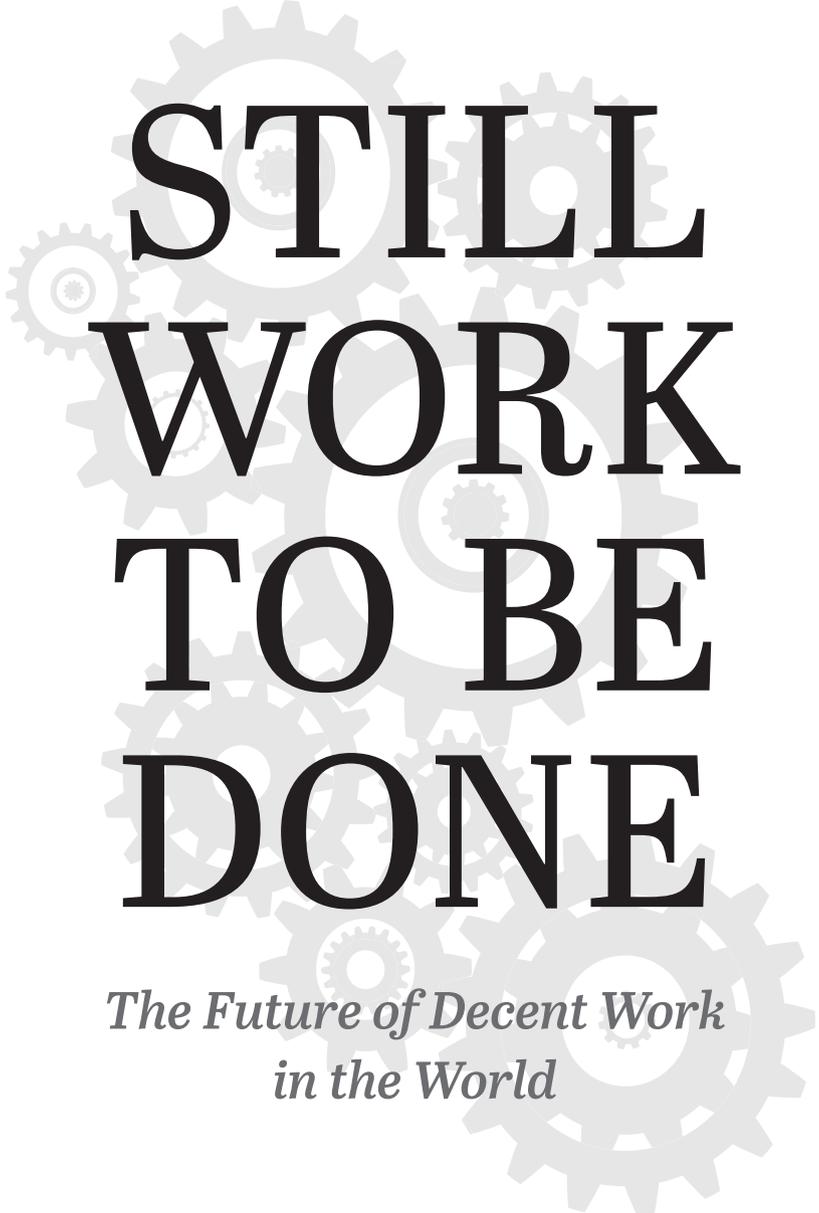


STILL
WORK
TO BE
DONE



LUC CORTEBEECK



STILL
WORK
TO BE
DONE

*The Future of Decent Work
in the World*

 | LANNOO

For Myriam,

Veerle & Erwin, Koen & Véronique, Geert & Isabel,
Nele, Stijn, Lies, Thomas, Hanne, Lotte, Jente, Nanou

Si vis pacem, cole justitiam

Si vis pacem, cole justitiam (If you want peace, cultivate justice).

This phrase was carved in stone during the construction of the first building of the International Labour Organization in Geneva, inaugurated in 1926 (currently the headquarters of the World Trade Organization), as well as in the current building, inaugurated in 1974.

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Introduction

We have a special relationship with work. Some people talk passionately about the job of their dreams, others shrug their shoulders and let out a deep sigh. But whether it's going well or just so-so, work is always an important topic of conversation. We live with it and by it. Compared to the past, we change jobs more often over the course of our careers, whether by choice or out of necessity. For many people, a career switch is a positive experience, but, unfortunately, I have all too often witnessed the tragedy of people who suddenly lose their jobs with no prospect of an alternative. At the end of the day we all hope to find a satisfying job, with great workmates or colleagues and pleasant conditions, where we feel respected and are challenged to give the best of ourselves.

But the theme is much broader than just our own career. Do we have any notion of work beyond what we do ourselves? We can probably still imagine how people work in other sectors in our own country or in neighbouring countries. And we know that there is a big difference between wages in Eastern and Western Europe, for example. But what is the situation elsewhere in the world? What are the challenges faced by workers on the other side of the planet? What real steps have been taken in recent decades to ensure that more people can work in humane conditions and be paid properly?

For a long time my own knowledge didn't extend beyond the borders of Europe. But that changed when over the last twenty-five years I became involved first in the activities of the World Confederation of Labour (WCL) and then since 2006 of the International Trade Union Confederation (ITUC) and the International Labour Organization (ILO). This has given me the chance to broaden my horizons, which enables me to look to the future with a wider perspective and a greater

knowledge. What will work be like? How will we deal with digitisation, robotization and artificial intelligence? I will take you on a tour of the fascinating world of work.

Ever since my youth, I've had a clear goal: I want to help ensure that working people are respected. I was raised in a Christian, socially engaged environment, where I was encouraged to keep an open mind and respect other visions of society. As a young man I met people of my own age who had to start work in factories as young as fourteen. I was lucky enough to be able to continue my studies. The guidance and education I received at the Sociale Hogeschool in Heverlee (now University College Leuven Limburg) equipped me with the knowledge and the skills I needed to face the future.

I was able to pursue my goal in different capacities. I started as an activist of the Young Christian Workers at a local level and in 1972 I became involved in the youth division of the ACV-CSC (Confederation of Christian Trade Unions of Belgium), the most representative trade union confederation in the country. Two years later, taking up a post in the Enterprise Department of that organisation enabled me to learn more about worker involvement and the quality of work. After that I became Secretary of the Mechelen region and later of Flanders. 'Fighting for the people you represent while still being a bridge-builder and trying to find solutions' was the mandate I received from the ACV-CSC General Council when I was elected federal President in 1999. And I have always tried to fulfil that mandate.

During my period as National Secretary and Federal President, I also came to understand the international dimension of union work, social dialogue and collective bargaining. On the basis of unwritten longstanding international agreements, when I became ACV-CSC President in 1999 I also became Vice-President of the Trade Union Advisory Committee of the Organisation for Economic Cooperation and Development (OECD), and through this role became involved in trade union representation to the G20. In 2000, also linked to my role

as ACV-CSC President, I became President and spokesperson of the Workers' Group of the Committee on the Application of Standards of the ILO. In the committee, governments have to answer for the shortcomings in their application of ILO standards (Conventions and Recommendations).

Most work, with the exception of freelance work, involves an employer and an employee. By definition, the former has more power than the latter. To avoid abuses, labour laws were created to safeguard balanced and fair relations between the two. These are usually worked out on a national level, country by country. Europe sometimes intervenes, as we know. But what fewer people know is that there is such a thing as international labour law. What is it? And how important is it? At first sight it looks boring and remote until you look a bit more closely. At least that has been my experience with the several thousand students and other interested people at home and abroad to whom I've explained workings of the ILO. 'So, it's for Europe then,' I imagine the audience thinking, presuming that Europe is already large and complicated enough. 'No, it's for the whole world.' Understandably, few people are capable grasping what this really means. Those in the know are familiar with my theory that 'if you can negotiate in Belgium, you can negotiate anywhere in the world.' But for many people, faith in big institutions appears to be a thing of the past. They seem to them a long way from the realities of everyday life. That is, I believe, a mistake, and in this book I will try to explain why.

There is also another stubborn misconception. The ILO is not a trade union, nor is it an employers' organisation; rather, it is an agency of the United Nations (UN). What is more, the ILO is the oldest multilateral organisation in the world, established under the Treaty of Versailles in 1919. It is older than the UN itself, which came into being in 1945. This first multilateral organisation was destined from the start to be a very special one. It was composed not only of governments but also – and this was downright revolutionary – of employers and workers. Together they

would negotiate Conventions and international treaties dealing with labour and social policy issues. Once a member state approves or ratifies these Conventions, they become binding law in that country. But laws without oversight are worth very little, so a supervisory mechanism was also developed. In this regard, the Committee on the Application of Standards plays a crucial role. And when these Conventions are not respected, a delegation made up of a representative of the governments, of the employers and of the workers – in ILO terms, a High Level Tripartite Mission – sometimes visits the country in question.

The negotiators at Versailles wanted to move away from the decades of social unrest before the First World War, which arose as a reaction to the exploitation of labour in the industrial age. The Russian Revolution of October 1917 and the rise of communism were chilling events that demanded a response. One answer was the foundation of the ILO under the guiding principle, still current today: ‘Universal and lasting peace can be established only if it is based upon social justice.’ The negotiators not only had a social agenda, they also had an economic one. Enterprises in countries that choose social justice should not suffer from unfair competition from companies in countries that are less concerned with respecting the rights of their workers. So international regulations were necessary.

Despite the good work of trade unions, social dialogue, NGOs and the ILO, inhumane working conditions still exist at distressing levels around the world. It is unfortunate that this often passes unknown, or insufficiently known. At the same time, supranational and multilateral organisations like the ILO and the UN are often underestimated and, increasingly, are even under fire. I want to explain why an organisation like the ILO is indispensable, not only in the past and elsewhere in the world, but also now and in the future and in every country. Moreover, I believe the ILO is the only international organisation capable of guiding us towards organising a future of work that is socially just.

I am able to write this book because I have been able to delve deeply into the world of work, both in Belgium and around the globe through the ILO. What has always appealed to me is the connection between setting and enforcing international regulations and the groundwork at a national level, which is the task of trade unions and NGOs, and then of the employers and governments, supported by the regional and national work of the ILO. I have been a privileged witness to these interactions over the years. Moreover, I have had the advantage of a remarkable overview of international trends and access to a great deal of information thanks to the research work of the ILO. In this book I try to piece together the jigsaw of experience and knowledge. I take you to the 'ILO crossroads' where the paths of collective bargaining, social dialogue, geopolitics and international diplomacy meet, with the aim of putting us all on the right road forward.

Under the leadership of Willy Thys, General Secretary of the World Confederation of Labour (WCL), and Guy Ryder, General Secretary of the International Confederation of Free Trade Unions (ICFTU), I was deeply involved in the foundation in 2006 and subsequent development of the ITUC, the world's largest trade union confederation and a much needed answer to globalisation. It was the ITUC that asked me, just before the end of my ACV-CSC presidency, whether I was ready to be nominated as Chairperson of the Workers' Group of the ILO and thus as Vice-Chair of the Governing Body. I held that function from 2011 to 2017. Then I was elected Chairperson of the Governing Body for the mandate 2017-2018. In this capacity I was also Ex-officio member of the Global Commission on the Future of Work and was able to think more deeply about the future of work. At the beginning of my career, I couldn't have imagined any of this. In June 2021 my mandate as member of the Governing Body comes to an end. After my 'real career' I will be able to continue exploring my great interest and passion. My motivation has always come from listening to workers talk about their daily reality, about their problems, and also from the courage of people who stand up for others.

The ILO centenary in 2019 was a fabulous opportunity to look at the past, present and future of work in the world. Let's start with a bit of history: how has the ILO managed to survive for a hundred years without losing importance or influence in periods of war and peace, growth and recession, globalisation and individualisation? Part of the answer lies in the organisation's unique structure. I will introduce you to the various building blocks of the ILO and pause to reflect on a crisis in its recent past: the controversy about the right to strike.

After 'the diplomacy of work' we leave Geneva and I take you to 'the world of work'. Building on my experiences during various ILO missions and negotiations, I will discuss a number of abuses that have unfortunately still not been eradicated. I want to immerse you in the reality of millions of workers. I will talk about the practice of modern slavery in Myanmar and Qatar and what is being done about it. About child labour and the phenomenon of domestic workers, who have only been recognized as fully-fledged workers in the last few years. The tragic collapse of the Rana Plaza building in Bangladesh brings us to the complex story of supply chains. Experiences in Colombia, Guatemala and Venezuela teach us that the right of association and trade union freedom are still not unconditionally applied everywhere. Yet, they are crucial conditions for achieving decent work. We then zoom out and look at how social protection, or social security, is faring in the world.

In 'the future of work', I look ahead to seven challenges we must address: globalisation and deglobalisation, the climate and ecological transition, inequality, demography and migration, automation and digitisation, new forms of work and new business models. As a member of the Global Commission on the Future of Work, I was given the opportunity to think about and to help formulate ten recommendations that should lead to a renewed and strengthened social contract. They offer an answer to the transitions of our time.

But in our discussions about the future on the occasion of the ILO centenary in 2019, no one could have imagined that a virus – a coronavirus, COVID-19 – could attack our health and our social and economic

fabric so severely worldwide. Since the Second World War, no crisis has struck so deeply and so widely. All at once and almost without warning, our national and international structures were severely tested. What this could mean for the world of work, for workers and for the International Labour Organization, I try, albeit with great modesty, to answer in the last chapter. Yet it is our conviction that no matter how difficult and long the road, decent work and a good life are possible. But: there is still a lot of work to be done.

PART I

The diplomacy of work

1

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The history of a centenarian

The foundations of the International Labour Organization

At the end of the eighteenth century, steam engines appeared on the scene. Factories were built around the machines. From then on mass production was possible. Machines could do a lot, but people were still needed for supply and distribution, maintenance and many repetitive tasks. Workers were available everywhere and in great numbers, so pay was low. The scale of exploitation was outrageous. Children also had to work, usually in inhumane conditions and on sub-standard terms.

Gradually resistance grew. People stood up for their rights but were initially badly organised and consumed by misery and powerlessness. They lacked everything: food, clothing, housing, time to rest, safety at work, access to health care, a living wage. Uprisings were brutally crushed.

While charitable, paternalistic organisations tried to alleviate the most extreme abuses, workers began to organise themselves more effectively in the nineteenth century. This is how the trade unions came into being, first by profession or company, then by sector and only much later through umbrella confederations. Politically, socialism and communism responded to the grievances of the people. Pope Leo XIII responded in 1891 with the encyclical *Rerum Novarum*, in which

he stated that labour was not a commodity and workers deserved respect and had rights, including the right to organise.

Around the turn of the century, the first cross-border trade union meetings took place on the fringes of international party meetings, mainly on the socialist side, but also from a Christian perspective. Employers initially saw less reason to organise. They had economic power and were therefore closer to politics. The threat of Marxism and the social struggles of workers changed this at the end of the nineteenth century when the first employers' organisations appeared in several countries. Partly under pressure from social reformers and academics, reform-minded politicians sought contact with the new workers' and employers' organisations. Around 1900, the first national organisations for labour law also saw the light of day. The International Association for Labour Legislation (IALL), the forerunner of the International Labour Organization, came into being in Basel in 1900.

During the First World War, as men were sent to the front, women took their place in the arms factories. Terms and conditions of employment deteriorated further. This led to protests and strikes, but the weapons industry had to be kept going at all costs. The search for solutions led to rapprochement between governments, employers and workers. It was the beginning of tripartism. During a congress in Leeds in 1916, French workers demanded through their representative Léon Jouhaux (Confédération Générale du Travail – CGT) that workers' issues be included in the peace talks. The British Government even produced a first draft of a tripartite organisation with the support of both the Trades Union Congress (TUC) and the employers.

The negotiators at the 1919 Paris Peace Conference feared the rise of communism and realised that they could not return to the pre-war situation of exploitation and social unrest. They invited the participation of trade union representatives in recognition of the workers' commitment to the war effort and the hardships they had suffered

during the war. They also wanted to prevent the trade unions from organising their own international peace conference.

THE SPARK OF VERSAILLES

In Paris, a special Commission on International Labour Legislation was set up in the framework of the Peace Conference. It was made up of representatives of nine countries: Belgium, Cuba, France, Italy, Japan, Poland, the United Kingdom, the United States and Czechoslovakia. The Commission was chaired by the American trade union leader Samuel Gompers, and the aforementioned Léon Jouhaux was also a prominent member; from the British side, Edward Phelan and Minister Georges Barnes played a leading role, having already developed the initial ideas; and UK Minister Arthur Balfour would, to a large extent, write the final version of the principles of labour policies. Belgium was represented by the socialist minister Emile Vandervelde and the Liège professor of law and labour law Ernest Mahaim, who were at the basis of many a compromise. This Commission wrote Chapter XIII of the Treaty of Versailles, the Constitution of the International Labour Organization. Two citations from the treaty form the philosophical cornerstones of the ILO: 'Universal and lasting peace can be established only if it is based upon social justice,' and 'the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries.' This gave the organisation not only an economic but also a social basis. Countries recognized clearly that they would be increasingly interdependent on matters of economy and trade. They decided that they did not want to compete on the basis of poor working conditions. Today we would call this a level playing field. The ILO started with forty-four member states.

The organisation was set up with a three-part or tripartite structure with employers and workers in addition to governments. After considering Brussels and London, it soon settled in Geneva. The League of Nations, an intergovernmental organisation that aimed to

put an end to all wars, also settled in the same city. This organisation, of which the ILO was formally part, was also the fruit of the Versailles Treaty. Its great promotor was the American President Woodrow Wilson. Unfortunately, the League of Nations, the forerunner of the United Nations, did not survive the Second World War.

The ILO was created within an existing field of tension. Even today, some people think that the ILO is too soft, while others think that the organisation is too hard; some side more with labour, others more with government and employers. The United States felt that it would be going very far indeed if international treaties were allowed to dictate domestic laws. The fear that the sovereignty of individual countries could be infringed is universal. The United States nonetheless became a member, but only in 1934. The French and the trade unions, on the other hand, regretted that ILO Conventions were not automatically enforceable international laws, but first had to be ratified by each member state.

More than a hundred years ago, it was revolutionary that an organisation could be built on the philosophical ground principles set out above, with a tripartite decision-making structure, and charged with the task of developing international labour and social legislation, in line with the nine basic principles outlined in the list to the right. Almost all of them are still current. In part 3, I will discuss the report of the Global Commission on the Future of Work. In the course of the Commission's work, the creation of the ILO was called 'the most ambitious social contract in history'. Now, unfortunately, the nations of the world would no longer be able to produce such an unambiguous vision, either within the narrow spaces of the G7 or G20, or within the broad scope of the United Nations. Luckily, there is the ILO.

The 9 special & urgent principles of the ILO

The nine principles of special and urgent importance of the ILO when it was founded in 1919:

1. The guiding principle ... that labour should not be regarded merely as a commodity or an article of commerce.
 2. The right of association for all lawful purposes by the workers as by the employers.
 3. The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.
 4. The adoption of an eight-hours day or a forty-eight-hours week as the standard to be aimed at where it has not already been attained.
 5. The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.
 6. The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.
 7. The principle that men and women should receive equal remuneration for work of equal value.
 8. The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all lawfully resident therein.
 9. Each state should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.
-

The result of the establishment of the ILO is a legal and consultative system on three levels that still works today. Of course, its development and its success vary from country to country and over time:

- International: standards (Conventions and Recommendations) negotiated and voted on by the three groups represented.
- National: advice, consultation and social dialogue in National Labour Councils or National Social and Economic Councils composed of employers and workers and/or National Tripartite Social and Economic Councils.
- Sectoral and/or enterprise level: Collective Labour Agreements, Workers' Councils ...

The contours are there. Although the practical implementation is very diverse, the model remains recognisable everywhere. In Latin America, institutions exist, but their success depends very much on the changes of political regimes and on the recognition, or not, of trade unions and sometimes of employers' organisations. In periods when social dialogue and collective bargaining do not work, workers and their trade unions have little choice but to fall back on the confrontational model. In the United States, union influence is strongly linked to who is in political power. In Africa, institutions exist and do good work. Their main challenge is the predominance of the informal economy and the margin they are allowed by politicians and employers to develop social protection. Several Asian countries navigate between politics, the power of multinationals and local employers in the informal economy. China does not have free trade unions. The task of the recognised workers' organisation there is to prevent social problems and to channel possible conflicts in order to find a solution to them. There is a wage policy and social security is being developed, all within the lines set out by the authorities in Beijing. The so-called 'European social model' also has very different interpretations from one member state to the next and has been on its way back since the financial crisis. Now there is the European Pillar of Social Rights (2017). But however differently they are elaborated, the principles and practices of the ILO, based on its Fundamental Conventions, are and remain the reference (see further 'Without Conventions and Recommendations there is no ILO').

A FLYING START

In democratic countries, the first steps towards the implementation of the consultative model were taken after the Great Depression of the 1930s. This was the case in France, Sweden and the US with the New Deal. Two more countries stood out in the development of their industrial relations: Denmark and Belgium. Nevertheless, the Belgian social and economic model was only partially established between the two world wars. It only took full form after the Social Pact of 1944, which was negotiated in secret during the German occupation.

The League of Nations, which was founded at the same time as the ILO, crumbled quickly for political and geopolitical reasons. Curiously, the ILO was not sucked into that vortex and managed to stay afloat. The ILO survived its first crisis and is thus the oldest existing multilateral organisation. In 1945, the League of Nations was succeeded by the United Nations.

In the ILO itself, things were moving forward, sometimes fast, in those early years. The first International Labour Conference took place in Washington in October of the founding year 1919. No fewer than six International Labour Conventions were adopted on themes that were as relevant then as they are now: Convention 1 on working hours in industry, Convention 2 on unemployment (employment agencies and unemployment benefits), Convention 3 on maternity protection, Convention 4 on night work for women, Convention 5 on the minimum working age for young people and Convention 6 on night work for young people. The policies set out in these Conventions were far-reaching for the world of work.

In the summer of 1920, the organisation settled in the headquarters of the International Committee of the Red Cross in Geneva. Thanks in part to the initiative of the first Director-General (DG), the Frenchman Albert Thomas, who took advantage of the early momentum, sixteen Conventions and eighteen Recommendations had already been approved by 1921. Among other things, these included fairly de-

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