



**UNITED
NATIONS**

UNEP/PP/INC.5/INF/11



**United Nations
Environment
Programme**

Distr.: General
22 November 2024

English only

**Intergovernmental negotiating committee to develop
an international legally binding instrument on plastic
pollution, including in the marine environment
Fifth session**

Busan, Republic of Korea, 25 November–1 December 2024
Item 4 of the provisional agenda

**Preparation of an international legally binding instrument on
plastic pollution, including in the marine environment**

Information submitted by the International Labour Organization

Note by the secretariat

1. The International Labour Organization has submitted the following information that that could be of relevance to the intergovernmental negotiating committee:

- (i) Guidelines: [Guidelines for a just transition towards environmentally sustainable economies and societies for all](#)
- (ii) International Labour Standard: [Chemicals Convention, 1990 \(No. 170\)](#)
- (iii) International Labour Standard: [Occupational Safety and Health Convention, 1981 \(No. 155\)](#)
- (iv) International Labour Standard: [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#)
- (v) Report: [Hazardous exposures to plastics in the world of work](#)
- (vi) Report: [Reducing Waste Towards a Just Transition: Work, Labour, and Value in the Informal Recycling Chain](#)

2. Further information that could be of relevance to the intergovernmental negotiating committee can be found in the annex to the present note. The present note, including its annex, is presented as received and has not been formally edited.

Annex

Information that could be of relevance to the intergovernmental negotiating committee submitted by the International Labour Organization

I. Introduction

The International Labour Organization's (ILO) mission is to promote fundamental principles and rights at work, foster decent employment opportunities, enhance social protection, and strengthen dialogue on work-related issues. Central to its mandate is supporting a just transition for all and ensuring safe, healthy, and dignified working environments for all workers, across all employment conditions as well throughout global and domestic supply chains.

The ILO has participated in the sessions of the International Negotiating Committee (INC) and has supported inclusion of language on issues related to decent work and social justice, namely: 1) considerations for just transition for all; and 2) considerations for occupational safety and health (OSH) along the full lifecycle of plastics, including addressing issues related to chemicals of concern.

Following review of non-paper 3 of the Chair of the Committee, and the current compilation of draft text, key gaps and considerations are highlighted in the below summarized points and further elaborated upon in corresponding sections.

1. Explicit reference to, and comprehensive coverage of, **all workers** along the full lifecycle of plastics, and in all forms of employment (including those in the formal and informal economy) in all relevant sections of the treaty, as well as in the preamble. This should include dual reference to a variety of enterprises that are involved in the lifecycle of plastics, from chemicals production, plastics production, production of new and/or substituting materials, recycling and waste management, and should include alternative business models.
2. Respect for the [Fundamental Principles and Rights at Work](#), as outlined in the ILO Decent Work framework, along with adequate social protection coverage for all concerned workers is essential.
3. Dedicated articles on key world of work concepts, including 1) just transition; and 2) occupational safety and health considerations throughout the lifecycle of plastics, including issues related to chemicals of concern. Occupational considerations should be included within any health-related aspects. Reference to these concepts should also be included in the preamble.
4. Ensure that models for a just transition are anchored in sound and sustainable national policies, including sectoral, industrial and active labour market policies.
5. Explicit reference to ILO International Labour Standards and relevant guidelines in the text of the treaty or in a dedicated Annex. The two fundamental ILO conventions on OSH: the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), as well as the ILO's key chemical convention, the Chemicals Convention, 1990 (No. 170) provide the legally binding standards and internationally agreed upon reference points for ensuring the right to a safe and healthy working environment. In addition, the ILO [Guidelines for a just transition towards](#)

environmentally sustainable economies and societies for all, provide the foundation and framework for actions related to just transitions.

6. Explicit reference to the ILO as a key agency for international cooperation and collaboration on world of work issues, including just transition and OSH, to ensure coherence and alignment with recognized UN processes and international standards.
7. Social dialogue should be referenced as a principal methodology and tool for developing and implementing national and enterprise level actions that impact the world of work. It is necessary to integrate appropriate language explicitly referencing ILO social partners, namely workers' organizations, and employers' organizations (the term "stakeholders" and "stakeholder engagement" is not sufficient to recognize the role of social partners and social dialogue).
8. Ensure dedicated financing streams to meet the needs of a just transition, including sustainable investment, fiscal instruments, and access to finance for environmentally sustainable activities, based on clear regulatory frameworks and the general supervision of public authorities. This is imperative for operationalizing a just transition, and providing support for capacity-building and skilling, especially for developing economies. Multilateral cooperation is essential for pooling resources to support developing countries in implementing the treaty and building capacity of government and social partners to effectively operationalize the instrument at regional, national and local levels. Public-Private Partnerships can be leveraged to ensure a just transition leaves no worker behind and addresses complex labour market challenges.

II. Considerations for Just Transition

At INC-3, stakeholders expressed interest in building on definitions contained in multilateral environmental agreements or agreed in other intergovernmental processes. In this regard, concerning the definition of "**just transition**", the ILO wishes to bring to the attention of stakeholders, elements of the definition, based on agreed language among representatives of governments, employers' and workers' organizations.

At the International Labour Conference held in **June 2023**, the **187 Member states** of the ILO adopted conclusions according to which (quote):

*"A just transition promotes environmentally sustainable economies in a way that is **inclusive**, by creating decent work opportunities, reducing inequality and by **leaving no one behind**. Just transition involves maximising the social and economic opportunities of climate and environmental action, including an enabling environment for sustainable enterprises, while minimising and carefully managing challenges. It should be based on effective social dialogue, respect for fundamental principles and rights at work, and be in accordance with international labour standards. Stakeholder engagement is also important... Ensuring a just transition is important for all countries at all levels of development, **and for all economic sectors, the formal as well as the informal economy**, and should be in line with national development priorities."*

In the specific context of the intergovernmental negotiations on plastic pollution, Members may consider the following additional formulation:

*A just transition in addressing plastic pollution entails creating decent work opportunities, for **all workers**, including those in the informal economy, fostering safe and healthy working environments across all sectors and phases of sourcing, production and disposal to prevent exposure to risks and*

hazards¹, providing an enabling environment for enterprises of all sizes, in particular small and micro enterprises, reducing inequality, and poverty. It should be guided by nationally defined development priorities and based on inclusive social dialogue.

Explanatory text

The 111th session of the International Labour Conference took place in Geneva from 5 to 16 June 2023. Delegates representing governments, employers' and workers' organizations from the ILO's 187 Member States adopted [conclusions concerning a just transition towards environmentally sustainable economies and societies for all](#). The conclusions highlight the interconnectedness of environmental, social, and economic dimensions in attaining a just transition. They call for collaborative efforts, stakeholder engagement, and coherent policies to address the challenges and opportunities presented by environmental and climate change.

The conclusions endorse the ILO [Guidelines for a just transition towards environmentally sustainable economies and societies for all](#) as a foundation for action and a central reference for policymaking. The importance of protecting and promoting all workers' rights (in all types of employment conditions), ensuring employment opportunities, and reducing inequalities is emphasized. Additionally, the significance of implementing coherent and integrated policies, namely sectoral and industrial policies, and measures to address climate change and environmental degradation is highlighted. The conclusions emphasize the need for balanced approaches that consider the interconnections between climate change, decent work, and sustainable development. They recognize the importance of promoting gender equality, social inclusion, and equity throughout the just transition process, while also considering the needs of indigenous and tribal peoples, vulnerable groups, and marginalized communities.

The involvement of governments, employers' and workers' organizations, and other relevant stakeholders is deemed crucial for achieving a just transition. The conclusions underscore the importance of effective social dialogue, consultation, and engagement with all stakeholders to foster consensus and inclusive decision-making. Policy coherence at all levels and across different fields is also emphasized. Furthermore, the conclusions highlight the significance of adequate financing and provisions for a just transition, including sustainable investment, fiscal instruments, and access to finance for environmentally sustainable activities.

Considerations on Non-Paper 3: Article 10, JUST TRANSITION

Citation	Comments/proposed text
1. Para 1. "Parties shall cooperate to promote and facilitate a transition towards..."	Standardize with the title of the article and use the term " just transition. "
2. Para 2. "...towards sustainable production consumption of plastic, taking account of the situation of workers in the informal sector , including waste pickers..."	It is critical that this provision applies to all workers regardless of employment status (workers in both the formal and informal economy), and throughout the full lifecycle of plastics.
3. Para 2. "Each party is encouraged to promote the engagement of affected	Propose that there is an explicit reference to workers to ensure that the concept of the just transition is inclusive to all affected populations.

¹ Emphasis on the two fundamental occupational safety and health conventions **C155 and C187** to support the fundamental principle and right for a safe and healthy working environment. In the context of plastics, a particular reference to **C170** on the sound management of chemicals is also crucial in ensuring minimum control measures throughout the production and disposal of plastics across all sectors.

communities, civil society as well as the private sector..”	
4. Para 4. “..relevant guidelines under other international organizations, including the International Labour Organization.”	Clarify and simplify by referring explicitly to the ILO <i>Guidelines for a just transition towards environmentally sustainable economies and societies for all</i> .
5. <i>currently missing</i>	Ensure dedicated financing streams to meet the needs of a just transition, including sustainable investment, fiscal instruments, and access to finance for environmentally sustainable activities. This is imperative for operationalizing the concepts of just transition, especially for developing economies.
6. <i>currently missing</i>	Just transition must be anchored in in sound and sustainable national policies, including sectoral, industrial and active labour market policies

Considerations on current compilation of draft text: 12. Just transition [pathways]

Building on the various options proposed by the members of the intergovernmental negotiating committee the ILO wishes to make the following proposal on the formulation of Section 12 Just transition [pathways]:

Just transition pathways

Each Party shall promote and facilitate, as per national circumstances and capabilities and relevant national regulation, **just transition pathways which encompass pathways that include socio-economics workforce, technology and innovation circularity and other dimensions** for affected populations and workers in plastic value chains towards sustainable development, with special consideration to social and economic impacts for affected developing country Parties, **workers, women and persons in vulnerable situations**, including, **taking into account international human rights obligations**, the International Labour Organization Just Transition guidelines **as well as UN guiding principles on business and human rights**, including by, *inter alia*, enhancing institutional arrangements, enabling policies and conditions to improve the opportunities, capabilities and livelihoods of affected communities.

Developed country Parties shall provide sufficient finance, technology transfer and capacity building support [with the view to promote and facilitate the just transition **pathways** to affected developing country. This may include, according to national circumstances:

- a. Designating a national coordinating mechanism for engagement and collaboration with relevant stakeholders, including public authorities, trade unions, **and other workers in the informal and cooperative settings**, non-governmental organizations, Indigenous Peoples and local communities and affected population according to national regulations, with the aim of data collection, monitoring, evaluation and national reporting on progress of just transition;
- b. Enabling policies and conditions to ensure and improve as appropriate **adequate** income, opportunities and livelihoods for waste pickers and other workers in plastic value chains and affected communities, including workforce training, development and

- social programmes, enhancement of occupational health and safety measures according to their needs and priorities;
- c. Incentivizing the development of skills and job opportunities across the plastic value chain, including for the development of reuse, repair, waste collection and sorting;
 - d. Promoting a clean, healthy and safe working environment and a strong social safety net for communities and workers across the value chain, including workers in the waste management sector;
 - e. **Providing adequate** working conditions, occupational safety and health, and social protection for waste pickers and workers **across the plastics value chain** in the waste management sector, including by providing legal recognition and protection to waste pickers and other workers in informal and cooperative settings and facilitating the formalization of their associations or cooperatives integrating them into local waste management systems;
 - f. Encouraging a portion of the fees collected through Extended Producer Responsibility schemes to be used to improve infrastructure and improve the livelihoods, a strong social safety net, and develop the skills of workers in the waste sector, including waste pickers and other workers in informal and cooperative settings.

III. Considerations for Occupational Safety and Health (OSH), including chemicals of concern

Based on inputs from the last sessions of the INC, it has been made clear by various member states and observers that the Treaty should seek the **protection of workers' health and safety through the control of hazardous chemicals along the lifecycle of plastics**. The treaty should ensure a comprehensive approach and address the full lifecycle of chemicals in plastics, including considerations for the health risk from nano and microplastics.

Plastics are made of and leak hazardous chemicals, which have been linked with cancers, birth defects and impairments to the immune, endocrine and reproductive systems such as phthalates, bisphenol A (BPA), lead, perfluorinated substances (PFAS) and polybrominated diphenyl ethers (PBDEs). At least 144 chemicals or chemical groups known to be hazardous to human health are actively used in plastics for functions varying from antimicrobial activity to colorants, flame retardants, solvents, UV stabilizers, and plasticizers.² Workers may be exposed to chemical additives during the entire life span of plastic products, from manufacturing to disposal.

While health protection has almost unanimously been agreed by countries to be an objective of the treaty, harmonized approaches to address health, particularly for workers haven't been discussed. Yet, the plastics treaty could be an opportunity to advance workers' protections throughout the plastics lifecycle.

The current draft text mainly focusses on workers in the informal sector, with a view of recognizing the role of waste-pickers in collecting and sorting plastics, rather than promoting all workers' rights and protecting their health from hazardous activities.

It is important to ensure the protection of **all workers** (in both the informal and formal economy, and along the entire value chain), including applying work-related standards that ensure the **fundamental**

² [Plastics, EDCs & Health | IPEN](#)

right to a safe and healthy working environment as recognized by the International Labour Conference (2022). Workers can be exposed to various hazards throughout the full lifecycle of plastics, including to toxic chemicals, micro and nano-plastics, dust, and noise during processing, among many others.

Approaches safeguarding workers' health and rights should ensure that workers are provided full information about the chemical composition of the plastics and products they may be exposed to and providing appropriate preventative and protective measures following the ILO Occupational and Safety and Health Conventions (C155, 187), ILO Chemicals Convention (C170), and the Hierarchy of Controls. **It is imperative to highlight that existing legally binding International Labour Standards (ILS) exist that provide agreed upon language for issues related to the protection of workers' safety and health, and can be referenced in this treaty.**

Considerations on Non-Paper 3: Article 19, Health

Citation	Comments/proposed text
1. Para 1(b). "...on occupational exposure to plastic pollution.."	Add the term " and impacts from.. " to ensure that exposure and health outcome pathways are considered.
2. Para 1(b). "...on occupational exposure to plastic pollution.."	Replace "plastic pollution" with " exposure to plastics throughout the lifecycle, " to ensure that the provisions in inclusive of various hazardous exposures, towards the goal of ensuring that the fundamental principle and right to a safe and healthy working environment is upheld.
3. Para 2(a) and 2(b).	<p>Include reference to the International Labour Organization given the organization's mandate on OSH, and, to effectively operationalize Para 1(b).</p> <p>The ILO Constitution underscores the protection of the worker against sickness, disease, and injury arising out of his employment as a fundamental goal. This principle is foundational to the organization's mission and mandate, reflecting its commitment to occupational safety and health. In 2019, the ILO's Centenary Declaration reaffirmed the ILO's mandate to protect workers, noting that the organization would "promote decent work, social justice, and safety and health at work" as essential conditions for fair globalization.</p> <p>This inclusion would ensure coherence of the ILO's role and mandate across other UN treaties and multi-lateral processes (e.g., Minamata Convention, Article 16).</p>
4. <i>Item currently missing from non-paper that may impact OSH ("chemicals of concern")</i>	This non-paper eliminated "articles on chemicals and polymers of concern" which represents a gap, as it included key provisions that would impact workers' safety and health.

	<p>In addition, the current non-paper focuses only on chemicals used in products and not throughout the entire lifecycle of plastics. Only focusing on chemicals <i>in products</i> does not provide sufficient protection for workers' safety and health.</p>
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