

# Centenary struggles: climate change & informality at ILO 100

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One of the most disruptive new realities transforming the contemporary world of work is that of climate change. Escalating dislocations, disasters, floods, extreme heat, and other 'exceptional' catastrophes are on the horizon, globally. As a further matter, the social and economic burdens of climate change will most severely impact individuals and communities living and working in situations of informality, broadly meaning, in the absence of rights and social protection. The centenary session of the International Labour Conference offers an opportunity for reflection on the past and future of informality as a topic of interest for international labour law.

## The hundred-year journey of humanizing work

The tripartite International Labour Organization (ILO) was founded in 1919 under the Treaty of Versailles. Established in the pursuit of peace through social justice, the objective underlying the creation of the specialized agency was to abolish the pervasive labour abuses that came to define industrialization at the turn of the 20<sup>th</sup> century. Yet, one hundred years later we are faced with the reality that worker exploitation and industrialization remain intimately tied albeit in complex new forms that evade regulatory oversight. Despite the extensive development of international and national labour law over the 20<sup>th</sup> century, rights at work and social protection remain inaccessible to the majority of the global workforce – over [60%](#) of whom are considered to be working in the informal economy. The shared characteristic of workers engaged in today's diverse and expansive global informal economy is their structured exclusion from the world of law, not only through a lack of labour rights and protections, but also through legalistic dispossessions in the form of evictions labelled 'decongestion exercises' and 'clean sweeps', sanctions, and criminalization of work activities. Reflecting on past and future challenges of the ILO mission to establish "[universal and lasting peace based upon social justice](#)", the historical and persistent social exclusion and lack of legal recognition faced by informal workforces should trigger our fullest attention. In particular, as climate change, natural resource depletion and sustainable development concerns increasingly shape global to local legal regimes and governmental decision-making, two major social justice challenges are to ensure that 'sustainable' environmental governance does not become a force of exclusion against the global working poor and, to find ways to hold governments accountable to informal workers.

Over its lifetime, the ILO has led the development of an expansive body of internationally recognized workers' rights, and yet even the most fundamental of these universal guarantees have yet to materialize for the majority of the global workforce. The project of extending these rights to the global informal workforce has been discussed in the language of 'formalization'. At the same time, the purpose,

essence, motive and utility of ‘transitions to formality’ are constantly debated – as they should be in a world of [diminishing rights at work](#) and greater imbalances of power in ‘standard’ employment relationships. It could be said that the concept of formalization fails to capture the deeper dysfunctions of the labour law discipline that have emerged under the force of contemporary global capitalism. It is by centering informal workers in the world of international labour governance that we can reconceptualize labour law beyond employment, oppose labour law’s historical exclusions and existing *status quo*, and make space in tripartism for counter-hegemonic industrial citizenship, meaning, for the collective agency and alliances of subaltern workers. History keeps repeating to us that there is a myriad of notions, exploitative to egalitarian, of what constitutes the ‘public’ in governance and for government, at all scales. Legal recognition and access to justice are persistently denied by governments and vehemently fought for by informal workers all over the world. Informal workers have long been excluded from how nations define the working ‘public’, in other words, those workers deserving of public infrastructure, investment, education, environmental and health services and other forms of social protection.

### **From a majority marginalized to social justice for all**

Since the emergence of discussions on informality almost half a century ago, the overarching question that has been asked is: What do theories of informality imply for development and after that, for labour law? The activism, advocacy and resistance of diverse, globally-spread informal workers’ movements have shown that the denial of spatial citizenship – that is to say, exclusion from public space (both physical and discursive) and productive resources – is a fundamental social injustice that conventional legal solutions and institutionally-imposed formalization agendas are unable to address in any transformative way. In the course of its first centenary, the ILO has grappled with this problem from an increasingly inclusive tripartite lens, with its efforts culminating into the first ever international labour standard specifically for the informal economy. As an outcome of a tripartite negotiation process, [ILO Recommendation 204](#) (hereafter “the Recommendation”), adopted in 2015, reflects different strengths and weaknesses for states, workers and employers. Its significance lies in how it cohesively brings together the realities of millions of workers in the informal economy into global legal sight, affirming their legitimate place in the world of international labour law and, more concretely, in the “[real space of unequal cities](#)”. In recognizing public space as a workplace and the importance of public resources to informal livelihoods, the Recommendation emphasizes the state-citizen or social contract that has historically evaded the informal workforce. Reaching beyond labour law, it enforces the voice and collective autonomy of informal workers as part of the broader governance scenario and across multiple governmental scales, globally legitimizing their claim to public space and public resources. In this sense, it creates a new bridge between the worlds of labour rights and environmental governance while also transcending legal orderings.

With the objective of just transitions and decent work having been integrated into the Paris Agreement – a multilateral instrument that has drawn remarkable engagement from cities and sub-national actors, as well as states – it is clear that the principles

and rights embodied in the ILO Recommendation have implications for the world of climate law and governance. It is only by implementing the Recommendation to its fullest sense, across multiple legal frames and scales, that the inequalities entrenched in statist visions of ‘just transitions’ or ‘inclusive green growth’ will be revealed. Transnational labour law, rooted in principles and practices of counter-hegemonic industrial citizenship can provide valuable insight for the world of environmental (and now climate) law and governance, which has its own legacy of facilitating labour exploitation, colonialism and broadly excluding concerns for the health and well-being of the working poor. Most importantly, it is by using the Recommendation to strengthen emergent forms of counter-hegemonic citizenship embodied in contemporary informal workers’ movements, that we can begin to map our way out of transnational work injustices that pervade the global economy and affect, in one way or another, through various degrees of separation, the entire working world.

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