

## LABOUR RIGHTS IN THE CONTEXT OF COVID-19

### WHAT THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS PROVIDES FOR

#### THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)?

Labour rights consist of the right to work, which includes the right to the opportunity to gain one's living by freely chosen or accepted work that is safeguarded by the state. It also includes the right to the enjoyment of just and favourable conditions of work as well as the right to be member of trade unions and engage in collective bargaining. Some aspects of the right to social protection are also interconnected with labour rights.

#### HOW SHOULD LABOUR RIGHTS IN GENERAL BE PROTECTED DURING THE COVID-19 CRISIS?

- All workers should be protected from the risks of contagion at work, and States should adopt appropriate regulatory measures to ensure that employers minimize the risks of contagion according to best practice public health standards.
- Disciplinary or other penalties for refusing to work without adequate protection should be prohibited.
- Immediate measures must be taken to protect the jobs, pensions and other social benefits of workers during the pandemic.
- Measures of mitigation of the economic impact such as subsidizing wages, providing tax relief and establishing supplementary social security and income protection programmes should be implemented.

#### HOW SHOULD THE RIGHT TO WORK BE UPHELD ACCORDING TO ICESCR?

- The state should guarantee individuals the opportunity to gain their living by work, which they freely choose or accept and protect them from unfair dismissal, without discrimination on any ground, including health status.
- Any adverse impact of COVID-19 responses on the employment and remuneration of workers should be mitigated. Unfair dismissals and layoffs, reduced working hours, modifications to the type of employment are examples of responses that can have a negative impact of the right to work.
- Workers should have effective remedies to challenge decisions affecting their right to work.
- Marginalized and disadvantaged individuals, including unemployed persons, self-employed workers, workers in non-traditional forms of employment (own-account, temporary, casual workers) and migrant workers should receive special attention for state authorities.
- Any acts of discrimination relating to the COVID-19 should be prohibited and prevented in the workplace. Any measures relating to the labour market, envisaged by States to respond to economic fallout from the COVID-19 pandemic, should be centred on the rights of ICESCR.

#### HOW SHOULD THE RIGHT TO JUST AND FAVORABLE CONDITIONS OF WORK BE FULFILLED ACCORDING TO ICSECR?

- Just and favourable conditions of work, including safe and healthy (hygienic) working conditions as well as rest and reasonable limitation of working hours should also be guaranteed during the COVID-19 response.
- Safe and hygienic working conditions, especially for workers in the service sector and in domestic settings, who are exposed to a higher risk of contracting COVID-19, and the workers who are exempted from the lockdown, including workers in construction sites or in agriculture have to be guaranteed by state authorities.
- State authorities, in particular, have to protect the safety and health of health workers. They should be guaranteed reasonable working hours and sufficient rest periods during the COVID-19 emergency, and should be provided with support, including care services for dependents.

#### HOW SHOULD THE RIGHT TO JOIN TRADE UNIONS AND TO PARTICIPATE IN COLLECTIVE BARGAINING BE FULFILLED?

- Workers have a right to promote and protect their economic and social interests through trade unions.
- Trade unions should be guaranteed effective participation at all levels of decision-making processes – workplace, industrial and national levels.
- Mitigation measures for the economy and the labour market should be developed and implemented in close consultation with trade unions and through their effective participation.

#### FOR MORE INFORMATION, SEE:

- *Concluding observations of the CESCR after the revision of the Republic of Moldova at:* [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=MDA&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=MDA&Lang=EN);
- *General Comments 18 and 23 of CESCR on the right to work and on the right to just and favorable conditions of work at:* [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11);
- *The Statement of the CESCR on the COVID-19 Pandemic and Economic, Social and Cultural Rights at:* <https://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>

**Note:** The International Covenant on Economic, Social and Cultural Rights was ratified by the Republic of Moldova in 1993. The Republic of Moldova reports regularly on the implementation of the Convention, including the right to work, to the Committee on Economic, Social and Cultural Rights (CESCR). The last revision took place in 2017.