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Labour, Care, and Economic Democracy

POLICY PROFILE 2.8

STRENGTHENING LABOUR RIGHTS AND FAIR WORKING CONDITIONS IN SUPPLY CHAINS

A contribution to the Roadmap for Eradicating Poverty Beyond Growth

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EXECUTIVE SUMMARY

Global supply chains structure a significant share of the global economy and support millions of jobs across sectors and countries. However, the fragmentation of production across different jurisdictions, extensive subcontracting, and asymmetric bargaining power between multinational enterprises and suppliers frequently leading to persistent decent work deficits, including low wages, unsafe or unhealthy working conditions, lack or violations of freedom of association, child labour, high levels of informality, and lack of social protection coverage. Supply chains are complex and opaque, allowing companies to avoid responsibility for labour abuses across their operations. Through their suppliers and sub-contractors, multinationals in practice dictate the terms and conditions of employment of millions of workers particularly in developing countries, in many branches, predominantly women. In a search for market opportunities, low labour costs have been considered by many companies as an important element of their competitive strategies. Likewise, many countries continue to use low wages and labour standards as a means to attract foreign direct investment, and in some cases even allow for lower wages or weakened labour standards in export processing zones (EPZs). The end result of all of such practices is persistent poverty and rising inequality. Corporate profits continue to grow while wages remain low, labour rights remain endemic, and workers' purchasing power declines.

Some progress has been made over last decades in supply chain due diligence, with a number of countries adopting mandatory human rights due diligence legislation in response to demands by trade unions and civil society. Important international frameworks have also been developed, including the UN Guiding Principles on Human Rights, OECD Guidelines for Multinational Enterprises, as well as the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. However more needs to be done to ensure that corporations, including financial actors, are held responsible for their entire supply chains and held to account when they or their suppliers or other business partners are involved in business activities that violate rights. Strengthened governance at the international level, including through a binding UN Treaty on Business and Human Rights – currently under negotiation – will improve access to justice, effective remedy and reparation while strengthening international cooperation in cross-border cases. In addition, reforms to the global trade and investments architecture – including the ISDS system – would help to strengthen respect for labour standards within supply chains.

1. POLICY GOAL

This policy profile concentrates on a single proposed policy instrument: the adoption of an international legally binding agreement, a treaty, on business and human rights. The profile relates to several of the Roadmap's pillars: (1) transforming economic systems; (2) labour, care and economic democracy; (4) ecological justice; and (5) transforming the international economic order (Roadmap; De Schutter 2024) and builds on an earlier contribution to the Roadmap's development (Koehler, Leifker and Cramer, 2025).

The problem or challenge addressed

Political economy analyses point to hyper-globalisation and unfettered capitalism (Piketty 2014; UNRISD 2022: 51) and profit-making (Global Justice Project 2025) as root causes of poverty, inequality and ecological distress. Therefore, production processes need more central attention in the set of policies proposed to enhance well-being and human rights. In other words, the pre-distribution phase needs to figure prominently.

Since the 1980s, the bulk of international production, trade, investment and business relationships take place in global supply chains (GSCs) or global value chains (GVCs) (Gereffi 2018).[1] At least 60,000 TNCs control more than 500,000 subsidiaries. The majority of these companies are based in higher income countries. The US is the largest "home" country of TNCs. At the same time. increasing numbers of large TNCs, and also small and medium enterprises (SMEs) are domiciled in the Global South. China and Hong Kong combined are the second largest TNC home countries (Koehler 2026).

The activities of many transnational companies (TNCs), and their lead firms source components and intermediate inputs of products and services internationally, splicing up the value chain (Gereffi 2018) to produce or source at low cost locations, driven by the profit motif. There is intense competition among countries and companies to attract international business activities, and many governments are either unable or unwilling to enforce regulations – an outcome of decades of neoliberal ideology and unchecked corporate power.

The result is a global economy generating enormous and ever-growing inequities, whereby many transnational corporations, notably the lead firms in GVCs (Gereffi 2018), are inclined to disregard human rights, fair labour standards, women and children's rights, indigenous peoples' rights, as well as climate and biodiversity standards and agreements. Powerful companies, often with well-known brand names, push their suppliers to cut costs and violate standards, and each firm in the chain passes on that pressure to the next lower tier at the expense of labour, climate and environmental standards. Financial institutions further drive these dynamics through their financial interests and profit expectations, instead of setting or enforcing binding standards. Both upstream and downstream, these GSCs/GVCs extend into the informal economy. Oftentimes, the activities lead to ill-health, accidents, and in some

[1] The Roadmap and the ILO use the term supply chains; much of the academic literature refers to global value chains. The draft Treaty on Business and Human Rights refers to production chains, global production chains, or value chains interchangeably. In this profile, we use global supply/global value chains (GSCs/GVCs).

instances, death. The accidents in GSCs/GVCs are well-documented and occur repeatedly across all sectors and in numerous countries (ECCHR (no year). [2] It is extremely difficult for survivors of negative impacts and the violation and abuse of human rights principles to access justice and receive compensation and remedy.

Regulatory mechanisms (De Schutter 2015; De Schutter 2020) are needed to address and redress this systemic violation of rights, so as to undo the root causes of poverty, inequality and ecological harm and distress. This policy profile therefore concentrates on a single proposed policy instrument: work towards the adoption of an internationally binding agreement, a treaty, on business and human rights (see para 196 of the Roadmap).

The policy proposal's main objectives

Binding regulation of GSCs/GVCs could serve several interconnected objectives.

If adopted, it could set in motion the structural transformation of economies at the national and international level. By regulating for human rights, labour and ecological standards across the entire value chain, poverty levels in each country could be reduced, and unwholesome in-country and inter-country competition as the least-cost location would diminish. This would in turn reduce unequal trade and investment relations - strengthening domestic policy space and collective economic agency. Ideally, a race to the top instead of the observed race to the bottom in terms of labour and ecological standards could be the result. This would benefit economic development and human rights in low- and middle-income countries, as well as benefit workers in higher-income countries.

Intersectional analysis

As the Roadmap and others argue, layering over the profit rationale, the systemic inequities of the global economy are deepened through racialised identities, patriarchy, heteronormativity, ableism, caste systems, indigeneity, age, and colonial legacies (Roadmap; UNRISD 2022; Koehler 2025).

Two billion people work in the informal economy (ILO 2018) without decent work standards, and this is often in GSC/GVC contexts. Labour is generally segmented by gender and age in particular. Women are major contributors to GSCs/GVCs, notably in commodities such as flowers or fruit/vegetables, and in textiles and garments, sometimes comprising up to 80 or 90% of workers both in the formal parts of the chain as well as in its reaches into the informal economy. Children are exploited in large commodity chains for cocoa or coffee. Because of the unfavourable work conditions, rural-urban and international migrant workers, people living in unregistered housing, ethnic and indigenous communities and other oppressed minorities take up work in GSCs/GVCs. A Treaty on business and human rights could oblige home and host countries of TNCs and supplier firms to respect gender equality, indigenous rights including prior and informed consent, and the rights of all socially excluded communities and individuals in their value chains.

[2] Koehler 2026 discusses a number of cases.

2. POLICY FORMULATION

Human rights regulations for the business and finance sector are essential to protect the rights and well-being of all persons and communities. If GSCs/GVCs are regulated, this can fundamentally help redress poverty and inequalities and ecological harm. One approach – and arguably the most effective one - is a multilaterally endorsed regulatory framework that all countries would, in due course, sign, ratify and monitor and implement.

The specific policy proposal in this brief is therefore to regulate global value chains, and therefore to expand the efforts for a Binding Treaty on Business and Human Rights, as per para 196 in the Roadmap. This binding agreement, in the form of a treaty, has been under negotiation at the UN since 2014, when the UN Human Rights Commission established the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business (Human Rights Council 2014).

There is a currently a third revised draft of the Treaty, and the Chair/Rapporteur of the negotiations has announced that a fourth version will be available in 2027. Each round of revisions considers and documents proposed adaptations to the text made by the member states, and from other stakeholders – business associations and civil society. These are vetted by a panel of independent legal experts appointed by the HRC (Human Rights Council 2024).

Put generally, the purpose of this Treaty is to prevent exploitative and extractive practices. Its origin was an investor-state dispute between the Government of Ecuador and a transnational corporation, which prompted Ecuador, India and South Africa to request the Human Rights Council to open negotiations on a treaty to regulate TNCs (Human Rights Council 2014).3 A binding commitment amongst all UN member states would:

- Oblige business activities, including the finance sector, to comply with all human rights and environmental and climate standards; this includes adhering to decent work and gender-equality standards, and climate and environmental agreements;
- Provide those affected with effective access to justice, and oblige companies to rectify abuse and compensate the victims and affected communities; and protect trade unionists and human rights defenders, notably women who are often expressly persecuted.

[3] The *voluntary* guiding principles on Business and Human Rights in place since 2011, were considered insufficient. Indeed, some countries have begun adopting national due diligence *laws (*Langford et al 2022*)*, and the EU in 2024 adopted the CSDDD (Corporate Sustainability Due Diligence Directive). However, both country-level and EU-level agreements have, since their adoption, seen large business associations' and conservative governments' efforts to weaken the CSDDD provisions (European Coalition for Corporate Justice 2026).

The draft is going through a series of revisions, with the next set of intergovernmental negotiations scheduled for October 2026. To illustrate the remit of the proposed Treaty, key provisions (draft 3 of 2023) (Human Rights Council 2025 b) are listed verbatim; they include, among others:

Statement of Purpose (Article 2)

(a) To clarify and facilitate effective implementation of the obligation of States to respect, protect, fulfill and promote human rights in the context of business activities, particularly those of transnational character;

(b) To clarify and ensure respect and fulfillment of the human rights responsibilities of business enterprises;

(c) To prevent the occurrence of human rights abuses in the context of business activities by effective mechanisms for monitoring, enforceability and accountability;

(d) To ensure access to gender-responsive, child-sensitive and victim-centred justice and effective, adequate and timely remedy for victims of human rights abuses in the context of business activities;

(e) To facilitate and strengthen mutual legal assistance and international cooperation to prevent and mitigate human rights abuses in the context of business activities, particularly those of transnational character, and provide access to justice and effective, adequate, and timely remedy for victims.

Rights of victims (Article 4)

4.2. (c) To facilitate and strengthen mutual legal assistance and international cooperation to prevent and mitigate human rights abuses in the context of business activities, particularly those of transnational character, and provide access to justice and effective, adequate, and timely remedy for victims.

Prevention (Article 6)

6.1. States Parties shall regulate effectively the activities of all business enterprises within their territory, jurisdiction, or otherwise under their control, including transnational corporations and other business enterprises that undertake activities of a transnational character.

6.2. (d) promote the active and meaningful participation of individuals and groups, such as trade unions, civil society, non-governmental organizations, indigenous peoples, and community-based organizations, in the development and implementation of laws, policies and other measures to prevent the involvement of business enterprises in human rights abuse.

Access to Remedy (Article 7)

7.1. States Parties shall provide their relevant State agencies, with the necessary competence in accordance with this (Legally Binding Instrument) to enable victims' access to adequate, timely and effective remedy and access to justice, and to overcome the specific obstacles which women and groups in vulnerable or marginalized situations face in accessing such mechanisms and remedies.

International Cooperation (Article 13)

13.1. States Parties shall cooperate in good faith to enable the implementation of their obligations recognized under this (Legally Binding Instrument) and the fulfillment of the purposes of this (Legally Binding Instrument).

13.2. States Parties recognize the importance of international cooperation, including financial and technical assistance and capacity building, for the realization of the purpose of the present (Legally Binding Instrument) and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society

Consistency with International Law (Article 14)

14.5. All existing bilateral or multilateral agreements, including regional or sub-regional agreements, on issues relevant to this (Legally Binding Instrument) and its protocols, including trade and investment agreements, shall be interpreted and implemented in a manner that does not undermine or restrict their capacity to fulfill their obligations under this (Legally Binding Instrument) and its protocols, if any, as well as other relevant human rights conventions and instruments.

3. EXPECTED BENEFITS

Social impacts

The preamble of the 2023 has been subject to protracted debates among governments, legal experts and civil society, as to how to detail the list of affected persons and communities. Many stakeholders are clearly aware of vulnerabilities, but they diverge as to which are to be acknowledged. The 2023 draft recognises "the distinctive and disproportionate impact of business-related human rights abuses on women and girls, children, indigenous peoples, persons with disabilities, people of African descent, older persons, migrants and refugees, and other persons in vulnerable situation, as well as the need for a business and human rights perspective that takes into account specific circumstances and vulnerabilities of different rights-holders and the structural obstacles for obtaining remedies for these persons"(Human Rights council 2025 (b). Further extensions of the coverage are to be expected in coming negotiation rounds.

Economic impacts

The potential economic impact could stem from the commitment to human rights and labour standards, explicitly including the inclusion of ILO fundamental conventions. Hypothetically, if bargaining constellations for trade unions and civil society were to improve, this could lead to an evening-out of wage levels and labour and ecological standards along the value chains, by raising minimum and average wages in the low-income countries.[4] The Treaty would support community and notably indigenous rights, if it were to reintroduce and earlier commitment to an obligation for free and informed prior consent (FPIC). In terms of government policy space and autonomy, the current draft stipulates that it would override all other trade and investment-related agreements, including Investor-State-Dispute-Settlement.

Environmental impacts

The Treaty could include commitments to climate-related agreements, such as the Paris Agreement, or the Right to a Clean, Healthy and Sustainable Environment (UN General Assembly 2022). If so, it would reduce ecological footprints, since business activities would need to abide by those commitments, and governments would need to monitor them.

Governance impacts

If and when the Treaty is adopted, one of the main effects could be to strengthen trade union, civil society and other formats for participation in decisions at firm level, in communities, and along GSCs/GVCs. A main stated goal of the Treaty is to improve transparency, accountability, and the right to remedy against violations and abuse.

4. EVIDENCE, EXAMPLES & BEST PRACTICES

As this is a process in motion, there are no examples of good practice yet. An interesting counterfactual exercise, however, suggests that in the past, a different set of trade rules and institutions could have led to a different pattern of comparative development, and that relatively small changes in bargaining power and terms of exchange can lead to radically different patterns of foreign wealth and comparative development (Nievas and Piketty 2025: 5, 8).

[4] This could be in tune with proposals in the Global Justice Report (Global Justice Project 2026) for per capita incomes (in PPP) to converge, in the calculations given in the Report, by the year 2100.

5. OBJECTIONS, POTENTIAL BARRIERS & COUNTERARGUMENTS

- **Potential objections and political economy obstacles::**

At the negotiations of the draft Treaty, member states are divided (Seitz 2023; Sudhoff 2024; Sudhoff 2025; ECCHR (no year)). Declared positions change over time as governments change, influencing the interventions by the mission staff at the negotiations. A number of low-income countries argue in favour of a Treaty, while those with authoritarian governments tend to be opposed to many of the draft paragraphs, notably those regarding human rights, minority rights and/or labour standards (Seitz 2023; Sudhoff 2024; Sudhoff 2025; Koehler and Leifker 2025).

Like governments, the business sector is divided. Some enterprises, aligned with social and ecological principles, favour a Treaty. Since they incur higher production costs because of their good business practices, this either raises their prices or cuts into their margins. A Treaty would oblige all firms, regardless of size and reach, to follow the same higher labour and ecological standards. The argument then would be for a level playing field – same conditions – to apply for all countries and all firms globally, which would make due diligence easier for all types of firms and business activities.

Conversely, some small enterprises, especially in low-income countries point to unintended negative consequences: the risk that a binding treaty of this type could push them out from contracts with GSCs/GVCs, if they cannot immediately comply with the stipulated requirements (FAU Centre for Human Rights. 2025).[5] An obvious policy instrument response would be to extend time lines and enable step-by-step implementation at the supplier or producer level, combined with urgent, and properly funded, capacity building.

Business associations representing large transnational firms express concern over legal incompatibility arising from differences and potential contradictions in the varying national jurisdictions. Drawing on contention in national due diligence legislation, some private sector stakeholders emphasise administrative burdens. The business sector, especially that of TNCs, is highly networked, well-organised and resourced. Depending on the political administration in power in large home TNC home economies, there can be alignments between TNC and government statements. To counter this, the legal experts at the Treaty negotiations are pointing to trends of convergence in international law.

- **Financial or capacity barriers:**

The implementation of a Treaty on Business and Human Rights would require effective administrative, technical and monitoring capacity. For example, in countries where fundamental labour standards have been ratified, there are often too few factory inspectorates to ensure compliance, even of minimum occupational health and safety

[5] With respect to the Treaty, in informal exchanges, civil society activists in low income countries express the same concern. Similar arguments have been put forward regarding the EU CSDDD (Mares 2024).

standards.[6] For the Treaty to be effective, it this must be accompanied by adequate financial resources for monitoring. In the case of low-income and LDCs countries, a case could be made for international support to such funds; primarily costs ought to be borne by the GVCs/GSCs, as transparency and equal treatment are in their objective interest.

6. IMPLEMENTATION STEPS

A binding Treaty on Business and Human Rights is, as mentioned, under negotiation. For the text to reach fruition requires the support of governments of large home countries of TNCs and lead companies, and of governments of countries which are the major locations of GVC/GSC sourcing and production activities. Civil society in each country can make a difference, arguing for a Treaty in the interest of human rights, decent labour standards, ecological fairness and social inclusion, notably gender and child rights

National due diligence laws which increasing numbers of countries are adopting (Langford et al 2022; Nadvi 2018) could possibly function as a stepping stone towards a multilateral treaty. Examples (Langford et al 2022; Koehler 2025) include product-specific or sectoral legislation which governments have introduced to ensure market access, such as social compliance in textiles and apparel provisions in China in 2005; or India's a tea standard. In high-income countries, examples include the 2010 California Transparency in Supply Chains Act; the 2015 UK modern slavery act, the child labour due diligence act in the Netherlands, and due diligence laws in Germany or France.

National-level legislation can demonstrate the normative and business merits of good standards and compliance, and notionally might exert peer pressure, for example among countries of the same regional association, to level up. Such dynamism might build on regional trade cooperation agreements.[7]

7. INTERNATIONAL HUMAN RIGHTS OBLIGATIONS AND INTERNATIONAL COMMITMENTS

Regarding the world of work, the ILO has been negotiating commitments to labour standards since 1919. Since the UN's founding in 1945, human rights have defined the normative ethos. Specifically, the right to work is spelt out in the Covenant on Economic, Social and Cultural Rights (OHCHR 1966). It spans fair wages and equal remuneration for work of equal value,

[6] For an example from a high income country: under German due diligence law, the government body established to monitor supply chains is understaffed (Dohmen 2026) – this can be interpreted as a lack of political will.
[7] Advocacy could learn from the recent momentum derived from G20 pronouncements on tax justice.

with equal pay for equal work; a "decent" living for themselves and their families; safe and healthy working conditions; equal opportunity for promotions; as well as rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays (OHCHR, 1966, article 7). The ILO, in commentary to the 2030 Agenda, defines the four pillars of decent work as including job creation, rights at work, social protection and social dialogue — (ILO no year (a)). The tools to achieve this are laid in the eleven ILO fundamental[8] and other labour standards (ILO, no year (b)). These cover working conditions, gender equality, child rights and occupational health and safety.

Secondly, recent multilateral decisions address the ecological realm; most notably the Paris Agreement and the UN General Assembly Resolution on the human right to a clean, healthy and sustainable environment (UN General Assembly 2022).

Implicitly, these conventions, as regulatory approaches, place social and ecological wellbeing at the centre of economic decision-making (Türk 2025).[9] If the concept of respect for nature in built in, they can also reign in extractive forms of growth, by curbing minerals extraction. They can push back against profit maximization. If stringent, and properly applied and monitored, they could contribute towards a more equitable distribution of incomes and respect for the rights of nature. Therefore, an overarching Treaty on Business and Human Rights would regulate GSCs/GVCs.

It would help place the production - or pre-distribution - phase more clearly on the roadmap for addressing poverty and inequality.

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[8] These can combine to ensure decent work, but have uneven ratification status. They are: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol); Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
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[9] For an early case for the international regulation of value chains see Business and Human Rights Centre 2006.

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