

Against "decent work"

About the inadequacy of this slogan and the reasons why the dignity of work is independent of the conditions in which it is provided

**ADAPT International Congress: WORK AND ITS
VALUE: Interdisciplinary Reflections on an Ever-
Changing Concept**

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I. Decent work according to the ILO:

“Decent work is a concept **that seeks to express what a good job or a dignified job** should be in the globalized world. **The work that dignifies and allows the development of one’s abilities is not just any job; Work that is done without respect for fundamental labor principles and rights is not decent, nor is work that does not allow a fair income** proportional to the effort made, without gender discrimination or of any other kind, nor that which is carried out without social protection, nor that which excludes social dialogue and tripartism ”.

Source: OIT. ¿Qué es el trabajo decente?

https://www.ilo.org/americas/sala-de-prensa/WCMS_LIM_653_SP/lang--es/index.htm

Some ideas that we extract from such a definition:

1) The term decent work is comparable to decent employment.

“Decent work is a concept that seeks to express what should be [...] a good job or a decent job”

2) It only dignifies the work that is provided under adequate working conditions.

“Work that dignifies and allows the development of one’s abilities is not just any job”

3) There are “indecent” jobs or, at least, “decent”.

“Work that is carried out without respect for fundamental labor principles and rights is not decent, nor is work that does not allow a fair income proportional to the effort made, without gender discrimination or of any other kind, nor that which is carried out without social protection, nor that which excludes social dialogue and tripartism ”.

II. Starting hypothesis:

It is not appropriate to claim decent work, because WORK IS ALWAYS DECENT. Under any regime, regardless of the salary and the conditions in which it is provided. THE DIGNITY OR DECENCY OF WORK EMANATES FROM ITS PERSONAL CHARACTER,

And this for ...

- Because laborious activity projects the personality of its executor.
- For his contribution to the common good.
- Because dignity is an ontological quality, which is not taken away or granted.

III. Brief (and insufficient) notes on personal dignity and its different treatments in the legal system.

By way of definition: The term dignity (from the Greek axion) means something that is valuable, that which is estimated or considered by itself, and not in terms of something else. Human dignity lies in the internal and irreplaceable value that corresponds to man by reason of his being, not by certain returns that he will provide or by other Dines different from himself (Urbano Ferrer).

The dignity of man rests on a double foundation:

1) Ontological freedom:

In the system of nature, man [...] is a being of little importance [...]. Now, man, considered as a person, that is, as the subject of a practical-moral reason, is situated above all price; because as such [...] it can be valued [...] as an end in itself, that is, it possesses a dignity (an absolute internal value), thanks to which it instills respect towards it to all the other rational beings in the world Kant, I. La metafísica de las costumbres, 1797.

2) His fraternal capacity (of service to the other):

Man can in principle recognize the interests of all others as equally worthy of consideration. Man does not necessarily refer the whole environment to himself, to his own desire; he can also realize that he is also an environment for others [...] He can put himself in the service of something other than himself, even sacrificing himself. Es capaz del amor. R. Spaemann, Sobrel el concepo de dignidad humana, 1988.

Different legal treatments of dignity:

Dignity as an innate value, which the Order must safeguard.

UDHR 1948: “Considering that freedom, justice and peace in the world are based on the recognition of intrinsic dignity...” (Preamble) “All human beings are born free and equal in dignity and rights” (art. 1) “Every person, as a member of society, has the right to [...] the satisfaction of economic, social and cultural rights, essential to their dignity” (art. 22) “Every person who works has the right to just and satisfactory remuneration, that assures him, as well as his family, an existence in conformity with human dignity...” (art. 23.3).

CIDECS 1966: “Recognizing that these rights derive from the inherent dignity of the human person” (preamble)

L.F. Bonn: “1. The dignity of man is sacred and it is the duty of all State authorities to respect and protect it” (art.1).

Dignity as an objective that the Order must develop (create?).

European Social Charter, 1961: Article 26 “Right to dignity at work”

EU FFRR Charter, 2000: “The Union recognizes and respects the right of older people to lead a dignified and independent life and to participate in social and cultural life” (art. 25).

“In order to combat social exclusion and poverty, the Union recognizes and respects the right to social assistance and housing assistance to guarantee a dignified existence...” (art. 34).

ILO Convention No. 189: “Aware of the commitment of the International Labor Organization to promote decent work” (preamble).

Let's look at the difference in more detail:

Dignity as an innate value, which the Order must safeguard.

UDHR 1948: "Every person who works has the right to equitable and satisfactory remuneration, which ensures him, as well as his family, AN EXISTENCE CONFORMING TO HUMAN DIGNITY..." (art. 23.3).

Dignity as an objective that the Order must develop.

EU FFRR Charter, 2000: "In order to combat social exclusion and poverty, the Union recognizes and respects the right to social assistance and housing assistance to **GUARANTEE A DIGNIFIED EXISTENCE...**" (art. 34).

- 1) For the first approach, dignity is a pre-existing quality to the legal system. It is precisely human dignity that justifies the positivization of rights.
- 2) The second approach does not accept this premise, and marks the promotion of this dignity as a function of the legal system.

Here we will defend the greater correction of the first of these approaches: by the very definition of dignity that we have been dealing with, it arises from a dimension of human subjectivity in which the Law does not display any influence. In other words: Dignity cannot be imposed nor can it be granted externally.

IV. The causes of the dignity of work: its personal character and its vocation of service.

*“The category of work derives, for each individual, from their intrinsic personal dignity. But, that dignity is in some way unfolded in the two elements that consume the excellence of man: the personal act of being and love. Consequently, the value of the task itself will come originally and fundamentally from the personal nature of the person who puts it to work, and complemented or conclusively from the love with which it is carried out”.*Melendo Granados, Tomás, La dignidad del trabajo, Rial, pág. 67.

Work is a worthy good insofar as it participates in human dignity. It is worthy because:

- 1) It is a personal act.
- 2) It allows the improvement of the person who executes it.
- 3) Allow their contribution to the common good.

Let's look at this in more detail...

Work is dignified as a personal act that participates in the dignity of the person who performs it.

“Our being is a certain act, our being is living and, consequently, acting, since there is no life that is not expressed in operations. On the other hand, the one who is currently doing something is in a certain way the work that is being carried out, since the act of the one who moves and the act of the one who works are found in what is moved and in what is done. And that is why artisans, poets, and benefactors love their own work, because they love their own being. Since it is natural that each one loves his being”

ST. TOMÁS DE AQUINO.

Work perfects because it emancipates the individual. It frees him and makes him responsible for his own life project.

“Perfection is about working. It is not as it is usually exposed in the meanest way, that it is a harsh necessity to have to work for a living; by no means, is it precisely a perfection that of not being a child for a lifetime, always lagging behind the parents who take care of one, both while living and after death. The harsh necessity - which, however, fully endorses the perfect in man - becomes necessary only to force, who does not want to recognize it for the good, to understand that work is perfection and is not recalcitrant in not being happy to work. For this reason, even if the so-called harsh necessity were not given, it would still be an imperfection for a man to stop working”.

KIERKEGAARD, Søren.

A evidence of solidarity, in an extensive society characterized by the division of labor.

Durkheim the one who expressed this idea more deeply when he found in the interdependence between the different trades "what gives moral value to the division of labor." For the French sociologist, professional specialization will be what allows the individual to "acquire awareness of his state of dependence on society; from it come the forces that hold and contain him. In a word, since from the division of labor it becomes the eminent source of social solidarity, it becomes, at the same time, the basis of the moral order".

DURKHEIM, É.MILE

Work, a service to our fellow persons:

“In my production I would realize my individuality, my peculiarity. By working I would enjoy an individual manifestation of my life, and by contemplating the object produced I would be happy to know my own personality, as an updated power, as something that could be seen and grasped, something concrete and nothing uncertain. The use and enjoyment that you would obtain from my product would provide me with the immediate and spiritual joy of satisfying a human need through my own work, of fulfilling human nature and of procuring the object they need for another.

I would be aware of being the mediator between you and the human race, of being experienced and recognized by you as a complement to your own being and as an indispensable part of yourself, of being received in your spirit and your love. By taking advantage of what it produces, you would make me experience the joy of fulfilling your life by fulfilling mine, and thus confirming in my work my true nature, that is, my human sociability”.

It is a fraternal act, to the extent that we also work with a view to helping another (now already concrete).

“There is a very close connection between love and work. Very recently I explained, following Aristotle, that love is “wanting the good for another.” Now I add that for love to be full, this willing must be effective: that is, it must effectively dispense to the loved one what constitutes good for him. Good intentions are not enough, not even a more or less determined determination of the will that does not culminate in works. We must achieve that benefit! ... or, at least, use all the means at our disposal to achieve it.

But the vast majority of real, objective and often indispensable assets that we can offer to our fellow citizens are obtained through professional work”.

Melendo, T.: “El amor al servicio del amor”. En *Ocho lecciones sobre el amor humano*, 2002.

V. Reasons to rethink the slogan of “decent work”

Having exposed our discrepancy with the decent work slogan, in what follows, we will try to state some reasons (5 in total) why we consider it pertinent to rethink it. These reasons have a dual nature:

-Some are of a technical-legal nature. In this area, the reformulation of the slogan would have little effect.

-And others appeal to a work imaginary that unambiguously admits the nobility of laborious life, regardless of the conditions in which it is deployed. This discourse seems essential to us to configure a full labor citizenship.

1) Affirming the dignity of work as an axiom prior to its standardization could condition legal hermeneutics.

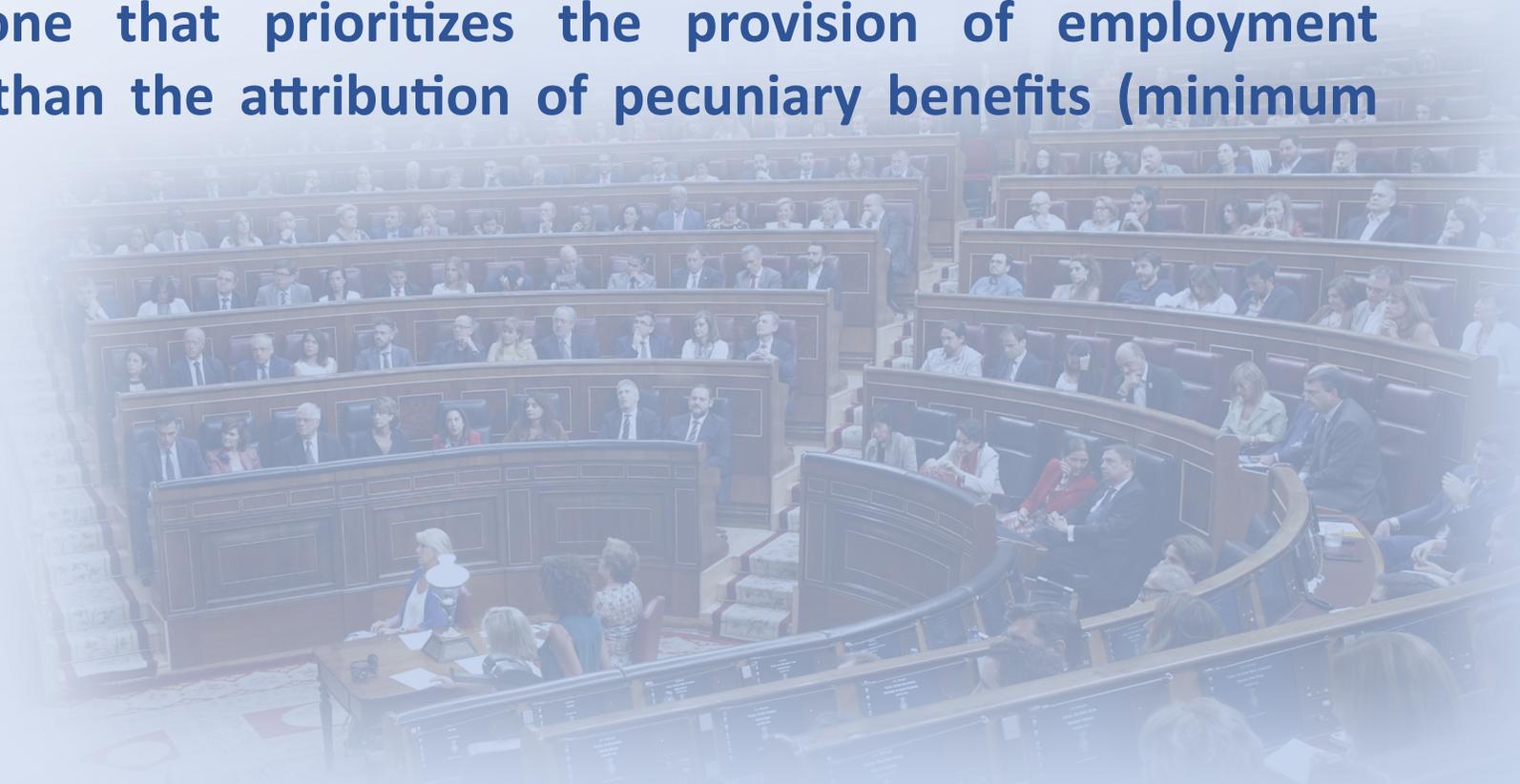
This consideration, if made official, could act as a hermeneutical criterion that, in the face of a doubtful normative interpretation, prioritizes the reading that is more in accordance with said axiom.

“This evaluative system, which finds its midpoint for the social community in the free deployment of the human personality and its dignity, is valid, as a basic constitutional decision, in all areas of Law; the legislation, the Administration and the jurisprudence receive their direction and impulse from it. Thus, of course, it also exerts influence on civil law, so that no civil legal prescription can be in contradiction with it, everything must be interpreted according to its spirit ”German Federal Constitutional Court. Matter of Luth (BVerfGE 7, 198 27).

2) Proclaiming the dignity of work, as an intrinsic characteristic of this, would have its projection in legislative action.

If codified constitutionally, it could condition the actions of the legislator. For example, if the dignity of work is affirmed, as a valuable asset regardless of the conditions in which it is provided and the salary received. It would be possible to rethink our model of social protection to move towards one that prioritizes the provision of employment (employment guarantee) rather than the attribution of pecuniary benefits (minimum income).

If this premise is admitted, the action of the public powers in situations of need would not be exhausted by dispensing an income, but should promote the subject's labor participation.



3) It is necessary to recover a discourse that enhances the intrinsic nobility to job performance, qua personal and cooperative service.

-The classification of decent jobs v.s. Indecent work promotes, in an unintended way, a certain stigmatization among the workers who perform it.

-The human activity of a subject who works for his personal autonomy, to support his family and make a contribution to society, is worthy, regardless of the behavior of his employer.

Thought corrupts language and language can also corrupt thought. George Orwell.

4) The slogan of “decent work” incorporates, in an implicit and unintended way, segregation in labor citizenship.

-One of the greatest advances in the labor movement in the s. XIX occurred with the conceptual unification of this for the claim of shared interests.

-With the dichotomy: “decent jobs” vs. “Adecentes” work is not treated as a uniform phenomenon, affected by common problems.

What is more important from a theoretical point of view, the typical modes of class structuring, and the penetration of class recognition, within the middle class inevitably tend to diminish the specific social (or cultural) influence of the latter in relation to the centrifugal force of the working class, on the one hand, and the upper class, on the other. This means that the middle class rarely tends to play a direct role in the overt class struggle. (Giddens, A., La estructura de clases en las sociedades avanzadas, 1973)

5) The slogan of “decent work” does not draw attention to the true core of the labor problem.

What if instead of claiming "decent work" we demand "fair business management" or "working conditions commensurate with the dignity of work"?

We clarify before closing that our criticism of the ILO “decent work” program is limited only to its name, not to its content or objectives. It happens that the deficits of the RRLL that are intended to be improved from this program affect business conduct or current regulations, but never the conduct of the worker, that is: his work.

VI. Epitome

-The slogan of "decent work" of the ILO suggests (sometimes, directly affirms) that the dignity of work depends on the conditions in which it is provided.

-The, understood as a human activity, has a dignity that resides only in the personal subjectivity of the person who executes it, and not in exogenous or normative factors.

- Specifically, we have maintained that the dignity of work resides in its personal character (common to all jobs) and in the vocation of service that it incorporates, the family and the common good (variable, depending on the degree of dedication).

-In this way, defending the incorrectness of the slogan for "decent work", we find up to four reasons to reformulate it, namely:

- 1) The need to develop a discourse that recovers the intrinsic nobility of the work.
- 2) Eliminate any implicit admission of division in the working population between "decent and indecent jobs"
- 3) The proclamation of the intrinsic dignity of work could play as a hermeneutical criterion applicable by the courts.
- 4) In addition, it could act as a guiding criterion for the Legislator. For example, prioritizing social protection through the guarantee of employment.
- 5) Finally, the slogan of decent work does not direct attention to the true cause of the labor problem. What if we demand business action according to the dignity of work?

*Thank you very much for your attention and patience.
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