

From San José to Geneva: How the Inter-American System of Human Rights can inform the inclusion of Safe and Healthy Working Conditions within the ILO's Fundamental Rights Framework

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Outline

1. Labor Rights as Human Rights in the Inter-American System
2. The Right to Fair and Satisfactory Working Conditions in the Inter-American System
3. The Dialogue between the Inter-American System and the ILO

1. Labor Rights as Human Rights in the Inter-American System

- The Fragmented *Corpus Iuris* of the Organisation of the American States
 - *OAS Charter (1948) and Protocols*
 - *American Declaration of Human Rights (1948)*
 - *1969 Pacto de San José de Costa Rica (American Convention)*
 - *1988 Protocol of San Salvador*

1. Labor Rights as Human Rights in the Inter-American System

- The Holistic Approach of the Inter-American Court of Human Rights
- 1. **Protection of labour rights through the lens of civil and political rights**
 - *Caballero Delgado and Santana v. Colombia (1995)*
- 2. **Direct and indirect protection of labour rights**
 - *Baena Ricardo et al. v. Panama (2001)*
 - *The “Five Pensioners” v. Peru. (2003)*
 - *Huilca Tesce v. Peru (2005)*
 - *The Ituango Massacres v. Colombia (2006)*
 - *Abril Alosilla et al. v. Peru (2011)*
 - *Flor del Freire v. Ecuador (2016)*
 - *The Hacienda Brasil Verde Workers v. Brazil(2016)*

1. Labor Rights as Human Rights in the Inter-American System

- The Holistic Approach of the Inter-American Court of Human Rights

3. Autonomous protection of labour rights

- *Lagos del Campo v. Peru* (2017)
- *The Dismissed Employees of Petroperú et al. v. Peru* (2017)
- *San Miguel Sosa et al. v. Venezuela* (2018)
- *Spoltore v. Argentina* (2020)
- *Workers of the Fireworks Factory of Santo Antônio de Jesus and their family members v. Brazil* (2020)

2. The Right to Fair and Satisfactory Working Conditions in the Inter-American System

- **Autonomous Protection**
 - Article 26 of the American Convention
 - Article 45(b) of the OAS Charter
 - International Instruments
- **Preventive Nature**
- **Intersectional Approach**

3. The Dialogue between the Inter-American System and the ILO

- **The discussions within the ILO**
 - ILC
 - Governing Body
 - Resolution (2021): the COVID Response Committee
- **Preventive Nature**
- **Intersectional Approach**

¡Gracias!

Obrigado!

Thank you!