

## *Improving access to remedy in collaborative approaches*

*Parallel session*

*29 November*

*10:00-13:00*

***Part 1: Lessons learned from efforts to provide remedy to victims of industrial supply chain accidents – The Right to Employment Injury Protection***

*10:00-11:25*

*Organized by ILO*

***Part 2: Improving access to remedy – the role of trade unions***

*11:35-13:00*

*Organized by the International Trade Union Confederation (ITUC)*

### **Part 1: Lessons learned from efforts to provide remedy to victims of industrial supply chain accidents – The Right to Employment Injury Protection**

**Session objectives:** The session will present an overview of the remedial solution for the right to compensation in different country cases where remedial actions have filled the gap when injured and deceased workers and their families had no effective access to employment injury benefits for their loss of income, medical care and rehabilitation such as in Bangladesh and Pakistan. The remedial ad hoc solutions in Pakistan and Bangladesh that were guided by the [ILO Convention 121 on Employment Injury Benefits \(C.121\)](#) will be discussed to emphasize how it is important to enforce national systems of employment injury insurance to systematically enforce the right of workers and allow businesses to flourish in a responsible no-fault environment such as in the case of Malaysia SOCSO which will be presented. In addressing the diversity of challenges presented by representatives of selected governments, enterprises, workers and civil society ranging from countries with effective accident insurance to those without any or badly enforced rights to employment injury protection. The framework of the UN Guiding Principles for Business and Human Rights and the Articles Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy will provide useful references for the multiple stakeholders.

#### **Key discussion questions:**

- What lessons can be drawn from the cases of injury and deceased workers who were left unprotected such as in the case of Rana Plaza?
- How can multinational enterprises across global supply chains and national enterprises in producing countries ensure the respect of the remedial right to compensation in case of work injuries?
- Who cannot afford to protect the right to compensation in case of a work injury?
- How can the UN Guiding Principles for Businesses and Human Rights and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy provide useful

references to engage dialogue for more effective policies between the government, enterprises and workers for improving their employment injury protection?

**Format:** A panel discussion will begin with a brief overview of ILO principles and Convention 121 on the right to employment injury benefits. Discussion starters will then follow with panel members: a representative of a country enforcing the right to employment injury benefit, a representative of a civil society representing workers in the case of Rana Plaza and other accidents and representatives of a multinational enterprise. It will be followed by an interactive Q&A.

**Speakers:**

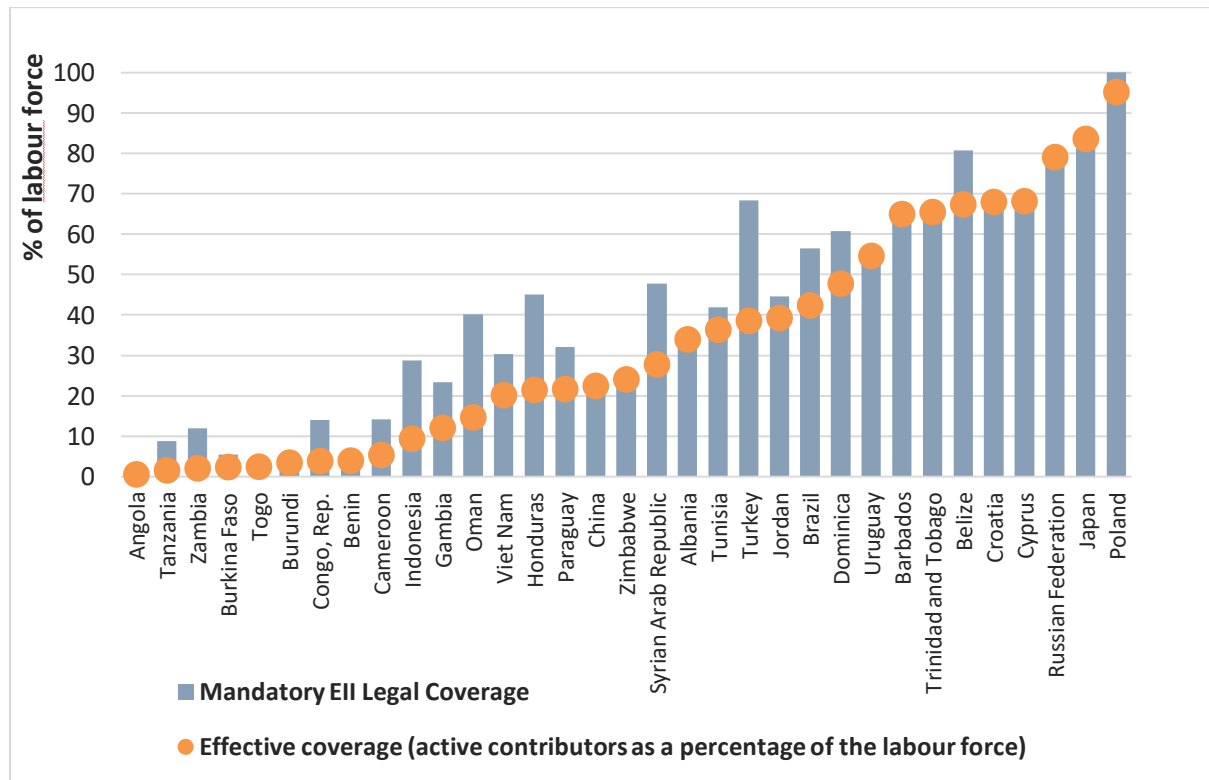
- Moderator: Anne Drouin, Director, Global Programme on Employment Injury Insurance and Protection, ILO
- Emmanuelle St-Pierre, Senior Standards Specialist, ILO
- Mohammed Azman Bin Dato' Aziz Mohammed, Chief Executive Officer, Social Security Organisation PERKESO, Malaysia
- Ben Vanpeperstraete, Coordinator, Clean Clothes Campaign
- Ansgar Lohmann, KiK; and Britta Schrage-Oliva, KiK

**Background:** Today the majority of workers in developing countries are not covered in case of a work injury. Worldwide, only 34% of the labour force is covered by law for employment injury through mandatory social insurance. The tragedy of the Rana Plaza factory collapse in April 2013 has awoken the world's attention to the most precarious working conditions of workers producing goods for use and benefit of consumers in countries where the right to decent working conditions is taken for granted. [Decent Work in global supply chains](#) debate took a new dimension in the aftermath that led to the ad hoc [Rana Plaza Compensation Arrangement](#). The [ILO Global Programme on Employment Injury Insurance and Protection](#) call for the national governments to ensure remedial systems of employment injury insurance benefits are effectively in place to ensure right to safety at work, the right to compensation for the loss of earnings and to receive medical care and support to return to work. In exporting countries where the cost of production is low such as [Bangladesh](#), [Pakistan](#), [Cambodia](#), Myanmar, [Ethiopia](#), there is disparity in terms of rights but also in terms of enforcement capacities. Workers in some countries are protected by law in case of an accident or an illness from work while others do not provide for systemic solutions that guarantee the effective right to remedy. Accidents in countries where rights are non-existent or not legally enforced lead to complex business-workforce situations with difficult a posteriori litigations once a catastrophic industrial accident has taken place. The case of the [Ali Enterprise Baldia fire Top-up Compensation Arrangement](#) in Pakistan, where the ILO facilitated a compensation arrangement for the victims, is an example. Other countries provide examples of [good practices such as in Malaysia](#) where it succeeded in establishing strong rights-based compensation and return to work that provide the most sustainable form of remedy and solid grounds for building up a strong economy where businesses can flourish and be proud of their respect of human rights. International Labour Standards provide the minimum rights to which workers and employers can aspire such as in the case of the [ILO](#)

[Convention 121 on Employment Injury Benefits](#). The recently adopted [Vision Zero Fund](#) supports the strengthening of the right to remedial compensation through sustainable employment injury insurance schemes. This endeavour is clearly linked to the [SDG 1.3](#) and its target indicator calling on all states to protect all employed persons in case of work injury.

Right to employment injury benefits in selected countries:

(ILO, GEIP, 2017)



## Part 2: Improving access to remedy – the role of trade unions

Speakers:

- Moderator: Kirstine Drew, Trade Union Advisory Committee to the OECD (TUAC)
- Edwin Atema, FNV – Stichting VNB, The Netherlands
- Peter Rossman, International Union of Food Workers
- Christy Hoffman, UNI Global Union