

ملخص:

انتشر مرض الفيروس التاجي الجديد (COVID-19)، الذي بدأ في ووهان الصينية في ديسمبر 2019 وانتشر بسرعة في جميع أنحاء العالم. وقد حددته منظمة الصحة العالمية على أنه جائحة عالمية. أصيب ملايين الأشخاص وقتل الآلاف منهم بسبب الفيروس التاجي. لقد تضرر عالم العمل بالتأكيد من هذه الأزمة. ملايين الناس فقدوا وظائفهم؛ لذا كان ينبغي أن تعمل الحكومات بأسرع ما يمكن لاتخاذ تدابير الحماية الاجتماعية أثناء الوباء. في هذه المقالة، تم التحقيق في تدابير الحماية الاجتماعية التي يمكن أن تتخذها الحكومات أثناء جائحة COVID-19، وفقاً لمعايير منظمة العمل الدولية (ILO). يجب أن يكون الهدف الأول على الفور اتخاذ تدابير لمنع انتشار الفيروس. وخلص إلى أنه، وفقاً لمعايير منظمة العمل الدولية، يمكن تصنيف الالتزامات الحكومية في أربع مجموعات للاستجابة للأزمات COVID-19: توفير خدمات رعاية صحية لائقة، وتنظيم الاقتصاد والعمل، وتقديم مزايا للعمال، وحماية مجموعات خاصة.

كلمات مفتاحية: الحماية الاجتماعية - كوفيد 19 - منظمة العمل الدولية

Abstract:

The new coronavirus disease (COVID-19), which started in Wuhan, China in December 2019, rapidly spread around the world. It was identified as a global pandemic by World Health Organization. Millions of people have been infected and thousands of them have been killed by coronavirus. The world of work has surely been hit by this crisis; millions of people lost their jobs. Governments should act as quickly as possible to take social protection measures during the pandemic. In this article, social protection measures those can be taken by governments during COVID-19 pandemic, were investigated according to International Labor Organization (ILO) standards. The first target should immediately be taking measures to prevent spreading of the virus. It is concluded that, according to ILO standards government obligations can be categorized in four groups for COVID-19 crisis response:

Keywords: Social Protection - Covered 19 - International Labor Organization

Social Protection Measures By Governments During Covid-19 Pandemic According To Ilo Standarts

تدابير الحماية الاجتماعية من قبل الحكومات خلال تغطية الوباء كوفيد 19 وفقاً لمعايير منظمة العمل الدولية

Prof. Mehmet Refik Korkusuz*

rkorkusuz@hotmail.com

Dokuz Eylul University,

Law Faculty

(turkey)

Dr. Ammar Yasir Korkusuz

rkorkusuz@hotmail.com

Istanbul Esenyurt University,

Industrial Engineering

Department

Introduction

Coronaviruses are a large group of viruses that cause severe illness. They cause many diseases, especially the common cold. The Middle East Respiratory Syndrome (MERS) outbreak (2012), H1N1 influenza outbreak (2009) and Severe Acute Respiratory Syndrome (SARS) outbreak (2002-2003) have also been caused by coronavirus 1.

A pandemic is defined as a worldwide spread of a new disease 2. COVID-19 is announced as the first pandemic caused by coronaviruses on 11 March 2020 3. The new coronavirus and its disease were unknown before the outbreak that began in December 2019 in Wuhan, China. The World Health Organization has named the disease caused by this new coronavirus as COVID-19 using the English abbreviation of "CoronaVirus Disease 2019". The disease is very contagious and has spread all over the world in a short time 4. As of 29 May 2020, 5 704 736 people have been infected and 357 736 have been died as a result of the disease 5.

Authorities are taking quick measure to slow down the spread of the virus. These measures are usually damaging commercial life and it significantly affects workers. COVID-19 pandemic is the biggest global crisis after the second world war. According to estimations, the lockdown measures to prevent virus spread has affected 2.7 billion workers which is %81 of the entire world workforce. Global working hours declined %4,5 and expected to decline %10,5 than the situation before the crisis which can be seen in figure 1 6.



Figure 1. Estimated drop of working hours in different profile of countries.

1,6 billion informal economy workers, the most vulnerable in the labor market, have been significantly affected by the measures taken against the COVID-19 pandemic. According to the economic and financial data, the sectors that the epidemic affected the most were accommodation & food services, manufacturing, wholesale & retail trade, real estate and business activities. More than half of all employers in the world operate in these most affected sectors 7.

Economic sector	Impact of crisis on economic output	Baseline employment situation (global estimates for 2020 prior to COVID-19)				
		Employers (millions)	Own-account workers (millions)	Share of own-account workers in total employment (%)	Share of employed in firms with 2-9 employees in total employment (%)	Share of employed in firms with 10+ employees in total employment (%)
Wholesale and retail trade; repair of motor vehicles and motorcycles	High	21	211	45	25	30
Manufacturing	High	12	99	19	15	66
Accommodation and food services	High	7	44	29	29	41
Real estate; business and administrative activities	High	7	35	21	23	56

Figure 2. Most affected sectors during COVID-19 pandemic

This is one of the biggest crises in the modern era of the world. According to ILO's Director-General, "ILO Standards are a useful decent work compass in the context of the crisis response to the COVID 19 outbreak" ⁸. Governments, employers and workers have

obligations during this pandemic. In this article, obligations and guidance for governments during COVID-19 pandemic, is discussed.

In the second part, international labor standards are introduced and the list of standards, those can be used during COVID-19 crisis, are given. In the third part of the article, guidance for governments is presented. Each measure is presented by providing supportive international labor standard. In the last part, social protection measure statistics around the world are analyzed.

INTERNATIONAL LABOUR STANDARDS and CRISIS RESPONSE

International labor standards (ILS) are legal instruments prepared by ILO's stakeholders (governments, employers, and workers) and set the basic principles and rights in the work life. Conventions (or Protocols) are legally binding international treaties member states those ratified the Convention in their national authority (normally the parliament). However, Recommendations are non-binding guidelines. In general, the basic principles are determined in Conventions. Recommendation completes the Conventions by providing more detailed instructions. There can be also Recommendation without link to any Convention ⁹.

Crisis are indicators to see deficits of the current social protection systems. They serve as reality check to illustrate the limitations. Governments and international community should use crisis in order to establish permanent and strong social protection systems, instead of temporary and weak measurements ¹⁰.

Social protection systems should not only work on immediate crisis responses, but also focus on the long-term developments. It is important to look beyond the crisis and design responses for each category of protection, prevention, promotion and transformation ¹¹.

ILS are powerful tools for crisis response in order to minimize the effects and to set up stable, long term social protection systems. Many different standards can be used during crisis. Specifically, "Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)" stresses that crisis response should respect human rights and the rule of law, including respect for labor rights and international labor standards. The list of standards for crisis response:

- "Employment Policy Convention, 1964 (No. 122)
- Social Protection Floors Recommendation, 2012 (No. 202)
- Medical Care and Sickness Benefits Convention, 1969 (No. 130)
- Social Security (Minimum Standards) Convention, 1952 (No. 102)
- Occupational Health Services Recommendation, 1985 (No. 171)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

- Reduction of Hours of Work Recommendation, 1962 (No. 116)
- Employment Injury Benefits Convention, 1964 (No. 121)
- Employment Promotion and Protection against Unemployment Recommendation, 1988 (No. 176)
- Protection of Wages Convention, 1949 (No. 95)
- Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)
- Nursing Personnel Convention, 1977 (No. 149)
- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers Recommendation, 1975 (No. 151)"

GOVERNMENT GUIDANCE by INTERNATIONAL LABOUR STANDARTS

Governments should act as quickly as possible to take decent measures and to prevent spread of virus. The question, during crisis, should be "how the world can get the most benefit?" instead of "how can my country get the most benefit?" in order to reduce the global impact ¹².

Developed countries and developing countries do not provide social protection in the same way. Developed countries usually provide social protection by social security contributions and payroll taxes. However, it is limited for developing countries to provide same benefits ¹³. Even though there is still no clear image of the impact of the virus, economical challenges are already obvious. Many developing countries' economies depend on tourism, commodity exports and foreign investments. It is not hard to predict that most of them will face with major economic recessions. Governments of developing countries should particularly provide cash and food supplement ¹⁴.

Providing Decent Healthcare Services

Healthcare

Main ILO standards for healthcare are "Social Protection Floors Recommendation, 2012 (No. 202)", "Medical Care and Sickness Benefits Convention, 1969 (No. 130)", "Social Security (Minimum Standards) Convention, 1952 (No. 102)". According to these ILO standards, all COVID-19 infected employees (including wives and children) should have access to essential healthcare services. Healthcare services include curative & preventive treatment, general practitioners & special practitioners care, necessary medications, and medical rehabilitations.

Privacy

"Occupational Health Services Recommendation, 1985 (No. 171)" ensures that privacy of employee should be kept private and it should never be used for any kind of discrimination against employee. Personal health data of the employee can be transferred to others only with individual employee's informed consent. ILO code of practice "Protection of workers' personal data" gives detailed guidance about privacy of workers ¹⁵.

Discrimination

There is discrimination against people from certain countries where the virus is more spread. "ILO Discrimination (Employment and Occupation) Convention, 1958" forbids all kinds of discrimination in labor employment and occupation, including racial harassment. Racial harassment does not have to be physical or verbal. Non-verbal misbehave based on race is also categorized as racial harassment¹⁶. Discrimination based on "health status" is also subject to "ILO Discrimination (Employment and Occupation) Convention, 1958". Legal measurements against discrimination based on health status should also be taken.

Regulating Economy and Work

Regulating Economy

Full, productive and freely chosen employment should be promoted by members according to "ILO Employment Policy Convention, 1964". Governments should take measures aimed for stabilizing economy, unemployment and local economic recovery. Moreover, sustaining minimum wage levels is also another measure, in order not only to protect the most vulnerable ones but also keep demand high and contribute to economy¹⁷.

Regulating Working Hours

In national emergency cases, the reduction of working hours can be permitted by regulative authorities, according to "The Reduction of Hours of Work Recommendation, 1962". COVID-19 is not only national emergency but also global crisis. Since it is transferred from people to people, crowded areas (such as workplaces) are especially at risk. To prevent virus spread and to protect people, governments may decide to limit working hours.

Providing Benefits for Workers

Occupational Disease Payments

According to "Protocol of 2002 to the Occupational Safety and Health Convention, 1981", occupational disease "covers any disease contracted as a result of an exposure to risk factors arising from work activity". COVID-19 can be identified as occupational disease, in the case of being exposed to virus in work environment or work-related activities. Along with decent healthcare, occupational disease victims should be entitled their compensations according to "Employment Injury Benefits Convention, 1964". Spouses and children are considered as standard beneficiary, in case of employee's death as a result of occupational disease.

Payment in Case of Covid-19 Infection

COVID-19 infected workers should be kept away from work environment to protect other workers. They should be granted sickness benefits according to "Medical Care and Sickness Benefits Convention, 1969". Moreover, workers absent from work due to the quarantine purposes should also

be granted sickness benefits. If quarantine measures are not encouraged, workers may choose to work while they need to quarantine themselves. This might increase the risk of disease spread¹⁸.

Protection for Unemployed Workers

Unemployed workers should have access to employment development measures such as employment services and vocational training according to “the Employment Promotion and Protection against Unemployment Recommendation, 1988”. In the event of bankruptcy or judicial liquidation of an undertaking under the influence of COVID-19, workers should be treated as privileged creditors for their unpaid wages, as stated in “Protection of Wages Convention, 1949”.

Wages of Workers for Working Hour Reduction

Many workplaces reduced work hours as a result of COVID-19. Therefore, workers partially lost their regular income. Governments should take measures to provide benefits to workers who are suffered of their earnings due to temporary suspension of work hours with the guidance of “Employment Promotion and Protection against Unemployment Convention, 1988”.

Protecting Special Groups

Healthcare Workers

Healthcare workers are at the most risk during COVID-19 pandemic. They should be specifically protected in order to win the battle against the disease. Governments may use “The Nursing Personnel Convention, 1977” as a guide to protect healthcare workers. According to convention, governments may improve current regulations to protect healthcare workers’ occupational safety.

As mentioned in “Nursing Personnel Recommendation, 1977”, in order to eliminate the risks in the workplace, all possible should be taken. If risks are unavoidable, all possible measures should be taken to minimize risks such as using personal protective equipment, reduction of work hours, longer rest breaks and testing workers regularly.

Informal Economy Workers

Informal workers are unregistered. It is difficult for governments to reach them and informal workers are fearful of authorities. Most informal economy workers are entering this sector due to the lack of opportunities¹⁹.

Governments should rapidly start transition from informal economy to formal economy. Safety and health protection, social security, maternity protection, decent working conditions and a minimum wage should be provided for informal economy workers with respect to “Transition from the Informal to the Formal Economy Recommendation, 2015”.

Migrant Workers

Migrant workers and their family should be able to reach decent medical services, such as COVID-19 testing. They should have adequate medical hygiene during their journey according to "Migration for Employment Convention (Revised), 1949".

Governments should take measures to protect migrant workers and they should be informed about conditions of the arrival location, in the language which they can fully understand. Migrant workers who are lawfully in the country should have same social security rights and benefits as national workers, as mentioned in "Migrant Workers Recommendation, 1975".

SOCIAL PROTECTION MEASURES AROUND THE WORLD

Up until 26 May 2020, 188 countries and territories have taken 1046 social protection measures in response to the COVID-19 crisis. The response rate around the world is 84.7%. The Europe and Central Asia is the region with the highest number of responses rate with 95.0%. Arab States are at the end of the list with least number of responses with 66.7%. Regional response rate to COVID-19 crisis can be seen in figure 3²⁰.

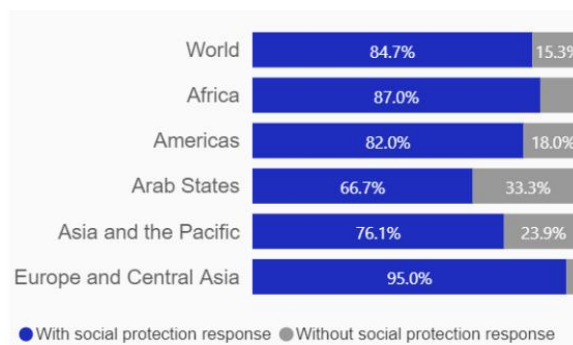


Figure 3. Regional response rates to COVID-19 crisis

Social protection measures can be classified in 4 types; new programmes or benefits, social protection programme adjustments, social spending adjustments and improvements in administration. Share of each social protection measure type can be seen in figure 4²¹.

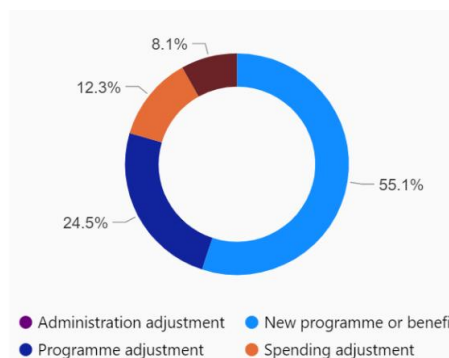


Figure 4. Share of social protection measure types

Moreover, social protection measures can be grouped by function such as special social allowances/grants, measures addressing income/job protection, several social protection functions, unemployment protection, health etc. Statistics of social protection measure functional groups can be seen in figure 5²².

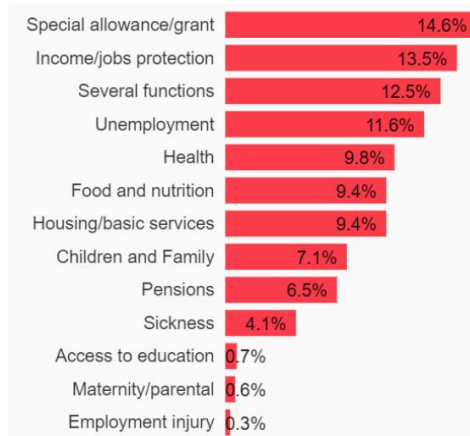


Figure 5. Share of social protection measure functional groups

CONCLUSION

Crisis has surely adverse effects on the world. Thinking of the bright side, occurrence of global crisis has usually pushed social protection issue higher place on the international agenda²³. Crisis can be used to learn from current limitations and failures in the system so that stable and long-term systems can be planned.

ILO is United Nations' specialized agency. By using ILO standards, obligations of governments can be determined during COVID-19 crisis. In this article, we have classified obligations of government into four categories according to ILO standards;

- Providing Decent Healthcare Services
- Regulating Economy and Work
- Providing Benefits for Workers
- Protecting Special Groups

Thanks to ILO standards, governments have concrete and reliable guidance for crisis response. All this information shows how

important ILO's efforts in this regard are. However, the problem is the question of how much of ILO members respond to its efforts in a realistic and economic way.

References

- ¹ Cascella, M., Rajnik, M., Cuomo, A., Dulebohn, S. C., & Di Napoli, R. (2020). Features, Evaluation and Treatment Coronavirus (COVID-19). StatPearls Publishing. <http://www.ncbi.nlm.nih.gov/pubmed/32150360> (Date of access: 29.05.2020)
- ² WHO (2020). What is a pandemic?, https://www.who.int/csr/disease/swineflu/frequently_asked_questions/pandemic/en (Date of access: 29.05.2020)
- ³ Ghebreyesus, T. A. (2020). Media Briefing on COVID-19 <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> (Date of access: 29.05.2020)
- ⁴ Cascella, M., Rajnik, M., Cuomo, A., Dulebohn, S. C., & Di Napoli, R. (2020). Features, Evaluation and Treatment Coronavirus (COVID-19). StatPearls Publishing. <http://www.ncbi.nlm.nih.gov/pubmed/32150360> (Date of access: 29.05.2020)
- ⁵ WHO (2020). Coronavirus Disease (COVID-19) Dashboard. <https://covid19.who.int/>
- ⁶ ILO (2020). ILO Monitor COVID-19 and the world of work (third edition), https://www.ilo.org/wcmsp5/groups/public/@dgreports/@comm/documents/briefingnote/wcms_743146.pdf (Date of access: 29.05.2020)
- ⁷ ILO (2020). ILO Monitor COVID-19 and the world of work (third edition), https://www.ilo.org/wcmsp5/groups/public/@dgreports/@comm/documents/briefingnote/wcms_743146.pdf (Date of access: 29.05.2020)
- ⁸ ILO (2020). ILO Standards and COVID-19 (coronavirus). https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_739937.pdf (Date of access: 29.05.2020)
- ⁹ ILO (2007) Manual for drafting ILO instruments The Quick Guide. International Labour Organization, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---jur/documents/publication/wcms_426014.pdf (Date of access: 29.05.2020)
- ¹⁰ McCord, A. (2010). The impact of the global financial crisis on social protection in developing countries. *International Social Security Review*, 63 (2), p.42. <https://doi.org/10.1111/j.1468-246X.2010.01360.x>
- ¹¹ Davies, M., & Allister McGregor, J. (2009). Social protection: Responding to a global crisis. *IDS Bulletin*, 40(5), p.75. <https://doi.org/10.1111/j.1759-5436.2009.00075.x>
- ¹² Stiglitz, J. (2009). The global crisis, social protection and jobs. *International Labour Review*, 148 (1), p.4. <https://doi.org/10.1111/j.1564-913X.2013.00165.x>
- ¹³ Barrientos, A., & Niño-Zarazúa, M. (2011). Financing social protection for children in crisis contexts. *Development Policy Review*, 29 (5), p.605. <https://doi.org/10.1111/j.1467-7679.2011.00549.x>
- ¹⁴ Vaziralli, S. (2020). A social protection response to COVID-19 in developing countries.p.2 <https://www.theigc.org/wp-content/uploads/2020/04/Vazirelli-2020-policy-brief.pdf> (Date of access: 29.05.2020)
- ¹⁵ ILO. (1997). Protection of workers' personal data. International Labour Organization. Geneva. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normativeinstrument/wcms_107797.pdf (Date of access: 29.05.2020)
- ¹⁶ ILO (2019). General Observation (CEACR) - adopted 2018, published 108th ILC session (2019) Discrimination (Employment and Occupation) Convention, 1958 (No. 111). https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YE:AR:3996050,,,2018 (Date of access: 29.05.2020)
- ¹⁷ ILO (2020). ILO Standards and COVID-19 (coronavirus). https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_739937.pdf (Date of access: 29.05.2020)
- ¹⁸ ILO (2020). Social Protection Spotlight: Sickness benefits during sick leave and quarantine. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---soc_sec/documents/publication/wcms_744510.pdf (Date of access: 29.05.2020)
- ¹⁹ ILO (2020). COVID-19 crisis and the informal economy Immediate responses and policy challenges. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/briefingnote/wcms_743623.pdf (Date of access: 29.05.2020)
- ²⁰ ILO (2020). Social Protection Monitor: Social protection responses to the COVID-19 crisis around the World. <https://www.social-protection.org/gimi/RessourcePDF.action?id=56047> (Date of access: 29.05.2020)
- ²¹ ILO (2020). Social Protection Monitor: Social protection responses to the COVID-19 crisis around the World. <https://www.social-protection.org/gimi/RessourcePDF.action?id=56047> (Date of access: 29.05.2020)
- ²² ILO (2020). Social Protection Monitor: Social protection responses to the COVID-19 crisis around the World. <https://www.social-protection.org/gimi/RessourcePDF.action?id=56047> (Date of access: 29.05.2020)
- ²³ Behrendt, C. (2010). Crisis, Opportunity and the Social Protection Floor. *Global Social Policy*, 10(2), p.163. <https://doi.org/10.1177/14680181100100020106> (Date of access: 29.05.2020)