high-income countries, (2) extreme economic inequality as a necessary outcome of market-based “development,” and (3) fossil fuel exploration and consumption as the foundation of that market-based economy. The 2030 Agenda for Sustainable Development—merging neoliberalism with human rights—is proving to be completely inadequate to change our course. What is needed is a far more radical change of path to ensure that vaccines reach people around the world, to reduce economic inequality and luxury spending, and to eliminate fossil fuel consumption. Human rights can provide that framework for a new social contract that is centered on promoting and protecting the health and human rights of workers and their families and securing a sustainable future for the planet.

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