

# SDG 8: DECENT WORK AND ECONOMIC GROWTH



# A LEGAL GUIDE

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This Legal Guide to the Sustainable Development Goals (SDGs) was first published by Advocates for International Development (A4ID).

## **Disclaimer**

The information contained within this guide is correct at the date of publication.

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## **About A4ID**

Advocates for International Development (A4ID) was founded in 2006 to see the law and lawyers play their full part in the global eradication of poverty. Today, A4ID is the leading international charity that channels legal expertise globally toward the achievement of the UN Sustainable Development Goals. Through A4ID, the world's top lawyers are able to offer high-quality, free legal support to NGOs, social enterprises, community-based organisations, and developing country governments that are working to advance human dignity, equality, and justice. A4ID also operates as a knowledge and resource hub, exploring how the law can be better used to help achieve the SDGs through a range of courses, publications, and events.



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## Foreword

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### The SDG Legal Initiative

There are now less than ten years left to realise the achievement of the UN Sustainable Development Goals (SDGs). Aware of the challenge, Advocates for International Development (A4ID) has been continuing its innovative work towards meeting these targets by harnessing the power of the law and the work of lawyers. A4ID's SDG Legal Initiative has been developed because it is now more important than ever that the global legal community comes together to use their skills to advance positive global change.

The SDG Legal Initiative is a call to action to the global legal profession to work towards the achievement of the SDG Agenda and we have until 2030 to do so. By sharing knowledge and providing opportunities to take practical action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity, A4ID will continue its work with the legal sector to enhance this impact. The SDG Legal Initiative aims to create communities of practice, and to amplify the role of the legal sector in achieving the SDGs.

### Legal Guide to the SDGs

As part of its SDG Legal Initiative, A4ID has developed the world's first Legal Guide to the SDGs. The Legal Guide has been developed as a unique resource, providing a foundational analysis of the role that law can and should play in the achievement of the SDGs. Developed in collaboration with lawyers, academics, and development practitioners, the Guide is made up of 17 distinct chapters, each focussed on one of the 17 goals. Each chapter provides an overview of the relevant regional, national, and international legal frameworks, highlighting how the law can be applied to promote the implementation of the SDGs. The Guide also offers key insights into the legal challenges and opportunities that lawyers may encounter, presenting clear examples of the actions that lawyers can take to help achieve each goal.

### Role of law in achieving decent work and economic growth

Workplaces have the power to give us a sense of purpose, productivity and worth, but they are also institutions of inherent power imbalance. SDG 8 focuses on the role of workplaces and the wider economy to create greater growth and prosperity, harnessing the potential of people for a sustainable future built by, and for, everyone.

By providing access to economic opportunities, workplace protections and fair pay, countries can promote greater social mobility, combat poverty, and improve the working and living conditions for the most vulnerable in their society. For individuals, access to work means having the ability to put food on the table and a roof over your head. However, this isn't simply a matter of income. Decent work extends to

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adequate workplace security, fair pay, equal treatment and social protections for a healthy and balanced workforce.

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**“Unless governments, employers, and workers act together to harness technology responsibly and expand quality job opportunities for women and youth... decent work deficits will persist and social cohesion will be at risk.” - Gilbert Houngbo (ILO Director-General, 2026)**

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Unfortunately, aspirations for decent work and economic growth have been hit hard after COVID-19 gave rise to the worst recession since the Great Depression. This, coupled with recent trade disruptions at a global scale and the unprecedented uptake of artificial intelligence (AI) has generated uncertainty within the global economy and labour force, posing direct risks to the availability of quality jobs, particularly for women and young people. As a result, the World Economic Forum now deems uncertainty to be a “defining characteristic of the global economy as geo-economic shifts and geopolitical tensions upend long-held economic assumptions.”<sup>1</sup> At the same time the International Labour Organization notes how “broader processes of

structural transformation and digitalization, [...] are reshaping trade, supply chains and production systems” presenting a mixture of both risks and opportunities for the future world of work.<sup>2</sup>

SDG 8’s emphasis on sustainable ‘growth’ is critical in this respect. Focusing on the need for greater investment into new industries, new innovations and local enterprises, it examines the ways in which countries might diversify economic productivity and support smarter ways of working. These priorities hold the potential to pave the way for new forms of business built on the triple bottom line of people, planet and profits. However, straitened times also give rise to the risk of greater forms of exploitation for short-term gain.

In the midst of high economic volatility and widespread digital transformations, the law can provide much needed certainty for governments, regulators, industry, employers and workers, while also acting as a necessary safeguard as we step into tomorrow. The role of lawyers in establishing the ‘new-normal’ for workplaces across the globe, in combating exploitation in all its forms, and in securing economic growth through enhanced Environmental, Social and Corporate Governance (ESG) will be at the heart of these changes. This guide is not just for in-house counsel, employment lawyers or corporate law firms. It is for all lawyers who do what they do for a sense of purpose, productivity and worth.

**Yasmin Batliwala, MBE**

**Chief Executive**



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## The Sustainable Development Goals

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The UN Sustainable Development Goals (SDGs) are a universal call to action to end poverty, protect the planet, and ensure that all people can enjoy peace and prosperity.

Also known as the Agenda 2030, the SDGs were agreed in 2015 by the UN General Assembly (Resolution 70/1). They were adopted by all UN Member States, and 2030 was set as the deadline for achieving them.

Compared to the Millennium Development Goals (MDGs),



which they succeed, the SDGs cover more ground, with wider ambitions to address inequalities, climate change, economic growth, decent jobs, cities, industrialization, oceans, ecosystems, energy, sustainable consumption and production, peace, and justice. The SDGs are also universal, applying to all countries, whereas the MDGs had only been intended for action in developing countries.

The 17 interdependent goals are broken down into 169 targets. At the global level, progress is monitored and reviewed using a set of 232 indicators. The Addis Ababa Action Agenda provides concrete policies and actions to further support the implementation of the 2030 Agenda. Each year, the UN Secretary General also publishes a report documenting progress towards the targets. In addition, the annual meetings of the High-level Political Forum on Sustainable Development (HLPF) continues to play a central role in reviewing global progress towards the SDGs.

At the national level, even though the SDGs are not legally binding, governments are expected to implement country-led sustainable development strategies, including resource mobilisation and financing strategies, and to develop their own national indicators to assist in monitoring progress made on the goals and targets.

SDG 17 stresses the importance of multi-stakeholder partnerships to achieve the goals. The mobilisation of governments, local authorities, civil society, and the private sector is needed to achieve this aim. Today, progress is being made in many places, but, overall, action to meet the SDGs is not yet advancing at the speed or scale required. This decade must therefore deliver rapid and ambitious action to meet the SDGs by 2030.

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## Key terms

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### SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

In the context of SDG 8, the following terms mean:

**‘Inclusive Economic Growth’:** To be inclusive, economic growth “creates opportunities for all groups of the population and distributes the dividends of increased prosperity, both in monetary and non-monetary terms, fairly across society.”<sup>3</sup>

**‘Sustainable Economic Growth’:** To be sustainable, economic growth “balances economic, social and environmental considerations.”<sup>4</sup> In doing so, it looks to growth that is generated without posing significant problems to the world’s resources of today or for future generations.

**‘Decent Work’:** The ‘decent work agenda’ developed by the International Labour Organization (ILO) consists of four pillars: job creation, rights at work, social protection and social dialogue.

This includes providing “opportunities for work that is productive and delivers a fair income; security in the workplace and social protection for all; better prospects for personal development and social integration; freedom for people to express their concerns, organize and participate in the decisions that affect their lives; and equality of opportunity and treatment for all women and men.”<sup>5</sup>

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## Overview of the targets

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The first of the Millennium Development Goals (MDG) aimed to achieve full and productive employment, as well as decent work for all. However, whilst the period between 1990 and 2015 saw a considerable reduction of extreme poverty, employment has not kept up with the growing labour force.

The global employment-to-population ratio (the proportion of the working age population that is employed) fell from 62% in 1991 to only 60% in 2015.<sup>6</sup> This sluggish growth in employment rates, widening inequalities, and economic turbulence therefore necessitated a rethinking of economic and social policies, paving the way for SDG 8.<sup>7</sup>

SDG 8 aims to connect the promotion of inclusive and

sustainable economic growth with full and productive employment and decent work for all. Linked to the other SDGs, including SDG 1, it is built on the premise that long-term economic growth (as is necessary to alleviate poverty) requires better employment opportunities and job prospects for all pockets of society. In turn, SDG 8 harbours the potential to provide more resources for education, health, infrastructure, and all public services.

Since the turn of the century, the relevance of decent work and economic growth has been noted on more than one occasion. In 2010, following the 2008-2009 financial crisis, global unemployment rates stood at 6.1%<sup>8</sup> and it took 8 years for unemployment rates to recover from the economic

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turbulence. It was therefore only in 2018 that pre-crisis levels of 5% were realised.<sup>2</sup> More recently, the COVID-19 pandemic has once again disrupted economic activities, and by 2020 the global unemployment rate had reached 6.5% - a huge step backwards and a sorrier state of affairs than the decade before. The need for SDG 8 has thus never been clearer, especially when cross-cutting impacts are considered.

Indeed the pandemic may have been universal, but it was by no means equal. Regional, gender and age-based disparities were exacerbated by the economic impacts, with young workers and women particularly affected by the crisis facing employment losses of 9.7% and 5% respectively, compared with 3.9% for men and 3.7% for adults.<sup>10</sup> Gender pay gaps and future prospects for young people, particularly women, have

subsequently been threatened with knock on impacts to other SDGs including the performance of SDGs 4, 5 and 10.

While the situation looked to improve at the beginning of 2022, it was only in the more advanced economies that pre-pandemic levels of employment were witnessed, and in 2024, the global unemployment rate fell to a new record low of 5%.<sup>11</sup> Though informal employment rates are much higher, the combination of political and economic crises, trade instability, a global cost-of-living increase and insufficient social security measures pose greater financial risk for many people around the globe. The ILO are therefore calling for 'international solidarity and coordination' in restablisising the international labour market.



TARGET 8-1



### **Sustain per capita economic growth in accordance with national circumstance and, in particular, at least 7% gross domestic product growth per annum in the Least Developed Countries**

Before the COVID-19 pandemic in 2020, global economic growth was increasing, albeit slowly. Real GDP per capita increased by 2% from 2014-2018, and by 1.3% in 2019.<sup>12</sup>

In 2020, following the COVID-19 outbreak, this progress reversed, with GDP per capita sharply declining at a

significant rate of 3.8%. Positively, 2021 saw these declines rebound. However, since then, global economic growth continues to remain slow, rising by only 2% between 2022 and 2024; and is now expected to slow further following rising uncertainty in international trade and policy.<sup>13</sup>

For Least Developed Countries (LDCs) and Landlocked Developing Countries (LLDCs) these trends are magnified, with growth having fallen from 3.5% and 3.9% in 2015, to 1.6% and 1.5% in 2023 respectively. Real GDP growth in LDCs also remains well below the 7% target.<sup>14</sup>

TARGET 8-2



### **Achieve higher levels of economic productivity through diversification, technological upgrading and innovation, including through a focus on high-value added and labour-intensive sectors**

‘Economic productivity’, as defined by the OECD, is the ratio between volume of output and volume of inputs. It therefore measures the efficiency and use of production inputs (e.g. labour and capital) in producing a given level of output.<sup>15</sup> In the case of SDG 8.2, labour productivity is specifically measured, looking at the annual growth rate of real GDP per employed person.

From 2015 to 2019, labour productivity increased globally by an average of 1.8%, but faced a slowdown caused by COVID-19 with global output per worker dropping by 0.5% in 2020.<sup>16</sup> Promisingly, productivity levels have since improved, standing at 1.5% as of 2024, however are yet to realise pre-pandemic levels.

Notably, recovery efforts are inconsistent across the board.

For example, while productivity levels have reached above 3% across most of Asia; Western Asia, Sub-Saharan Africa, Oceania (excluding Australia and New Zealand), and Northern Africa, have witnessed near-zero productivity.<sup>17</sup>

Even on an intranational basis, labour market concentration has stunted productivity and growth for small and medium-sized enterprises, undermining aspirations for wage equality and better working conditions. The ILO warns that as a result of these concentrations, rapid uptake of new technologies and automation risk leaving workers behind and could therefore fail to translate into higher wages.<sup>18</sup>

To truly maximise on technological advancements and innovations therefore, there is a need to prioritise *diversification*. This includes looking to structural transformations that can: address spatial inequalities so that the benefits of technology and innovation are accessible to a wider pool of enterprises and workers;<sup>19</sup> encourage diverse participation in the labour market by ensuring workers (particularly young people) possess the required skills to work alongside new technologies;<sup>20</sup> and, look to how technological adoptions might help stimulate formal job creation for decent work.

TARGET 8-3



**Promote development-orientated policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalisation and growth of micro-small and medium-sized enterprises, including through access to financial services**

Progress towards this target is tracked by the “proportion of informal employment in total employment, by sector and sex”. Pre-COVID-19 estimates suggested that in 2018, approximately 2 billion women and men, or 60% of the world’s employed population, operated within informal employment.<sup>21</sup> These estimates remain largely true of today, despite the negative impacts of COVID-19 on job security within the informal economy. As such, over 2 billion workers were projected to be in informal employment,<sup>22</sup> amounting to approximately 58% of the world’s employed, as of 2024.<sup>23</sup>

Due to limited oversight and regulation, informal employment runs a greater risk of creating substandard working conditions, including lower job security, fewer rights at work and limited workplace protections. At the same time, workers are often unable to access the full suite of social security protections available to formal workers. Unsurprisingly informal

employment is highest in settings of greater economic insecurity, reaching as high as 90% in sub-Saharan Africa and LDCs, and disproportionately impacting women.<sup>24</sup>

In securing decent work for all persons, States are encouraged to implement policies stimulating the formalisation of jobs and the creation of enterprises, including through facilitating access to workplace protections and financial services. The Global Entrepreneurship Monitor (GEM) further emphasises the role of AI diffusion across industries, highlighting a need to support entrepreneurs in harnessing new technologies to ensure business survival and growth towards long-term job-creation. This requires greater public investment in AI literacy and skills training, digital infrastructure, cybersecurity and clearer regulatory and ethical frameworks around AI use.<sup>25</sup>

For lawyers and legal professionals, SDG 8.3 provides ample opportunity to support decent work creation. This may include offering legal expertise as part of formalisation processes; innovating alternative legal frameworks to support the informal sector in the absence of formal mechanisms; supporting the transition to AI and emerging technologies through public policy formation and regulation; facilitating collective action for greater rights and protections within informal industries; and/or public legal education initiatives to raise awareness of labour laws among employers and workers.

TARGET 8-4



**Improve progressively, through 2030, global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10-year framework of programmes on sustainable consumption and production, with developed countries taking the lead**

The UN Environment Programme launched the 10-year framework of programmes on sustainable consumption and production (10YFP) at the Rio+20 Conference in 2012. The 10YFP, rebranded in February 2018 in the ‘One Planet Network’, is an international commitment to accelerate the transformation towards sustainable production and consumption in all countries including developed and developing ones.<sup>26</sup>

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SDG 8.4 is assessed by measuring material footprints and domestic material consumption in light of widescale resource extraction that has triggered scarcities, contributed to climate change and caused widespread environmental degradation. According to the latest data, the global material

footprint increased by 21.3% between 2015 and 2022, while global domestic material consumption increased by 23.3% in the same period. This has been attributed to increasing consumption patterns worldwide.<sup>27</sup>

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**By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value**

Despite the COVID-19 pandemic and current polycrisis, the global unemployment rate fell to a record low of 5% in 2024. This marked a 1% decrease since the start of the SDG Agenda in 2015,<sup>28</sup> with figures projected to remain at a similar level from now into 2027.<sup>29</sup>

However, employment trends differ from region to region. Current trends predict that the lower a country's income, the more employment is expected to strengthen. For example, while employment levels are forecast to decline for high income countries in 2026, low-income countries are forecast to see a growth of 3.1%.<sup>30</sup> These trends highlight the economic potential for lower income countries, provided that adequate skills and training are offered to burgeoning youth populations, alongside decent work opportunities. This includes addressing higher levels of informal employment that are typically present in these countries.

In particular, recent trends among young people and women highlight the need for a renewed focus on access and entry into the job market for securing progress against SDG 8.5.

Taking the former into account, global youth unemployment remains triple the rate of adults, standing at 12.9% in 2024.<sup>31</sup> In particular, the ILO warns that rapid adoption of AI technologies

may impact the level and type of skills and training that employers are seeking among new entrants to the job market. For example, it is found that in low- and middle- income countries, young people with more advanced degrees are less likely to find work due to mismatches in education and salary expectations. While this is not generally the case in high-income countries, there is now a risk that these trends will be replicated as a result of greater AI adoption and automation.<sup>32</sup> Supporting young people to secure their first job, particularly in high-skilled occupations, is therefore a priority.

Similarly, from a gender perspective, women remain 24.2% less likely to be in work than their male counterparts. Here the ILO specifically identifies that "the main barrier for women is not in finding work once in the labour market, but in entering it in the first place."<sup>33</sup> Once again, more efforts are therefore needed to safeguard entry-level positions and encourage diverse participation into the labour market.

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**"The main lesson of the last 25 years is that when developing economies have the right policies, they control their own destiny... In the next decade, a job-creation challenge of historic proportions will confront many of them."  
- Indermit Gill (World Bank Group, 2026)**

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TARGET 8-6



**By 2030, substantially reduce the proportion of youth not in employment, education or training**

The ILO estimates that 20% of the global youth population are not in education, employment or training.<sup>34</sup> Global youth unemployment far outweighs adult unemployment at 12.9% as of 2024. While this marks some improvement from recent years, it remains three times the adult rate.<sup>35</sup>

The impacts of these macroeconomic conditions not only threaten the long-term prospects for the global youth, but result

TARGET 8-7



**Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025, end child labour**

**in all its forms**

The number of detected victims of human trafficking worldwide is growing; though it is unclear whether this is a sign of increased trafficking detection by authorities, or whether this reflects a growing trafficking problem in itself.

According to 2022 figures, 42% of detected victims of human trafficking were trafficked for the purposes of forced labour, surpassing sexual exploitation for the first time.<sup>37</sup> This is likely due to the impacts of COVID-19 (which led to economic instability, a general deterioration in working conditions and increased indebtedness), and is aggravated by more recent trends (such as the global economic crisis, rising geopolitical tensions and more sophisticated criminal operations).

Estimates show that over a third of identified trafficking victims

in vulnerabilities such as 'scarring' – trapping young workers, even where overqualified, in lower paid positions and often in informal sectors. These vulnerabilities have been anticipated worldwide in both low- and high-income countries,<sup>36</sup> and are magnified in the wake of the global economic crisis.

At the same time, rapid AI adoption and digitisation risks creating new barriers of entry to the job market and could redefine the level and type of skills and training that are desirable to employers (see more under SDG 8.5 above). As a result, there is an ongoing need to strengthen and upgrade access to education and training for young people, particularly while navigating digital transformations.

globally are children. While reasons for trafficking vary greatly, it is generally noted that girl victims are trafficked primarily for sexual exploitation (60%) and boys for forced labour (45%), forced criminality or forced begging (47%).<sup>38</sup>

SDG 8.7 is particularly concerned with instances of child labour, currently estimated to affect 138 million children worldwide (as of 2024).<sup>39</sup> While it is clear that the 2025 ambition to eradicate child labour in all its forms has not been met, this figure does mark a promising reduction in child labour cases which sat at 160 million in 2020 and was initially projected to worsen following the pandemic.<sup>40</sup> It is important to remember however, that as forced labour, modern slavery and human trafficking are illicit activities, these estimates are widely affected by challenges and developments in detection practices.

A final threat to child welfare, exacerbated by an increase in global conflict, is that of child soldiers. Between 2005 and 2022, more than 105,000 children were verified as recruited and used by parties to conflict, although the actual number of cases is believed to be much higher.<sup>41</sup>

TARGET 8-8



**Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment**

Labour rights refer to the core labour standards collectively known as the Fundamental Principles and Rights at Work. These include: “freedom of association and the effective right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.” The standards, applicable to all workers, are contained in eight Fundamental ILO Conventions that member states are called upon to ratify, if they have not yet done so, and implement in good faith.<sup>42</sup>

As of June 2022, ‘safety and health’ was added to the ILO’s Fundamental Principles and Rights at Work, delineating a fifth category for which ILO member states now commit to respect and promote.<sup>43</sup>

Unfortunately, however, recent years have shown a global deterioration in the rights of both employers’ and workers’, with the exception of Oceania and Sub-Saharan Africa. This is largely attributed to violations of fundamental civil liberties, compromising freedom of association and collective bargaining. The UN warns that this reduction in free and independent workers’ and employers’ organisations undermines checks and balances necessary for strong institutions,<sup>44</sup> and is therefore closely linked with the aspirations of SDG 16.

TARGET 8-9



**By 2030, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products**

In 2019, destinations worldwide registered approximately 1.5 billion foreign tourists.<sup>45</sup>

While global tourism suffered its worst year on record during the COVID-19 pandemic, tourism’s share of global GDP rebounded to 3.4% in 2023 (over 90% of pre-pandemic levels).<sup>46</sup> The tourism sector is therefore still a strong source of revenue and employment, particularly for Small Island Developing States (SIDS) where (excluding Singapore) tourism makes on average 13% of national economies and accounts

for 12.9% of employed persons (more than twice the global average).<sup>47</sup>

While the current indicators for target 8.9 focus on the economy and employment levels, there is still a risk that they fail to account for wider sustainable aspects of tourism. The United Nations World Tourism Organisation (UNWTO) therefore launched the ‘Measuring the suitability of tourism’ initiative (MST) in 2015 to create an international statistics-based framework for measuring tourism’s wider role in sustainable development. In doing so, the MST integrates statistics on economic, environmental, and social dimensions of tourism,<sup>48</sup> and has conducted pilot studies measuring sustainable tourism across various countries.<sup>49</sup>

TARGET 8-10



**Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all**

The first indicator for measuring progress against SDG 8.10 focuses on the number of commercial bank branches and ATMs per 100,000 adults. Although these figures have generally declined in recent years,<sup>50</sup> it is important to recognise the speed and scale at which digital financial services have

grown as the new status quo. Accordingly, while physical infrastructure may have shrunk, the World Bank finds that there has been a 28% increase, since 2011, in the global number of adults that now have a bank account. As of 2025, this amounted to approximately 79% of adults; falling to 75% for low and middle-income countries.<sup>51</sup>

For the 1.3 billion adults without accounts,<sup>52</sup> difficulties

of access in securing financial services include a lack of consistent income, insufficient documentation and the physical distance to financial institutions. At the same time, the above trends highlight the interdependencies between SDG 8.10 on financial services and SDG 9.c on access to the internet and digital technologies, underscoring the need for greater digital inclusion as physical modes of accessing finance are replaced.

TARGET 8·A



### **Increase Aid for Trade support for developing countries, in particular least developed countries, including through the Enhanced Integrated Framework for Trade-Related Technical Assistance to Least Developed Countries**

Aid for Trade is an initiative designed by the World Trade Organization to support developing economies build their trade capacity and infrastructure. By enabling greater participation in global markets, the initiative supports the economic growth of developing countries, while also diversifying trade in response to new demands for sustainable, low-carbon and ethical goods and services.

Recent figures show that a total of \$50 billion (USD) was provided to developing countries as Aid for Trade in 2023. Of this, 56% was used to develop trade-related infrastructure, 42% to strengthen productive capacities, and 2% to support reforms in trade policy and regulation.<sup>53</sup>

However, the UN emphasises that the latter – trade policies and regulation – are “particularly relevant to adapt to increasingly complex regulatory environments, strengthen supply chain transparency and sustainability, and enhance capacity to engage in digital trade.”<sup>54</sup> With this in mind, despite SDG 8.a’s focus on foreign aid, there is still a clear opportunity for the international legal community to support its progress by way of contributing expertise.

TARGET 8·B



### **By 2020, develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact of the International Labour Organization**

The Global Jobs Pact was adopted in response to the 2008 global financial crisis and amended in 2022 following the COVID-19 recession. The Pact advocates for economic growth and recovery focused on: decent work and job creation; well-regulated free markets; a low-carbon and environmentally friendly economy; and inclusive development pathways supported internationally. The Pact provides practical steps for governments, workers,

and employers to prioritise employment and social protection as part of these recovery efforts.<sup>55</sup>

In particular, SDG 8.b places an emphasis on youth employment, against which high rates of unemployment among young people globally, coupled with the economic potential of youth demographics (especially in Least Developed Countries) come to the fore. Here, it is promising to see that out of 103 reporting countries in 2023, 50 had already implemented a national strategy for youth employment, while the remaining 53 had strategies or plans in place as they work towards the same.<sup>56</sup>

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## Key actions lawyers can take

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The final section of this chapter provides more details on how the international legal community can engage in efforts to achieve SDG 8. However, the following short summary

describes some of the key actions lawyers can take to contribute to the sustainable development agenda and realise the right to decent work and economic growth for all.

### Learn and educate

Lawyers can build their knowledge by exploring resources including research published by international development agencies. Legal professionals can study policies and programmatic efforts to promote sustainable growth and decent work, at local, national, regional and international

levels. The ILO and Business & Human Rights Resource Centre provide valuable sources of information for companies in a wide range of sectors, and for those who advise them on legal issues.

### Integrate

When advising business clients, commercial lawyers can draw attention to the growing legal requirements related to human rights due diligence and disclosure in their operations and supply chains. Lawyers can take

into consideration relevant applicable laws, such as the UK Modern Slavery Act or the French Due Diligence Law, as well as any other non-binding guidelines like the UN Guiding Principles on Business and Human Rights.

### Act

By aligning their work with the SDGs, lawyers can be confident that they are taking practical steps towards a comprehensive and inclusive roadmap for sustainable development. Developing a pro bono strategy with clearly identified goals enables firms to assess the effectiveness of pro bono work over time and therefore increase its impact.

Pro bono work can contribute to the achievement of SDG 8 through multiple avenues like drafting various legislations that protect workers' rights across industries. Legal professionals can also provide assistance in developing legal frameworks for implementing country level policies that can protect the right to decent work.

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# Elements of the international legal framework

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## Universal Declaration of Human Rights

**Adopted by the UN General Assembly:** 10 December 1948

The Universal Declaration on Human Rights (UDHR) is a landmark in the articulation and advancement of fundamental human rights and freedoms. In 30 articles, the UDHR sets forth a series of civil, political, economic, social and cultural rights. Although it was not intended to create legally binding obligations, the UDHR presents a common standard of achievement that is widely regarded as customary international law. Moreover, many of its provisions were later adopted in binding international human rights instruments.

In relation to SDG 8, Article 23 of the UDHR provides that everyone has the right to work, to equal pay for equal work, and to just and favourable remuneration ensuring an existence worthy of human dignity, as well as the right to form and join trade unions. Article 24 provides that everyone has the right to reasonable limitation of working hours and periodic holidays. Article 22 provides for the right of everyone to social security and to the realisation of economic rights indispensable for his/her dignity. Article 4 prohibits slavery and servitude.

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## International Covenant on Economic, Social and Cultural Rights

**Adopted by the UN General Assembly:** 16 December 1966

**Entered into force:** 3 January 1976

**Status of ratification (as of May 2026):** 173 Parties

The International Covenant on Economic, Social and Cultural Rights (ICESCR), drawing on the UDHR, affirms a series of human rights and encourages social progress. Legally binding on a large number of States, it indicates a wide consensus on economic, social and cultural human rights. However, a number of States have signed but not ratified the ICESCR, notably the United States.

As applicable to SDG 8, under Articles 6, 7 and 8 of the ICESCR, State parties are obliged to recognise the right to work and to just and favourable conditions of work, the right to remuneration which provides fair and equal wages and

a decent living for workers and their families, the right to safe and healthy working conditions and to rest, leisure and reasonable working hours, and the right to form and join trade unions.

State parties under the ICESCR submit reports to the UN Committee on Economic, Social and Cultural Rights, a body made up of 18 independent experts. The reports outline the laws and policies which governments have adopted to implement ICESCR rights. They also provide supporting evidence about the effect of these laws on people's enjoyment of them. An Optional Protocol to the ICESCR, adopted in 2008, established a complaint mechanism that allows the Committee to receive complaints from persons alleging violations of their rights under the ICESCR against State parties that are also party to the Optional Protocol.<sup>52</sup>

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## International Labour Organization Conventions

The ILO has a unique *'tripartite'* structure that brings on board government representatives, employers, and workers on an equal level to address issues related to work and social security.

The International Labour Conference reunites its constituents

once a year. It adopts Conventions, which are legally binding international treaties that need to be ratified by Member States, and Recommendations, which are non-binding guidelines.

The ILO has identified the following ten Conventions as fundamental.

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### 1. Convention No.87: Freedom of Association and Protection of the Right to Organise

**Adopted:** 9 July 1948

**Entered into force:** 4 July 1950

**Status of Ratification (as of May 2026):** 158 Parties

This Convention sets the right for workers and employers to establish and join organisations of their own choice without previous authorisation.

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### 2. Convention No.98: Right to Organise and Collective Bargaining Convention

**Adopted:** 1 July 1949

**Entered into force:** 18 July 1951

**Status of Ratification (as of May 2026):** 168 Parties

This Convention protects workers against acts of anti-union discrimination, for instance, dismissal due to union membership or participation in union activities. Convention No.98 also requires States to encourage and promote voluntary negotiation between employers' and workers' organisations to reach collective agreements regulating terms and conditions of employment.

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### 3. Convention No.29: Forced Labour

**Adopted:** 28 June 1930

**Entered into force:** 1 May 1932

**Status of ratification (as of May 2026):** 181 Parties

This Convention prohibits forced labour which is defined as work that an individual has not volunteered to undertake. There are a number of exceptions, including compulsory military service or any work or service exacted from any person as a consequence of a conviction in a court of law.

The Convention states that any forced labour is a punishable offence and Member States have the duty to ensure punishment is given and enforced. In 2014, a new legally binding protocol was introduced which was aimed at preventing, protecting and ensuring compensation for, as well as increasing efforts to end, modern slavery.

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### 4. Convention No.105: Abolition of Forced Labour

**Adopted:** 25 June 1957

**Entered into force:** 17 January 1959

**Status of ratification (as of May 2026):** 178 Parties

This Convention complements Convention No. 29 and explicitly prohibits forced labour, including compulsory prison labour, in specific cases: "as a means of political coercion; for

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purposes of economic development; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination.”

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### **5. Convention No.138: Minimum Age Convention**

**Adopted:** 26 June 1973

**Entered into force:** 19 June 1976

**Status of ratification (as of May 2026):** 177 Parties

This Convention sets the minimum age for work at 15 years and for hazardous work at 18 years. However, the text allows for a certain flexibility to lower this minimum age in case of light work and in Member States “where the economy and educational facilities are insufficiently developed” (Article 2(4)).

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### **6. Convention No.182: Worst Forms of Child Labour**

**Adopted:** 17 June 1999

**Entered into force:** 19 November 2000

**Status of ratification (as of May 2026):** 187 Parties

This Convention defines each person under 18 years as a ‘child’ and aims at eliminating the worst forms of child labour, including slavery, recruitment of child soldiers and child prostitution. The Convention requires States to remove children from the worst forms of child labour and provide for their rehabilitation and social integration.

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### **7. Convention No. 100: Equal Remuneration**

**Adopted:** 29 June 1951

**Entered into force:** 23 May 1953

**Status of ratification (as of May 2026):** 175 Parties

This Convention enshrines the principle of equal remuneration for men and women for work of equal value. The term ‘remuneration’ is broadly defined to include wages and any additional benefits.

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### **8. Convention No.111: Discrimination (Employment and Occupation)**

**Adopted:** 25 June 1958

**Entered into force:** 15 June 1960

**Status of ratification (as of May 2026):** 175 Parties

This Convention defines discrimination as “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation” (Article 1). Each Member State may, after consultation with employers’ and workers’ organisations, extend the list of prohibited grounds, as some States have, to include, for instance, sexual orientation.

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### **9. Convention No.155: Occupational Safety and Health**

**Adopted:** 22 June 1981

**Entered into force:** 11 August 1983

**Status of ratification (as of May 2026):** 92 Parties

This Convention establishes the principles and rights for effective national policies on occupational safety and health to prevent accidents and injury to health arising out of, linked with or occurring in the course of work. This includes mechanisms for periodic review.

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## 10. Convention No.187: Promotional Framework for Occupational Safety and Health

**Adopted:** 15 June 2006

**Entered into force:** 20 February 2009

**Status of ratification (as of May 2026):** 74 Parties

This Convention complements Convention No. 155 by creating an actionable framework for the continuous improvement of occupational safety and health to prevent related injuries, diseases and deaths.

This includes the creation of national systems and programmes to support relevant policies and promote occupational safety and health standards at a public level.

Along with these fundamental norms, other ILO Conventions cover a wide range of subjects relevant to SDG 8: employment promotion, vocational guidance and training, employment security, wages, working time, social security, maternity protection, domestic workers, migrant workers, and indigenous and tribal peoples.

Under Article 26 of the ILO Constitution, a complaint may be filed against a Member State for not complying with a ratified convention by another Member State which has ratified the same convention, a delegate to the International Labour Conference or the Governing Body of the ILO. Upon receipt of a complaint, the Governing Body of the ILO may form a Commission of Inquiry responsible for investigating the complaint and issuing a report that recommends measures to be taken to address the failures raised by the complaint.



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## International Convention on the Elimination of All Forms of Racial Discrimination

**Adopted by the UN General Assembly:** 21 December 1965

**Entered into force:** 4 January 1969

**Status of ratification (as of May 2026):** 182 Parties

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) seeks to ensure that human beings enjoy civil, political, economic and social rights without any distinction of race, colour, or national/ethnic origin. The ICERD requires signatory States not only to prohibit but also to eliminate racial discrimination in all its forms in order to guarantee individual rights.

As applicable to SDG 8, under Article 5 of the Convention, States undertake to guarantee the rights of everyone, without discrimination, to work, to just and favourable conditions of work, to equal pay for equal work, and to form and join trade unions.

The Committee on the Elimination of Racial Discrimination takes steps to monitor the work of States towards fulfilling their obligations under the Convention. Periodic reports are submitted to the Committee by State Parties. There are processes for State-to-State complaints, as well as for individual complaints in the event ICERD rights may have been violated by a state party.

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## International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

**Adopted by the UN General Assembly:** 18 December 1990

**Entered into force:** 1 July 2003

**Status of ratification (as of May 2026):** 60 Parties

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) is a UN treaty which governs the protection of migrant workers and families. CMW aims to prevent and eliminate the exploitation of migrant workers through binding international standards which address issues of treatment, welfare, and human rights of documented and undocumented migrants.

Article 11 prohibits slavery, servitude, forced and compulsory labour. Article 25 enshrines the principle of equal treatment between migrant and national workers with respect to employment and remuneration. Articles 54 and 55 of the ICMW provide for equality of treatment with nationals for

migrant workers with respect to protection against dismissal, unemployment benefits, access to public schemes intended to combat unemployment and access to alternative employment of remunerated activity as well as the right to address to the competent authorities claims of violation of the terms of work by the employer.

Compliance with the Convention is monitored by the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. States must submit reports on the steps they have taken to implement the Convention. The individual complaints mechanism provided for under Article 77 of the Convention is yet to enter into force, as at least 10 States must accept the Committee's competence on this provision. This will then allow the Committee to consider complaints from individuals or groups alleging violations of their rights under the Convention for Migrant Workers.<sup>58</sup>

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## Convention on the Elimination of All Forms of Discrimination against Women

**Adopted by the UN General Assembly:** 18 December 1979

**Entered into force:** 3 September 1981

**Status of ratification (as of May 2026):** 189 Parties

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) defines what constitutes discrimination against women and sets forth an agenda to end it.

Under Article 11, State Parties agree to take all appropriate measures to eliminate discrimination against women in the field of employment (right to work, employment opportunities, free choice of profession, promotion, job security, equal remuneration, paid leave, retirement and

unemployment benefits, maternity leave and prohibition of dismissal on the grounds of pregnancy). Article 13 requires equal access to financial services (bank loans, mortgages and other forms of financial credit). Article 14 is devoted to the specific situation of women living in rural areas and enshrines their right to have access to agricultural credit and loans, and appropriate technology. Article 6 calls upon State Parties to take all appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women.

State Parties are required to submit reports to the Committee on the Elimination of Discrimination Against Women, which oversees implementation. An Optional Protocol to CEDAW, adopted in 1999, establishes a complaint mechanism open to individuals alleging violation of their rights.<sup>59</sup>

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## Convention on the Rights of the Child

**Adopted:** 20 November 1989

**Entered into force:** 2 September 1990

**Status of ratification (as of May 2026):** 196 Parties

The United Nations Convention on the Rights of the Child (CRC) is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children.

The Convention defines a child as “any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation.” Compliance is monitored by the UN Committee on the Rights of the Child. The CRC is the most widely ratified international human rights treaty; however, notably the United States is the only country that has signed, but not ratified, this Convention.

As applicable to SDG 8, Article 32 of the CRC recognises the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or development. Under this provision, States are required to undertake legislative, administrative, social and education measures to that effect. In particular they need to provide for a minimum age for employment and regulation of the hours and conditions of employment.

Article 38 is devoted to the specific issue of child soldiers: State Parties must ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities. This means that States are prohibited to recruit any person under 15 years of age into their armed forces.

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## Convention on the Rights of Persons with Disabilities

**Adopted:** 13 December 2006

**Entered into force:** 3 May 2008

**Status of ratification (as of May 2026):** 193 Parties

The Convention on the Rights of Persons with Disabilities (CRPD) is a UN treaty intended to promote and protect the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities.

As applicable to SDG 8, Article 27 of the CRPD recognises the right of persons with disabilities to work on an equal basis with others, including with respect to conditions of recruitment, hiring and employment, conditions of work, and labour and trade union rights. States also commit to ensure that persons with disabilities are not held in slavery or in servitude and are protected, on an equal basis with others, from forced or compulsory labour.

Compliance with the CRPD is monitored by the Committee on the Rights of Person with Disabilities. State Parties must submit reports to the Committee on how the Convention is being implemented initially one year after accession, and subsequently whenever the Committee requests.

An Optional Protocol to the Convention further establishes a complaint mechanism under which the Committee on the Rights of Persons with Disabilities receives complaints from persons alleging violations of their rights under the ICRPD against governments that have become parties to the Optional Protocol.



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## Soft law and declarations

### UN Declaration on the Rights of Indigenous Peoples (2007)

Adopted following two decades of negotiations, this Declaration provides a universal framework guaranteeing a minimum standard of well-being for indigenous people around the world.

In relation to decent work, the Declaration, under Article 17, recognises that indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law. Consequently, indigenous peoples should not be subjected to any discriminatory conditions of labour, employment or salary. Specifically, it is required for States to take particular measures to protect indigenous children from being exploited economically and from doing any work that could be harmful or could interfere with the education of the child or be hazardous to his/her development.

The OECD has found that in many countries, including Australia, Canada, Mexico, the United States and New Zealand, indigenous unemployment rates were significantly higher than that of non-indigenous communities. For instance, in its 2019 study, a report from the OECD found that the collective unemployment rate for indigenous persons across all aforementioned countries was on average 16% and 10 percentage points higher than the average unemployment rate for non-indigenous persons.<sup>60</sup>

In relation to SDG 8 target 8.9 on sustainable tourism, Article 11 recalls the right of indigenous peoples to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts or ceremonies. Article 12, concerning spiritual and

religious traditions, recognises indigenous peoples' right to maintain, protect and have access in privacy to their religious and cultural sites.



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## UN Global Compact Principles (2000)

The UN Global Compact is a voluntary initiative to align companies' strategies and operations with universal principles on human rights, labour, environment and anti-corruption. It is the world's largest corporate sustainability initiative to date, with more than 23,000 member companies.<sup>61</sup>

The UN Global Compact has developed ten principles, derived from international human rights law and directly connected to SDG 8, which member companies commit to apply. In accordance with these principles, businesses should:

- i. Support and respect the protection of internationally proclaimed human rights);
- ii. Make sure that they are not complicit in human rights abuses;
- iii. Uphold the freedom of association and the effective recognition of the right to collective bargaining;
- iv. Eliminate all forms of forced and compulsory labour;
- v. Effectively abolish child labour;

- vi. Eliminate discrimination in respect of employment and occupation;
- vii. Support a precautionary approach to environmental challenges;
- viii. Undertake initiatives to promote greater environmental responsibility;
- ix. Encourage the development and diffusion of environmentally friendly technologies; and
- x. Work against corruption in all its forms, including extortion and bribery.

The UN Global Compact is designed to stimulate change and to promote corporate sustainability but the ten principles are not legally binding. Participant companies are expected to publish an annual Communication on Progress on the UN Global Compact website. Those that do not publish a report within a grace period following their deadline are listed as "Non-Communicating" and moved to de-listed status if they do not submit a report during the subsequent six months.



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## UN Guiding Principles on Business and Human Rights (2011)

The UN Guiding Principles on Business and Human Rights are a set of non-binding guidelines for States and companies to prevent, address and remedy human rights abuses committed when operating businesses. These were proposed by UN Special Representative on Business and Human Rights, John Ruggie, and endorsed by the UN Human Rights Council in June 2011.<sup>62</sup>

The first pillar of the UNGPs reaffirms States' existing obligations under international human rights law to protect against human rights abuses through regulation, policymaking, investigation, and enforcement. The second pillar affirms the corporate responsibility to respect human rights, meaning that businesses should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved. The

third pillar addresses both the duty of States to ensure that those affected by human rights abuses related to business can access effective remedy, and the corporate responsibility to remediate any infringement of rights to which they contribute.

Since the adoption of the UNGPs, hundreds of transnational corporations have made public commitments on respecting human rights consistent with the Guiding Principles. Companies have a range of motivations, from proactively committing to operate to the highest standards of social performance and pursue related market opportunities, to concerns about the growing reputational and legal risks from not addressing human rights issues in their operations and supply chains.

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## ILO Centenary Declaration for the Future of Work (2019)

To celebrate its centenary in 2019, the ILO launched the Future of Work Initiative to reflect on profound changes affecting the world of work, supported by a Global Commission of policymakers, thinkers, advocates, researchers and social partners.

In 2017, the Global Commission published an Inception Report<sup>63</sup> identifying four workplace megatrends, namely:

- 1). Globalisation: understood as the internationalisation of production, finance, trade and migration;
- 2). Technological innovations underpinning the Fourth Industrial Revolution: including big data, 3D printing, artificial intelligence and robotics;

- 3). Demographic shifts: notably the surging youth population in emerging and developing countries entering the labour market; and

- 4). Climate change: as environmental degradation threatens to destroy jobs and livelihoods.

These findings culminated in the landmark '*Work For A Brighter Future*' report published in 2019, in which the Global Commission called for a human-centred agenda for the future of work that strengthens the social contract by placing people and the work they do at the centre of economic and social policy, and business practice.<sup>64</sup>

These recommendations later formed the basis of the ILO

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Centenary Declaration (2019) calling on all Member States to:

- Ensure all people benefit from the changing world of work;
- Ensure continued relevance of the employment relationship;
- Ensure adequate protection for all workers; and

- Promote sustained, inclusive, and sustainable economic growth, full employment and decent work.<sup>65</sup>

While the Future of Work initiative and resulting Declaration are contextualised against a pre-COVID landscape, these same megatrends continue to shape the future of work today.

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## The Doha Political Declaration (2025)

The Doha Political Declaration of the Second World Summit for Social Development was adopted in 2025, and aims to accelerate efforts on poverty eradication, social inclusion, and decent work. As part of these aspirations, the Declaration endorses a shared conviction “that social development and social justice are indispensable for the achievement and maintenance of peace and security”<sup>66</sup> – drawing direct parallels between SDG 8 and SDG 16.

To this end, the Declaration makes specific calls to action that are directly relevant to SDG 8 targets and ambitions. This includes commitments to:

- Adopt “macroeconomic policies that promote job creation and decent work and living wages, including policies for the transition from the informal economy to the formal economy”;
- Invest “in inclusive, equitable, quality education at all levels” including digital literacy programmes;

- Recognise “the important role of both the public and the private sector in generating decent employment opportunities for all”;

- Support “entrepreneurship by creating an enabling environment, in particular for women, persons with disabilities, older persons and youth”;

- Invest “in universal, inclusive and sustainable social protection systems, as a critical enabler of sustainable and inclusive growth”;

- Consider “the multiplier effects of care and support systems in terms of increasing labour participation”;

- Strengthen “capacity-building for upskilling and reskilling existing workforce, including to equip them to handle the impact of artificial intelligence in various industry sectors.”<sup>67</sup>

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## Right to Strike under ILO Convention No. 87 (Request for Advisory Opinion) (2026)

In this landmark advisory opinion, the ICJ held that the right to strike is an “implicit corollary” to the Freedom of Association and Protection of the Right to Organise (ILO Convention No.

87). This opinion followed earlier requests made by the ILO in 2023 seeking clarification amidst shrinking civic space and rising legal restrictions on the right to strike.

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## Regional legal and policy frameworks

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### African Union

#### African Charter on Human and Peoples' Rights (1981)

The Organisation of African Unity, now the African Union, adopted the African Charter in 1981, which entered into force in 1986. The African Charter covers civil, political, economic, social and cultural rights and its implementation is overseen by the African Commission on Human and Peoples' Rights.

As applicable to SDG 8, Article 5 prohibits all forms of exploitation and degradation, including slavery and slave trade. Articles 10 and 11 recognises every individual's rights of free association and assembly, which underly the freedom to form or join a labour union. Article 15 encompasses the right to work under equitable and satisfactory conditions and to receive equal pay for equal work.

A particular feature of the African Charter is to recognise rights, not only to individuals, but to peoples. Articles 21 and 22 thereby enshrine the rights of peoples to freely dispose of their wealth and natural resources along with their rights to economic, social and cultural development.

Finally, Articles 18 and 27 contain specific provisions protecting women and children, including in the world of work. The Protocol on the Rights of Women in Africa elaborates on the States Parties' obligations to guarantee women equal opportunities in work and career advancement (Article 13) and access to land and financial services (Article 19). Under Article 15 of the African Charter on the Rights and Welfare of the Child, State Parties undertake to protect children from economic exploitation and to ensure the

implementation of ILO standards in both the formal and informal sectors.



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## Association of South East Asian Nations (ASEAN)

### The ASEAN Human Rights Declaration (2012)

The ASEAN Human Rights Declaration was adopted to reaffirm the adherence of ASEAN member States to respect human rights and fundamental freedoms, as well as democracy, the rule of law and good governance. However, the Declaration has been criticised by ASEAN civil society organisations and prominent international NGOs for falling short of international human rights standards.<sup>68</sup>

As applicable to SDG 8, Article 13 prohibits servitude and slavery. Article 17 recognises the right to work in just, decent and favourable conditions, to form or join trade unions and calls upon States to protect children from social and economic exploitation.

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## Council of Europe

### European Convention on Human Rights (1953)

The European Convention on Human Rights obligates all Parties to protect the basic civil and political rights of not only citizens of the State but also all persons within the jurisdictions of that State.

Specifically, Article 4 of the Convention prohibits slavery and forced labour, and Article 11 allows for freedom of assembly and association, including the right to form and join trade unions.<sup>69</sup>

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### European Social Charter (1996)

The European Social Charter is a Council of Europe treaty that guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights, which refers to civil and political rights.

The Charter guarantees a broad range of everyday human rights related to employment, housing, health, education, social protection and welfare, and requires that enjoyment of these rights be guaranteed without discrimination. In addition, specific emphasis is placed on the protection of

vulnerable persons such as elderly people, children, people with disabilities and migrants.

The Charter is seen as the Social Constitution of Europe and represents an essential component of the continent's human rights architecture. Part II of the Charter outlines key rights relevant to SDG 8, including the right to work, just working conditions, occupational health and safety, fair remuneration, the right to organise and bargain collectively, protections for youth and pregnant women, and access to vocational training.<sup>70</sup>

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## European Union

### The Treaty on European Union (2009, amends Treaty of Rome, 1957)

The Treaty on European Union (TEU) sets out the EU's purpose, democratic principles, institutions and governance framework, and operates alongside the Treaty for the Functioning of the European Union. Article 3(3) of the TEU provides that the EU shall work for the sustainable

development of Europe based on balanced economic growth and price stability, aiming for full employment and social progress. It also aims to combat social exclusion and discrimination, promote social justice and equality between women and men.<sup>71</sup>

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### Charter of Fundamental Rights of the European Union (2009)

The Charter of Fundamental Rights enshrines certain political, social and economic rights for EU citizens and residents into EU primary law. It offers strengthened protection of fundamental rights for EU citizens. For example, Title IV

on Solidarity protects workers' rights to information and consultation, collective bargaining, fair and just working conditions, prohibits child labour and requires youth workers to be given appropriate working conditions.<sup>72</sup>



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## Organisation of American States (OAS)

### Organisation of American States Charter (1948)

The Organisation of American States Charter entered into force in 1951, with its key purpose being to strengthen the peace and security of the continent, promote the economic development of Member States, and eradicate extreme poverty.

Under Article 34 of the OAS Charter, relevant to SDG 8, Member States agree to take actions to achieve: substantial and self-sustained increase of per capita national product; equitable distribution of national income; accelerated and diversified industrialisation; fair wages; employment

opportunities; acceptable working conditions for all; and the expansion and diversification of exports.

Under Article 46 of the OAS Charter, Member States recognise that it is necessary to harmonise social legislation to accelerate regional integration in Latin America, particularly with respect to labour and social security, so that the rights of workers are equally protected. Nevertheless, the wording of the Charter denotes obligations of means for the Member States rather than rights recognised to individuals.

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### OAS American Convention of Human Rights (1969)

The OAS American Convention of Human Rights entered into force in 1978. Like the OAS Charter, it also works towards sustainable development, focusing on improvements to employment and the ending of forced labour.

The OAS Convention of Human Rights prohibits slavery, slave trade, traffic in women, and forced or compulsory labour (Article 6) and establishes the right of free association, including for economic and labour purposes (Article 16).

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### Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (1988)

The Protocol of San Salvador is an optional, additional protocol to the American Convention on Human Rights to ensure economic, social and cultural rights. It has been signed by 19 States and ratified by 16 States, including Argentina, Brazil, Colombia and Mexico.

Article 6 protects the right to work, while Article 7 ensures that this right is enjoyed under just, equitable and

satisfactory conditions with due regard paid to fair and equal wages for equal work; upward mobility within employment; employment stability; health and safety at work; reasonable working hours and vacations. In addition, Article 8 protects the right to freely organise and join trade unions.<sup>23</sup>

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## Multilateral Trade Agreements

### Comprehensive and Progressive Agreement for Trans-Pacific Partnership (2018)

CPTPP is a free trade agreement between Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, Peru, New Zealand, Singapore and Vietnam. It incorporates, by reference, the provisions of the Trans-Pacific Partnership Agreement (signed but not entered into force), with the exception of a limited set of suspended provisions.

All CPTPP Parties are ILO members and recognise the importance of promoting internationally recognised labour rights. In the Labour Chapter of the CPTPP, Parties agree to adopt and maintain in their laws and practices the fundamental labour rights as recognised in the ILO 1998 Declaration, namely:

- Freedom of association and the right to collective bargaining;
- Elimination of forced labour;
- Abolition of child labour and a prohibition on the worst forms of child labour; and
- Elimination of discrimination in employment.

The Parties also agree to have laws governing minimum wages, hours of work, and occupational safety and health.<sup>74</sup>

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### Agreement between the United States of America, United Mexican States and Canada (USMCA) (2020)

USMCA is a free trade agreement between United States, Mexico and Canada. It largely maintains or updates provisions from its predecessor, NAFTA. The agreement includes a new Labour Chapter that prioritises labour obligations by including them in the main text of the USMCA Agreement (labour issues were part of a side agreement in the previous iteration of NAFTA).<sup>75</sup>

Among its provisions, the Labour Chapter requires the Parties to adopt and maintain, in law and in practice, labour rights as recognised by the ILO, to effectively enforce its labour laws, and not to waive or derogate from its labour laws. It also includes new provisions that require the Parties to take

measures to prohibit the importation of goods produced by forced labour, address violence against workers exercising their labour rights, address sex-based discrimination in the workplace and ensure that migrant workers are protected under labour laws.

Mandatory joint reviews are to be completed every six years. The landmark 2026 joint review will determine whether the pact is set to expire in 2036 (as originally agreed), will be renewed for another 16 years, or will be subjected to annual reviews to address any outstanding concerns and renegotiate terms.

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## Comprehensive and Economic Trade Agreement (CETA) (2017)

CETA is a free trade agreement between Canada and the EU aimed at boosting trade. CETA features some of the strongest commitments offered by the EU on respect for labour rights and sustainable development.

In Chapter 23 on Trade and Labour, the EU and Canada commit to respecting the labour standards set by the ILO, and to ratifying and implementing the ILO's fundamental conventions. The Chapter protects Parties' right to regulate

on labour matters, but prevents the Parties from ignoring or lowering labour standards to boost trade. It ensures that non-governmental organisations are involved in implementing the chapter's provisions and promotes cooperation with the ILO. Finally, it establishes an enforcement mechanism to ensure the Chapter's provisions are put into practice.<sup>76</sup>



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## Examples of relevant national legislation

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### Costa Rica

#### Law No.7600 on Equality for Persons with Disabilities (1996)

This law imposes obligations on the State to advance the rights of persons with disabilities, and guarantees equality in areas such as education, health, and work.

As applicable to SDG 8, Article 23 of Law 7600 provides that the State must guarantee all people with disabilities the right to employment appropriate to their personal circumstances

and needs. Under Article 24, it is an act of discrimination for a person to be denied access to employment and the use of productive resources on the grounds of his or her disability. Under Law 7600, it is also discriminatory to employ recruitment procedures that are not adapted to the situations of applicants with disabilities.<sup>77</sup>

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### United Kingdom

#### The Modern Slavery Act (2015)

This Act was the first of its kind in Europe as it specifically addresses slavery and trafficking in the 21st century. The Act, which enhances support and protection for victims and encourages businesses to take action to ensure their end-to-end supply chains are slavery free,<sup>78</sup> is split into the following seven parts:

- Part 1 unites slavery and trafficking offences, and introduces tougher rules for sentencing and punishments.
- Part 2 establishes two new civil orders: the Slavery and Trafficking Prevention Order and the Slavery and Trafficking Order, which enable the courts to impose both restrictive and positive requirements upon those convicted of a relevant offence.<sup>79</sup>
- Part 3 provides for new maritime enforcement powers in relation to ships.
- Part 4 establishes the Office of the Independent Anti-Slavery Commissioner and its duties.
- Part 5 provides for the protection of victims including the creation of a statutory defence for victims of slavery or trafficking who commit a crime and details measures which can be taken to protect witnesses.
- Part 6 requires businesses having an annual turnover over £36 million<sup>80</sup> to publish an annual statement indicating the steps taken to ensure that slavery or human trafficking are not taking place in their supply-chains.

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- Part 7 obliges the Secretary of State to publish a paper on the role of the Gangmasters Licensing Authority (now Gangmasters and Labour Abuse Authority), which protects vulnerable and exploited workers, and other related general matters.<sup>81</sup>

The UK Home Office continues to update the Act periodically, including by publishing additional best practice guidance.<sup>82</sup>

In addition, the Modern Slavery Registry<sup>83</sup> (a portal run by a group of NGOs) and TISCreport.org<sup>84</sup> (an open data register run by an independent UK social enterprise) publish annual modern slavery statements from commercial organisations while tracking risks of modern slavery, forced labour, and human trafficking in their business operations and supply chains.

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## France

### **Due Diligence Law (2017) (Loi n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre)**

According to this law, large companies having their headquarters in France must develop and publish a 'due diligence plan' to identify risks and prevent violations on human rights, fundamental freedoms, health and safety, and the environment within their own activities and the ones of their suppliers and subcontractors.<sup>85</sup>

Unlike the UK Modern Slavery Act, this law covers all human rights, including respect for working conditions, as well as environmental regulations.

The law provides for two judicial mechanisms to ensure its implementation. Article 1 states that any concerned party (including trade unions and human rights or environmental NGOs) can approach the courts to enjoin the company, if necessary under financial penalty, to respect its obligation and publish a 'due diligence plan'. According to Article 2, the company may also be held liable and have to pay damages if victims can demonstrate that a prejudice occurred as a result of the company's failure to comply with its 'due diligence' obligations.

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## Germany

### **Act on Corporate Due Diligence Obligations in Supply Chains (2021)**

This Act imposes, for the first time, a binding obligation on companies to establish, implement and update procedures to improve compliance with core human rights and certain

environmental provisions in supply chains.

As part of due diligence duties, companies must establish

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an appropriate and effective risk management approach in relation to their own business and any direct suppliers, and conduct an appropriate risk analysis. Appropriate preventive measures, specifically in respect of selecting suppliers, supply agreements and implementation of control mechanisms, must immediately be adopted upon identifying a risk. In addition, companies must implement an internal complaints procedure or grievance mechanism that enables persons to notify potential risks or violations of protected human rights or environmental obligations arising from the company's economic activities in its own business and/or those of any of its direct or indirect suppliers. All notifications must be followed up, and companies must also establish written rules of procedure and make them publicly available.

As part of its preventive management, companies must issue a statement on their human rights strategy. Responsibility for this statement rests with the company's management. In addition, companies must prepare an annual report on their compliance with their due diligence obligations during the previous fiscal year.

The Law states that a violation or non-compliance with obligations arising under the Act may result in monetary fines but will not give rise to civil law liability specifically under the Act.<sup>86</sup> (Civil law liability may follow from other general legal provisions however).

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## Australia

### Modern Slavery Act (2018)

The Modern Slavery Act requires large Australian entities and foreign entities carrying on business in Australia to report annually on the risks of modern slavery in their operations and supply chains and the actions taken to address those risks. The primary objective of the Act is to take proactive and effective action to address modern slavery.

Each reporting entity is required to submit an annual statement and describe:

- The structure, operations and supply chains of the reporting entity (including those of any entity that they 'control' as defined under the Corporations Act 2001 (Commonwealth Act));
- The modern slavery risks in the operations and supply chains of the reporting entity and any entity it owns or controls;

- The actions the reporting entity and any entity it owns or controls have taken to assess and address those risks, including due diligence and remediation processes;
- How the reporting entity assesses the effectiveness of those actions including, for example, establishing regular reviews, internal audits and compliance monitoring, and requiring suppliers to report back on their compliance and initiatives; and
- The process of consultation with any entity that the reporting entity owns or controls.<sup>87</sup>

In addition to the Act, the Australian Commonwealth Criminal Code 1995 criminalises the forcing of someone to enter into, or remain in, forced labour or the conducting of a business which involves the forced labour of another person(s).

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## South Africa

### Black Economic Empowerment Act (2003)

The broad-based Black Economic Empowerment Act is the legislative framework for the promotion of black economic empowerment and the constitutional right to equality. It is aimed at increasing broad-based employment and effective participation of Black people (African, Coloured and Indian people who are South African citizens) in the South African

economy. The Act further introduced a national policy on broad-based economic empowerment to promote economic unity of the nation, to protect the common market, and to promote equal opportunity and access to government services.<sup>88</sup>

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## Brazil

### Brazil Central Bank Disclosure Rule on Social, Environmental and Climate-related Risks and Opportunities (2021)

The Brazilian Central Bank introduced an updated set of rules on disclosure for social, environmental and climate-related risk management by regulated financial institutions. The 2021 risk management rules focus on addressing potential losses for a financial institution, whether due to its own activities or the activities performed by borrowers, suppliers, controlled entities, and other stakeholders.

The rules widen risk management frameworks (traditionally focused on credit, market, liquidity and operational risks) to include social, environmental, physical and climate-related risks. Minimum criteria are also established for the identification, measurement, evaluation, monitoring, reporting, control, and mitigation of any adverse effects arising from the interaction between these risks.<sup>89</sup>



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## India

### Consolidated Labour Framework (2025)

In an effort to simplify employment laws for the country, India consolidated 29 existing labour laws into a unified framework of four Labour Codes to cover all matters relating to work and employment. The new framework, effective as of November 2025, comprises of:

- 1). The Code on Wages (2019): this Code covers fair remuneration and includes (inter alia) provisions relating to: the definition of 'wages'; minimum wage; working hours; overtime pay; timely payment of wages; and permissible deductions.
- 2). The Industrial Relations Code (2020): this Code focuses on the right to industrial action and (inter alia): simplifies laws relating to trade unions; expands the definition of workers;

and introduces new protections for closures and lay-offs.

- 3). The Code on Social Security (2020): this Code extends social security benefits to all workers including those operating in the informal economy including unorganised, gig, and platform workers. It includes (inter alia): life insurance; disability insurance; health and maternity benefits; Provident Fund benefits and pensions.
- 4). The Occupational Safety, Health and Working Conditions Code (2020): this Code covers workplace health and safety and includes (inter alia) provisions relating to: working hours and leave entitlement; health and safety equipment; the removal of prior restrictions on women's employment; and welfare requirements.<sup>90</sup>

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## Kenya

### National Action Plan on Business and Human Rights (2021–2025)

This Action Plan is the first of its kind in Africa, providing a framework for addressing business-related human rights issues across Kenya. The Action Plan comprises of three pillars that seek to:

- 1). Protect: by strengthening state institutions to prevent human rights abuses from taking place
- 2). Respect: by encouraging businesses to adopt human rights due diligence processes; and
- 3). Remedy: by enhancing access to effective grievance

mechanisms for victims of business-related human rights violations.

The Action Plan contains five thematic focus areas including labour rights, environmental protection, gender equality, and access to remedies, and contains a list of provisions for policy actions under each. This includes licensing requirements for businesses to conduct human rights due diligence checks among affected groups, enforcing non-financial reporting requirements, and improving access to public and private grievance mechanisms for corporate human rights violations.

## United States of America

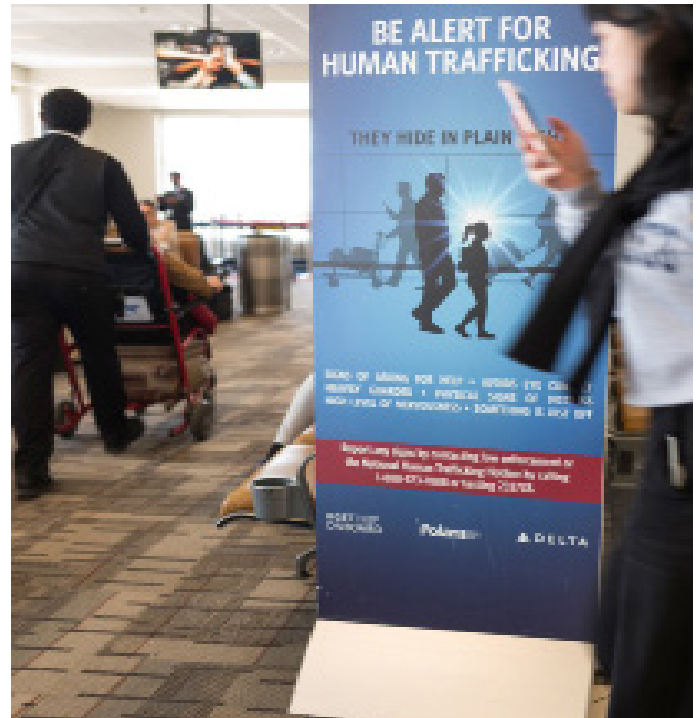
### Federal Acquisition Regulation Rule on Combating Trafficking in Persons (2015)

In 2015, the Department of Defense, the General Services Administration and the National Aeronautics and Space Administration issued a final rule amending the Federal Acquisition Regulation, which is intended to significantly strengthen protections against human trafficking in connection with government contracts. Under this Rule, government solicitations and contracts are required to prohibit contractors, contractor employees, subcontractors, and their agents from:

- Procuring commercial sex acts during the period of contract performance;
- Using forced labour in the performance of the contract;
- Destroying, concealing, confiscating or otherwise denying access by an employee to the employee's identity or immigration documents;
- Using misleading or fraudulent practices during the recruitment of employees or offering of employment and using recruiters that do not comply with local labour laws;
- Charging recruitment fees to employees;
- Under certain circumstances, failing to provide or pay for return transportation upon the end of employment for employees brought into the country for the purpose of working on the contract or subcontract;
- Providing or arranging housing that fails to meet the host country housing and safety standards; or

- If required by law or contract, failing to provide an employment contract, recruitment agreement or other required work document in writing, and failing to satisfy certain other related requirements.

Failure to comply with these requirements may result in suspension of contract payments until appropriate remedial actions have been taken, termination of the contract, or loss of award fees for the performance period in which the government determined contractor non-compliance.<sup>91</sup>



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## Uyghur Forced Labour Prevention Act (H.R. 1155)

The Uyghur Forced Labour Prevention Act was introduced in February 2021 and was signed into law on 23 December 2021. The act includes as its purpose “[e]nsuring that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China do not enter the United States market”.<sup>92</sup> The Act requires inter alia that the President will submit a report to the relevant congressional committees not later than 180 days after the date of the Act and at least annually thereafter, identifying foreign persons

knowingly engaged, responsible for, or facilitating forced labour of the named communities, or providing financial, material or technological support for efforts to contravene US law regarding the importation of forced labour goods from the region. Sanctions will then be imposed with respect to each individual identified. The Act also amends the Securities Exchange Act of 1934 such that disclosure for issuers under Section 13 would include disclosure of certain activities relating to the region.



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## Transparency in Supply Chains Act (2010) (Local Legislation: California)

California is the first state in the United States to enact a supply-chain transparency law aimed at eradicating human trafficking and modern slavery. The Act requires large retail sellers and manufacturers doing business in California to

disclose efforts to eradicate slavery and human trafficking from their direct supply chains for tangible goods offered for sale.<sup>93</sup>

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# Insights for the Legal Profession

## a) Examples of Relevant Cases and Legal Proceedings

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### Netherlands

This case emphasises the importance of decoupling economic growth from environmental degradation, highlighting the duty that exists not only for States, but for private actors too.

In April 2019, Milieudefensie, also known as Friends of the Earth Netherlands, served a court summons against Shell, with 6 other NGOs and more than 17,000 Dutch citizens as co-plaintiffs.

The plaintiff argued that Shell's contributions to climate change violated its duty of care under Article 6:162 of the Dutch civil code (the general basis for claims of damages under tort law) as well as violating Articles 2 and 8 of the European Convention on Human Rights (the right to life and the right to private and family life). It was additionally argued that Shell had been aware of the damaging impact of its emissions for years, without taking any significant action. Shell countered that the case held no legal basis, and that

emissions reduction was the mandate of states alone.

In 2021, the Hague District Court ordered the oil giant to reduce its emissions by 45% by the end of 2030 compared to 2019 levels, as per the Paris Agreement. Though this reduction order was later overturned by the Court of Appeal, Shell's duty of care to reduce emissions under human rights standards were maintained. It was stressed here that the corporation's duty of care extended to both direct and indirect emissions (i.e.: including those produced from third-party use).

This landmark ruling was the first of its kind to establish that corporations have a legal duty of care to mitigate their climate change impacts, and the first major example of a successful climate litigation case against a corporation based on human rights principles.

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### UK

#### **V.C.L. AND A.N. v. The United Kingdom [2021] 74603/12 and 77587/12**

The European Court of Human Rights' (ECtHR) landmark judgment in this case sets a new standard on the practical application of the non-punishment principle in cases involving victims of human trafficking and modern slavery who commit unlawful acts as a direct consequence of their trafficking, enslavement or exploitation.

The applicants in this case were Vietnamese nationals and minors who were victims of modern slavery and were found working in cannabis factories in the UK. After they were charged for producing cannabis, a competent authority in the UK identified them as potential victims of trafficking. The Crown Prosecution Service disagreed with this assessment

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and pursued prosecution against them. The applicants pleaded guilty to the charges placed upon them and were convicted. Their appeals against the convictions were later dismissed by the UK's Court of Appeal.

The applicants then brought the case before the ECtHR, claiming breach of their rights under Articles 4 and 6 of the European Convention on Human Rights. This was the first time the ECtHR had been called upon to consider if, and when, a case concerning the prosecution of a victim of trafficking may raise issues under the European Convention of Human Rights.

The ECtHR held that the UK failed to fulfil its positive obligation under Article 4 to take operational measures to protect the applicants who were recognised by the competent authority as potential victims of human trafficking. Furthermore, it found that the failure of authorities to act in line with their positive obligations under Article 4 (i.e.: to discharge duties of protection and investigation in a timely manner) had a prejudicial bearing on the applicants' ability to exercise their right to a fair trial under Article 6; prejudicing the applicant by preventing them from securing evidence which may have been fundamental to their defence.

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## Wilson v UK [2002] IRLR 568

In this case, the applicants, Mr Wilson and Mr Palmer, were employees who had been offered a pay rise if they agreed to sign new contracts giving up the right to have terms and conditions set by collective bargaining. Both individuals refused to sign and were denied the pay increase. Together with their unions, Mr. Wilson and Mr Palmer complained that their right to take part in trade union activities was violated.

After a long series of appeals through the UK court system,

The judgment highlighted the importance of early identification in trafficking cases, necessitating effective assessment once relevant authorities have a credible suspicion that that an individual suspected of having committed a criminal offence might have been trafficked or exploited.



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the European Court of Human Rights held that, "by permitting employers to use financial incentives to induce employees to surrender important union rights, the United Kingdom failed in its positive obligation to secure the enjoyment of the rights under Article 11 of the Convention."

This case is significant as it led the United Kingdom to adopt the Employment Relations Act 2004 in response to the court findings in order to comply with the ECtHR judgment.

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## Ms M Thandi and Others v Next Retail Ltd and Next Distribution Ltd: 1302019/2018 and Others (2024)

This case was brought on behalf of 3,500 shop-floor workers (predominantly female) at Next Retail Ltd. who argued that they performed work of equal value to warehouse workers (predominantly male) and should therefore be entitled to equal pay.

Among the arguments raised, Next countered that the wage discrepancies between the two types of worker were a result of market forces and cost-cutting exercises.

The case was brought before a UK Employment Tribunal where it was held that discrepancies in pay, by which warehouse employees received significantly more, amounted to indirect discrimination in the absence of more compelling

business reasons for the company's pay arrangements. The landmark ruling rejected justifications based on cost-cutting as illegitimate, while emphasising that market forces could not be used in this way or else: "lower pay in particular sectors due to indirectly discriminatory practices could then be lawfully sustained in perpetuity."<sup>94</sup>

The tribunal "recognise[d] that employers may not be aware of their own prejudices..." and therefore emphasised that "it is important to scrutinise explanations (or excuses) to be satisfied there are no subconscious discriminatory influences at play."<sup>95</sup> The decision resulted in payouts in excess of £30 million to affected parties.

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## France

### Former Kosan Kozmetik Employees and others v. Yves Rocher (2026)

This case was brought against Yves Rocher for the treatment of workers in its Turkish subsidiary, Kosan Kozmetik, when 130 workers were dismissed after joining a trade union to challenge the factory's working conditions including long hours, weak workplace protections, and gender-based discrimination against female workers.

The applicants, consisting of several NGOs (including ActionAid France and Sherpa), trade unions and workers, argued that the dismissal violated the French Duty of Vigilance Law which requires companies to identify and prevent human rights violations across their operations.

The Paris Judicial Court found in favour of the applicants, noting that while Yves Rocher did address foreseeable labour risks within its supply chain, it had failed to adequately do so within its own global subsidiaries.

The case reinforces workers' rights to freedom of association, while highlighting the level of due diligence required by corporations to assess and address labour violations. It is also significant as the first case in which a French company has been found liable for human rights violations caused by its activities abroad.

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## Argentina

### **Aquino, Isacio v. Cargo Servicios Industriales S.A. (2004)**

This case concerned Argentina's Occupational Risk Law (Ley de Riesgos del Trabajo, LRT) No. 24,557, under which liability for workplace accidents and illness are to be covered by mandatory insurance schemes managed by private insurance companies.

After an accident at work left the claimant, Isacio Aquino, fully incapacitated and unable to work as a result of improper safety equipment, the degree of damages recoverable under the LRT system was argued to be insufficient. This was because it not only capped the level of compensation

available to limits set by the insurance policy provider, but meant that the employer could not face civil liability for their negligence.

In a landmark judgment, the Supreme Court declared the LRT unconstitutional, eliminating the limitation on employers' civil liability for workplace accidents. Unfortunately, however, these findings did little to reform the system of insurance for workplace accidents in Argentina today.

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## South Africa

### **Mahlangu and Another v Minister of Labour and Others [2020] ZACC 24**

This landmark judgment concerned the Compensation for Occupational Injuries and Diseases Act (COIDA) (1993) in South Africa.

After a domestic worker, Ms Mahlangu, drowned in her employer's swimming pool in the course of her duties, her daughter sought compensation from the Department of Labour as a financial dependent. She was later informed that under COIDA Section 1(xix)(v) domestic workers did not satisfy the definition of 'employees' and were therefore excluded from the social security benefits available under the Act.

The Constitutional Court retroactively declared the provision invalid on the grounds that it violated basic rights to equality,

human dignity, and social security. It further found that the exclusion led to indirect and unfair discrimination in practice, disproportionately affecting Black women who made up the majority of domestic workers.

The case is significant for extending workplace protections to domestic workers and their families, while employing an intersectional lens to examine the effects of COIDA in practice. By holding the exclusion retroactively invalid, the judgment enables domestic workers who have suffered workplace accidents and their families to claim compensation for injuries dating back as far as 1994.

### **Nevsun Resources Ltd. v. Araya (2020)**

This case concerned three Eritrean workers who had been indefinitely conscripted through Eritrea's military service into a forced labour regime and forced to work under harsh and dangerous conditions at the Bisha gold-copper-zinc mine.

Conditions of their work included long working hours, use of punishment to ensure obedience, being forced to work in temperatures approaching 50°C, confinement to camps even when not working, and threats against them and their families if they attempted to leave without permission or complain.

As majority shareowner of the mine, allegations were brought against Nevsun Resources (a Canadian registered company) seeking damages for breach of customary international law on the basis of forced labour, slavery, cruel, inhuman or degrading treatment, and crimes against humanity.

Nevsun Resources claimed that the proceedings should be struck on the basis that: 1). The workers were operating under the actions of the Government of Eritrea and not Nevsun, thus invoking immunity under the 'act of state' doctrine; and 2). Customary international law (which formed the legal basis on which damages were being sought) could not extend to private corporations.

The case progressed to the Supreme Court of Canada where a landmark ruling held that:

1). The 'act of state' doctrine was not part of Canadian law and could not therefore protect Nevsun Resources in this matter, and

2). Customary international law was not only automatically incorporated into Canadian law and therefore enforceable, but also capable of binding private corporations.

The landmark ruling thus established that Canadian corporations can be held liable under Canadian law for breaches of customary international law, including forced labour, even where these have been committed in a different jurisdiction.

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**“This appeal involves the application of modern international human rights law, the phoenix that rose from the ashes of World War II and declared global war on human rights abuses. Its mandate was to prevent breaches of internationally accepted norms. Those norms were not meant to be theoretical aspirations or legal luxuries, but moral imperatives and legal necessities.” - Justice Abella**

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## b) Legal context and challenges

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During the negotiations to finalise the SDGs, a group of leading economists addressed an open letter to the UN Secretary General urging him to champion the cause of economic growth as the foundation stone of achieving poverty eradication.<sup>96</sup> They were influential, since the first target of SDG 8 is to achieve sustained economic growth, with a minimum GDP growth rate of 7% for the least developed countries. However, other economists and activists strongly criticised this focus on economic growth, arguing that, based on the growth rates seen in recent decades, it would take a century for poverty to disappear and that, even if it were possible in a shorter timescale, such growth would make

our planet uninhabitable.<sup>97</sup> Still others had already made the point that GDP is a deeply flawed indicator of economic performance and social progress.<sup>98</sup>

What is clear therefore, is that SDG 8's ambition to reconcile economic growth with the wider aspirations of the SDG agenda – particularly social and environmental ambitions such as reduced inequalities, climate action and responsible consumption – is no easy feat. This is magnified in the wake of existing legacies and growing uncertainties around the future world of work.

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### Human Rights Due Diligence & Global Supply Chains

For the past several decades, global supply chain (GSC)-related employment has expanded, not only in the manufacturing sector in developing countries but in the services sector in both emerging and developed countries. Participation in GSCs can boost productivity but the effects for the workers on wages and job quality are mixed.<sup>99</sup>

Human and labour rights violations occur in a range of industries where production has been outsourced to suppliers in the developing world, as well as in developed countries. Here reliance on human rights law to enforce worker's rights has proved problematic despite the availability of international mechanisms. Challenges faced include burdensome standing requirements, contentions of jurisdiction, issues of causation, asymmetries in access to resources and legal support, and the difficulties navigating complex supply chains. Moreover, most complaint mechanisms, including the ILO Commissions of Inquiry, lack

substantial enforcement power to obtain compliance.<sup>100</sup>

Demographic shifts globally mean that employment trends are likely to continue seeing GSC-related employment and outsourced labour, as ageing populations in high-income countries lead to declines in employment growth, and burgeoning youth populations in low-income countries provide a much-needed labour force.<sup>101</sup> It is therefore promising to see that legal frameworks are already adapting amidst these transformations.

Laws now increasingly require transnational companies to be transparent and vigilant regarding what occurs in their supply chain. There is an increased emphasis on active corporate governance, due diligence, and internal controls as a means to effectively manage significant human rights and workers' rights. These due diligence obligations are sanctioned by means of administrative offence proceedings or monetary

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finances, and subject companies to civil liability risks if they fail to comply with due diligence and reporting obligations. At the same time, recent years have seen growing precedence in corporate litigation of successful prosecutions against private actors for human rights abuses in their supply chains and subsidiary arms.

Lawyers have therefore been pivotal in driving these developments. Every day, employment lawyers defend the rights of workers while commercial lawyers advise their business clients on how best to integrate human rights due diligence and risk management frameworks within increasingly complex environments.

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## Decoupling Economic Growth from Environmental Harm

For a long time, economic progress has been achieved at the expense of environmental sustainability. It is only now, as natural resources diminish at a rate faster than renewal, and more waste is generated than the earth can absorb, that the relationship between economic development and the environment has necessarily shifted. However, there is still a lot of uncertainty when negotiating what this might mean for the future of business, the world of work and the wider economy.

degradation and a rise in natural disasters, it is difficult to quantify and predict exact costs, creating greater levels of uncertainty for the future of the global economy.<sup>102</sup>

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**“There’s just a lot of uncertainty... [Climate] estimates are so wide-ranging that they’re not really helpful for making decisions.” Jennifer Morris (MIT Center for Sustainability Science and Strategy)**

What is clear however, is that decoupling economic growth from environmental harm will be essential for managing economic risk and resource scarcity, while safeguarding against ecological collapse. In fact, the UNFCCC now argues that global ambitions for decarbonisation and clean energy actually offer significant economic opportunity as well as decreasing risk, providing renewed impetus for industry innovations and transformation.

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For example, while recent years have demonstrated the economic drain caused by climate change, biological

Against this landscape, market forces alone will not be sufficient to drive progress, given the level of risk and uncertainty involved. New governance frameworks, including laws, regulatory tools, public policies and structural reforms, will therefore be needed, and indeed are already underway. The expertise of the legal profession is therefore essential to help governments, regulators, industries and corporate clients when navigating these changes.

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## The Digital World of Work

Digital transformations, accelerated by nationwide lockdowns during COVID-19, have completely reconceptualised the world of work. From a sudden boom in remote working

capabilities to the rapid development of the gig economy, workplace arrangements and the contractual agreements that govern them, have diversified.

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For some, these digital transformations have enabled greater diversity and inclusion in the workplace, allowing for more flexible working conditions, new forms of work, operational agility and increased efficiency. However, for others, particularly those in the gig economy, this has come at the cost of fewer workplace protections, reduced job security, less stable working hours and changes to the nature of work, especially in roles where there is greater workplace automation.

As a result, there is a concern that despite the many benefits of digitisation, without due regard to how these practices may impact job security and availability, digital transformations risk entrenching existing inequalities and could lead to job displacement.<sup>103</sup> This is especially true of more disruptive technologies, such as the proliferation of Artificial Intelligence (AI), which the ILO warns “might enhance productivity growth, [but] also raises uncertainty for enterprises and workers alike and, depending on how it is governed, could cause major disruptions in labour markets.”<sup>104</sup>

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## Informal Sector

The informal economy makes up 60% of the world's workforce, 80% of enterprises and is still growing.<sup>105</sup> As job markets saturate and fewer high-quality employment opportunities are made available, an absence of formal jobs (particularly for low-entry positions) sees more and more workers pushed towards informal employment.<sup>106</sup> At the same time, high levels of poverty, discriminatory hiring practices, limited educational opportunities, legal and regulatory gaps within labour laws and weak compliance, create additional barriers for securing formal employment in many parts of the world.<sup>107</sup>

The wider impacts of digitisation on job automation, climate change on livelihoods, and geopolitical conflicts on migration

Good governance is therefore key to realising the productive potential of digital technologies in a way that is positively disruptive, and able to support labour markets in a sustainable and equitable manner. A key challenge here, however, is the sheer speed and scale at which digital technologies are evolving and becoming entrenched within global supply chains and business operations. In the absence of effective regulation, oversight, and compliance frameworks, these technologies run new risks concerning (*inter alia*) basic employment protections, cybersecurity, data privacy, intellectual property, consumer rights protections and even risk creating new forms of digital harm.

In shaping the future world of work, lawyers have a significant opportunity to help fill these regulatory gaps, while keeping pace with the digital revolution to ensure that existing laws and protections are still able to cater for an increasingly digital labour market.

and displacement, further aggravate the situation. The result is that majority of the global workforce are at risk of operating in sub-standard conditions, with inadequate workplace protections, limited job security and restricted entitlement to social security measures.

Lawyers can support the informal sector at all levels – facilitating shifts from the informal economy towards formalisation at a structural level; helping to establish and register informal worker unions and secure collective bargaining rights at an industry level; supporting workers and employers to better understand workplace rights and protections at a business level; and advocating for informal workers in cases where their basic rights have been violated.

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## Business and Politics

Alongside economic uncertainties, climate uncertainties and the volatile landscape of the global polycrisis, an additional form of uncertainty has been brought by geopolitical tensions and a breakdown in international relations. This includes, for example: trade fragmentation from trade wars and protectionist policies; the impacts of international conflict on global trade, resources and supply chains; political backsliding and shifting economic policies; and the general dismantling of global frameworks and the international order upon which they rest.

Consequently, the obligations, duties and responsibilities of corporations are rapidly shifting, and can be difficult to map, especially in instances where contradictory stances are taken by countries in which they operate.<sup>108</sup> At the same time, it is increasingly difficult for companies to predict economic and market trends – activities that are essential for making strategic decisions towards future growth, job creation, continued service/trade delivery, sustainability and survival.

Despite these high levels of unpredictability however,

mounting public pressure on big businesses to respect human rights, enforce effective workplace protections and consider their environmental impacts continue. The Institute for Human Rights and Business warns that a new and emerging risk now lies in ‘greenhushing’ – the tendency for companies to remain silent about their wider social justice and environmental commitments for fear of political and reputational backlash.<sup>109</sup> This does not necessarily mean that companies are now doing less, or that compliance levels have faltered, but highlights a lack of confidence to openly support global ambitions (including those under SDG 8) and comes at the cost of transparency.

All these factors – fluctuating compliance requirements, consumer expectations, market volatility – create a minefield of uncertainty, not just for businesses, but for the lawyers that advise them. However, it also demonstrates a growing need for legal professionals and compliance specialists to become more integral functions to support businesses when making decisions and effectively managing their risk.



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## c) So, what can lawyers do?

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This section highlights several avenues through which the legal community can build its understanding of the SDGs, encouraging

the profession to use its expertise and influence to contribute to the objective of decent work and economic growth for all.

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### Learn and educate

The scope of SDG 8 is particularly broad and encompasses multiple legal issues, such as modern slavery, labour standards, global supply chains, environmental harms and business and human rights. With 'uncertainty' as a defining factor of today's global economy, these issues are shifting at pace, with direct impacts to public policy, compliance frameworks and existing legal precedence.

It is now a necessity for many large corporations to remain ahead of the curve, and by proxy, for the lawyers advising them to do so as well. This is not simply a task for lawyers specialising in international trade, commercial and contract law, or employment and labour standards, but expands to multiple other practice areas including climate litigation, tax law, human rights, and AI. For smaller employers, trade unions and workers themselves, these shifts are even greater, as limited resources can make it more challenging to predict

market trends and enforce basic legal rights. The Business & Human Rights Resource Centre offers one valuable source of information for keeping up to date on a wide variety of issues relevant to SDG 8.<sup>110</sup>

As SDG 8 is often linked with relationships of asymmetry (e.g.: employers vs employees, and global supply chain asymmetries), one clear way to support its ambitions is by levelling the playing field through dedicated initiatives to inform and educate. This might look like: public legal education initiatives for human resource departments and workers on labour standards; advocacy and awareness programmes on issues such as modern slavery; capacity building initiatives to strengthen human rights due diligence or supply chain management and providing pro bono support to weaker parties.

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### Integrate

The adoption of the UN SDG Agenda provides impetus for law firms, corporate legal departments, and other law-related organisations to examine and re-align their own policies and procedures. For instance, when advising business clients, employment lawyers and commercial lawyers should draw

attention to the growing legal requirements related to human rights due diligence and disclosure in their operations and supply chains. This means extending the focus from direct stakeholders and contractual parties to wider governance frameworks, so that key principles of business and human

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rights, alongside mandatory labour standards, are integrated along the entirety of what a business does and how it makes its decisions. A key focus here is on the 'how', as integrating these principles in practice will safeguard against tick box compliance and could help to future proof decisions made.

When advising on these matters, lawyers should take into consideration applicable laws, such as the UK Modern Slavery Act or the French Due Diligence Law, as well as any applicable non-binding guidelines, like the UN Guiding Principles on

Business and Human Rights<sup>111</sup> and the OECD Guidelines for Multinational Enterprises.<sup>112</sup>

Finally, as businesses and employers in their own right, law firms should ensure that they integrate the principles of SDG 8 within their own practices. This includes upholding relevant labour standards, such as the right to fair compensation, occupational health and safety measures, inclusive hiring practices and the principle of freedom of association.

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## Act

Many law firms are working to make their pro bono work more strategic, collaborative and sustainable. By aligning their work with the SDGs, lawyers can be confident that they are taking practical steps towards a comprehensive and inclusive roadmap for sustainable development. This can help firms to establish and develop collaborative, cross sector partnerships with other organisations that are working towards the same goals. When considering international pro bono, law firms should establish relationships with NGOs and local partners that can provide insight on the context and the national legal environment. Such partnerships will not only help to broaden the impact of the firm's pro bono work, but also ensure that it responds to the local context and needs.

Developing a pro bono strategy with clearly identified goals,

enables firms to assess the effectiveness of their pro bono work over time and thereby increase its impact. The SDG framework offers law firms the opportunity to effectively measure and demonstrate their positive impact towards globally recognised goals. There is wide recognition that pro bono work which is focused on progressing long-term goals and implemented in partnership with relevant organisations will lead to more sustainable results than ad hoc pro bono assistance.

The SDGs thus present a compelling opportunity for law firms, corporate legal departments and other lawyers to expand their pro bono legal activities domestically and abroad. In the context of SDG 8, law firms and lawyers can expand their pro bono work in several ways, including:

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## Upholding Labour and Employment Laws

Lawyers can support compliance with international labour standards by working with Human Resource departments to draft and review internal employment policies and employment contracts, ensuring that these are clear, legally

compliant and in line with business best practices. This includes assessing how internal policies translate in practice to safeguard against compliance issues and identify any blind spots that risk violating workers' rights.

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## Draft Legislation

Lawyers and law firms can support the drafting of development-oriented legislation that supports decent job creation, entrepreneurship, and encourages the formalisation of micro-, small- and medium-sized enterprises. Key areas of corporate-commercial law that can support economic growth and development include:

- Corporate law itself;
- Securities law;
- Laws relating to the sale of goods and services;
- Competition law; and
- Corporate insolvency law.

Comparatively small amendments to corporate law can contribute significantly in terms of enterprise growth. For instance, small enterprises generally do not own real property and so it can be difficult for them to obtain loans for start-up costs or investment. Changes to financial laws or policies could remove this barrier.

One example of this, is that of India, where a 2015 amendment to the Companies Act eliminated a minimum capital requirement for company establishment.<sup>113</sup> As such entrepreneurs who want to start a limited liability company are no longer required to deposit a significant amount of local currency to do so, overcoming barriers to formal registration.

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## Litigation

Litigation can have a transformative effect. Law firms and individual lawyers specialised in labour and employment law can represent, sometimes on a reduced-fee or pro bono basis, individuals or unions seeking to enforce their rights before national fora, or even submit complaints to regional or international human rights mechanisms. Strategic litigation

concerning business and human rights, as well as business-related climate impacts and environmental harms, have already led to new landmark rulings clarifying the extent of due diligence required by companies to fulfil their duties to stakeholders, remain diligent across global supply chains and subsidiaries, and stay accountable to their wider impacts.

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## Combatting Modern Slavery and Child Labour Practices

NGOs and civil society organisations fighting against modern slavery, child labour and child soldiers can benefit from the expertise of legal specialists through their legal research and analysis, advocacy or assistance in prosecuting rights abuses.

As these crimes are already illegal, a large challenge in combatting them lies with detection and enforcement. This may include strategic partnerships between legal

professionals, the police and other enforcement agencies to address limitations within the criminal justice system; capacity building initiatives among employers and workers on what these practices are and how to spot them; or providing trauma-informed legal advice to victims such as supporting them to expunge any criminal convictions that may have arisen from their exploitation, securing immigration status in host countries or securing financial restitution.

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## Supporting Migrant Workers

Migrant workers, particularly undocumented migrants, are especially vulnerable to exploitative practices and inadequate working conditions. In many cases these workers sustain high recruitment debts for securing work overseas, undermining their wage security and bargaining power. In some instances, this can lead to forced labour practices such as debt bondage, or the illegal withholding of wages, creating situations of coercive control and depriving workers of well-earned wages.

When seeking to enforce their rights, migrant workers also face greater systemic barriers such as: information asymmetry, restricted labour rights (including to freedom of association),

language barriers, and may also face threat of deportation where their immigration status is tied to a single employer.

Lawyers can support migrant workers to address these challenges by providing legal advice and representation including on: criminal law, in cases of forced labour and/or wage theft; immigration law, to help workers secure valid work permits or fight deportation orders; and, civil law, in cases of labour violations. In cases where migrant workers are unable to file complaints or seek justice before being forced to return to their home countries, lawyers can also facilitate through cross-border litigation.<sup>114</sup>

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## Empowering the Informal Sector

In addition to structural reforms towards formalisation, lawyers can help empower informal workers to secure fair wages and safe working conditions (among other basic rights), by: facilitating the registration of informal unions to support collective bargaining; strengthening the role and standing of relevant membership organisations; delivering legal education training so that informal workers better understand their rights, as well as the avenues of redress available to them where these have been violated; and, offering cost-effective mediation services to support fair and

equitable outcomes where disputes arise.

At the same time, lawyers can support unregistered businesses to formalise their business structures and operations. This might include: entity restructuring and/or licensing; contract formation to ensure that the relationship between employers and their workers are clear, legally compliant and enforceable; offering risk management and due diligence services, and educating employers on labour laws and employer best practices.

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## Maintaining Human Rights Due Diligence Standards

Lawyers should ensure that human rights due diligence standards penetrate the entire governance framework of large businesses, extending to all supply chain agreements, subsidiary companies and international business operations. To help large-scale corporations achieve high standards of human rights due diligence, lawyers can: update internal governance systems and advise senior management on best practices; help revise

supplier contracts and draft stricter supplier codes; support risk identification and mitigation processes, including holding consultations with relevant stakeholders that are most at risk of human rights violations; support with compliance reporting to help improve transparency around business operations; and ensure periodic review and assessment of relevant business policies, procedures and practices.

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