

International Construction Law

Academic Monograph



In the emerging multipolar global order, international construction projects face new legal challenges concerning the protection of workers' rights and the provision of social security. Divergent national labour laws and social welfare systems complicate transnational projects, highlighting the need for harmonized international standards. International labour law thus becomes a key mechanism for aligning approaches to protect workers globally.

International Labour and Social Security Standards. The core of the international social protection framework is established by conventions of the International Labour Organization (ILO). ILO Convention No. 102 on Social Security sets basic minimum standards on pensions, unemployment benefits, health care, and other social security measures to ensure a decent standard of living. The European Social Charter further obliges member states to guarantee wages sufficient to cover a decent living. Shaykhutdinova notes that under this Charter, a minimum wage should be set at 60–68 % of the national average salary, along with support measures for workers with insufficient income (Shaykhutdinova, 2012). Overall, these international norms seek to provide a unified floor of protection across jurisdictions.

National Approaches and Conflicts. Every country has its own labour and social security model, affecting how international contracts operate. For example, in Russia there is debate about minimum wage calculation: Davletgildeev and Zarubin observe that computing the minimum wage based on the national average rather than the median salary better fulfills international obligations and enhances worker protection (Davletgildeev & Zarubin, 2023). They argue that this would particularly benefit workers on international projects who currently risk low pay. Reforms in other jurisdictions show similar tensions: in 2022, the United Arab Emirates adopted Federal Decree-Law No. 33/2021 to modernize private sector labour law and improve conditions in sectors like construction. However, the International Trade Union Confederation reports ongoing issues such as

mass deportations of migrant workers without legal aid, delayed wages, and restricted labour organizing. These examples illustrate a gap between national changes and ILO standards, underscoring the need for greater international alignment.

Concept of International Labour Law and Methodology. Despite its growing significance, “international labour law” lacks a single definition and varies by legal tradition. Scholars like Bugrov and Tuaeov emphasize that this diversity reflects the field’s complexity and calls for developing common principles that accommodate different national contexts (Bugrov, 2007; Tuaeov, 2016). International labour law can be viewed both as an academic discipline and a practical field of law: Kiselev treats it as a subject helping to understand how national labour laws interact with international standards, thus forming an effective mechanism for worker protection in a multipolar world (Kiselev, 1999). In construction, where projects cross jurisdictions, such integration is critical. Tomashevsky notes that international labour law encompasses both international agreements and the conflict of laws issues arising in transnational employment relationships (Tomashevsky, 2010). In this sense, international labour law intersects with international public law: it includes norms regulating the protection of workers’ rights and establishing minimum labour standards in areas like social security and occupational safety.

Labour Rights, Non-Discrimination, and Social Protection. Non-discrimination is a core principle of ILO standards. Convention No. 111 explicitly prohibits distinctions in employment or occupation based on race, sex, religion, or other status. In multinational construction projects, it is crucial to ensure equal conditions for migrant workers, women, persons with disabilities, and other vulnerable groups. Scholars such as Agatov and Alyoshina & Kosovskaya emphasize that legal mechanisms to prevent labour discrimination are integral to international labour law and are essential for protecting workers’ rights (Agatov, 2023; Alyoshina & Kosovskaya, 2014). For example, studies highlight that migrant construction workers often face informal work arrangements, complex subcontractor chains, wage theft, and ties to employers through housing or visa status. This underscores the need for multinational efforts to protect migrants, including multilateral agreements, greater transparency in recruitment, expanded collective bargaining rights for migrants, and stricter enforcement of labor standards at

local levels. Thus, international norms on non-discrimination and social security serve as a foundation for fair working conditions globally.

Contractual Standards and the Role of FIDIC. The International Federation of Consulting Engineers (FIDIC) develops model contract conditions for construction projects that include social provisions. FIDIC clauses expressly allow parties to revise contract terms when legal or external conditions change (*force majeure*). This flexibility enables adapting agreements to evolving legal environments and mitigating risks for workers. Specifically, allowing contractual amendments in response to regulatory changes or unforeseen events provides protection in crises (such as economic shocks or pandemics). Emphasizing such flexibility highlights the importance of international social standards: FIDIC's approach helps align labour protections across jurisdictions in multinational projects.

Challenges and Future Directions. The analysis shows that ILO conventions and FIDIC standards help harmonize labour conditions, but do not resolve all conflicts. Universal frameworks struggle with the cultural and legal diversity of countries. Attempts to impose one-size-fits-all solutions have met with mixed results. Hence, more adaptable approaches are needed. Experts suggest revisiting certain ILO conventions – for example, reconsidering language in the anti-discrimination convention to account for national traditions – to improve acceptance and effectiveness. Acknowledging that one global system cannot ignore local differences, the key task of international labour law is to develop flexible legal mechanisms that protect workers while respecting each country's context. Only by recognizing legal and cultural diversity, and building adaptive norms, can the law achieve true harmonization of labour rights and strengthen workers' social protection in international construction projects.

Note on the publication of the main research results

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References

1. Agatov, K. D. (2023). Legal regulation of the prohibition of discrimination in labour. *Evraziiskaya advokatura*, 2(61), 108–112.
2. Alyoshina, A. V., & Kosovskaya, V. A. (2014). International-legal standards for preventing discrimination of workers. *Obshchestvo. Sreda. Razvitie (Terra Humana)*, 2(31), 95–98.
3. Bekyashev, D. K. (2008). *International labour law: A textbook*. Prospekt.
4. Buckley, M., Zendel, A., Biggar, J., Frederiksen, L., & Wells, J. (2016). *Migrant work & employment in the construction sector*. International Labour Organization.
5. Bugrov, L. Yu. (2007). On the debate about understanding international labour law in Russian and foreign doctrines. *Vestnik Permskogo universiteta. Yuridicheskie nauki*, (8), 116–121.
6. Chernyaeva, D. V. (2010). *International labour standards*. KnoRus.
7. Davletgildeev, R. Sh., & Zarubin, D. V. (2023). International labour standards on minimum wage and legislation of the Russian Federation. *Moskovskiy zhurnal mezhdunarodnogo prava*, (2), 6–20.
8. Frost, N. (2021). Out with the “Old”, in with the “New”. *European Journal of International Law*, 32(2), 507–536. DOI: 10.1093/ejil/chab012

Labour Standards and Social Protection in Cross-Border Construction Contracts: Practical Pathways for Harmonisation

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The chapter analyses legal challenges in international construction contracts within a multipolar world, focusing on labour law and social security. It

first surveys International Labour Organization standards—Conventions 102, 95 and 111—and benchmarks of the European Social Charter. It then compares diverse national frameworks, illustrated by minimum-wage recalculations and recent Gulf reforms, exposing conflicts and discrimination risks for migrant labour. A final section examines FIDIC clauses that enable contract adaptation to legislative change and force-majeure events. The study concludes that effective worker protection depends on flexible incorporation of international norms into domestic law and on contractual mechanisms that respond swiftly to external shifts, thereby harmonising employment conditions and reducing legal uncertainty for all stakeholders.

9. Karateeva, E. D., & Shamova, E. O. (2019). Jurisprudence: Issues of Russian and international law. *Forum molodyh uchenykh*, 3(31), 441–445.
10. Kaurov, V. G. (2006). Social-legal protection of the worker against labour discrimination. *Leningradskiy yuridicheskiy zhurnal*, (1), 143–167.
11. Khesina, A. I. (2017). Disability-based discrimination: Concept and legal regulation. *Vestnik Samarskoy gumanitarnoy akademii. Seriya: Pravo*, 1–2(19), 19–23.
12. Kiselev, I. Ya. (1999). Comparative and international labour law. Delo.
13. Meshev, I. Kh., & Khazhirokov, V. A. (2022). Legal regulation of discrimination issues in sport. *Zhurnal prikladnykh issledovaniy*, 4(11), 343–347.
14. Nesmeyanova, I. A. (2021). Is discrimination of pensioners possible in a rule-of-law state? *Legal Bulletin*, 6(2), 77–83.
15. Shaykhutdinova, G. R. (2012). The concept of a decent standard of living under the European Social Charter. *Pravovaya politika i pravovaya zhizn'*, (3), 97–100.
16. Tomashevsky, K. L. (2010). International labour law as a phenomenon of legal reality. *Trudovoe pravo v Rossii i za rubezhom*, (4), 52–55.

17. Tuaev, V. V. (2016). The legal nature of the branch of international labour law. *Sotsial'no-ekonomicheskie issledovaniya*, (7-2).

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