



INTERNATIONAL
LAWYERS ASSISTING
WORKERS NETWORK

APPLYING INTERNATIONAL LABOUR STANDARDS TO CLIMATE CHANGE

ESTABLISHING AN ILS-BASED RIGHT TO A JUST TRANSITION: AN INTRODUCTION

Introduction

It is incontrovertible that the international community is confronted with a climate emergency. Greenhouse gas (GHG) emissions continue to increase, driving global warming at an accelerating pace. Even under ambitious mitigation scenarios, which entail immediate and substantial emissions reductions, global average temperatures are very likely to exceed the 1.5°C threshold established under the Paris Agreement. The resulting impacts pose serious and escalating risks to human populations and ecosystems alike. These adverse effects fall disproportionately on countries and peoples that have contributed least to global emissions, and that often lack the financial and institutional capacity to implement effective mitigation and adaptation measures to address these impacts. For workers, the climate crisis is not abstract; its effects are already being experienced and are expected to intensify now and in the future. That is why it is important that ILO constituents work to develop the interpretation of international labour standards in order to strengthen the rights-base for workers' demands for a just transition.

The International Labour Organization (ILO) has warned that, by 2030, heat stress alone could reduce global working time by approximately 2.2 per cent—equivalent to the loss of 80 million full-time jobs—with losses potentially reaching 3.8 per cent, or 136 million jobs, under a worst-case scenario. Agricultural and construction workers are expected to be most severely affected, with agricultural workers accounting for an estimated 60 per cent of total working-time losses. These figures reflect tangible harms to workers, their families, and their communities. At the same time, workers employed in carbon-intensive sectors such as coal, steel, and cement face acute risks arising from the decarbonization of national economies. As fossil-fuel-dependent activities are phased out, associated jobs are often eliminated abruptly and without adequate planning. Many affected workers encounter significant barriers to securing alternative employment offering comparable wages, benefits, and skills recognition. Moreover, employment in the “green economy” does not automatically guarantee decent work. Critical minerals underpinning renewable energy technologies, including lithium used in electric vehicle

batteries, are frequently extracted under conditions marked by severe labour exploitation. Many workers in renewable energy sectors are likewise often subject to precarious employment arrangements and substandard labour conditions, and without collective agreements.

Absent deliberate and enforceable measures to promote equity and decent work, the green transition risks reproducing existing patterns of exploitation and exacerbating inequalities both within and between countries. The ILO has emphasized that broad-based social engagement is not discretionary but rather indispensable to a just transition. Effective and timely climate mitigation and adaptation require that environmental sustainability be pursued in tandem with social and economic sustainability.

In 2015, the ILO's tripartite constituents—governments, employers, and workers—unanimously adopted the Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies, which have since become a foundational reference point for international policy on just transition. This has been followed by a General Discussion at the 2023 International Labour Conference. However, the ILO's supervisory system has had almost nothing to say on the matter as it relates to the interpretation and application of a broad range of conventions. We aim to fill this gap.

This series by the International Lawyers Assisting Workers (ILAW) Network is designed to inform trade union representatives as to how to engage effectively with the ILO on climate change and a just transition. It provides recommended guidance on a convention-by-convention basis as to how unions can use these conventions to make legal claims to the ILO supervisory system with the aim of securing conclusions and recommendations that can be used in your national level campaigns, and which also develop a jurisprudence that can be used of all workers.

The series will begin with a guide on Convention 122 on Employment Policy, seen as one of the most promising vehicles for just transition claims. Subsequent guides will focus on the fundamental conventions and relevant governance and technical conventions. They will be published on the ILAW Network website (www.ilawnetwork.com) as each one becomes available. We do not intend to cover each and every convention and recommendation; rather, we will focus on those with the greatest relevance for a just transition.

The following three ILO supervisory mechanisms are available for you to use:

Committee of Experts

Every country must report on its compliance with the conventions it has ratified. They must report every three years in the case of fundamental conventions and every six in the case of technical conventions. Trade unions can also submit reports, which must be considered together with reports from the government and employer representatives. These reports are normally due every September 1 and are submitted to normes@ilo.org. You can find the reporting cycle of your country [here](#).

Committee on Freedom of Association

For violations of the right to freedom of association and the right to collectively bargain, a “complaint” can be filed with the Committee on Freedom of Association. This is true regardless as to whether your government has ratified the relevant conventions (including conventions 11, 87, 98, 141, 151 and 154). Once received, the tripartite Committee on Freedom of Association will review the complaint and the government’s response and will issue conclusions and recommendations as to how the government can comply with its obligations. You can find more information on filing a complaint [here](#).

Representations

For violations in law or in practice concerning a convention (or conventions) that a government has ratified (other than those concerning freedom of association and collective bargaining), a trade union can file a “representation” at any time. If accepted by the ILO Governing Body, a tripartite committee will be established to review the representation and the government response and will issue conclusions and recommendations as to how the government can comply with its obligations under the convention(s). You can find more information on filing a representation [here](#).

We of course invite your feedback on these guides, which we will update to address new and emerging issues, and to account for any observations, conclusions and recommendations from the ILO supervisory system which comes as a result of the use of these guides.