

# The Post-Pandemic Workers' Agenda: Who Is Saying What?

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## The COVID-19 Pandemic, Recovery and Impact on Workers

The impact of the pandemic and post-pandemic recovery plans on workers across Asia and the world demands attention. The fallouts of the pandemic in terms of economic disruption, surging unemployment, large-scale migration and displacement within and across borders also exacerbated by lockdowns and containment measures, as well as international demand fluctuations and supply chain disruptions affecting jobs and incomes have been widely reported.

Ongoing monitoring of the situation, including by Focus and its allies and partners, reveals that the pandemic continues to negatively affect employment in the Asia region, with millions of job losses and increasing under-employment, especially among women and young people. Migrant workers (many of who are undocumented) face the greatest precarity in livelihoods, particularly in the food, agriculture and construction sectors. The socio-economic impacts of the Covid-19 pandemic, and particularly on people's livelihood has continued to be severe in rural communities as well, with reports of financial distress, household indebtedness and debt bondage, as well as food shortages.

The [alarm](#) is being raised regarding the trend towards a weakening of labour laws and regulations to the detriment of workers, coupled with growing corporate power and poor social protection mechanisms, as governments mark their preference in favour of neoliberal recovery plans that do not address structural inequalities and injustices. Rather than a rebuilding of public economies, there has been instead a growing centrality of the corporate sector in this space.

In Asia and elsewhere there has been a fillip to unfettered growth and access of TNCs and rush to engage in free trade agreements, tax benefits arrangements by governments without securing rights of workers, skewing of public policy agendas in favour of such investments. We see a weakening of unions and collectives in countries of Asia with continued artificial suppression of wages, rising incidence of wage theft through the pandemic and a curtailing of redressal pathways. The situation is characterised by poor developmental outcomes and a compounding wage insecurity, precarity and informalisation of employment.

While there has been resort to social assistance and cash benefits by a number of governments, these measures have not translated to social and/or labour protection mechanisms. Further, human rights' and workers' rights violations take on a definite gender bias as seen in the fallouts from the pandemic - from higher care burdens and levels of exclusion from the workforce, wage disparities, other challenges in access to resources, services, facilities as well as occupational health, safety risks, vulnerability to harassment. This is even as labour faces enduring and emerging challenges - the latter including digitalisation, climate and migration, etc. and rising prices continued to hit the working classes.

From the point of view of Workers' unions, alliances and organisations, as they continue to engage

on various fronts to seek necessary protections, there is growing emphasis on the extension of social security and advancing of workers' rights. While the implementation of minimum wage continues to face its challenges, demands for a [living wage](#) – providing for basic needs and a discretionary income for decent and dignified life – gain salience, particularly as set against the exploitative practices associated with global supply chains (the struggles of [garment workers](#) – predominantly female – across Asia being a case in point).

The present article attempts a summary stocktake of the current state of policy engagement and debates on these issues, and how workers' interests are being represented in these contexts.

## **A Stocktake on State of Engagement in Multilateral and Other Fora**

As the most “global” of mainstream frameworks there is the UN Sustainable Development Goals (SDGs), with SDG 8 aimed to “promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”. In the [current assessment](#) under this head there is agreement on loss of “the equivalent of 277 million full time jobs” as a result of the pandemic; and more than 1.6 billion informal economy workers lacking a safety net were “significantly affected”. It was also anticipated that the pandemic will “increase youth not employed, in school or in training”.

The [World Trade Organisation](#) (WTO) as we know has a “consensus on core standards” in terms of freedom of association and against forced labour, child labour and discrimination at work – including gender discrimination. However, negotiations on labour standards were deferred to the International Labour Organisation (ILO), and though there is some measure of technical cooperation between the secretariats, there is little agreement and “the question of international enforcement is a minefield” with imposing of labour standards criticised as “an excuse for protectionism” (as debated in the 1996 Singapore Ministerial Conference and beyond). Developing countries have continued to campaign against the bringing in of labour standards under the WTO ambit, which is viewed as a means for the developed countries to undermine the comparative advantage and capacities of the developing world.

The [International Labour Organisation](#) (ILO) has continued to advance its agenda in terms of “job creation, rights at work, social protection and social dialogue, with gender equality” which are now included in the sustainable development goals. The ILO also remains the only “tripartite” UN agency bringing together governments, workers and employers. In the current scenario the organisation is actively raising an alarm to highlight job losses and discriminatory labour practices. In June 2021 it launched the “[Global Call to Action](#) – for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient”.

The [8<sup>th</sup> edition of the ILO Monitor on COVID-19](#) and the world of work in October 2021, highlighted among other trends, the slow progress in vaccinations and return to workplace for low and middle-income countries; the great divergence in productivity and labour market recovery between developing and advanced economies; the continuing lag in middle-income countries of unequal employment impact, particularly for young people/ women. The fiscal stimulus gap remains “unaddressed” in developing, low-income countries. What is critical is the observation that the realities “differ markedly from the commitments and aspirations that the international community has expressed on repeated occasions”. These, “together with the global agreements that pre-date the pandemic... amount to a collective statement of the future that people want and towards which the COVID recovery should take them. **Yet this is not the road now being taken**”.

However, on a more encouraging note, in the first report under its new flagship series on Social Dialogue, the ILO emphasises the role of [collective bargaining](#) in “mitigating the impact of the

COVID-19 crisis” in protecting employment, earnings as well as health safety and other benefits during the pandemic; and also its effectiveness as a means to secure equitable “human-centred” recovery going forward.

Also, [wage theft](#) as an issues being brought up among other labour issues at the United Nations’ first [International Migration Review Forum Progress Declaration](#) – scheduled to be discussed at UN General Assembly in May reads that “many migrant workers, especially women migrant workers, continued to face precarious working conditions, wage theft, labour exploitation, reduced wages salaries, discriminatory dismissals, withholding of benefits, forced unpaid leave and protracted separation from their families, which have been exacerbated during the Covid-19 pandemic.” The [Forum](#) takes place from 17-20 May in New York.

It may be recalled here that the critical intersection of migration and labour, particularly in the context of globalisation was highlighted by the ILO in the 2000s. However, the [principles and guidelines for “a rights-based approach to labour migration”](#) remain non-binding.

### **Corporate Accountability, Business and Human Rights**

With specific focus on the issue of corporate accountability and at the intersection of business and human rights in particular, the efforts and processes towards human rights due diligence and a binding human rights instrument for business and transnational corporations (TNCs) in particular can be discussed here.

Invoking the preventive mechanism of [human rights due diligence](#) for responding to human rights violations by TNCs, “due diligence” is essentially an extension of an internal process in the field of financial risk management, now being applied towards prevention of risks of violating human rights and damaging the environment. These “external risks” including poor working conditions, modern slavery, environmental damage, other harm to human life and nature; while there is support from non-governmental organisations on this front, there are also demands for inclusion of liability mechanisms and improved access to justice provisions (as a critique of the EU due diligence directive). As due diligence is, at best, an “auxiliary obligation”, [global campaigns and positions](#) from the South have emphasised that “any future legal framework, at the national, regional or international level, must establish obligations of result for companies, strong enforcement mechanisms, and ensure legal consequences for non-compliance (civil and criminal liability and administrative sanctions)”.

The [UN Binding Treaty on Business and Human Rights](#), as its final objective, seeks to include in international law obligations to respect human rights and the environment for transnational companies and adequate mechanisms to ensure access to justice for affected people and effectively punish violations and corporate crimes”, As the countries of the global south and civil society organisation (also highlighting the work of the [Asia Task Force](#) on the Legally Binding Instrument) have continued to push for stronger regulations on transnational corporations.

However, there remain “[wide disagreements across states](#)” on the scope of the instrument, as seen in the seventh session of the Open-Ended Intergovernmental Working Group “on Transnational Corporations and Other Business Enterprises with Respect to Human Rights. This has also included demands from delegates from the United States, United Kingdom and Japan towards seeking an alternate approach.

Apart from concerns on the current draft content, there is a further worrying shift in the emphasis on “voluntary norms” and apprehensions on the process now being carried forward through “informal consultations” by Geneva-based “Friends of the Chair”. On this point civil society

organisations have raised a [note of caution](#) regarding transparency and inclusion, to maintain democracy in the process towards a robust mechanism.

### **How are these issues and concerns being reflected in the upcoming WEF 2022 agenda?**

The World Economic Forum will hold its [annual meeting](#) this month from 22-26 May. Ostensibly it will “embody the World Economic Forum’s philosophy of collaborative, multi-stakeholder impact”. The [agenda](#) in the lead up to the Davos event has 8 key themes which include “fairer economies”, “jobs and skills” and also “society and equity” as a nod to a selection of sustainable development goals.

However, a closer look at the content under each of these themes indicates the usual emphasis on [energy, reskilling, digitisation and artificial intelligence \(AI\)](#); the new and apparently pressing concerns in terms of “[work life in the metaverse](#)”, [hybrid and home offices](#), [technology for frontline workers](#), the “[great resignation](#)” and [data security](#); and the expected generic references to [diversity, inclusion and gender](#).

In its coverage of the topic “[workforce and employment](#)” the WEF has identified for itself the mission of “future proofing livelihoods” with a commitment to helping leaders “shape healthier and more inclusive job markets, and ensuring a just transition for workers in increasingly low-carbon, high-tech economies”. Further, from its own statement, decision making in this regard remains restricted to the “public and private sectors on the WEF platform.

A recent development on this front appears to be the “[Global Future Council on the New Agenda for Work, Wages and Job Creation](#)”, taking into account the disruptions caused by the pandemic and seeking to address “areas for investment in job creation, the future of temporary work arrangements, redefining quality and safety at work, work as a means of achieving fulfilment and dignity, active labour market policies, and a shift towards revaluing “essential” work through living wages”. Even as this agenda waters down the demands emerging from workers’ alliances, it can also be highlighted that the role of this Council (that brings in civil society representation) is shaped primarily (and only) in terms of developing new thinking and influencing change and action through the WEF platform for Shaping the New Economy and Society, and providing inputs to the Great Reset Initiative. In the end, social (and environmental) capital remain a part of the “[whatever new form of capitalism](#)” that advances under the WEF umbrella.

### **Conclusion**

There appears to be general agreement on the dire state of affairs as well as supporting rhetoric for an “inclusive” recovery with a human face. At the same time, the prevailing politics and characteristic framing of issues on different existing and emerging platforms appear likely to add to the fragmentation of negotiating spaces, as a challenge to achieving workers’ rights and equitable recovery. Notwithstanding the difficulties, this time is a critical inflection point to build on workers’ solidarities and leverage all possible entry points for effective representation to advance workers’ agendas.

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**P.S.**

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