

ILO preliminary annotations on the draft text of the WHO convention, agreement or other international instrument on pandemic prevention, preparedness, and response (WHO CA+) A/INB/7/3 – 30 October 2023

1. Proposed amendments to the draft text WHO CA+

The proposed amendments are presented below:

Article 3. General principles and approaches

Paragraph 1. Respect for human rights –The implementation of this Agreement shall be with full respect for the dignity, human rights, [including fundamental principles and rights as work](#), and fundamental freedoms of persons.

Source: [ILO Declaration on Fundamental Principles and Rights at Work](#), as amended in 2022. These principles and rights include freedom of association and the effective recognition of the right to collective bargaining; the elimination of discrimination in respect of employment and occupation; the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and a safe and healthy working environment.

Paragraph 8: Accountability – States are accountable for strengthening and sustaining their health systems' capacities and public health functions to provide adequate public health and social measures by adopting and implementing legislative, executive, administrative and other measures for fair, equitable, effective and timely pandemic prevention, preparedness and response. States are accountable to provide specific measures to protect persons in vulnerable situations, [including against the adverse socio-economic impacts of public health and social measures](#).

Source: [Global call to action for a human-centered recovery from the COVID-19 crisis that is inclusive, sustainable and resilient](#).

Paragraph 9: Inclusiveness – The full and active engagement with, and participation of, communities and relevant stakeholders across all levels, [including workers' and employers' organizations](#), consistent with relevant and applicable international and

national guidelines, rules and regulations, including those relating to conflicts of interest, is essential to mobilize social capital, resources and adherence to public health and social measures, and to gain trust in governments and partners supporting pandemic prevention, preparedness and response.

Source: [ILO Constitution](#) and [Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(Convention no 144\)](#). See also Addendum to the [2020 Report to the ILO Committee of Experts on the Application of Conventions and Recommendations](#), para. 60 highlighting that: National mechanisms for consultations have proven to be essential for the development and implementation of tailored measures during times of crisis with the support of employers and workers. The COVID-19 pandemic has also reinforced the value of cooperation and consultation with workers and their representatives at the workplace level in ensuring safety and health and developing measures adapted to each undertaking.

Article 6. Preparedness, readiness and resilience - 2. Each Party shall, in accordance with applicable laws, including, where appropriate, the International Health Regulations, adopt policies, strategies and/or measures, as appropriate, and shall strengthen and reinforce public health functions for: (a) the continued provision of quality routine and essential health services during pandemics; (h) creating and strengthening public health institutions at national, regional and international levels [and ensuring coordination between health and social protection policies](#);

Source: [ILO Social Security \(Minimum Standards\) Convention, 1952 \(No. 102\)](#), [Social Protection Floors Recommendation, 2012 \(No. 202\)](#), [Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient](#).

Article 7. Health and care workforce [and other essential workers](#)

1. Each Party, in line with its respective capacities, shall take the necessary steps to safeguard, protect, invest in and sustain a skilled, trained, competent and committed health and care workforce, with the aim of increasing and sustaining capacities for pandemic prevention, preparedness and response, while maintaining quality essential health services and essential public health functions, during pandemics. [Each Party shall take the necessary steps to ensure decent working conditions and a safe and healthy environment for essential workers as they continue to provide essential public goods during pandemics](#). To this end, each Party shall, in accordance with its national law:

(b) address [decent work deficits](#), gender and youth disparities and inequalities and security concerns within the public health, health and care workforce, particularly in health emergencies, to support the meaningful representation, [consultation](#), engagement, participation, empowerment and safety, and well-being of all health and

care workers, while addressing discrimination, stigma and inequality and eliminating bias, including unequal remuneration, and noting that women still often face significant barriers to reaching leadership and decision-making roles;

(c) strengthen efforts to address [decent work and in particular](#) the safety of the health and care workforce, including by ensuring priority access to pandemic-related products during pandemics, minimizing disruptions to the delivery of quality essential health services, developing and integrating effective measures to prevent and address violence and threats against health and care workers, their means of transport and equipment, as well as hospitals and other medical facilities, in the course of carrying out pandemic prevention and response; and

Source: [ILO Declaration on Social Justice for a Fair Globalization, 2008](#). The concept of decent work is based on promoting employment, developing social protection, promoting social dialogue and tripartism and respecting, promoting and realizing the fundamental principles and rights at work. The importance of consultation of workers' representatives is highlighted in the [Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(Convention no 144\)](#). The ILO report [The value of essential work, World Employment and Social Outlook 2023](#) highlight the need to improve working conditions of essential workers to fully reflect their contribution to society. See [2020 Report to the ILO Committee of Experts on the Application of Conventions and Recommendations](#), para. 87.

Article 13. Global Supply Chain and Logistics network

8. The Parties shall commit to ensure rapid and unimpeded access of humanitarian relief personnel, as well as their means of transport, supplies and equipment, in accordance with international humanitarian law, and to respect the principles of humanity, neutrality, impartiality and independence for the provision of humanitarian assistance.

[8 bis. The Parties shall commit to develop, as necessary, and implement coordinated policies and measures for the protection of workers who are essential for the normal functioning of supply chains such as seafarers and other cross-border transport workers by, among others, facilitating their transit and transfer as well as ensuring their access to medical care;](#)

Source: [UN General Assembly resolution](#) on International cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains; ILO Governing Body [Resolution](#) concerning maritime labour issues and the COVID-19 pandemic; IMO Maritime Safety Committee [Resolution](#) MSC.473(ES.2) on Recommended action to facilitate ship crew change, access to medical care and seafarer travel during the COVID-19 pandemic.

Article 17. Whole-of-government and whole-of-society approaches at the national level

3. Each Party shall, in accordance with its national context, promote the effective and meaningful engagement of communities, civil society and other relevant stakeholders, including [workers' and employers' organizations](#) and the private sector, as part of a whole-of-society response in decision-making, implementation, monitoring and evaluation, and shall also provide effective feedback opportunities.

Source: [ILO Constitution](#) and [Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(Convention no 144\)](#).

5. Each Party, based on national capacities, shall take the necessary steps to address the social, environmental and economic determinants of health, and the vulnerability conditions that contribute to the emergence and spread of pandemics, and shall prevent or mitigate the socioeconomic impacts of [both pandemics and public health and social measures adopted to counter them, including through adequate social protection policies](#).

Source: [ILO Social Security \(Minimum Standards\) Convention, 1952 \(No. 102\)](#), [Social Protection Floors Recommendation, 2012 \(No. 202\)](#), [Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient](#).

6. Each Party shall take appropriate measures to strengthen its national public health and social policies to facilitate a rapid, resilient response, especially for persons in vulnerable situations, including by mobilizing [sufficient domestic resources and social capital in communities for mutual support](#).

Source: [ILO Social Security \(Minimum Standards\) Convention, 1952 \(No. 102\)](#), [Social Protection Floors Recommendation, 2012 \(No. 202\)](#), [Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient](#)

Article 25. Relationship with other international agreements and instruments

Paragraph 2. The Parties recognize that the WHO Pandemic Agreement and other relevant international instruments, including the International Health Regulations, should be interpreted so as to be complementary and compatible. The provisions of the

WHO Pandemic Agreement shall not affect the rights and obligations of any Party under other existing international instruments, [including international labour standards](#).

Note: the explicit reference to international labour standards is of crucial importance since numerous governments disregarded their provisions during the COVID-19 pandemic. [ILO supervisory bodies](#) have indicated that it is precisely at times of crisis that the protective coverage of [ILO standards] assumes its full significance and needs to be most scrupulously applied. See also [2020 Report to the ILO Committee of Experts on the Application of Conventions and Recommendations](#), paras. 44 to 91.
