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Decency and the market: the ILO's Decent Work Agenda as a moral market boundary

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6 Decent Work

In the previous chapters, we covered the theories about the relationship between normative theory and the market. In the second chapter, the idea of market boundaries was introduced. The subsequent chapter took a closer look at human dignity as a foundational value for market boundaries, including for the ILO's international labor standards that can be seen as a way of introducing normative standards to the market system. Chapter four saw the introduction of the concept of the decency (by way of the works of the philosopher Avishai Margalit) and how this might relate to economic policy in the area of employment. In the previous chapter, the focus was placed on the emergence of labor standards and the associated rationale up until the end of the twentieth century and when the ILO launched its Decent Work Agenda. This agenda is the topic of this chapter, which includes a confrontation with the writings of Margalit on the topic of decency.

In 1999, the International Labour Organization (ILO) proclaimed that it considers productive and freely chosen employment to be at the core of its mandate: “The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity.” (ILO, 1999).¹²⁶ This new mission statement by the ILO constitutes its own response to the debate on globalization (International Labour Organisation, 1999, 2001, 2008c). The phrase “Decent Work” encapsulates the strategy the organization has chosen for how it wants to operate in a world characterized by economic globalization.

This chapter will look at the concept of decent work. This will be done not only by reviewing what has been written on the topic—the theoretical side. This includes appraising the agenda with the work of Margalit and the criteria he laid down with respect to decency. This chapter will also look into the issue of how the concept of decent work is to be translated into practice with a special focus placed on the attempts to measure decent work through selected indicators. Economic policy making today leans rather heavily on a numerical approach with measurement playing a key role. This role is brought forward by the desire to assess and

¹²⁶ Note that the section “freedom, equity, security and human dignity” is derived from the 1944 Declaration of Philadelphia that was discussed in §3.2.3

monitor progress (or lack thereof) and to compare or benchmark. The attempts to quantify and codify the presence of decent work offer a chance to review the possibilities but also the possible limitations of the normative in economic policy; limitations that in part arise when opting for a different route than the prescriptive negative or *ex negativo* approach to policy making. In reviewing the attempts at measuring decency in the form of decent work, this chapter will also discuss the ways in which inherently normative concepts such as human dignity and decency are translated to the world of indicators.

The rest of the chapter is organized as follows. The first section will give an overview of the emergence of decent work as a mission statement for the ILO. Apart from covering its definition and content, this section will also include an overview of the implications of shifting the goals of the ILO toward promoting decent work, taking into account the various obstacles that the agenda will have to overcome.

Having reviewed the more theoretical underpinnings of Decent Work, the focus shifts toward the practical. The second section of this chapter will cover the attempt to measure decent work. In order to be able to monitor the developments regarding decent work, several research projects started work on this issue including assessing the possibility of creating an index that might help with the task of monitoring. As will become clear in this part of the chapter, there was widespread opposition against the creation of such a ‘Decent Work Index’ that halted its construction. This has not, however, stopped the project of measurement.

The objections against the construction of a Decent Work Index were to some extent associated with general methodological problems but were also the product of the discomfort brought about by the explicit normative content of the Decent Work Agenda. The third section of the chapter is devoted to this normative dimension of Decent Work. One aspect that will receive special attention is the way the key moral concepts underlying the Decent Work Agenda are made operational, such as ‘decency’ and ‘dignity’. This discussion will show that the way the ILO has invoked these concepts has added to the obfuscation of the normative message underlying the Decent Work Agenda. The chapter will be concluded by a brief discussion of the main findings.

6.1 The emergence of the ILO's mission statement

The concept of 'Decent Work' was launched in 1999 with the publication of the eponymously titled report of the ILO's Director-General, which opens with the words: "This Report proposes a primary goal for the ILO in this period of global transition—securing decent work for women and men everywhere. It is the most widespread need, shared by people, families and communities in every society, and at all levels of development."(ILO, 1999).

On an abstract level, the underlying reason for restating the purpose and objectives of the ILO was that the emergence of the global economy and the associated market forces had changed the relationship between the three constituents of the ILO: employees, employers, and governments.¹²⁷ On a more concrete level, the desire to refocus the activities of the ILO came from two developments. Firstly, it was a response to the growing diversity of ILO activities, such as a more hands on approach toward labor (related) issues that steered the organization beyond its traditional strike zone and objective of merely formulating labor standards.

Secondly, the launch of the DWA can be seen as the ILO's continued response to the effects of globalization. As discussed in the previous chapter (see §5.2.3), the ILO's first major response to globalization consisted of the adaptation of the core labor standards in 1998. This constituted a clear effort on the part of the ILO to reassert its leading role on questions relating to labor issues and to assemble some type of moral minimums. The DWA in effect builds on this and aimed to address a growing public concern over issues like employment, wages, working conditions, rights at work, and the elimination of poverty in the light of the globalised economy (Egger, 2002, p. 165).

6.1.1 What constitutes Decent Work?

As of 1999, the main purpose of the ILO is formulated as promoting opportunities for all persons to obtain decent and productive work in conditions of freedom, equity, security, and human dignity (ILO, 1999). This being the primary goal of the organization, the concept of Decent Work is viewed as the converging focus of the ILO's four strategic objectives:

¹²⁷ "Economic outcomes are now influenced more by market forces than by mediation through social actors, legal norms or State intervention. International capital markets have moved out of alignment with national labour markets, creating asymmetrical risks and benefits for capital and labour." (ILO, 1999)

employment, promotion of rights at work, social protection, and social dialogue. This section will review and discuss these four objectives, but first the focus will be on the definition of Decent Work.

With the Decent Work Agenda (DWA), the ILO aims to move outside its more traditional role of standard setting and also move beyond determining mere (moral) minimums as it did with the introduction of the core labor standards. However, with this aim the organization is entering new territory and it will have to justify its presence in these new areas. And with this, the need for clarification of what it aims to do—in this case the need for a definition of decent work—presents itself. However, offering this clarification is not without its pitfalls. The various attempts to capture decent work in positive terms, describing what it is, has resulted in a plethora of definitions each with their own list of characteristics.¹²⁸ The fact that decent work is used (even within the ILO) in multiple ways adds to the confusion not only outside but also inside the organization: “Although the notion of decent work, proposed by the Director General of the ILO in his first Report to the International Labour Conference, may be seen as an objective or purpose devoid of technical content, it can also be considered as an integrating concept bringing together and co-ordinating diverse aims, values and policies, or as a “dynamic concept, whose content evolves with the social and economic progress of a given country”.” (ILO/Cinterfor, 2001, p. 13).

It may seem odd that the essential component in the new mission statement, i.e. decent work, would be introduced without a clear and comprehensive definition but that is not to say that no definition is given, on the contrary. In its various communications, various definitions have been provided by (representatives of) the ILO. Although the differences between these definitions may be slight, the absence of a uniform definition is notable. Therefore, for instance, in the launching document, the report by the secretary-general on decent work, it is noted that: “Decent work is the converging focus of all its four strategic objectives: the promotion of rights at work; employment; social protection; and social dialogue.” (ILO, 1999). This definition would indicate that the realization of decent work hinges on pursuing and

¹²⁸ In that sense the problems facing decent work are akin to those surrounding the concept of human dignity as discussed in chapter 3. In §6.3, we will return to this issue with special attention for the way this problem is tackled by Avishai Margalit and his negative approach.

realizing these four objectives. However, the question then becomes how one is to know if the realization is complete if it is unknown as to what it should look like; unless the relationship itself is taken as the definition. From this we would infer that Decent Work is not unlike a state of affairs or situation (comparable to “it is raining” or in this case “fulfillment of the four objectives”). However, in the same document the following is also included: “Decent work means productive work in which rights are protected, which generates an adequate income, with adequate social protection.” (ILO, 1999). Note the inclusion of an adequate income that, on the face of it, entails a move beyond the four objectives. The absence of dialogue might be a consequence of the fact that Decent Work is used to denote a conceptual entity as well as the overall agenda. In his 1999 address to the WTO Conference in Seattle, the ILO’s Secretary–General stated that: “Decent work means work which is carried out in conditions of freedom, equity, security and human dignity.” (Somavia, 1999). Again there is a considerable overlap with the other two but once more new concepts are introduced albeit concepts which are no strangers to the ILO heritage.¹²⁹

One would almost come to the conclusion that the ILO itself is somewhat uncomfortable with the concept or at the very least unsure as to what should fall under its heading—if not everything. It is not the intention to be dismissive of the concept but it may be considered a telling fact that the report of the expert meeting on the measurement of decent work does not include a definition of what is supposed to be measured (see ILO, 2008a).

In the case of measurement, it could be argued that the definition can be assembled from the selection of the indicators proposed by the meeting.¹³⁰ However, the introduction of the Human Development Index by the UNDP in 1990, which may be considered to be a similar or comparable enterprise, did go to great lengths in capturing and defining the central concept to their undertaking.¹³¹ It started out by stating that “Human development is a process of enlarging people's choices.”, expanding on the definition by adding: “The term human development here denotes both the process of widening people's choices and the level of their achieved wellbeing. It also helps to distinguish clearly between two sides of human development. One is the formation of human capabilities, such as improved health or

¹²⁹ See §3.2.3 of this thesis

¹³⁰ See also §6.2 of this thesis

¹³¹ At the basis of the whole undertaking of measuring human development lies the work of Amartya Sen and his capabilities approach, see e.g. Sen (1985, 1999)

knowledge. The other is the use that people make of their acquired capabilities, for work or leisure.”(UNDP, 1990, pp. 10-11).

The comparison with the work done by the UNDP is not without merit as Decent Work has become part (as of January 2008) of the UN Millennium Development Goals (MDG) under the heading of “Target 1.B: Achieve full and productive employment and decent work for all, including women and young people.”¹³² The phrasing of the target clearly refers to the overall new mission statement of the ILO. It also conveys its aspiration to realize decent work across the globe, i.e. the universality of the ambition. This not only means that it is applicable to all countries but also that the target group encompasses all workers and not just those active in formal employment relationships but also day-laborers and the like. Considering the importance of the MDGs in policymaking in national as well as international (economic/political) relations, the inclusion of decent work makes it all the more pressing to obtain a clear picture of what decent work precisely entails.

In the absence of an officially sanctioned definition, an alternative route is needed in order to increase our understanding of decent work and thereby move towards a definition. For this alternative route, we shall turn to the initial statement that reads that decent work is the converging focus of the four strategic objectives of the ILO. The remainder of this section will deal with each of these four objectives, namely: employment, promotion of rights at work, social protection, and social dialogue.

6.1.2 Employment

Decent Work is by definition about work. It can be paid or unpaid work or come in the form of employment (which implies a more or less formal relationship) or in more informal circumstances. Work is thus a broad concept incorporating even those forms not subject to formal agreements. Two issues arise from the discussion of work in relation to the DWA. First, there is the issue of the importance of work in the everyday lives of workers; an

¹³² The Millennium Development Goals (eight in total) are targets set by the international community to be reached by 2015 and are all tied to development issues and the needs of the world’s poorest people. The target presented here is one of 9 targets listed under the first MDG, which is the eradication of extreme poverty and hunger. The decent work indicators are focused primarily on work as a source of income.

importance that goes beyond aspects like wages and remuneration.¹³³ The second issue relates to the priority of job creation vis-à-vis the other components of the DWA.

In chapter four (§4.2), the non-monetary significance of work by way of the writings of Avishai Margalit was already discussed. Any attempt that aims to capture the full significance of work will have to go beyond the basic notion of seeing work as an activity people perform in order to secure an income that helps in the provision of basic necessities. However, it cannot be denied that in modern life wages or other types of remuneration are the primary means of sustaining life. And because of this important role it is easy to see how any discussion of the significance of work stops with accentuating this aspect and neglecting the other non-monetary issues. However, such a narrow view does not do justice to the full importance of work.

The importance of work is multifaceted in that, for instance, it also enables people to overcome societal obstacles. Theodore Moran notes in his work on sweatshops that surveys among female factory workers in Latin America and Asia indicate that their employment offers them a measure of autonomy, status, and self-respect that is otherwise hard for them to obtain (Moran, 2002, p. 15). And with this we enter the social (also known as the normative) dimension of work where we find the non-monetary characteristics of employment like the social aspects of work and its importance as an affirmation of one's own identity for oneself as well as for others (ILO, 2001, p. 5/6). This importance—often overlooked—has real implications, so that, for instance, the unhappiness caused by involuntary unemployment is not to be equated with the unhappiness over the loss of income; there are both 'material' as well as 'non-material' aspects at play.¹³⁴ External work has been shown to be a source of various feelings and processes such as achievement, stimulation, as well as a source for socializing that go beyond wages or as Dan Gasper writes in his contribution to a study on the concept and measurement of human well-being: "The satisfactions from work are only slightly reflected in economic accounting. That applies the perspective of a capitalist to a nation, with work assumed to be a cost rather than a benefit." (Gasper, 2007, p. 28).

¹³³ The ILO has stated in numerous instances and various occasions that it is concerned with all the dimensions of work, see e.g. ILO (2001, p. 7) as well as Somavia and Cardinal Martino (2005).

¹³⁴ See also van Staveren's article on ethics in economics (2007) for a discussion on intrinsic motivation as opposed to mere external motivation such as wages.

All in all, we can say that when the ILO states that employment is a strategic objective it is not only referring to work as being a source of income but also takes into account the social and normative dimension of work.

The second issue regarding employment with respect to the Decent Work framework has to do with job creation. The concept of Decent Work presupposes the existence of work. A job can be decent or indeed lack ‘decency’ but there has to be a job in the first place before it can be labeled as such. In his 2001 report (*On the Decent Work Deficit*), the ILO’s Director General acknowledges this hierarchical relationship even adding that there is “no overstating the priority of job creation” (ILO, 2001, p. 8).¹³⁵

Philippe Egger¹³⁶ (2002) in his article ‘Towards a Policy Framework for Decent Work’ notes that the concept of Decent Work gave a new impetus to the debate on the question whether job creation has precedence over the type of work. In other words, when (if at all) should attention be given to the qualitative dimension of the jobs created?

One (very dominant) position on this issue is aptly captured by the Nobel laureate Paul Krugman (1997) who formulated his views on the topic in a popular article titled “In Praise of Cheap Labor” with the observation that “Bad jobs at bad wages are better than no jobs at all.” The ILO, however, has never subscribed to the view that a job is a job arguing that some jobs will always be bad jobs. Child labor, forced labor, and low-productivity informal sector jobs all fall under this label. Other jobs will tend to evolve and improve over time due to economic and social developments, including labor standards and changes in perceptions on what is acceptable and reasonable (Egger, 2002, p. 164).

Notwithstanding the sensitivity to the quality side of work, the acknowledgment that job creation takes precedence implies an almost explicit widening of the ILO’s scope of activities. For if job creation is paramount to the DWA, the *way* in which jobs are created becomes (has

¹³⁵ See also Gary Fields’ publication on the relation between decent work and development policies: “It is a truism, but nevertheless true, that for a person to have a decent job, he or she must have a job.” (Fields, 2003, p. 241). Similar assessments are found in other publication on decent work (especially in those covering the measurement issues), e.g. in Anker *et al.* (2003): “... decent work is not possible without work itself”.

¹³⁶ At the time Egger was working at the ILO’s Policy Integration Department and has since moved on to become the deputy director of the Office of the Director-General.

to become) part of its focus, in short the ILO has taken it upon itself to be a guardian of economic policy insofar that it should be conducive to the DWA.

Expanding the opportunities for people to find work implies that (macro-) economic policies are part of the focus of the ILO and as for the policies needed for the creation of jobs the Director General indicates that: “getting people into productive activities is the way to create the wealth that enables us to achieve social policy goals. Sound and sustainable investment and growth, access to the benefits of the global economy, supportive public policies and an enabling environment for entrepreneurship and enterprise are what drive employment creation. They are the economic motors of the Decent Work Agenda.” (ILO, 2001, p. 8). The formulation of ‘ideal economic circumstances for employment creation to occur’ seems rather vague but, considering that the question of which public policies are supportive for economic growth is a discourse in itself, this might very well be intentional.

In subsequent publications, it also seems that the official line has been toned down. For instance, Egger argues that the real issue at stake is which conditions are needed to move from bad jobs to better ones without endangering existing employment or jeopardizing achieved improvements. From this it can be derived that the aim should be the implementation of macroeconomic policies that promote growth and employment and that these policies should be complemented with social policies (derived via social dialogue) that enhance the protection of workers as well as productivity (Egger, 2002, p. 165).

Despite this softening of the position, the ILO still sees the realization of full employment as a key target for economic policies to address.¹³⁷ The Director-General of the ILO, Juan Somavia, acknowledges that it is necessary to strive for full employment or, to be specific, “full *productive* employment” (emphasis added), but left to its own devices this formulation is not enough to express the value dimensions of work. Hence, the addition of ‘decent’ to indicate or reflect the value component of work (Somavia, 2004, p. 6).

¹³⁷ Full employment can be defined (in line with (Keynes, 1964)) as the level of employment whereby there is no ‘involuntary unemployment’. Note that this definition allows for the possibility of voluntary unemployment as well as frictional unemployment.

Striving for full employment is one thing, but making it mandatory is a different matter all together. Therefore, for some, guaranteeing full employment may be akin to guaranteeing perpetual economic growth and this is beyond anyone's control. At this junction, the work of Margalit, especially his demands regarding the process rather than outcomes, offers guidance (for, among others, the ILO) when formulating viable demands for (economic) policy, in that those institutions that are capable to guide the economic development should make a sincere effort to ensure its realization. In addition, these efforts should address the social or normative side of work by (at the very least) assisting those who seek a meaningful occupation (see §4.2) in finding such an occupation.

The tension between economic growth and the various objectives that constitute the DWA becomes even more apparent in the discussion on the objective of social protection.

6.1.3 Social protection

The dimension of Decent Work related to social protection is often equated with the formal protection for people of old age, invalids, those suffering from an illness (and thus health care) as well as safety at work. Social protection is (more often than not) synonymous with the provision of income for the retired and invalids, but may also refer to issues such as maternity leave. Most aspects of social protection require not only an effective governance structure but also (public) funds to provide such a financial safety net; it should not come as a surprise that only 20% of workers worldwide seem to have truly adequate social protection (ILO, 2001, p. 9). With the Decent Work Agenda, the ILO aims to address this issue. Again, it stresses that there is no one-size-fits all solution. It even asserts that it is possible to have an excess in protection, which it states would be detrimental to the other dimensions of the agenda, presumably for the creation of employment as well as to a sense of personal responsibility.¹³⁸ Minimal forms of protection are, however, deemed essential: “basic security for all in different development contexts is fundamental for both social justice and economic dynamism and is essential if people are to function to the best of their capabilities.” (ILO, 2001, p. 10).

¹³⁸ “No one believes that perfect security is possible, and excessive protection may be deadening to initiative and responsibility <...>” (ILO, 2001, p. 10). This assertion raises questions regarding what the ILO means when it talks about the autonomy of workers; apparently people can stand only so much assistance.

Any advocacy for spreading social protection across the globe will find itself part of the discussion on the affordability of such measures. It will likewise be part of a debate on the consequences of such measures on the economy at large: “It is true that this Agenda is sometimes questioned, both in high and in low-income countries. Labour ministers who advocate decent work objectives may find their policy proposals dismissed as “unrealistic”, a “luxury” or worse, “high risk”, because they are perceived as threatening the competitiveness of firms and the national economy.” (ILO, 2001, p. 17). The Director-General’s, somewhat optimistic answer is that decent work may pay for itself through improvements in productivity. A view shared by others in (and outside) the ILO.¹³⁹

Whether or not these views stem from wishful thinking, the stance of employers on this issue indicates that they do not take this win-win scenario at face value. A report prepared by the International Organisation of Employers (2002), dealing with the question of how to put Decent Work into practice, accentuates the primal characteristic of employment creation.¹⁴⁰ Other aspects of decent work are regarded as having a cost increasing impact.

However, such an analysis overlooks the fact that many measures that could be taken to promote the objectives of the agenda are within reach for even the poorest nations. For instance, according to Verité (an independent non-profit organization monitoring international labor rights abuses in offshore production sites), health and safety issues are the most common violations but are also relatively easy and inexpensive to address. In their opinion, such violations are often the result of a lack of awareness among management rather than by design or (malicious) intent (White, 2001).

The questioning of the affordability is not so much targeted against the content of the DWA but rather serves as a means to accentuate a particular sequence of the realization of the Decent Work objectives. The underlying argument works along the lines that social protection should not come at the expense of economic growth and hence of job creation. However, by accentuating growth and job creation there is the risk of a single minded approach to decent

¹³⁹ For instance: “Measures aiming to improve occupational safety and health [...] can help considerably in raising the productivity of workers, and hence their value, motivation and self-esteem.” (Egger, 2002, p. 169).

¹⁴⁰ The IOE is an international umbrella organization for national employer organizations from countries from all over the world in order to “promote and defend the interests of employers in international fora, particularly in the International Labour Organization (ILO)” (IOE website, August, 2011).

work. An example hereof can be found in the assertion by the Indian Ministry of Labor and Employment that “employment generation should be the focus of all ILO programmes and activities. The basic requirement of Decent Work should be to first ensure work to any potential worker and then all other elements of the decent work concept will automatically follow.”¹⁴¹ (Cited in Penfold, 2008, p. 581).

It is fair to say that the ILO is struggling with this issue and it acknowledges that there are possible tensions at play. However, in his 2001 annual report, the ILO’s Secretary General asserts that work creation without due attention to decent work does not bode well and that the view of ‘work first and decent work later’ should be treated with the utmost caution as “[u]nfortunately, far too often “later” never comes.” (ILO, 2001, p. 28).

Although this issue has yet to be resolved, especially in the sphere of application, the idea of an ‘optimal’ sequence was again addressed in the 2008 *ILO Declaration on Social Justice for a Fair Globalization* and phrased as follows: “The four strategic objectives are inseparable, interrelated and mutually supportive. The failure to promote any one of them would harm progress towards the others.” (ILO, 2008c, p. 11). Nevertheless, it is job creation that receives the brunt of the attention and again it argues in terms of outcomes rather than accentuate the underlying process. By treading lightly in this area, the ILO has failed to make a coherent mark or draw a line in the sand that could be used as a point of reference when compromises on the sequencing of realizing the four objectives are made.

6.1.4 Worker Rights

The previous chapter provided an outline of (the emergence) of international labor standards; these standards are the rights referred to in this dimension of the agenda. Of the four objectives of the Decent Work Agenda, this one differs from the other three in that progress can be achieved more rapidly via legislative action and the development of relevant policies. However, as was shown in the previous chapter (see §5.3), there is a gap between the promise and the practice when it comes to labor standards. Ratification of labor standards and actual labor practices are at times distant relatives at best.

¹⁴¹ Note the assumption of how this will take place is very much akin to the *doux-commerce* thesis as discussed in chapter one.

Another difference between worker rights and the other three objectives of the DWA is that realization is more easily evaluated. In the case of employment creation policies, evaluation is a predominantly ex-post exercise as these policies tend to need time to have effect. In the case of social protection, there is the problem of moving goal posts—when can we say that we have attained the level of social protection demanded by the DWA? In the case of worker rights, the entitlement is clear and one can assess whether or not they are adhered to.¹⁴²

However, under the Decent Work Agenda, when it comes to worker rights it is not just a matter of ticking the box. For instance, Peccoud in his work on the philosophical and spiritual perspectives of decent work argues in the case of the core labor standards that, although they are thought to be valid in every country regardless of the level of economic development, they are best seen as *enabling* rights. This means that although these rights and principles are truly universal, similar to human rights, the actual outcomes may vary depending on a list of other factors specific for each country. In addition, the normative aspects and targets of the Decent Work Agenda are much broader than the basis for the (core) labor standards. The overall agenda, so argues Peccoud, implies that the promotion and observance of these labor standards (or worker rights) are accompanied with a demand to create the conditions necessary for the realization of other standards that are essential for decent conditions of work and life (Peccoud, 2004, p. viii). In other words, Peccoud accentuates that the rights do not stand by themselves and should be seen with the whole of the agenda.¹⁴³ And that the DWA is more than just a rights-based framework becomes especially clear in the fourth objective of social dialogue.

6.1.5 Social Dialogue

Compared with the three other components of decent work, social dialogue has its own unique place. Dialogue is deeply embedded in the institutional structure and character of the ILO, whose workings are based on consensus building among the three constituents of each and every member state: the government, its employers, and its employees. Employment creation, worker rights, and social protection are all topics that are covered by a number of institutions and organizations apart from the ILO, e.g. the World Bank and the UDHR. Social

¹⁴² See also Sen (2000, p. 122/123)

¹⁴³ In §6.3 we revisit this point by Peccoud

dialogue, on the other hand, is the one wherein the ILO in the internationally sphere has a definite lead.

A precondition for effective social dialogue, the guarantee of freedom of association, and the facilitation of collective bargaining are both included in the set of core labor standards.¹⁴⁴ These standards are (as is the whole notion of social dialogue) geared towards the process in the labor market rather than targeting specific outcomes. As such it is social dialogue that introduces the element of process in the DWA.

Although an important part of the DWA, some developments can be identified that are detrimental for effective social dialogue. These include the recent emergence of individual action over collective¹⁴⁵ as well as the shift towards new forms of work, characterized by more flexibility and more temporary labor contracts. Another serious issue facing effective social dialogue is the fact that a large section of the global workforce is active in the informal sector.¹⁴⁶ And, in the formal setting, a very serious obstacle for social dialogue is the very poor ratification record of the two labor standards mentioned in the text above. As was shown in chapter five (see §5.3), after weighing the data on ratification with the size of the population we see that half of the world population lives in countries where these standards are not ratified.

6.1.6 Approaching Decent Work in terms of Deficits

The exploration of the DWA so far has shown that there are some issues confronting the concept, mostly dealing with the underlying relationship between the objectives e.g. the affordability and perceived consequences of social protection or the place of job creation vis-à-vis the other objectives. In his second report on Decent Work entitled *Reducing the Decent Work Deficit: A Global Challenge*, the Secretary General (ILO, 2001) introduced a different way of approaching the concept itself, namely in terms of deficits.

¹⁴⁴ See ILO (1999)

¹⁴⁵ See for instance the trend whereby individual labor agreements are supplanting industry wide collective bargaining agreements.

¹⁴⁶ “Informal employment comprises one half to three-quarters of non-agricultural employment in developing countries” specifically, 48 percent of non-agricultural employment in North Africa; 51 percent in Latin America; 65 percent in Asia; and 72 percent in sub-Saharan Africa.” ILO (2002b) See also Trebilcock (2005) and Kantor, Rani, and Unni (2006).

As opposed to defining Decent Work in positive terms (namely that it is productive work in which the rights of workers are protected, generates adequate income, with adequate social protection, and accompanied with social dialogue), it can also be approached by focusing on the lack of Decent Work in terms of deficits. The Decent Work deficit is thus articulated in the want of sufficient employment opportunities, inadequate social protection, the denial of rights at work, and shortcomings in social dialogue. For instance, the lack of employment opportunities is reflected by people being unemployed, underemployed, and a lack of job creation through sound and sustainable investment and growth (ILO, 2001).

On the face of it, this approach is more coherent, especially given the difficulties encountered by framing the DWA in positive terms. In chapter four we discussed *The Decent Society* wherein Avishai Margalit argues that a society is decent when its institutions do not humiliate.¹⁴⁷ And one of the arguments he presents in favor of the *ex negativo* approach is that consensus is more likely to be found on what constitutes humiliation i.e. the absence of respect for human dignity compared to respecting human dignity. Similarly, the argument can be made that consensus is more easily found on what does not constitute decent work compared with the question of what does constitute decent work. When deficits are understood in this manner, we have a bottom-up approach whereby the *modi operandi* are geared towards obtaining more distance between the actual (working) conditions and the absolute rock bottom, i.e. the complete absence of decent work. However, the idea of deficits can also be seen as a bottom-down approach whereby the focus is on minimizing the distance between the actual conditions and some form of optimal conditions. It is unclear as to which approach the ILO had in mind when discussing the notion of deficits. And this helps in explaining why the concept of decent work deficits has failed to take off.

That the new deficit approach was not shared by all can be deduced from the reaction of the earlier mentioned employers organization, the IOE. According to the IOE, the notion of a *decent work deficit* implies that there exists an optimal level of ‘decency’ against which all jobs can be measured (or appraised). However, according to the IOE, Decent Work is a relative concept: there are no universally accepted standards, or indeed any objective standards of Decent Work (IOE, 2002, p. 6). As pointed out in the text above, this (the top down

¹⁴⁷ See §4.1.4

approach) is just one way of looking at the deficits and not necessarily the more coherent one. In addition, it can also be argued that this in fact does not constitute an *ex negativo* approach (see also §6.3) in contrast to understanding deficits as the space between the actual manifestations and some predetermined minimum. When understood in terms of a bottom-up approach, deficits might in fact yield very concrete insights in the provision of decent work. For instance, a complete absence of social protection constitutes, and even the IOE would have to agree on this, a clear decent work deficit. However, even when this issue of how to approach a deficit would be resolved, we are still confronted with the question of sequencing: which deficit should be tackled first? The opposition against the idea of DW deficits and the fact that the questions identified earlier (e.g. the absence of a shared definition) remain have no doubt contributed to the fact that *decent work deficits* is not the dominant form in which decent work is currently discussed in terms of policy making. This also becomes clear when discussing the project of measuring Decent Work (the topic of the next section), which will also offer another opportunity to assess how the various aspects of the agenda are thought to be operationalized. Note that although measurement requires standardization (i.e. the introduction of standards) it does not require the upfront identification of a specific optimum but there has to be some point of reference. In the discussion of the measurement project, we too find an approach based on deficits in terms of ‘lack of’ accompanied by opposition against conceptualizing decent work (i.e. the bottom up approach of deficits) in this manner.

6.2 Measuring Decent Work

The ILO has stated on numerous occasions that the usefulness of the concept of decent work as a policy framework depends in part on measurability, for only then can its advancement be effectively monitored: “In order to effectively promote the goal of decent work for all, the Office must be able to measure and monitor progress and deficits, and to respond to the demands of constituents and the general public for information about these issues.” (ILO, 2001, p. 66) and “For the concept of decent work to become a useful policy framework, the ILO must be able to measure it and to monitor change over time.” (Egger, 2002, p. 172).

Egger argues that the challenge for the ILO lies in designing and promoting a set of policies that in turn promote core labor standards, employment, and social protection. These policies should be formulated for a global as well as national setting. Consistent with this view is his

assessment that there is a need for a set of internationally comparable indicators and another set, more detailed to be used in a national context (Egger, 2002, p. 172).

In 2003, the *International Labour Review* published a special edition on measuring Decent Work. All four approaches included in this special contained their own list of statistical indicators. Although these lists vary, the problems regarding identifying and selecting the indicators are broadly shared e.g. the limited availability of desired data and quality issues (especially in developing countries). Another aspect shared by the contributions is their discussion on the question of how to best present the gathered data. This discussion focused mostly on the question of whether or not there should be a Decent Work Index by which countries could be ranked based on their achievements in realizing Decent Work thereby emulating the UNDP Human Development Index.¹⁴⁸

Just like the concept itself, the idea of measuring Decent Work has also encountered opposition over the years. The IOE, for instance, states in its contribution on Decent Work (2002) that it opposes the idea that it can be measured in any practicable way and in addition notes that measurements might lead to misleading judgments. And, as was noted earlier, the IOE states that in the absence of universally accepted standards, measurement will always be subjective. Over the years, this stance has not altered significantly.¹⁴⁹

Objections against measuring Decent Work based on a standardized approach were also voiced by other constituents of the ILO. During a workshop on research methodologies for Decent Work it was noted that: “Some experts believe that a comprehensive measuring

¹⁴⁸ An index is a construct that ideally enables a quick assessment of the status of a particular topic. One of the most widely known examples of an index is the already mentioned Human Development Index. This index can also function as an example of how an index is created. The index consists of three inputs, namely data on life expectancy, education, and GDP per capita. The observations are subsequently confronted by a benchmark, which is the target minimal value and maximal value for each variable. For instance, in the case of life expectancy, the minimal and maximum values are 25 and 85 years.

¹⁴⁹ A similar position was put forward during the Tripartite Meeting of Experts on the Measurement of Decent Work: “The experts nominated by the Employers’ group raised concerns as to how far this objective could be achieved through the development of a global template. They objected to the construction of a globally applied, ILO-driven methodology or template for measuring and monitoring countries’ status on and progress towards decent work, and to compulsory reporting on decent work indicators. It was argued that the word ‘template’ was problematic if it implied something that could be copied exactly and thus be applied to any country without taking into account country-specific circumstances. Support was expressed for a menu of relevant statistical information and indicators that could enable countries, with or without assistance from the ILO, to assess their own situation with respect to decent work. Experts drew attention to the role of statistics and that they were about measuring and providing references, rather than imposing an obligation on policy-makers. Consequently, a suggestion was made to use the word ‘plan’ instead of ‘measure’ and ‘toolkit’ instead of ‘template’. <...> Others argued that decent work was essentially a national matter, and that it was up to national constituents to define the concept according to their specific context. Thus, there could be no common global set of indicators to monitor progress towards decent work.” (International Labour Organisation, 2008a, p. 3).

standard should be worked out and a supervisory mechanism should be implemented. Other experts believe that a unified measuring standard is not feasible and that enforcement is not appropriate. <...> The great differences between the South and North, poor and rich nations, developed and developing countries make it difficult to implement a unified standard.” (International Institute for Labour Studies, 2002, p. 10).

Ultimately the opposition against the idea of ranking countries based on the presence of decency (i.e. a Decent Work Index) gathered momentum during the 17th International Conference of Labour Statisticians. In the report of the Working Group on Decent Work Indicators of this conference, the representative of the Director-General emphasized that it was not a goal to create a single-valued decent work index by which countries could be ranked. The working group shared this stance: “The Working Group overwhelmingly opposed the aggregation of the indicators into a composite index of decent work for the purpose of ranking countries.” (ILO, 2004, p. 7). And with this the fate of a Decent Work index seems to have been sealed.

The already mentioned *Declaration on Social Justice for a Fair Globalization* of the ILO includes the recommendation to the ILO Members that they may consider: “the establishment of appropriate indicators or statistics, if necessary with the assistance of the ILO, to monitor and evaluate the progress made” (2008c, p. 14). This reaffirmed the ILO’s commitment to making decent work, in some form or another, measureable. In the declaration, this appeal is preceded by one wherein the ILO summons the member states to devise and adopt a national or regional strategy for decent work. This would indicate that the international harmonization of measurement is not at the forefront, but is nevertheless still on the agenda.

After the 2008 Tripartite Meeting of Experts on the Measurement of Decent Work, the governing body of the ILO decided to give the green light to study the possibility of measuring decent work. The study included compiling detailed definitions of indicators and the preparation of Decent Work country profiles for a selected number of member states. The follow-up conference of labor statisticians to the one described above (i.e. the 18th conference) gave its approval for the approach and this program is now set to be rolled out and to be applied to a larger number of countries.

In the remainder of this section, we take a closer look at the ideas underlying the topic of measuring Decent Work. Although the aforementioned special edition of the *International Labour Review* contains various approaches, the discussion below is centered on the one by Anker, Chernyshev, Egger, Mehran, and Ritter that has served as the basis for the approach currently pursued by the ILO.¹⁵⁰

6.2.1 Selecting statistical indicators to measure decent work

With their publication “Measuring Decent Work with Statistical Indicators” Anker *et al.* (2003) aim to translate the general concept of decent work into easily understandable characteristics of work. Secondly, they try to identify statistical indicators with which those characteristics can be measured. They work from the premise that these indicators should be presently available as well have a certain degree of consistency, accuracy, and cross-country comparability.

The main focus of Anker *et al.* (2003) is on the selection of indicators that can be used for cross-country comparisons. They do, however, offer some remarks on national measurements that they present as being centered on two related questions: 1) How many decent jobs and workplaces are there in a country? And, 2) What percentage of a country’s workers and workplaces have decent jobs? To answer these questions they feel it would be necessary to determine the ‘decency’ of each job and workplace that requires information on all aspects of decent work for each individual or establishment or a sample of them. However, arguably as a first step it would be essential to define what a “decent job” or a “decent workplace” entails. It is at this point that the authors make a claim, which they do not really support by arguments in their text, namely that: “Since it is possible to set criteria of “decency”, the [...] questions above can be answered with appropriate micro-level data.” (Anker et al, 2003, p. 150).

Although they offer no arguments, they do cite the work that the European Union has done on the issue of job quality as the foundation for this claim. In this particular study, jobs are

¹⁵⁰ The contributions included in the special but not discussed here include a macro-approach to the measurement of decent work in “Decent Work: Concept and Indicators” by Ghai (2003) as well as “A family of decent work indexes” by Bonnet, Figueiredo and Standing (2003) that introduces a distinction between the macro, meso, and micro levels as well as between the variables relating to inputs, process, and outcomes. Both of these contributions offer a methodology for constructing a Decent Work Index. A third approach by Bescond, Châtaignier and Mehran (2003) also offers a method for an index but is based on the work of Anker *et al.* (2003), which is discussed in the text.

classified (based on three dimensions of job quality¹⁵¹) into three categories: 1) dead-end jobs, 2) low pay/low productivity jobs, and 3) reasonable/ good jobs. Based on the connection between the claim that it is possible to formulate the criteria of “decency” and in this report by the European Union it seems that Anker *et al.* assume that ‘decency’ has a range or scale that can be unearthed by means of surveys.

Regardless of whether this is the case, the presence of a range/scale (instead of a binary approach) does present some very fundamental questions as to how we are to understand decent work. For instance, can one truly say that something is a little bit ‘decent’? Or that A is twice as ‘decent’ than B? A scaled approach does not sit well with a binary approach where, in essence, there are two options, namely work is or isn’t decent. Analogously, a job or workplace can progress towards being a decent one but that means (by definition) that it is not a decent one at present. This issue remains unsettled, in turn contributing to enduring confusion.

Turning to the issue of international comparisons, Anker *et al.* (2003) argue that what they see as the definition of decent work—“opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity”—includes six different dimensions. Two of these dimensions deal with the availability and acceptability of work. The first dimension, ‘Opportunities for work’ again stresses the primacy of the need for employment. The second one (‘Work in conditions of freedom’) accentuates that work should be freely chosen; this excludes practices like slave labor, bounded labor, and the worst forms of child labor. The remaining four dimensions are concerned with the extent to which this work is “decent”, namely: ‘Productive work’ (work should be productive for only this ensures that workers can have acceptable livelihoods while it also should ensure sustainable/durable development as well as the competitiveness of enterprises and countries); and ‘Security at work’ (the level of protection—financial or health related—that workers enjoy). The last two dimensions are ‘Equity in work’ and ‘Dignity at work’. These two stand apart from the other dimensions that can easily be categorized within the four overall objective of the DWA as discussed in the previous section.

¹⁵¹ These three dimensions are: job security, access to training, and career development, and hourly wages. The study they refer to is European Commission (2001): *Employment in Europe 2001: Recent trends and prospects*, Luxembourg, Office for Official Publications of the European Communities.

The authors describe the dimension ‘Equity in work’ in terms of non-discrimination but also in terms of the work-life balance: “... workers’ need to enjoy fair and equitable treatment and opportunity in work. It encompasses absence of discrimination at work and in access to work, and the possibility of balancing work with family life.” (Anker et al, 2003, p. 152).

The dimension ‘Dignity at work’ is described as requiring that: “.. workers be treated with respect at work, and that they be able to voice their concerns and participate in decision-making about their own working conditions. An essential aspect of this is workers’ freedom to represent their interests collectively.” (Anker et al, 2003, p. 152). From this reading, one could infer that dignity is conceptualized in terms of equity (or gender based equality) and a degree of autonomy. This is confirmed by reviewing the indicator groups with which these two dimensions are linked, which constitutes the next step in the approach to measure decent work, associating the six dimensions with specific groups of indicators.

The Indicators for measuring Decent Work

Before presenting their basic set of indicators, Anker *et al.* provide some additional considerations regarding their project. Apart from specifying the basic demands relating to the availability and quality, the authors indicate that the nature of the concept of decent work has some implications for the indicators to be used. Firstly, there is a need for universal indicators, meaning they are to be relevant for all under all circumstances in every country. However, they also argue that there are aspects to decent work that are relative; meaning that every society has its own norms of decency and that this should be borne out by the indicators.¹⁵²

Secondly, the authors contend that decent work is particularly concerned with the most vulnerable and poorest. This implies that decent work indicators should not focus on averages as such but on distributions and measuring the situation of the least well off.¹⁵³ Lastly, they also state that the indicators should present the actual conditions, be suitable for monitoring over time (in order to measure progress), and reflect the comprehensive nature of decent work.

¹⁵² “For example, the level of pay and working conditions considered to be decent differs across countries (even though the principle that as many people as possible should have decent pay and working conditions is universally accepted)” Anker *et al.* (2003, p. 152).

¹⁵³ Here, the authors clearly opt for a Rawlsian approach.

Using these self-imposed criteria and preconditions, Anker *et al.* (2003) identify thirty statistical indicators relating to decent work that they categorized in ten different measurement categories, whereby some indicators are used in more than one category. An additional group of indicators is added that summarizes the key aspects of the economic and social context. Table 6–1, presented below, provides an overview of these indicator groups, and depicts the relationships between these and the six dimensions.¹⁵⁴

Table 6–1 Dimensions of Decent Work and the Associated Indicator Groups

Dimension	Indicator Group
Opportunities for work	→ Employment opportunities
Work in conditions of freedom	→ Unacceptable work
Productive work	→ Adequate earnings and productive work
Security at work	{ Stability and security of work Safe work environment Social protection
Equity in work Dignity at work	{ Social dialogue and workplace relations Fair treatment in employment Balancing work and family life <i>Decent Hours</i>
<i>Economic and social context of decent work</i>	

Source: Based on Anker *et al.* (2003)

In reviewing the groups and indicators (see annex), two issues spring to mind. Firstly, it is very outcome orientated whereby the way in which these outcomes have come to pass (i.e. the underlying process) plays a negligible role—if at all. Secondly, the desire of allowing some indicators to be adjusted to local circumstances creates a problem of its own. An example hereof can be found in the description provided for the group heading ‘Unacceptable work’, which states that: “Decent work must be work that is *acceptable to society*. It is therefore necessary to know the incidence of types of work that are universally condemned.” (Anker *et al.*, 2003, p. 159, emphasis added).

¹⁵⁴ See the annex to this chapter for the extended version of this approach, as drawn up during the 2008 Tripartite Meeting of Experts on the Measurement of Decent Work; Note that the exact wording for various indicator groups differs slightly, e.g. “Balancing work and family life” has become “Combining work, family and personal life” but the substance remains the same.

The necessity of having knowledge on the prevalence of this type of work (i.e. work that is universally condemned) is necessary in order to exclude it from employment opportunities indicators and to monitor the progress of its elimination. The potential problem can be deduced from the wording used in this instance, which illustrates the considerable weight given to a society in deciding when we can speak of decent work. This inclusion is no doubt an attempt to address fears of the decent work agenda becoming a single one-size-fits-all standard. However, this assertion (in conjunction with the contention that there should also be measurement of decent work on a national level apart from this approach aimed at cross-country comparisons) leaves the door open for a situation to occur wherein work is labeled as decent in one society, whereas this is not the case in another. The authors seem to be bypassing this by focusing in the section ‘Unacceptable work’ on those types of work that are universally condemned. Nevertheless, it would seem that we now have two forms of Decent Work, one applicable on a global level and one for local use, with no guidance as to how to approach either and how they relate to each other. This is a potential problem for the methodology (e.g. through conflicting recommendations or appraisals) yet it remains unacknowledged and unaddressed.

Equity and Dignity at Work

The special nature of the dimensions on equity and dignity at work warrants a closer inspection. In Table 6–1, we see that these two dimensions are taken together when assigned to the measurement groups. When combined, they are linked with three groups (of indicators), namely: Balancing work and family life, Fair treatment in employment and Social dialogue and workplace relations.¹⁵⁵

‘Balancing work and family life’ is the name of the group of indicators that assess to what extent a country can be said to have work/employment that is family–friendly.¹⁵⁶ The underlying idea is that family responsibilities shall not be a reason for dismissal or a reason for not hiring someone who is willing to engage in employment but also has these responsibilities at home. Due to the lack of a widely available date, only two indicators are proposed,

¹⁵⁵ A fourth group—Decent Hours—although not explicitly nor specifically associated with the two dimensions does enter into the assessment of these dimensions by way of the overlap with the group targeting ‘balancing work and family life’.

¹⁵⁶ Anker *et al.* (2003) identify three categories of family-friendly employment policies: 1) protection of employment when a worker needs to be absent due to family circumstances, 2) financial benefits in the event of major family contingencies and 3) day-to-day accommodation of a worker’s need to integrate work and family life, such as flexible hours and adequate childcare (p. 161).

‘excessive hours of work’ and the employment rate for women with children under compulsory school age. The authors acknowledge that this last indicator has serious shortcomings; a high ratio does not necessarily imply a better work-life balance meaning that there is a greater need for interpretation when working with the data.

The measurement group ‘Fair treatment in employment’ covers the issues of equality of opportunity in employment and occupation as well as equal pay for work of equal value. In addition to these demands of equality, it also deals with harassment or exposure to violence at the workplace. It is also said to cover the requirement that workers have some degree of autonomy and there will be a fair handling of grievances and conflict. Just as is the case with the group ‘Balancing work and family life’, the focus here is also on the unequal treatment of men and women.

The third measurement group that is linked with the dimensions of equity and dignity at work is ‘Social dialogue and workplace relations’. The aim of the indicators in this group is to represent the extent to which workers can express themselves on work-related matters and participate in determining their working conditions. The definition of social dialogue is very broad covering any “type of negotiation, consultation or exchange of information between representatives of governments, employers and workers on issues of common interest relating directly to work and related economic social policies.” (2003, p. 166) The authors make a distinction between having a right to join organizations (that may assist in the social dialogue as formulated above) and the extent to which this right is exercised. The selected indicators reflect this distinction. On the one hand, the union density rate is included but also the extent of collective wage bargaining and the number of strikes and lockouts.

The assigning of indicators in this fashion conveys how dignity is made operational in this approach to measuring decent work. Firstly, it is geared towards a) the prohibition of (gender) discrimination and b) autonomy is expressed in terms of having a voice at work and being able to have a (family) life outside work. Secondly, it omits creating connections between indicators and dignity whereby a clear link does exist e.g. not having a job is here not directly linked with the notion of dignity let alone the nature of the work (e.g. through addressing what constitutes

a meaningful occupation).¹⁵⁷ Subsequent work on this topic (based on this approach) has not changed this lack of clarity of how the concept of dignity should be viewed with regard to measurement.

6.2.2 Recent Developments

As was indicated in the introduction of this chapter, despite the various objections to the measurement project, there has been progress to the extent that the ILO is close to naming a definitive list of indicators that will be used to monitor the advancement of Decent Work. In November 2008, the ILO organized as mentioned before an expert meeting on the topic of the measurement of decent work.¹⁵⁸ (A report by the chairperson on this meeting is available, see ILO 2008a). It also produced a discussion paper on this topic as support for the meeting (see ILO, 2008b). In the end, the committee agreed on a set of indicators to measure decent work. The complete list of these indicators can be found in the annex of this chapter. During the meeting, it was again noted that the creation of a Decent Work Index (“an An aggregate composite index that ranks countries”) was not deemed to be the way forward as it would have “little value for policy analysis and would require restrictive assumptions” (ILO, 2008a, p. 2).

Using the framework of Anker *et al.*, the input of the participating experts was mostly in the form of additional indicators as well as some alterations (e.g. although the indicator groups are the same if not in name, there is no mention of the underlying dimensions identified by Anker *et al.*). Both the minutes and the discussion paper reiterate the stance that indicators cannot stand alone without the provision of any interpretation: “For example, it would be misleading to assume that an employment-to-population ratio of 100% was desirable. Conversely, a fall in the ratio need not signal deterioration. Experts thus pointed out that it would be useful if the Office produced an interpretation guidance that highlighted potential problems of the indicators. Also, one needed to look at all indicators together, and take into account information supplied under the legal framework.” (ILO, 2008a, p. 12).

¹⁵⁷ A similar observation can be made with regard to the concept of decency that in the approach is thought to be expressed—without further clarification—through four of the six identified dimensions of decent work.

¹⁵⁸ The Tripartite Meeting of Experts on the Measurement of Decent Work convened in Geneva, September 8-10, 2008.

The current selection for the measurement of Decent Work amounts to 73 separate indicators. In addition, there are 11 indicators selected for further development and future inclusion. In order to put this number in perspective: the 2010 *Human Development Report* of the UNDP includes an overview of 39 indicators while the HDI consists of 3 variables, namely life expectancy, GDP per capita and school (primary and secondary) enrollment rates (UNDP, 2010). A direct consequence of this considerable expansion of the earlier work by Anker *et al.* is that it will become more difficult to indicate whether there is progress in the provision of decent work.

What does become clear from a reading of the documents related to this meeting is that the concept of (human) dignity does not (and most likely will not) play a central role in the measurement of decent work.¹⁵⁹ This is regrettable, for when a final selection of indicators is drawn up it will be these issues (reflected by the indicators) that will most probably be put at the forefront of any policymaking related to decent work.¹⁶⁰ Therefore, the absence of any attempt to incorporate the concept of human dignity other than its inclusion in the phrasing of the ILO's primary objective must be seen as a missed opportunity and it runs the risk of reducing it to 'feel good' language. In summation, the undertaking of measuring Decent Work has resulted in shelving the idea of constructing an index and favoring a holistic approach whereby the definition of Decent Work (but also of the pivotal concepts of dignity and decency) has become (more) blurred.

Another issue that is highlighted by the developments in the measurement project relates to the social or normative side of work. Although work is considered to be more than just an activity for which some type of remuneration is received, this aspect of work is not included in the large array of (proposed) indicators; it is not even acknowledged e.g. by stating that 'it is an important part of the agenda but not quantifiable in any practical way.' To this may be added that in the field of happiness studies, it is common to make international comparisons based on survey data.¹⁶¹ This begs the question of why the ILO should not campaign for the

¹⁵⁹ The discussion paper contains two references to dignity—in both cases citing the new primary objective of the ILO as described at the beginning of this chapter—while the minutes do not contain any reference at all.

¹⁶⁰ See also Schweiger (2008) who makes a similar observation with regard to the potential impact of the selected measurement categories on issue of combating poverty.

¹⁶¹ See, for instance Alesina, Di Tella, and MacCulloch (2004), Lane (2000) and Layard, (2005)

inclusion of a question in the national Labour Force Surveys (already an important source for most of the indicators in the project) targeting this aspect of work.¹⁶²

A final observation regarding the measurement project concerns the effective blocking of the construction of a formal Decent Work Index. The suggestion that such an index is not practically feasible is easily refuted by looking at the proposals made by Bonnet *et al.* (2003), Ghai (2003), and Bescond *et al.* (2003). And because the methodology of the latter is based on indicators all included in the revised Office proposal (see annex) it will be possible to create their index privately once the data becomes available. Therefore, the real question has to be why it was not possible for such an index to be formally incorporated in the measurement project? It seems likely that not all constituents were equally enthusiastic about the idea of ranking countries based on decency. Whereas a low score on the analogous Human Development Index is to be expected for developing countries and there is no shame in being poor, calling out a country as not effectively promoting the cause of decent work or reducing decent work deficits may be a bridge too far. After all, having a low score on a decent work index would be possible for developing and developed nations alike. The HDI is an index with compassion at its heart and low scoring countries deserve our pity, whereas conversely a low score on a Decent Work Index draws out shame and indignation. In any case, not allowing a formal index to come into being shows a lack of (political) commitment to not only the measurement project but to the DWA as a whole.

Whether this lack of commitment will adversely influence the entire agenda remains to be seen, yet the signs are not favorable. The final selection of the proposed indicators was guided by the assertion that the measurement of decent work should not be prescriptive in nature but should play a supportive role in policy-making (See footnote 149 of this thesis). However, if the Decent Work Agenda is not prescriptive in nature, then what is it and why should anyone—apart from the ILO—care that it exists? The fact that the DWA has a clear normative dimension to it (with concepts such as dignity and decency) makes it clear that there is a prescriptive side to the agenda; the uneasy relationship between the DWA and the market is also testament to this as discussed in the next section.

¹⁶² For instance, by including the question: “On a scale of one to ten, how happy are you with your current job?”

6.3 Evaluating the Normative side of Decent Work

In the preceding pages, the focus was on the unearthing of the meaning of decent work in general terms. In this section, we look specifically at how the two underlying normative concepts of decency and dignity are deployed in the agenda.

For the philosopher Margalit, the underlying moral reasoning for a decent society to aim for meaningful occupation for its members derives from the rule not to humiliate. This rule is in turn based on the respect for human dignity as the external representation of self-respect. This link between work and human dignity (as discussed in §3.2.3 and §4.2) is also found within the workings of the ILO. The new focus of the organization centered on decent work is, in that respect, no different: “And everywhere, and for everybody, decent work is about securing human dignity.” (ILO, 2001, p. 7).

Servais (2004) in his article “Globalization and Decent Work Policy: Reflections upon a New Legal Approach” suggests that among of the important changes brought about by the decent work framework is the acknowledgement that human relationships cannot be reduced to some “utilitarian ideology” and that it can be seen as a clear admission that there are moral dimensions embodied in the world of work. It is undeniably true that the Decent Work Agenda has provided a new impulse for the normative debate on labor standards and the workings of the ILO. A clear example hereof can be found in the publication *Philosophical and spiritual perspectives on Decent Work* edited by Peccoud (2004) published by the World Council of Churches and the International Labour Office.

In this publication, the ILO’s Director-General Somavia (2004) asserts that Decent Work is based on three values. The first and arguably most important is that labor is not a commodity. Secondly, the notion of decency or specifically of decent work is not set in stone; it is to be defined by people themselves. Somavia argues that the “notion of decency” is strongly connected with the perception in every individual society and that only on that level can it be decided as to what constitutes an advance in the right direction with regard to decent work. He does, however, stress that the decency component of work is and should not only be about income but also about the quality associated with it. Lastly, he records that the DWA is

based on the primacy of labor over capital: the “ILO affirms its conviction that work, personal dignity, family stability and peace are more important than capital”¹⁶³ (Somavia, 2004, p. 7).

Work, so it is argued, is intrinsically linked to the person executing it and thereby to that person’s sense of identity as well as it being a source for “personal dignity”. This introduces a clear normative duty and responsibility for the ILO that the Director General formulates as follows: “The ILO’s normative function carries with it the responsibility to promote the personal capabilities and to expand the opportunities for people to find productive work and earn a decent livelihood.” (ILO, 1999). This, of course, raises the question of how this should be done, e.g. what the underlying economic policies should look like.

Some would argue that this target constitutes an argument for government intervention, while others may argue that the best way to support the decent work agenda is a *laissez faire* approach and thus by letting market forces run their course. The somewhat unsurprising answer of the ILO by way of Somavia is that both have a role to play. What is surprising is the way in which he phrases just how the market can fulfill this role. Somavia argues that: “The market is indeed important but it is an instrument, a means of obtaining objects, of improving the dignity and quality of life of people.” (Somavia, 2004, p. 7) This statement is striking in that it conveys an indication of what Somavia means by the concept of dignity.

Dignity is here portrayed as ‘enhance-able’; it can be enhanced. This is an approach described by Klein Goldewijk (2002) as seeing dignity in terms of *having* as opposed to in terms of *being* (as discussed in §3.2.3). This approach differs with other conceptions of dignity where dignity always intrinsically exists and the focus is on the extent to which it is respected or violated. The question then becomes whether in the case of violations, this binary situation might be widened as to include a scale for the seriousness of these violations.

It may seem that the difference noted here (between dignity in terms of *having* or in terms of *being*) is more philosophical than anything else. However, this would be missing the implicit implications for economics and economic policy that differ between the two. When dignity is seen as a category of *having*, a leading guide for policy can be checking whether a new policy increases dignity. In the second case, it must be reviewed as to whether the policy is admissible

¹⁶³ See also §3.2.1

based on the simple question of whether it constitutes a violation of human dignity. In the latter case, this may be expanded by a moral duty to ensure respect for human dignity. Although there are differences present, there is one important rule that both approaches to human dignity have in common, namely the duty to avoid any harm, i.e. not to increase a violation of human dignity.

At the start of this chapter, it was noted that the Decent Work Agenda suffers from a lack of definition. This as we have seen has not stopped it from taking its place in the language of the normative discourse on international (economic) relations (e.g. its inclusion in the MDG) and perhaps it is true as some have argued that it is the normative content that makes it a success despite the absence of the definition: “<> it appears that on the one hand we have here a notion whose content had not been altogether defined—and had therefore to be ‘fleshed out’—and on the other that such concept, though ill defined, had an indisputable ethical content or significance: promoting decent work presupposes the adoption of a clear-cut attitude in favour of the dignity of man.” (ILO/Cinterfor, 2001, p. 13).

As for what precisely is meant by the reference to decency, it would seem that the way it is used is most closely connected to the literal meaning namely that of ‘appropriateness’. This also fits with Somavia’s view that the concept is not set in stone. However, this begs the question of appropriate to what and to whom? Here, Peccoud offers the following account: “The notion of decency refers to that sense of community, of which is needed for a good and decent life within the community. This sense of decency is transmitted through and expressed in values that have their roots in culture and religions” (Peccoud, 2004, p. 15). This account fits with most, if not all, of the ILO’s invocations of the term. Although it includes some indications on what should be taken into consideration when it comes to policy-making, it does not offer a clear comprehensive guideline apart from the idea that Decent Work must be about more than just about rights. Another thing that emerges from this account is that its focus is tilted towards outcomes rather than the underlying process.

Decency in the way Margalit uses this concept rests ultimately on the respect human beings deserve because of their shared humanity. This operationalization of decency, however, is based on the negation of this respect, phrased in terms of humiliation. An argument can be made that decency in the decent work agenda is similarly based on the respect a human being

deserves, which in turn is based on the notion of human dignity (see §3.2.3). However, the way decency is operationalized here is not based on the absence of this respect (the attempt to introduce decent work deficits notwithstanding) but rather on the realizations (or manifestations) of various objectives. This means that we can have irresolvable conflicting meanings of decency depending on the weight assigned to the various objectives. This problem could have been avoided had the ILO used the writings of Margalit on the topic of decency. It would have offered them a better compass by which to steer policies in order to realize its objectives. This would also have helped in providing more substance for the normative concepts upon which the agenda, and indeed to some extent the entire workings, of the ILO is built. As it stands the meaning of decent remains unclear, which allows one and all to advocate their own (and at times opposing) points of view with a minimum of risk of being called out for neglecting the overall objectives of the agenda.

In the aforementioned report on Decent Work, the International Organisation of Employers (2002, p. 1) emphasizes that decent work is a relative concept.¹⁶⁴ In particular, they stress that Decent Work does not entail universal standards that are applicable to all workers and all jobs throughout the world. And when it comes to working conditions, this position is also found in the ILO's own writings.¹⁶⁵ Overall, the operationalization of Decent Work is made conditional (at least in part) on a country having an adequate level of wealth and economic development. The national context and the economic as well as the social realities have become the borders that define the room for realizing Decent Work. And so we arrive at the situation wherein instead of Decent Work functioning as a market boundary, it is presented as the other way round: the market serves as a boundary for the (possibility) of Decent Work.¹⁶⁶

In summation, the main problems with the Decent Work Agenda as a moral market boundary are as follows. Firstly, there is no clear conception of either decency or dignity in the agenda. This means that, ultimately, these concepts cannot carry the weight of the normative message that the ILO aimed to proclaim. Secondly, by phrasing the objectives of the agenda in open

¹⁶⁴ This position has also been voiced by others but more as part of a wider objection in that they think the language of the Decent Work agenda is too relativistic and vague. See e.g. Vosko (2002, pp. 25-27)

¹⁶⁵ "There is obviously no suggestion that all countries can realistically aim for the same absolute conditions." (International Labour Organisation, 2001); note that the RLS approach as discussed in §5.2.4 addresses this issue directly.

¹⁶⁶ This does not go for the entire DWA as parts of it are market boundaries in that they confine and influence the workings of the market including the outcomes that the market yields (see chapter two). The worker rights are a clear example hereof.

ended positive terms (e.g. increase social protection taken into consideration the level of economic development), there is no opportunity to truly claim advancements in Decent Work other than recording change on a specific (almost individual) level. Had the ILO started out by phrasing the objectives *ex negativo* it would have introduced the necessary focus. Lastly, the DWA is positioned within the logic and workings of the market, meaning that its execution is made dependent on market outcomes. This becomes clear when it comes to assigning priorities among the different objective of the agenda (e.g. job creation over social protection). This relationship between the market and the DWA makes it harder to see the latter as guiding the workings of the former. For, with this, the market determines *what* is possible in terms of realizing the underlying objectives of the DWA, *when* this will happen, and *how* this will happen.

Traditionally, it is for ethics to tell us what the good life is, including what the substance is of notions as justice or equity. Economics, in this line, could be viewed as the assistant in helping to achieve the good life. However, as Margalit has pointed out it is not only a question of whether justice *is* done but also *how* it is realized. This implies that economics should no longer be seen or treated as the science that must overcome the shortest distance between two points—i.e. from the present to the ideal state. How this trajectory is covered is also part and parcel of the moral deliberations of how the good life should be envisioned. In the end, it would seem that a large portion of the debate on Decent Work is devoted to the issue of job creation and less so on the way it is to be achieved. The ILO has set out a comprehensive agenda with a strong explicit normative content. Whether it is able to retain this component in the application remains to be seen.

It is clear that the ILO with the Decent Work Agenda is not seeking to introduce a completely new economic organization or system but rather that it wants to make changes from within while being “equally sensitive to the needs of individuals and their families as to the realities of economies and societies” (ILO, 2001, p. 15). However, this raises the question of whether, in this case, the ILO has the wrong idea of its own role and purpose or even its own work in changing reality for the improvement of humankind.

6.4 Summary Chapter

The Decent Work Agenda (launched in 1999) is the converging of the various focus areas of the ILO, namely: employment, worker rights, social protection, and social dialogue. The framing and proposing of the Decent Work Agenda could be characterized as the ILO's attempt at laying down the gauntlet when it comes to the normative dimension of work; setting the agenda with clear normative ambitions while combining it with an economic agenda wherein the creation of jobs plays a key role.

However, over the years the Decent Work agenda has become a project wherein there is an attempt to merge normative thought (by invoking clear normative concepts like dignity and decency) with a 'pragmatic' outlook about the world. This may be the result of the way the ILO workings, and given the way it operates it may be said that what has been accomplished is laudable. Indeed, it is highly doubtful that the Universal Declaration of Human Rights could be agreed upon in this day and age, especially with all the economic and diplomatic issues at stake, yet this is comparable to what the ILO is trying to do. Whether it will be able to fulfill its ambitions remains to be seen. The concept of Decent Work, presented with bravura and rigor, has been toned down. The attempts at measuring Decent Work are exemplary in this respect; breaking up the concept into separate aspects runs the risk of losing the whole. In that sense, it is an example for the way the ILO itself struggles between positive and negative norms, between promoting the good and minimizing and even prohibiting the bad. And by not following the path outlined by Margalit for a decent society, the Decent Work Agenda is almost sure to be a disappointment.

It is with good reason that we call the labor standards that originate from the ILO *international* labor standards. The universal application lies at the heart of the objectives that the ILO aims to achieve. Yet in the case of decent work, it seems that in order to preserve the usage of 'decency' it wants to be accommodating to local practices and standards as exemplified by it advocating national decent work in conjunction with international decent work. With this move it has widened its scope but at the price of potentially losing focus and coherence.

Annex

Table 6-2 Revised Office proposal for the measurement of decent work based on the guidance received at the TME on the Measurement of Decent Work

	Main decent work indicators	Additional decent work indicators	Candidate for future inclusion/developmental work to be done by the Office	Information on rights at work and the legal framework for decent work
Employment opportunities	<ul style="list-style-type: none"> - Employment-to-population ratio, 15-64 years (S) - Unemployment rate (S) - Youth not in education and not in employment, 15-24 years (S) - Informal employment 	<ul style="list-style-type: none"> - Labor force participation rate, 15-64 years - Youth unemployment rate, 15-24 years (S) - Unemployment by level of education (S) - Employment by status in employment (S) - Prop. of own-account and contr. family workers in total employment (S) - Share of wage employment in non-agricultural employment (S) 		<ul style="list-style-type: none"> - Government commitment to full employment - Unemployment insurance
Adequate earnings and productive work	<ul style="list-style-type: none"> - Working poor (S) - Low pay rate (below 2/3 of median hourly earnings) (S) 	<ul style="list-style-type: none"> - Average hourly earnings in selected occupations (S) - Average real wages (S) - Minimum wage as % of median wage (n.a.) - Manufacturing wage index - Employees with recent job training (past year / past 4 weeks) (S) 		<ul style="list-style-type: none"> - Statutory minimum wage
Decent hours	<ul style="list-style-type: none"> - Excessive hours (more than 48 hours per week; 'usual' hours) (S) 	<ul style="list-style-type: none"> - Usual hours worked (standardized hour bands) (S) - Annual hours worked per employed person (S) - Time-related underemployment rate (S) 	<ul style="list-style-type: none"> - Paid annual leave 	<ul style="list-style-type: none"> - Maximum hours of work - Paid annual leave
Combining work, family and personal life			<ul style="list-style-type: none"> - Asocial / unusual hours - Maternity protection 	<ul style="list-style-type: none"> - Maternity leave (incl. weeks of leave, replacement rate and coverage) (additional) - Paternity and parental leave

	Main decent work indicators	Additional decent work indicators	Candidate for future inclusion/developmental work to be done by the Office	Information on rights at work and the legal framework for decent work
Work that should be abolished	– Child labor [as defined by draft ICLS resolution] (S)	– Hazardous child labor (S) (n.a.)	– Other worst forms of child labor (S) (n.a.) – Forced labor (S) (n.a.)	– Child labor (incl. public policies to combat it) – Forced labor (incl. public policies to combat it)
Stability and security of work	– Stability and security of work (developmental work to be done by the Office).	– Number and wages of casual/daily workers (S) <u>Memo item:</u> Informal employment grouped under employment opportunities.		– Employment protection legislation (incl. notice of termination in weeks) <u>Memo item:</u> Unemployment insurance grouped under employment opportunities; needs to be interpreted in conjunction for 'flexicurity'.
Equal opportunity and treatment in employment	– Occupational segregation by sex – Female share of employment in ISCO-88 groups 11 and 12	– Gender wage gap (n.a.) – Indicator for Fundamental Principles and Rights at Work (Elimination of discrimination in respect of employment and occupation) to be developed by the Office (n.a.) – Measure for discrimination by race/ethnicity/of indigenous people/of (recent) migrant workers/of rural workers where relevant and available at the national level.	– Measure of dispersion for sectoral / occupational distribution of (recent) migrant workers (20) – Measure for employment of persons with disabilities (n.a.) <u>Memo item:</u> Indicators under other substantive elements marked (S) indicator should be reported separately for men and women in addition to the total.	– Anti-discrimination law based on sex of worker – Anti-discrimination law based on race, ethnicity, religion, or national origin
Safe work environment	– Occupational injury rate, fatal	– Occupational injury rate, non-fatal – Time lost due to occupational injuries (n.a.) – Labor inspection (inspectors per 10,000 employed persons)		– Occupational safety and health insurance – Labor inspection

	Main decent work indicators	Additional decent work indicators	Candidate for future inclusion/developmental work to be done by the Office	Information on rights at work and the legal framework for decent work
Social security	<ul style="list-style-type: none"> – Share of population aged 65 and above benefiting from a pension (S) – Public social security expenditure (% of GDP) 	<ul style="list-style-type: none"> – Health-care exp. not financed out of pocket by private households (n.a.) – Share of population covered by (basic) health care provision (S) 	<ul style="list-style-type: none"> – Share of econ. active population contributing to a pension scheme (S) (25b) – Public expenditure on needs-based cash income support (% of GDP) (24a) – Beneficiaries of cash income support (% of the poor) (24b) – Sick leave (developmental work to be done by the Office; additional indicator) [Interpretation in conjunction with legal framework and labor market statistics.] 	<ul style="list-style-type: none"> – Pension (public/private) – Incapacity for work due to sickness / sick leave – Incapacity for work due to invalidity Memo item: Unemployment insurance grouped under employment opportunities.
Social dialogue, workers' and employers' representation	<ul style="list-style-type: none"> – Union density rate (S) – Enterprises belonging to employer organization [rate] – Collective bargaining coverage rate (S) – Indicator for Fundamental Principles and Rights at Work (Freedom of Association and Collective Bargaining) to be developed by the Office 	<ul style="list-style-type: none"> – Strikes and lockouts/rates of days not worked [Interpretation issues] 		<ul style="list-style-type: none"> – Freedom of association and right to organize – Collective bargaining right – Tripartite consultations

	Main decent work indicators
Economic and social context for decent work	<p>C – Children not in school (% by age) (S)</p> <p>C – Estimated % of working-age population who are HIV positive</p> <p>C – Labor productivity (GDP per employed person, level and growth rate) (E1)</p> <p>C – Income inequality (percentile ratio P90/P10, income or consumption) (E3)</p> <p>C – Inflation rate (CPI) (E4)</p> <p>C – Employment by branch of economic activity (E5)</p> <p>C – Education of adult population (adult literacy rate, adult secondary-school graduation rate) (S) (E6)</p> <p>C – Labor share in GDP (E7)</p> <p>C (additional) – Real GDP per capita in PPP\$ (level and growth rate) (E2)</p> <p>C (additional) – Female share of employment by industry (ISIC tabulation category) (E5a)</p> <p>C (additional) – Wage/earnings inequality (percentile ratio P90/P10) (n.a.)</p>
(S) indicates that an indicator should be reported separately for men and women in addition to the total. (L) the subject is covered by information on rights at work and the legal framework for decent work	