



**INTERNATIONAL  
LAWYERS ASSISTING  
WORKERS NETWORK**

**SUMMARY REPORT ON ACCOMPLISHMENTS  
FOR THE 3RD GLOBAL ILAW NETWORK CONFERENCE**

**CASABLANCA, MOROCCO  
OCTOBER 2024**

## **Introduction**

In October 2022, the ILAW Network celebrated its second Global Conference in Brussels, Belgium. At the close of two and a half days of intense discussion and debate, members helped to identify the ways in which the ILAW Network could better support its members, through legal research on a broad range of legal issues, opportunities for continuing legal education, regional and cross-regional exchanges, amicus briefs, model legislation and direct support on impactful litigation, among others. We are very pleased to be able to meet once again, now in Casablanca, Morocco for our third Global Conference, as a strong and growing network of over 1,300 members in over 95 countries.

This report is meant to summarise some of the important initiatives that the ILAW Network and its members have undertaken since the first Global Conference in 2019. We hope you agree that we have made substantial progress on the issues you identified in 2022, and that this work has had a positive impact for workers and trade unions around the world. We look forward to your thoughts, ideas and of course your participation during the conference. It is our hope that this conference will give members an opportunity to exchange information and strategize with other members from around the world and to provide similar guidance to the ILAW Network as to what initiatives we should support in 2024-26.

--The ILAW Network Team

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And growing....

## II. GLOBAL INITIATIVES

While the ILAW Network and its members are engaged in a broad range of legal work, there are areas of thematic focus which we have prioritised over the last two years. This section provides a summary of that work.

**Labour Law and Technology:** The use of technology in the workplace can pose significant risks and serve to further consolidate power in the hands of employers while isolating and disempowering workers. The use of artificial intelligence (AI) to assign work in digitally mediated tasks isolates workers and leaves them often powerless to question or appeal decisions made by an algorithm. Decisions to hire, fire and discipline are increasingly made by machines, not humans, depriving workers of basic protections from unjust dismissal. Algorithms can and do reproduce the biases of the human creating the codes, and thus can perpetuate racism, sexism, ableism and other discriminatory practices. The automation of these processes also tends to deprive workers of their own social capital, replacing the social networks they would turn to for work or clients. In addition, employers use technologies to allow for full-time surveillance of the worker (both in the office and at the home), creating grave risks for privacy and significant obstacles to free association. To address these and other issues, ILAW published a report, [Labour Rights and Technology: Mapping Strategic Opportunities for Workers and Trade Unions](#), and has, with the support of the Ford Foundation, convened trade unions and ILAW members in Africa and the Americas to identify strategies to democratise the use of technology in the workplace. A cross-regional Africa-Americas convening is planned for 2025. We have also co-convened a working group, with UNI Global Union, to address through legal interventions the impact of pervasive workplace surveillance on the exercise of freedom of association. The ILAW Network plans to pilot litigation and advocacy strategies based on the report and the convenings to empower workers and their lawyers to combat the misuse of technology in the workplace in 2025.

**Digital Labour Platforms:** The ILAW Network is continuing to undertake legal research on employment on digital platforms. In early 2025, we plan to publish the third volume of *Taken for a Ride*, this time focused on workers outside of the food delivery and ride-hailing occupations. In 2023, ILAW also commissioned a draft ILO convention on decent work on digital labour platforms in order to help shape the demands of the ILO Workers Group going into standard setting in 2025.

**Right to Strike:** The ILAW Network, with the ITUC and the University of Bristol Law School, launched a new project on the future of the right to strike. This has resulted so far in a high-level convening in Bristol, and the forthcoming publication of a special issue of the *International Labour Review* on the future of the right to strike, which includes the contributions of several ILAW members, as well as a new book, 'Reimagining the Right to Strike', which will be published by Hart Publishers in 2025. This book and articles will hopefully shape the way we think about the regulation of the right to strike. At the same time, ILAW and ITUC are launching a new website, the Right to Strike Resource Centre ([www.r2src.org](http://www.r2src.org)), which will contain legal information on the regulation of the right to strike worldwide. Finally, ILAW members have actively collaborated with the ITUC in preparing arguments before the International Court of Justice on the existence of the right to strike under Convention 87.

**Informal Economy:** In order to provide workers and workers' organisations, including unions, the tools to use existing ILO conventions and recommendations creatively to broaden their scope in confronting the obstacles workers face in the informal economy, ILAW and Women in Informal Employment Globalizing and Organizing (WEIGO) are producing a series of guidelines. These guidelines identify the specific issues that workers in the informal economy face that are relevant to specific ILO Conventions and provide existing ILO jurisprudence on point; they provide recommendations as to how workers and

their organisations should frame their comments or complaints to obtain a favourable outcome from the ILO supervisory system. The guidelines can be found at: <https://www.ilawnetwork.com/applying-international-labour-standards-to-the-informal-economy/>.

Through impact litigation, ILAW has also supported litigation to challenge the exclusion of domestic workers from labour law in four African countries (Zimbabwe, Eswatini, Nigeria and Ethiopia) and also supports impact litigation in Uganda concerning the exclusion of street vendors from labour law protections. Finally, we are also working with the African Commission on Human and Peoples Rights to develop legal guidance on workers in the informal economy along with model laws for specific sectors of workers.

**Employment Discrimination:** Together with the Equal Rights Trust, the ILAW Network undertook in-depth comparative legal research, '[A Promise Not Realised: The Right to Non-Discrimination in Work and Employment](#)', to better understand why employment discrimination persists despite the widespread adoption of anti-discrimination laws. While the research focused on 6 countries, it intended to draw broad lessons on anti-discrimination law's limitations, as well as identifying positive initiatives. In the coming year, we hope to apply these lessons in order to improve the functioning of anti-discrimination law, in particular for low-wage workers. In 2025, we also expect to conduct further work on discrimination against LGBTQ+ workers.

### III. REGIONAL AND NATIONAL INITIATIVES

The ILAW Network is working every day at the national and regional level to support the work of its members. It would be impossible to identify all of the work that is being carried out over the course of the last two years. Below are just 3-4 highlights per region.

#### ***Europe and Central Asia***

- In September 2023, ILAW convened its first Europe regional meeting in Warsaw, Poland, in order to support the specific needs of the region's members and to ensure more robust regional cooperation.
- The ILAW Network is supporting members in the three EU accession candidate countries (Georgia, Moldova and Ukraine) to undertake legal research necessary to support trade union demands to align national labour laws with EU labour standards.
- The ILAW Network continues to support workers employed on digital labour platforms in litigation in multiple countries, including before the Supreme Court of Georgia.
- With FNV and RTDD, the ILAW Network supported [research](#) into the forced labour of migrant workers from Central Asia in the European transportation industry.

#### ***Sub-Saharan Africa***

- In light of closing civic space in the region, the ILAW Network has intervened in response to attacks on union leaders in Zimbabwe, Eswatini and Nigeria through [public letters](#) and sharing of other resources.
- The ILAW Network supported legal representation which led to the registration of the first union of app-based workers in Africa, namely AUTWON in Nigeria.

- The ILAW Network undertook extensive legal research on the laws governing domestic workers in the region and is now supporting constitutional litigation in four countries to ensure that these workers are entitled to all of the labour rights which are otherwise extended to other workers.
- The ILAW Network is supporting workers for Meta in Kenya for their right to have a union, and for the harms suffered from their work as content moderators for the company.

### ***Latin America and the Caribbean***

- The ILAW Network has played a central role in the labour law reform process in Colombia, supporting the trade union centres and advising the Colombian government on sweeping reforms to individual and collective labour rights. The Regional Coordinator for Latin America has conducted various activities to support the labour law reform.
- The ILAW Network has been assisting unions and lawyers in their efforts to secure legal protections and even collective bargaining for platform workers in Perú, México, Brasil and Colombia.
- The ILAW Network has supported Ecuadoran trade unions in drafting legislation to facilitate sectoral organisation and collective bargaining, which is currently denied to nearly all sectors.
- The ILAW Network has conducted labour schools for lawyers and union members in several countries, including the Dominican Republic, Colombia, Ecuador and México.
- The ILAW Network testified before the Inter-American Commission on Human Rights on the rights of workers on digital platforms, and filed two amicus briefs before the Inter-American Court (one on the rights of workers in the care economy and one on the rights of workers in the climate crisis).

### **South Asia**

- The ILAW Network is supporting Bangladesh unions in multiple legal claims before the high courts, including challenges to the labour laws and regulations, as well as claims concerning false imprisonment and lack of due process. In the current moment, ILAW is also supporting unions to formulate their demands during this transitional government.
- The ILAW Network supported unions in the Maldives to shape and enact the first Industrial Relations Act, as well as a new OSH Act.
- The ILAW Network has been supporting unions in Sri Lanka in the labour law reform process, including claims at the ILO concerning the failure to engage with tripartite structures in good faith.
- The ILAW Network held its first South Asian convening in Nepal in December 2023 to identify priorities for members in the region and to help identify opportunities for cross-country and regional work.
- In India, the ILAW Network has been assisting unions and lawyers in their efforts to secure legal protections for platform workers.
- In Pakistan, the Network is providing technical support to unions and legal professionals in the ongoing labour law reform process at the province level.

## **IV. ILAW NETWORK PUBLICATIONS**

Since the 2022 Conference, the ILAW Network has published legal research requested by our members. As always, our publications are meant to be useful resources to be applied in your practice. We hope that you have found these publications informative, and you have used the information to support your work at the national, regional or international levels.

Below are some of our major publications released since our last conference.

- [Mapping Domestic Work and Employment Discrimination in Africa: A Study of Global and African Regional Human Rights Norms](#)

This report examined the domestic, regional and international legal frameworks regulating domestic work in nine countries: Ethiopia, Kenya, Nigeria, Ghana, South Africa, Uganda, Malawi, Mauritius and Lesotho. It has served as the basis for impact litigation to challenge the exclusion of domestic workers from labour law protections in four countries.

- [Addressing Gender-based Violence and Harassment in the World of Work: An Analysis of Nigeria's Legal Framework for Conformity with ILO Convention 190](#)

The report outlines the current legal framework in Nigeria regarding violence and harassment at work in light of C190 and recommends how to amend the law to fully realise these protections.

- [Fighting for Lives and Livelihoods: Workers, the Pandemic and the Law](#)

The report analyses how workers fought for their lives and livelihood during the COVID-19 pandemic by using the law to their advantage. It is accompanied by 11 country specific case studies that detail such wins by workers during the pandemic.

- [A Promise Not Realised: The Right to Non-Discrimination in Work and Employment](#)

The report is a collaboration of the ILAW Network and Equal Rights Trust (ERT), which focuses on why discrimination in the workplace persists despite the widespread adoption of laws and regulations that prohibit it and how countries can create enabling environments to effectively prevent workplace discrimination and remedy it when it occurs.

- [Labour Rights and Technology: Mapping Strategic Opportunities for Workers and Trade Unions](#)

This report maps some of the legal initiatives and strategies undertaken by workers and unions, and outlines opportunities for workers to challenge breaches of technology-driven labour rights through organising, regulation, and litigation. The aim of the report is to inform a debate on effective strategies for the global labour movement vis-à-vis technology.

- [Paralegal Handbook for the Informal Economy in Zimbabwe](#) (June 2024)

This handbook aims to encompass recent developments and serve as a comprehensive guide to the legal and policy regulatory framework of the informal economy in Zimbabwe.

## **V. AMICUS BRIEFS FILED**

Over the last two years, the ILAW Network team has filed amicus briefs with high courts in Peru, South Africa, Ecuador and Colombia. We also filed two briefs with the Inter-American Court on Human Rights, in response to requests for advisory opinions – one (with the ITUC) on the Right to Care and another on State Obligations for Responding to the Climate Emergency. The text of the briefs can be found here: <https://www.ilawnetwork.com/ilaw-network-public-letters-and-amicus-briefs/>

## **VI. GLOBAL LABOR RIGHTS REPORTER**

Starting in 2021, the ILAW Network began to publish a new law journal – the Global Labour Rights Reporter. The journal is a forum primarily for labour and employment law practitioners globally, especially ILAW Network members, to grapple with the legal and practical issues that directly affect workers and their organisations today. The strength of the journal is its comparative approach, given the worldwide composition of the ILAW Network’s membership. Each issue of the journal is organised thematically and highlights notable cases and judicial opinions, trends in the regulation of labour, and analytical pieces which help to envision how practitioners can expand the protection of law, enhance accountability and obtain full and effective remedies. The journal is published bi-annually in English, Spanish, and French, with some back issues also being published in Arabic. The Journal is now also accessible in legal databases, such as Hein Online, and is indexed on Google Scholar.

We hope that you have found these issues to be useful and interesting. All issues are available online at: <https://www.ilawnetwork.com/ilaw-network-journal-the-global-labour-rights-reporter/>. If you have not already, we hope that you will consider submitting an article to a forthcoming issue.

### **Available Issues**

Volume 1, Issue 1: Access to Labour Justice

Volume 1, Issue 2: Accountability and Remedy in Global Supply Chains

Volume 2, Issue 1: Protection of the Rights of Workers in the Informal Economy.

Volume 2, Issue 2: The Future of the International Labour Organization (pending)

Volume 3, Issue 1: Protecting the Rights of Migrant Workers and Refugees

Volume 3, Issue 2: Forging a Feminist Labour Law

Volume 4, Issue 1: A Just Transition Law for Climate Justice (coming soon)

## **VII. ILAW NETWORK STRATEGIC LITIGATION FUND**

In 2022, the ILAW Network set up its own strategic litigation fund to provide modest amounts of direct funding to members who are engaged in litigation projects with the potential to have a broad impact on the law governing union and worker rights. As funds are limited, most grants range from US \$5,000 to \$20,000. Below are a few examples of the 24 litigation projects that we have supported to date, covering a wide range of issues:

Zimbabwe (2022). To support litigation seeking to require the government to extend constitutional collective bargaining rights, facially applicable to all employees, to employees in the public sector.

Nepal (2022). To support litigation seeking to enforce a ban on forced labour that had been legislated but inadequately enforced, and to expand the definition of exploitation in the country’s Human Trafficking and Transportation Control Act and hold the government and private parties accountable for the effective investigation, prosecution, and adjudication of forced labour cases in the country.



Peru (2022). To defend in a public action of constitutionality a regulatory norm that limits labour subcontracting, attacked by the business sector..

Mexico (2024). To support the Mexican mining workers' union in litigation before the Inter-American Court of Human Rights, which is discussing the right to strike, as well as freedom of association, occupational health and safety and environmental protection.

Ethiopia (2022). To support a challenge by the Ethiopian Women Lawyers Association to the discriminatory exclusion of domestic workers from labor and employment law protection including minimum wage, child labor prohibitions, maternity leave, sexual harassment, medical support, and collective bargaining.

Kenya (2023). To support the defence of a judgement on appeal by Meta/Facebook and its contractors in a case concerning content moderators subjected to mental health abuses, union discrimination, and wage disparities.

Switzerland (2023). To support petitions to the European Court of Human Rights and other international bodies on behalf of Philippine domestic workers recruited by Pakistani diplomats to work in the Pakistani mission in Geneva and then subjected to unpaid, forced labour conditions, seeking to overcome the diplomats' diplomatic immunity defence.

India (2024). To support class action litigation to require states and the national government to enforce existing law prohibiting bonded labour, and to require employers to provide statutorily mandated restitution and rehabilitation of bonded workers.

South Africa, (2024). To support an appeal to the country's High Court from the workers' compensation tribunal's failure to acknowledge that mineworkers' ergonomics-related injuries are musculoskeletal disorders (MSDs), occupationally related and subject to social security compensation under the South African Constitution and law.

Albania (2024). To support a challenge to lay-offs of telephone call centre employees by an Albanian telephone company in disregard of statutory procedural requirements, including failure to provide collective notice to the employees' union.

The ILAW Network continues to accept proposals for litigation that could have a broad impact in that, for example, they set a new legal precedent (or protect existing law from negative change), they affect a particularly large number of workers, and/or they hold governments or multinational employers accountable for serious violations of labour rights.

The application can be accessed here:

<https://docs.google.com/forms/d/e/1FAIpQLSd4hWLnHIHHAYibKJDt51SCrhUPp7-wAray7AsVZRKb2mpzMA/viewform>

### **VIII. ILAW FUTURE OF LABOUR LAW DATABASE**

In order to better serve lawyers working on labour law reforms or collective agreements, in 2022 the ILAW Network launched an on-line member-accessible database – the Future of Labour Law “Wiki.” In 2024, the Wiki moved to the ILAW Network website for ease of access and became the Future of Labour

Database. Unlike other databases, which contain labour law legislation currently existing in different countries, the Future of Labour Law offers proposals on what *could* and *should* exist, with the input of ILAW Network members, as well as references to existing laws. The database now contains recommended legislative provisions on a range of priority topics for workers, such as working time (casual/zero hour contracts), fixed term contracts, labour intermediaries (outsourcing), and telework. These model provisions reflect current best practices on the subject but will need to evolve with the input of ILAW members. In 2025, ILAW will address new legal topics, including equal pay for work of equal value.

The database can be found here: <https://www.ilawnetwork.com/future-of-labor-law/> We encourage your comments on existing text as well as input on what subjects you would like to see addressed.

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