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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council on 31 March 2022

49/11. Right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling all international human rights instruments relevant to the right to work, in particular the International Covenant on Economic, Social and Cultural Rights, the fundamental conventions of the International Labour Organization and the 2030 Agenda for Sustainable Development,

Reaffirming also previous Human Rights Council resolutions on the right to work, the most recent being resolution 43/7 of 19 June 2020,

Reaffirming further Human Rights Council resolution 22/3 on work and employment of persons with disabilities of 21 March 2013,

Recalling General Assembly resolution 63/199 of 19 December 2008, entitled “International Labour Organization Declaration on Social Justice for a Fair Globalization”, and Economic and Social Council resolutions 2007/2 of 17 July 2007, on the role of the United Nations system in providing full and productive employment and decent work for all, and 2008/18 of 24 July 2008, on promoting full employment and decent work for all,

Recalling also the International Labour Organization Declaration on Fundamental Principles and Rights at Work and the follow-up thereto, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, and the Centenary Declaration for the Future of Work, adopted by the Conference at its 108th session, on 21 June 2019,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system and through its unique tripartite structure and supervisory system in relation to the promotion and realization of decent work and full, productive and freely chosen employment for all, and recalling its initiatives and activities in that regard, including the Decent Work Agenda, and the centenary initiatives of the Organization,



Acknowledging the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work, and the Committee on the Rights of Persons with Disabilities, with regard to the realization of the right to work for persons with disabilities,

Acknowledging also the work of United Nations agencies, funds and programmes, in particular the International Labour Organization, in supporting the efforts of States to promote inclusive, sustained economic growth, full, productive and freely chosen employment and decent work for all and the full realization of the right to work, and recognizing the important contributions made by the United Nations Entity for Gender Equality and the Empowerment of Women in relation to the realization of the right to work for women,

Reaffirming that all human rights, civil, cultural, economic, political and social rights, including the right to development, are universal, indivisible, interdependent, interrelated and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity and social justice, and is important in ensuring the satisfaction of human needs and values that are central to a dignified life,

Concerned about discrimination that older persons may face in access to work, including arbitrary mandatory retirement age, salary reductions, forced early retirement, age limits in recruitment, societal norms and negative stereotypes about the ability of older persons to work, and access to opportunities for training and career advancement,

Concerned also about the high unemployment rate faced by persons with disabilities, and their overrepresentation in the informal sector and in self-employment, and that they are more likely to be working in precarious working conditions and to be paid less,

Concerned further that the employment rate of women with disabilities is significantly lower than that of men with disabilities and persons without disabilities, caused by, inter alia, discrimination and stigma attached to disability, the lack of open, inclusive, accessible and enabling environments, the lack of access to information and multiple forms of communication, the lack of inclusive education and job-oriented vocational training skills, and inadequate school-to-work transition for young people with disabilities,

Emphasizing the impact of the coronavirus disease (COVID-19) pandemic on the labour market, the realization of the right to work and its disproportionate burden on persons with disabilities, particularly women with disabilities, who are less likely than others to be employed and thus have less access to social security based on employment, and on their households, whereas the measures related to COVID-19 have resulted in the economic hardship of unemployment and indirectly affected persons with disabilities through the loss of jobs by family members,

Acknowledging the complementarity between the rights to work, to social security and to education and that the realization of the right to work, including to achieve Sustainable Development Goal 8, on decent work for all, contributes to the autonomy and independence of persons with disabilities, boosting their social participation and inclusion in society,

Taking note of the initiatives that the Secretary-General and United Nations agencies and entities have undertaken in order to promote disability inclusion in COVID-19 response and recovery efforts as a vital step towards achieving the pledge to leave no one behind, including the Global Accelerator for Jobs and Social Protection launched by the Secretary-General at the seventy-sixth session of the General Assembly, in September 2021, and noting in this regard the importance of promoting equal access of persons with disabilities to social services, quality education and health care, full and productive employment and decent work, encouraging their effective and meaningful participation, protecting their human rights,

eliminating discrimination against them and systematically collecting and using data disaggregated by sex, age and disability,

Taking note also of the global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, adopted by the General Conference of the International Labour Organization on 17 June 2021, in which it called for policies that prioritized the creation of decent work for all, including for persons with disabilities, and addressed inequalities,

Acknowledging that the changing world of work brings new challenges and opportunities related to the right of everyone to the enjoyment of just and favourable conditions of work by persons with disabilities while one of the causes and consequences of the rising inequalities is disability-based discrimination,

Recognizing that, on the one hand, the development of automation enabled by advanced technologies, including robotics and artificial intelligence, brings the promise of higher productivity, job creation, better services and improved well-being, aimed at improving social inclusion, while on the other, it entails challenges that may have a broader impact on jobs, skills, wages and the nature of work itself that may vary widely across different regions and within countries, which could have an impact on those ill-equipped for the transition, with those severely affected often being the most marginalized groups, such as persons with disabilities, particularly women with disabilities,

Recognizing also that climate change poses an existential threat for all, and has already had an adverse impact on the full and effective enjoyment of the human rights enshrined in the Universal Declaration of Human Rights, including the right to work,

Acknowledging that workers and communities affected by climate change actions, responses and impacts in the context of sustainable and inclusive economies should be covered by social protection, by broader investments aimed at creating economic opportunities and through appropriate training and assistance for job seekers, with a view to ensuring a just transition,

Reaffirming that the Paris Agreement takes into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the relationship between the realization of the right to work and the enjoyment of all human rights by persons with disabilities;¹

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, including for persons with disabilities, pursuant to article 27 of the Convention on the Rights of Persons with Disabilities, that includes the right of everyone to the opportunity to gain his or her living by work that he or she freely chooses or accepts, and that States should take appropriate steps to progressively achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full, productive and freely chosen employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work that ensure, in particular, remuneration that provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, and remuneration for public holidays;

¹ A/HRC/46/47.

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work by all appropriate means, including in particular the adoption of legislative measures, in consultation with workers' and employers' associations;

5. *Stresses* that the freedom to choose or accept work, which is included in the right to work, entails the right to pursue professional options under equal conditions, especially for those whose freedom is frequently compromised by discriminatory legal provisions or forced labour, in particular women, young people, older persons and persons with disabilities;

6. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish perpetrators for its use in all its forms, and seek to provide appropriate support to victims;

7. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly, and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place appropriate measures ensuring the protection of workers against unlawful dismissal;

8. *Calls upon* States to ensure the effective protection of the right to freedom of association with others, including the right to form and join trade unions of one's own choosing, for the promotion and protection of one's economic and social interests;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including work in the informal economy, limited or no legal protection, lower levels of representation in leadership and decision-making positions, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care and domestic work within the household and the family, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Calls upon* those States that have not yet done so to consider ratifying or acceding to the Convention on the Rights of Persons with Disabilities;

11. *Stresses* that disability-specific measures, taken into consultation with persons with disabilities, in the three interrelated areas of work, education and social protection, should be in place to ensure that persons with disabilities can improve their own lives and be empowered to contribute to the development, prosperity and well-being of their societies;

12. *Also stresses* that States should protect persons with disabilities from all forms of labour exploitation, and ensure that persons with disabilities enjoy just and favourable conditions of work, including safe and healthy working conditions, a minimum wage and access to social security, while at the same time dismantling harmful stereotypes about the capabilities of persons with disabilities through awareness-raising, education and training measures;

13. *Underscores* that States should take all appropriate measures to ensure equal opportunities and treatment for women with disabilities, on equal basis with others, in relation to their right to work, and to pay particular attention to combat all forms of discrimination, including multiple intersecting forms of inequality and discrimination, concerning conditions of access to employment and job opportunities, pay, hiring and career advancement;

14. *Also underscores* the responsibility of the State to protect children, including children with disabilities, from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or

physical, mental, spiritual, moral or social development, and to take additional measures to eradicate child labour in all its forms;

15. *Emphasizes* that climate change actions, responses and impacts in the context of sustainable and inclusive economies, the fast pace of technological advances and the COVID-19 pandemic present unprecedented opportunities for States to build a better, inclusive, accessible and sustainable world of work that can benefit from the untapped potential of persons with disabilities, and encourages States to incentivize in their policies for recovery from the COVID-19 pandemic an inclusive technological transformation and non-discriminatory artificial intelligence applications that can create an accessible and enabling environment for persons with disabilities;

16. *Expresses deep concern* that inequalities are widening and there are not enough jobs, including quality jobs, and emphasizes that full, productive and freely chosen employment and decent work for young people play an important role in their empowerment and can contribute to, inter alia, the prevention of extremism, terrorism and social, economic and political instability, thus contributing to sustainable development and peace;

17. *Stresses* the fundamental importance of equal opportunities, education, and technical and vocational training, including the use of new technologies, and that lifelong learning opportunities and guidance for all, including for women, young people, older persons and persons with disabilities, are necessary for the realization of the right to work;

18. *Encourages* States to effectively implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 8 on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and its targets;

19. *Stresses* that the Sustainable Development Goals and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development promote inclusive and sustained economic growth, higher levels of productivity and technological innovation, and encourage entrepreneurship and job creation, which can be effective measures to eradicate extreme poverty and hunger, forced labour, contemporary forms of slavery and human trafficking, and that to ensure that no one is left behind, bearing these targets in mind, the goal is to achieve full, productive and freely chosen employment and decent work for all women and men by 2030;

20. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant and inclusive social protection measures, including social protection floors;

21. *Also recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building and the exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through inclusive, sustainable economic growth, full, productive and freely chosen employment and decent work for all;

22. *Calls upon* States to put in place cohesive and comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work for all, including women, by, inter alia, considering undertaking policy commitments and measures to obtain full, productive and freely chosen employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools, such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises, cooperatives and start-ups, including those that are owned by women, and considering investing in infrastructure, services and social protection systems to allow for and to promote equitable sharing of care responsibilities between men and women;

23. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of inclusive, sustained economic growth,

full, productive and freely chosen employment and decent work for all, notes the multi-year strategy of the United Nations Global Compact to drive business awareness and action in support of achieving the Sustainable Development Goals and the Addis Ababa Action Agenda by 2030, and also notes the need to promote the implementation of the Guiding Principles on Business and Human Rights and the Women's Empowerment Principles established by the United Nations Entity for Gender Equality and the Empowerment of Women, as applicable;

24. *Recognizes* the important contribution of workers' and employers' organizations, including through strong, influential and inclusive mechanisms of social dialogue in the area of full, productive and freely chosen employment and decent work for all, and the importance of promoting equitable representation, participation and leadership in such organizations;

25. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full, productive and freely chosen employment and decent work for all as a foundation for sustainable development, and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities for women and men, and reaffirms that opportunities for all to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensure the eradication of hunger and poverty, the realization of equality between women and men, the empowerment of persons with disabilities, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth, and sustainable development;

26. *Calls upon* States to continue their efforts to prevent and combat all forms of discrimination, violence and harassment, including sexual harassment at the workplace, including by adopting and implementing laws and policies and through training, awareness-raising and support for women's access to justice with respect to violence and sexual harassment, bearing in mind that these continue to be among the factors that have an adverse impact on the realization of the right to work for women;

27. *Decides* to organize a panel discussion during the fifty-first session of the Human Rights Council on the future of the right to work in connection with climate change actions, responses and impacts in the context of sustainable and inclusive economies, with an emphasis on the importance of international cooperation and partnerships in this regard, to identify major challenges, experiences and best practices, and invites relevant United Nations agencies, funds and programmes, particularly the International Labour Organization and its social partners, and the treaty bodies, the special procedures, civil society, national human rights institutions and other stakeholders to contribute actively to the panel discussion;

28. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare an analytical report on the future of the right to work in connection with climate change actions, responses and impacts in the context of sustainable and inclusive economies, based on the panel discussion, and to submit the report to the Human Rights Council at its fifty-fourth session.

*55th meeting
31 March 2022*

[Adopted without a vote.]
