



**From precarious
to decent work**

**Du travail précaire
au travail décent**

**Del trabajo precario
al trabajo decente**

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Precurity the ugly face of flexibility

Employer

State



Worker



Standard employment relationship

**Direct
Employer**

**Collective
agreement**

**Adequate
Pay**

**Equal Pay
for work of
equal value**

**Social
Protection**

**Permanent
contract**

**Full time
employment**

**Freedom of
Association**

Non-unionised

Low pay

Part-time

Sub-contracting

Hazardous

Lack of Social Security

Agency work

Temporary contracts

Bogus selfemployment

Precarious employment



A Growing Phenomenon

Globally:

- 10 – 30% of wage earners are low paid workers
- Outsourcing and agency work a global phenomenon

Developing Countries:

- More than **50%** of the workforce in informal economy
- Latin America: **26.5%** temporary employment (↑30% between 2002 and 2007)

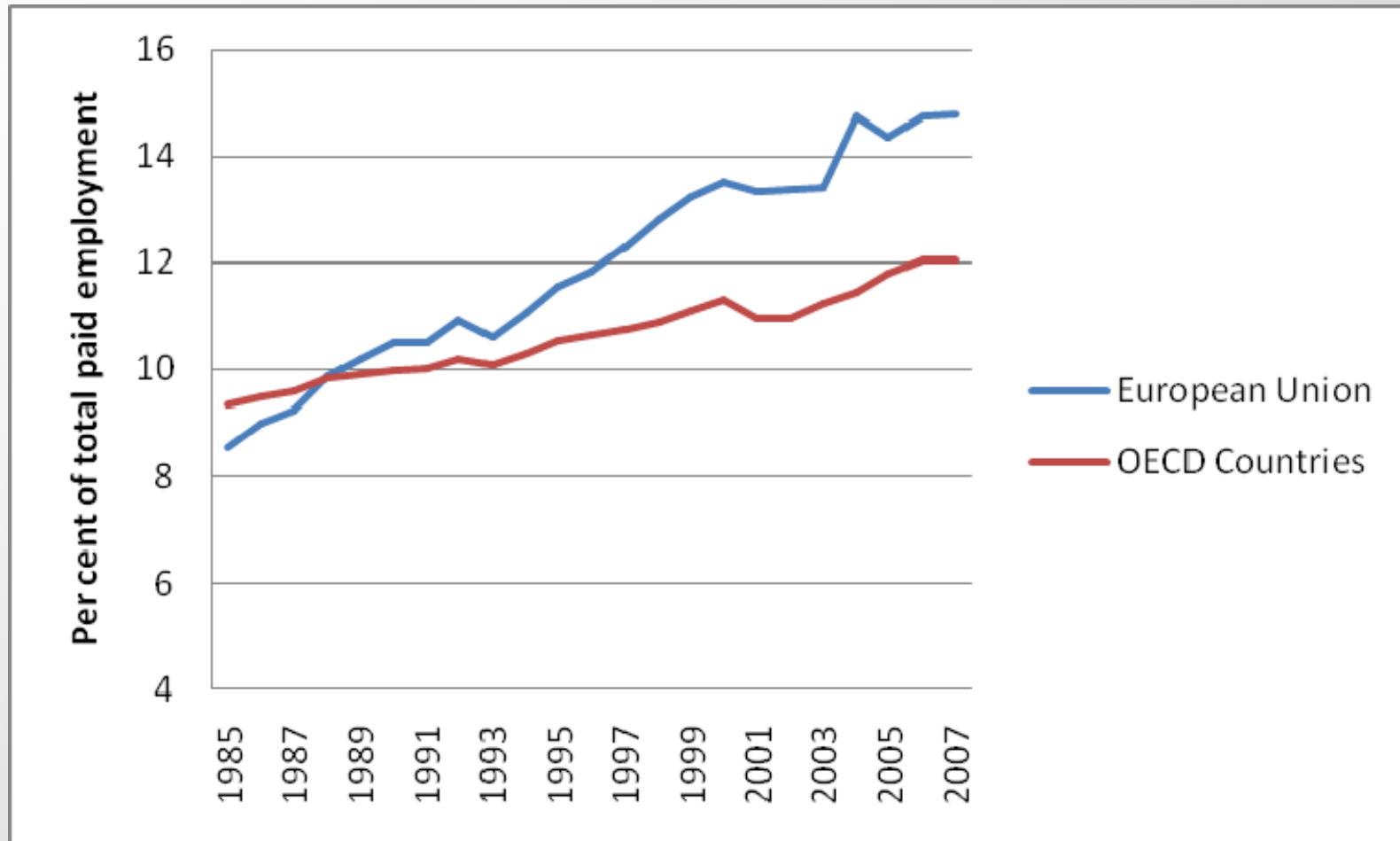
Developed Countries:

- Increasing temporary employment
- Spread of new forms of employment



A Growing Phenomenon

OECD and EU



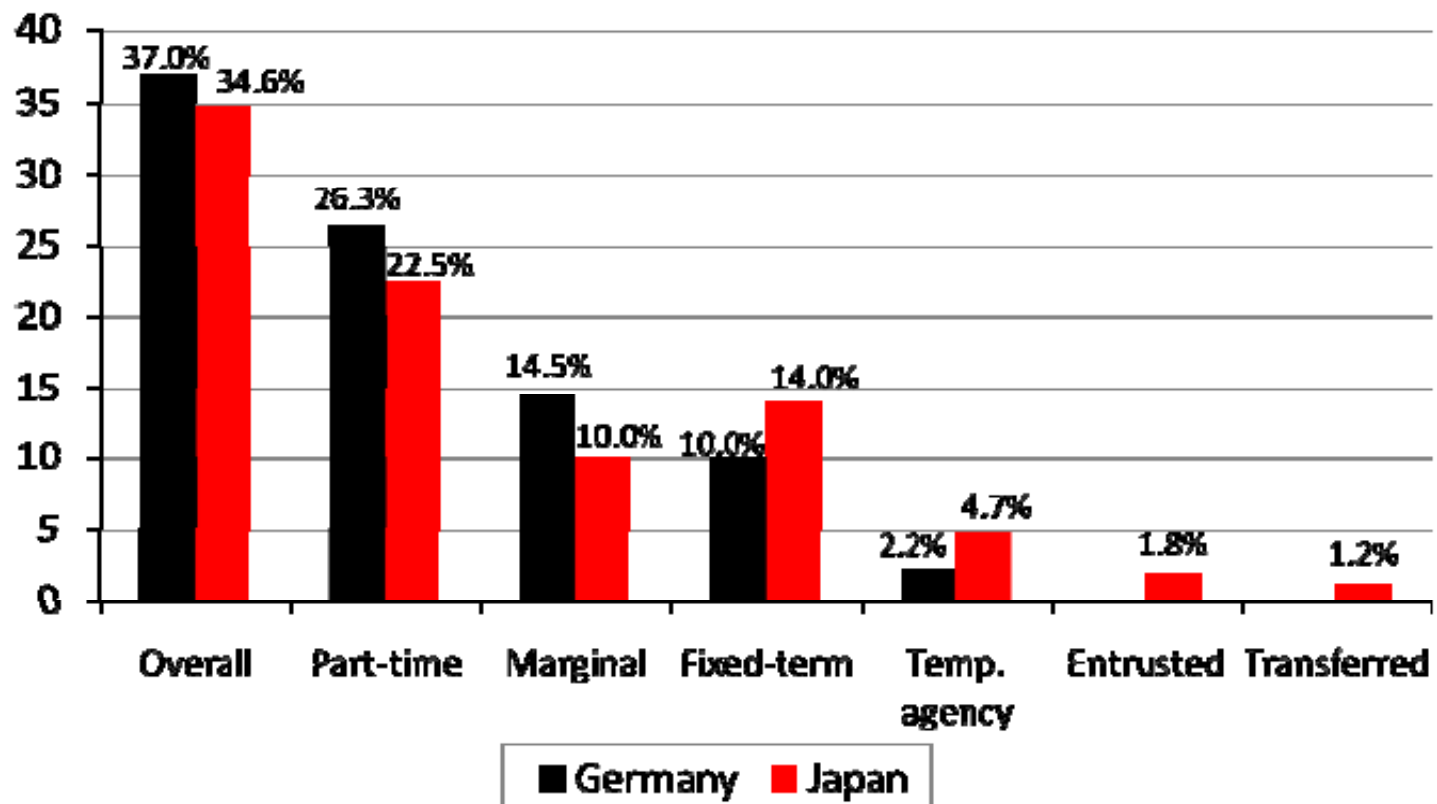
It Happens Everywhere

- **Algeria:** **2.2** out of **2.7** million new jobs are temporary
- **China:** in 2005 only **1%** of its rural migrant workers had a permanent contract
- **India:** 1993-2006, contract work increased from **13-30%** in the formal manufacturing sector
- **South Africa:** more than **6%** work for temp agencies



It Happens Everywhere

Atypical employment in Japan and Germany 2007,
in percentages



Legal Constructs

- Illegal? Or just unfair?
- Enterprises became more complex
- Law failed to adapt, or regulations softened in the name of flexibility
- This has left many workers unprotected through:
 - Exclusions
 - Definition of the employment relationship
 - Abusive use of temporary and subcontracted work
 - Weak enforcement



Erosion of Collective Bargaining

- Precarious workers often cannot access their right to bargain collectively
- Face threats and harassment from employers
- Fragments collective bargaining units

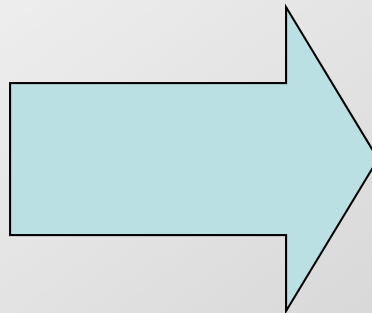




IMPACTS

Individual

- Health and safety
- Constant insecurity
- Lack of career opportunities
- Poverty

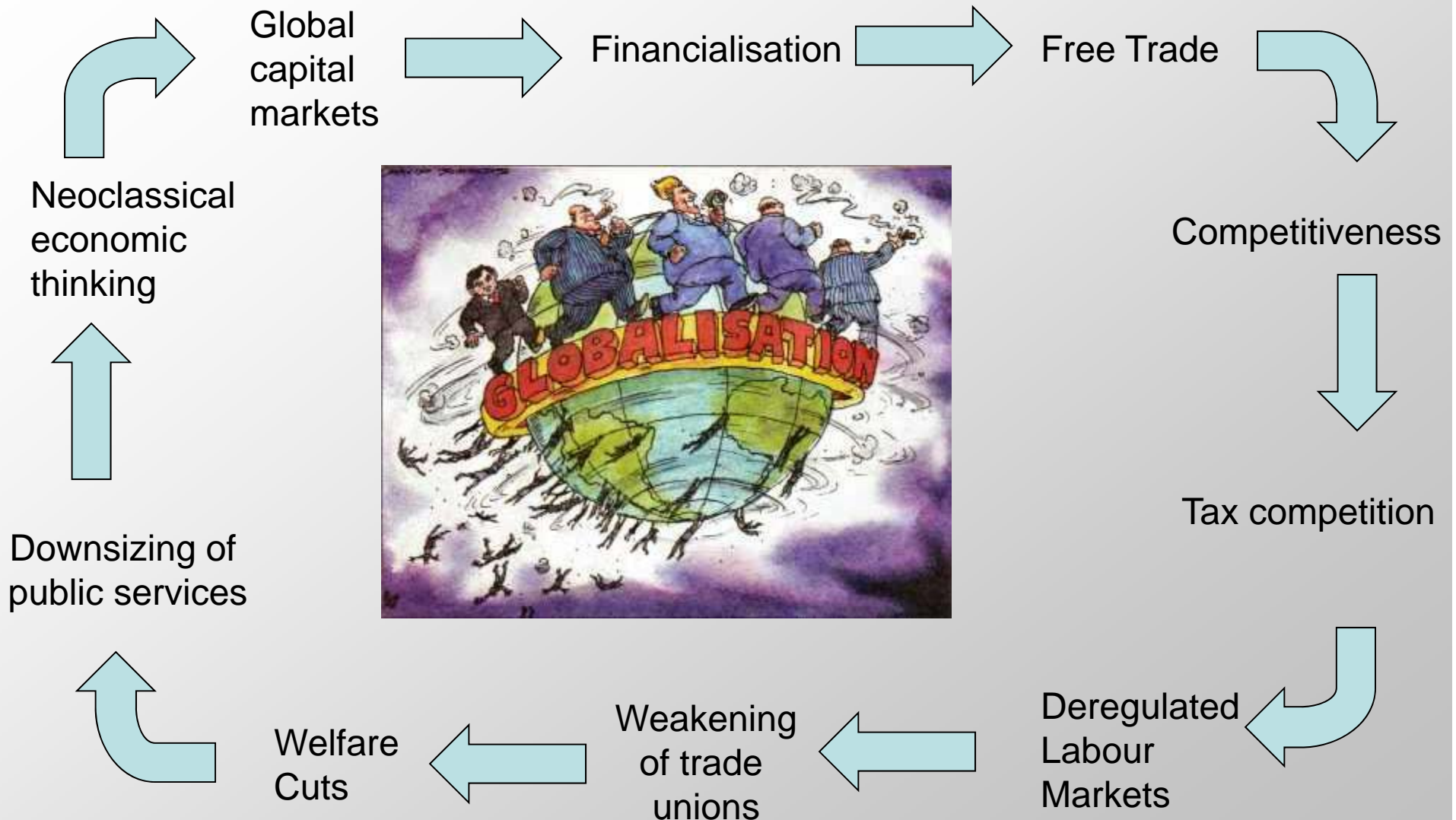


Societies

- Inequality
- Lack of cohesion and participation
- Social exclusion
- Social unrest
- Decline of industrial democracy



The vicious cycle





The Facts

- Low growth
- Extreme inequality
- High unemployment and informality
- Rising profits but declining real investment
- Frequent deep financial crises
- Governments are hostages of market forces constructed and controlled by the rich and powerful



Strengthening voice and representation

Extending collective bargaining

- Right to join trade union of own choosing
- Trade union access to enterprises
- Legal extension of collective bargaining agreements
- Bargaining councils
- Public procurement



Measures against precarious employment

- Recognition of employment relationship
- Protection of vulnerable groups
- Minimum wage
- Equal pay for work of equal value
- Limits on time and frequency of temporary contracts & agency contracts
- Universal social protection



International Labour Standards

- Existing standards provide universal coverage
- Core Labour Standards
- Particularly vulnerable categories covered
 - For Migrant Workers: C97 and C143
 - Workers with Family Responsibilities Convention, 1981(No. 156)
 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
 - Maternity Protection Convention, 2000 (No. 183)
 - Home Work Convention, 1996 (No. 177)
 - Domestic Workers Convention, 2011 (No. 189), not yet in force.
- Employment relationship recommendation 198
- Private employment agencies convention 181
- Minimum Wage Fixing Convention 131
- Part-time work Convention 175
- Termination of Employment Convention 158



Limitations and regulatory gaps

- Implementation deficit
- No barrier against growth of precarious work
- Not addressing specific needs of workers in precarious employment
- No binding regulation of the employment relationship
- No regulation on temporary employment
- Insufficient regulation to promote a framework for a standard employment model that fully reflects the needs and desires of working people for stable, equal, predictable employment and a modern work-life-family balance.



