

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 24: Right to Rest and Leisure

In 19 crisp words, Article 24 of the Universal Declaration of Human Rights presents the flip side of the right to work articulated in Article 23 – the right not to be over-worked. It enshrines the right to limited working hours and paid holidays, but as Cuban drafter Pérez Cisneros said in the late 1940s, it should not be interpreted as “the right to laziness.”

Even in the 19th century, there was recognition that working excessive hours posed a danger to workers' health and to their families. Limitations on working hours and the right to rest are not explicitly mentioned in any of the core human rights Conventions, but had been enshrined in the very first treaty adopted by the International Labour Organization (ILO) in 1919, which applied an eight-hour day and 48-hour week to industry.

Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 23 owes much to the contributions of Latin American countries to the drafting process between 1946 and 1948. In the mid-1940s, almost all countries in this region had democratic governments, and their constitutions were rich with social and economic rights, including provisions for annual holidays and other forms of paid leave.

These constitutions were examined as inspiration for the Universal Declaration of Human Rights (UDHR), and they met with the approval of the Communist bloc. As the Yugoslav drafter Vladislav Ribnikar said, “the right to rest without pay meant nothing.”

Linked to reasonable working hours, leisure time and paid vacations is the right of each person to self-development and education. This provision is one of many places where the UDHR aims to ensure the full development of people's personality.

Safeguarding workers' physical and mental health is not only compassionate, it helps to ensure high productivity. On the other hand, over-work – too many hours and past one's capacity – can be fatal.

“When a father puts in long hours at work, he's praised for being dedicated and ambitious. But when a mother stays late at the office, she's sometimes accused of being selfish, neglecting her kids.”

– Michelle Obama

In Japan, there is a word for “overwork death” – *Karōshi* (過労死) – first identified in 1969. Not only confined to Japan, *karōshi* deaths are most often caused by heart attacks and strokes due to stress and a starvation diet.

The ILO reports the case of a man working in a major snack food processing company in Japan, who put in as many as 110 hours a week, and died from a heart attack at the age of

34. In another case, a widow received workers’ compensation 14 years after the death of her 58-year-old husband, an employee of a large Tokyo printing company, who had worked 4,320 hours a year, including night work -- the equivalent of 16 hours out of every 24.

In addition to over-worked employees, there is another group who, in many countries, work harder than they ever thought possible – often in unsafe or unhealthy conditions – and still find themselves sinking into debt and poverty. These are migrants, regardless of their status: both undocumented and those with residence rights.

A 1990 treaty, the Convention on the Protections of the Rights of All Migrant Workers and Members of Their Families, aims to protect the labour and related rights of non-nationals, including their right to rest and leisure. However, it has so far only been ratified by 54 states – mostly those which are producing migrants, rather than those that receive them.

However, important regional bodies are also working to uphold the employment rights of migrants. In the case of an undocumented Mexican worker in the U.S. who was fired for attempting to organize workers, the Inter-American Court of Human Rights stated that he should still receive the back pay owed to him, and affirmed that governments have the obligation to ensure the rights of everyone within their jurisdiction, including labour rights.

Governments everywhere have a legal obligation to ensure the right to safe and healthy working conditions, the right to limited working hours and paid holidays, but these rights have been under assault in some countries since the global recession of 2008.

“The idea that the poor should have leisure has always been shocking to the rich.”

– British philosopher
Bertrand Russell

In a number of developed countries, steady jobs – with benefits, holiday pay, a measure of security and possible union representation – are increasingly giving way to contracts.

As one expert put it, in today’s world, workers seem like “nothing so much as teenagers lending a hand in an affluent family business.” Instead of old-fashioned employment with full labour protections, “there is now getting some experience, earning a bit of money, or helping out when the orders come in.”

The concept that employees are trying to earn a living wage, and that their employers have obligations toward them, is being steadily eroded in some countries where it was well-established, even as it advances haltingly in others where it has never fully taken hold.

Companies themselves have a responsibility to respect the right to leisure as part of their responsibilities under the UN Guiding Principles on Business and Human Rights. This responsibility applies throughout their supply chains, and it means that, as part of its 'human rights due diligence,' a company should consider whether any of its activities or operations are resulting in excessive working hours for employees.

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.

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