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The Decent Work Agenda and the Advancement of Gender Equality: For Emerging Economies Only?

Abstract

The International Labour Organization’s Decent Work Agenda offers a valuable alternative to the traditional framing of most contemporary employment regulation. It moves beyond the standard employment relationship to include workers in non-standard employment and the attainment of gender equality has a central place, illustrated in the ILO’s 2009 campaign around ‘gender equality at the heart of decent work’. While most OECD countries have endorsed the Decent Work Agenda, few have taken it up at the domestic level, apparently seeing it as something of benefit to emerging economies only. Our paper draws on interviews with key government, employer, union and civil society stakeholders in Australia, Canada, the Netherlands and the United Kingdom and an analysis of relevant policy documents to tease out this ‘othering’ of the Decent Work Agenda and how different understandings of gender (in)equality relate to views about its utility in the national context. We argue assumptions that the Decent Work Agenda has little to offer developed economies represent a missed opportunity to rethink the gendered policy underpinnings of domestic employment regulation that are shaped by and contribute directly to gender inequality.

Key Words: decent work, gender equality, employment regulation, labour standards, comparative policy

1. INTRODUCTION

The starting point for this paper is persistence of gender inequality in employment. Gender inequality has been exacerbated by the rise in precarious work and the erosion of the standard employment relationship, two trends that impact disproportionately on women, particularly where increasingly limited employment rights remain based on the dominant male full-time permanent job paradigm.¹

The International Labour Organization (ILO) first formally elaborated its Decent Work Agenda (DWA) in 1999. The ILO’s conception of decent work, which built on the ILO Declaration on Fundamental Principles and Rights at Work, is described as involving:

‘… opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.'

From a gender equality perspective, the DWA offers a valuable alternative to the traditional framing of most contemporary employment regulation. It moves beyond the standard employment relationship to a broader understanding of work and its inclusion of personal development and social integration recognises the relationship between paid work and unpaid work, critical for the realisation of gender equality. The importance of gender equality to decent work is illustrated in the ILO’s 2008-2009 campaign around ‘gender equality at the heart of decent work’ and the designation of gender equality as a ‘cross-cutting objective’ in the implementation of the four strategic objectives of the DWA; creating jobs, guaranteeing rights at work, extending social protection and promoting social dialogue.

However, the DWA and its cross-cutting objective of gender equality remain aspirational. The question then is whether and how the conceptual and normative idea of decent work can affect the concrete organisation of work and indeed the ways in which this idea may support or frustrate the realisation of gender equality in employment.

While many OECD countries have endorsed the DWA, few have taken it up in terms of policy or policy framing at the domestic level. In the light of this apparent lack of interest, our paper
addresses three issues. Firstly, we explore how the DWA is understood and operationalized at the domestic level by government and other policy actors in four developed economies: Australia, Canada, the Netherlands and the United Kingdom (UK). Secondly, we examine how the same actors understand gender (in)equality and how this relates to views about the utility of the DWA in the national context. Thirdly, we consider the extent to which the DWA currently provides an ‘alternative imaginary’ to address the complex interplay between employment and gender norms to realise gender equality through decent work. 10

We draw on interviews with key government, employer, union and civil society stakeholders in the four countries and with representatives of international trade union bodies and the ILO. We also draw on analysis of relevant policy documents to tease out different policy perspectives on the utility of the DWA within specific national contexts. One of the main aims of the larger project of which this study is part is to assess the strategic potential of the ILO’s DWA to mainstream gender equality as a central rationale of employment regulation.

In the next section of the paper we outline the context of our analysis, providing some background on both the DWA and the place of gender equality within it. We then describe the key features of our study before examining policy actors’ engagement with gender inequality as well as different understandings of the DWA. We then draw this analysis together, exploring how views of DWA and gender equality come together for different policy actors. We ask if those who engage with gender inequality as a broad or systemic issue see the DWA as having more relevance and potential in the domestic context than those who do not have such broad views of gender inequality. Our findings suggest that no matter what sort of engagement interviewees have with the concept and reality of gender inequality there is a prevalent view that the decent work concept and the DWA are only really relevant in an emerging economy context. We conclude that the failure to recognise the value of the DWA in developed countries represents a missed opportunity to rethink the gendered underpinnings of domestic employment and social regulation.

2. GENDER EQUALITY AND THE DWA

What decent work means and to whom is crucial to understanding the extent to which gender equality can be integrated within the DWA. While decent work is ‘not just the creation of jobs, but also the creation of jobs of acceptable quality’, former ILO Director General Somavia noted both the context-dependent nature of the concept of decent work as well as apparently common understandings of it at a local level:

Decent work is not defined in terms of any fixed standard or monetary level. It varies from country to country. But everyone, everywhere has a sense of what decent work means in terms of their own lives, in relation to their own society... 12

As others have noted ‘decent work’ means different things in different societies and ‘the word decent is rather subjective and does not always translate easily into other languages than its original English’. 13 This not only makes it difficult to operationalize decent work more broadly but also to assess the extent to which gender equality is seen as central to decent work. This task is made more complex because what ‘gender equality’ denotes is both contested and political.14 The ILO defines gender equality thus:

Gender equality, or equality between men and women, entails the concept that all human beings, both men and women, are free to develop their personal abilities and make choices without limitations set by stereotypes, rigid gender roles and prejudices. Gender equality means that the different behaviour, aspirations and needs of women and men are considered, valued and favoured equally. It does not mean that women and men have to become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born female or male.15

This understanding of gender equality is an expansive but fluid one. It allows for a link between paid and unpaid work as the basis for gender equality16 and thus potentially for a transformative redistribution of work and care between women and men.17 At the same time with its

11 Supra n. 2.
14 J. Eveline, & C. Bacchi What are We Mainstreaming When We Mainstream Gender? in Mainstreaming Politics: Gendering Practices and Feminist Theory (C. Bacchi & J. Eveline eds, University of Adelaide Press, 2010).
16 Supra n. 4.
acknowledgement of women’s differences, this definition could be ‘read down’ as a policy approach that aims to accommodate women’s traditional gender roles. Indeed, the meaning of job quality (or decent work) depends on the preferred model of gender relations since there is more than one model of gender equality.\textsuperscript{18}

Highlighting the specific linkages between gender equality and securing decent work for all men and women was one of the four central aims of the ILO’s 2008-2009 ‘gender equality at the heart of decent work’ campaign. In 2009 gender equality at the heart of decent work was a key item on the International Labour Conference (ILC) agenda, for which a comprehensive report was prepared by the ILO.\textsuperscript{19} In making the link between gender equality and decent work the ILO clearly references a more substantive and transformational understanding of gender equality,\textsuperscript{20} arguing that ‘the achievement of gender equality requires a context in which men and women work together, and work and family responsibilities are shared’ and further that a ‘reassessment of existing power relations between women and men with a view to their working together towards gender equality is now called for’.\textsuperscript{21} The subsequent report of the relevant ILC Committee was not as explicit on the model of gender equality at the heart of decent work although there was broad tripartite agreement for working towards gender equality within the four strategic objectives of decent work highlighted above.\textsuperscript{22}

Above all, however, the DWA and its cross-cutting objective of gender equality remain aspirational as putting the DWA into practice requires policy and institutional interventions at the country level. As Scheele points out, the question then is whether and how the conceptual and normative idea of decent work can affect the concrete organisation of work,\textsuperscript{23} and indeed the regulation of work and the ways that both the organisation of work and its regulation may support or frustrate the

\textsuperscript{18} Ibid at 18.


\textsuperscript{20} A substantive understanding of equality focuses on equality of results and recognises that special measures may be needed to redress certain group disadvantages. It can be distinguished from a more formal or procedural understanding of equality where the focus is on equal opportunity and equalizing the starting point rather than the outcomes per se. See C. Barnard & B. Hepple \textit{Substantive Equality} 59 C.L.J. 562 (2000) at 566.

\textsuperscript{21} Supra n. 18 at 32-33.


\textsuperscript{23} Supra n. 7 at 604.
realisation of gender equality. At the same time, the implicit conception of a normative gender order that underpins different understandings of decent work is equally determinative of whether or not gender equality lies at its heart.²⁴

One of the key ways of advancing gender equality in the view of the ILO is to ensure that ‘gender equality remains a top priority on decent work agendas at international, regional and national levels’.²⁵ In terms of a national level focus, the ILO has produced decent work country profiles and has put in place a wide range of decent work country programmes in developing countries. Decent work country profiles are prepared by national consultants with the relevant Ministries of Labour and national statistics offices and ILO technical assistance and provide a summary assessment of progress towards decent work in a country and outstanding deficits in this respect.²⁶ The profiles draw on legal and other statistical indicators that form the ILO framework on decent work measurement.²⁷ Beyond this, while the decent work concept has widespread legitimacy as a policy priority - gained through its development by employers, workers and governments as ILO constituents – the DWA does not have the force of traditional labour standards and there is no strong imperative for member countries to take measures or to assess their own progress towards the goal of decent work.

The only decent work profile produced for a developed country out of the seventeen published to date²⁸ is that for Austria in 2009.²⁹ In its assessment of progress on gender equality, an increase in female employment participation and better conditions for combining work, family and personal life were noted as was the persistent gender pay gap.³⁰ There are some indications that a more substantive framing of gender equality is used, with references to persistence of gender roles as one explanation for the gender gap in employment participation rates and to the gendered nature of part-time, marginal and casual employment.³¹

²⁵ Supra n. 19 at 3.
²⁹ Austria was proposed for inclusion by the relevant Austrian Minister as part of an initial five country pilot by the ILO. Decent Work Country Profile: Austria, ILO, Geneva (2009), preface, http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dgreports/---integration/documents/publication/wcms_120187.pdf (accessed 12 March 2014).
³⁰ Ibid.
³¹ Ibid at 1, 30.
As of February 2014, there were sixty-one approved decent work country programmes with another thirty-eight in development.\textsuperscript{32} In 2011, the ILO reported that forty-four countries had implemented activities to promote gender equality including:

- Mainstreaming gender equality;
- Promoting female entrepreneurship;
- Improving working conditions for women;
- Advancing equal employment and equal remuneration.\textsuperscript{33}

It is fair to say, however, that a more substantive framing of gender equality is not particularly visible or integrated in many decent work country programmes. For example, the 2006-2009 independent evaluation of the decent work programme for Indonesia noted that constituents considered the ILO’s success in raising gender awareness and capacity had been ‘only moderately good’ and that government officials working closely with the ILO on the programme had a limited understanding of gender issues in the labour market.\textsuperscript{34}

The ILO’s main focus in actively pursuing the DWA at the domestic level has been on developing countries. This is quite appropriate considering the additional technical support and resourcing required to implement the DWA in the developing country context. For example, while the ILO works closely with the EU in respect of the DWA, the main focus of that partnership is on externally-focused policies and action in developing countries.\textsuperscript{35} In respect of the promotion of gender equality, much of the ILO-EU partnership activity together with UN Women has been on strengthening methodological expertise on gender in development cooperation including in aid effectiveness.\textsuperscript{36}

However, the lack of any direct scrutiny of progress towards decent work in developed countries adds to the perception that decent work is an issue for emerging economies only, as we explore in this paper. Yet as evidenced in the Austrian country profile, careful evaluation of progress towards both decent work and gender equality can be revealing, highlighting not only progress but also shortcomings and the need for further action, such as addressing the increased share of low-wage

\textsuperscript{36} \textit{Ibid} at 33.
earners particularly among women. In the next section we outline the key features of our study before considering policy actors’ engagement with both gender inequality and the DWA in Section 4.

3. THE STUDY

This study draws on a four country comparison of Australia, Canada, the Netherlands and the UK already established for a larger project. We are interested both in how the DWA and gender equality are understood and presented by members of different policy actor groups and in differences and similarities across national contexts with different historical and regulatory frameworks and different gendered labour markets.

Our four countries each have deficits in respect of decent work and they also have gendered inequalities in work although these inequalities differ as do the legislative frameworks and gender equality mechanisms. Australia and the Netherlands both have very large part-time workforces yet have different outcomes in terms of job quality. The legislative framework and implementation of employment and anti-discrimination regulation in the Netherlands and the UK are both directly influenced by EU regulation and norms, yet the different approaches to social partnership and the practical effects of national regulation in each country appear to have contributed to different outcomes for women at the labour market level. For example, employment participation of women with children under 6 years is much higher in the Netherlands than it is in the UK. Finally, while Canada and Australia have different regulatory systems and approaches there are similar gendered job quality deficits in part-time and precarious employment.

None of these four countries has made a formal commitment to the DWA in their own domestic context. However, as we outline in Section 4 the DWA does have some currency in the domestic

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37 Supra n. 29 at 8.
38 It is beyond the scope of this paper to provide any detail on decent work deficits and gender inequality in each of these countries. But, for example, on differences and similarities in the social policy regimes in the comparator countries see J. Gornick & M. Jäntti Women, Poverty, and Social Policy Regimes: a Cross-National Analysis in Social Security, Poverty and Social Exclusion. Rich and Poorer Countries, International Studies on Social Security 63-95 (P. Saunders & R. Sainsbury, ed.s Vol 16. Interseintia, 2010); on precarious employment see Vosko et al., supra n. 3; on Canadian, Australian and UK approaches to gender mainstreaming see O. Hankivsky Gender Mainstreaming: A Five-Country Examination 41 Pol’y & Pol. 629 (2013).
40 Among developed countries, New Zealand provides a contrary example where the government, employers and unions have identified critical success factors for achieving the ILO’s Decent Work objectives in that country, http://www.dol.govt.nz/services/decentwork/overview/statement.asp (accessed 10 March 2014).
context where it has been taken up by peak trade union bodies, with varying degrees of commitment.

The key policy actor or stakeholder groups we consider are government, employment and human rights organisations, employer and business bodies, unions and civil society organisations with demonstrated interest and/or influence in work, employment and/or gender equality policy development and machinery. We employed a mixed methods approach comprising in-depth interviews with representatives from each of these groups (see Table 1) and analysis of documents produced by stakeholder organisations. We used academic and policy networks, including ILO, government, worker and employer representatives for each country, and our own networks and internet searches to identify organisations and individuals. Extensive internet searches were undertaken to locate campaign materials, submissions, policy documents and public statements in English\(^{41}\) relating to work (focusing on decent work, employment quality, fairness in work and social protection) and to gender equality.

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Through the interviews we probed policy actors’ understanding and views of decent work and gender equality, seeking opinions about goals, priorities and obstacles to achievement. We focused on how interviewees represented gender inequality problems and causes, and the extent of their engagement with gender inequality issues. Responses were categorised as either narrow or broad ‘engagement with gender inequality’. In the ‘narrow’ category we included views which were narrow in one of three ways: first, the problem of gender inequality was represented as primarily about one or a few specific issues; second, ‘solutions’ were represented as specific actions in a confined sphere; or third, discussion was confined to the person’s immediate sphere of action or influence. In the ‘broad’ category we included descriptions and explanations of problems as having roots in employment structures and work arrangements or as systemic problems embedded in broader

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\(^{41}\) For the Netherlands we relied more heavily on policy actor interviews due to the lesser availability of English-language documents.
societal arrangements. In this category we also included accounts of gender inequalities as requiring a complex mix of responses across social and economic systems.

A second set of research questions concerned interviewees’ conceptions of the ILO DWA and the extent to which they saw it as relevant to their national context. Analysis identified three distinct categories of understanding of/approach to decent work: decent work as a slogan or label; decent work as a standard; and decent work as a framework or vision. Documents and websites of policy actor organisations were searched for references to decent work and to alternative visions or goals for work and employment. In the next section we outline the findings of our analyses in relation to gender inequality and to decent work. In Section 5 we examine the ways in which the different views of gender inequality and the DWA intersect before assessing the potential for the DWA to provide a framework or vision for the realisation of gender equality.

4. DIFFERENT UNDERSTANDINGS OF GENDER INEQUALITY & DECENT WORK

Perceptions of and engagement with gender inequality

Just over two-thirds of our sixty-four country-based interviewees represented gender inequality as a fairly narrow concern. Some presented a limited view of gender inequality as being primarily about specific issues — for example, pregnancy discrimination or the right to request flexible work arrangements — while they made no reference to other gendered inequalities in employment reflected in precarious work. Sometimes narrow framings of ‘solutions’ to gender inequality were offered - for example, where solutions were presented as residing solely in organisational cultural change or confined to workplace flexibility. In a third type of narrow framing, interviewees confined discussion of gender inequality problems to specific matters they dealt with in their work roles, such as the representation of women in management.

The other third of the country-based interviewees and all nine of the international body representatives discussed gender inequality in ways that suggested engagement with it as a systemic problem. For example, an Australian women’s NGO representative spoke of gender inequality as a ‘network’ of issues including insecure work and work/family imbalance, while female trade unionists in Australia and the Netherlands and a UK human rights body representative identified broad ‘quality of work’ issues as significant. Some Canadian and Australian government, human rights and NGO representatives identified gender inequality as occurring across the lifecycle, including through childcare access and in retirement incomes, or spoke of gendered workplace cultures and societal attitudes around caring as key issues. Among the different groups most of the women’s NGO representatives presented views that we categorised as ‘broad’ while there were also union, other
NGO and government or statutory body representatives who presented gender inequality and responses to it as systemic concerns.

Understandings and use of Decent Work: a label, a standard or a set of principles?

Interviews in all four countries revealed a lack of any deep engagement with the ILO concept of Decent Work, even among those whose roles involved engagement with the ILO. A strong theme to emerge was the notion that the DWA has little relevance to the domestic context in the global North. The majority of interviewees expressed the belief that the situation in their country surpassed or was ‘above’ the DWA. In the Netherlands and Canada, in particular, most interviewees read ‘decent work’ as denoting bare minimum standards rather than the more expansive aspirational and social justice framing promoted by the ILO.42 While the subjective nature of the concept of decent work and the difficulty of translating decent work from English has been noted, the lack of resonance of the term even in English-speaking countries is striking.43

Interviewees’ representations and opinions of the ILO concept clustered into three distinct groups around understandings of the DWA was and views about its relevance in their particular national context:

• ‘decent work’ as self-evident and lacking resonance in the local context because it represents something not quite as good as ‘good jobs’;
• the DWA as a ‘standard’ for developing countries to meet, which is not relevant in developed countries where much higher labour and other standards apply; and
• ‘the DWA’ as a framework of objectives, set of principles or vision that situates employment in its broader social and economic context and can or should be relevant in the developed country context.

The majority of interviewees in each of the four countries considered their country already had decent work. This was the case for almost all interviewees in the first group in which ‘decent work’ was presented as a taken-for-granted concept akin to, in one person’s words as a ‘signifier’ for jobs that are ‘not poor or lousy jobs’. The concept was described as lacking resonance in the domestic context, with some suggesting a call for ‘decent work’ would make more sense in an emerging economy context, where it could be aspired to. Several interviewees referred to ‘good jobs’ as more likely to strike a chord and be adopted as a shared goal domestically. A Canadian trade unionist argued that while ‘decent work’ was ‘ok’, there was a need to use language that people ‘get’ and, in

42 Supra n. 9.
43 Ibid at 6-7.
Canada, ‘fairness’ in work was a preferred term. Two employer representatives, one Australian and the other British, suggested decent work was akin to ‘dignified’ work, a concept which was useful, as one man put it, because it could tie in with ‘mutually beneficial flexibility’. Employer representatives in both countries also considered the concept of decent work related especially to the social relations of employment (e.g. co-operative workplaces).

At the heart of a second cluster of ideas about decent work was the DWA as ‘a standard’. Interviewees across all stakeholder groups spoke of decent work in a fairly non-reflexive way as representing a minimum standard akin to international labour standards. For the most part they did not provide any account of their understanding of decent work but asserted it was irrelevant domestically because of the higher ‘standards’ in place domestically. In the words of a UK employer representative ‘it is not an issue …we have protections that mean that jobs will provide like a minimum standard, and we have state protections to make sure you have like a minimum level of wellbeing’. Similarly a Canadian women’s NGO representative said ‘decent work, it’s not good enough…We'll frame it in terms of rights ... (in terms of) everything that's in the (Canadian) Charter of Rights’. An Australian trade unionist offered the opinion that the ILO viewed Australia as doing ‘ok’, implying decent work was not a domestic issue.

Others spoke in terms of who ‘needed’ the DWA and identified ‘other countries’ as having greater need. For example, a Dutch employer representative considered the DWA to be a ‘practical tool’ for ‘less developed countries (where there are) difficult or even dangerous working conditions’. She claimed ‘complaining about decent work in a country like the Netherlands, or may be Germany ... (is) ridiculous’. A Canadian female trade unionist underscored the view that any concern for decent work was for emerging economies describing the DWA as ‘international solidarity work.’

A Dutch trade unionist suggested that this distancing from the DWA was because governments and employers ‘liked to’ present ILO conventions as for developing countries. The ratification and adoption of international conventions and standards was seen by several Australian government, union and civil society representatives as something undertaken ‘strategically’ by governments, for example, where relevant regulation and practice was already in place.

One of the ILO interviewees suggested perceptions of the DWA’s lack of relevance might be because developed countries benchmarked themselves against developed country standards and experiences. He observed that such governments tended to discuss employment issues within OECD or European Union (EU) contexts, where they are more likely to find their interests and experiences aligning with other member countries.
Just under half of the interviewees expressed views fitting in the third cluster in which the DWA was seen as a framework, set of principles or vision. Interviewees from all four countries discussed the DWA in these terms, although only some considered the concept relevant and valuable in their domestic context. The DWA’s value was seen to be in the articulation of ‘higher’ or ‘basic’ principles and its strengths in placing employment and work in a broader public policy, social or lifecycle context. Underlying positive views about the DWA as a vision or set of principles was the idea it could be used to broaden thinking and improve policy and regulatory shortcomings. Key issues cited included the inadequacy of traditional industrial relations and regulatory responses to gender inequalities and to insecure work and the need to connect industrial relations policies with social policies.

In general, union representatives in all four countries knew more about the DWA than other stakeholders. UK trade unionists regarded the DWA as according with their movement’s direction and vision. Nevertheless they didn’t see the DWA as having much direct relevance to their national context, in part because the EU was seen as taking precedence when it comes to international regulation or policy initiatives. A Dutch trade unionist said the ILO decent work concept was used in local union campaigns, although her view was that the term ‘decent work’ did not translate well into the Dutch language. An Australian trade unionist representing low-paid service workers considered the DWA vision to be too narrow as it did not address the role of the market adequately. As an alternative she proposed a ‘fair economy’ concept, which includes consideration of ‘the role of the state ... the role of citizens and corporations vis-a-vis tax and contribution to that vision’.

Some interviewees considered a shortcoming of the DWA as a vision or set of principles to be that it carries no obligations that can be translated into regulation, unlike ILO conventions. Related to this, a view was expressed by interviewees from all policy actor groups that the DWA lacked relevance as there was no imperative for governments to respond to it and a lack of political will to do so. Australian and UK employer group representatives generally considered the DWA’s focus on, ‘higher principles’ as a positive aspect precisely because it did not imply regulation or placing impositions on employers.

Our analysis of documents and websites identified only peak and some individual trade unions in the four countries as taking on the DWA in their own visions or objectives in the national context. Elsewhere, a decent work objective was most likely to be adopted by organisations and for campaigns directed to improving ‘global’ working conditions, targeting developing countries. For example the UK ‘Decent Work and Labour Standards Forum’ is a consortium of businesses,
development and fair trade NGOs, trade unions and others with backing from the Government and its goal is to alleviate poverty among working people in the global South.\(^4\) FNV Mondiaal, the international arm of the Federation Dutch Labour Movement (Federatie Nederlandse Vakbeweging) promotes ‘Decent Work for All’ in its work supporting trade unions in developing countries.\(^4\) While a decent work objective is also present in FNV domestic campaigns it is not clearly articulated in terms of the ILO objectives. In Australia the Australian Council of Trade Unions (ACTU) adopted a Decent Work policy with a much narrower range of objectives than the ILO DWA.\(^4\) Elsewhere we found the occasional use of the term ‘decent work’ but mostly without any indication of a strong commitment to the concept as formulated by the ILO.\(^4\)

In contrast, international union bodies appear to have adopted the DWA more universally, seeing it as applying to developed, as well as developing, countries. The International Trade Union Confederation (ITUC) adopted the ILO’s objective and the theme ‘Decent Work, Decent Life for Women’ for its first World Women’s Conference in 2008 and examined decent work for women in 12 developed and developing countries.\(^4\) However, while the DWA and in particular the integration of gender equality within that agenda are clear priorities for the ITUC, operationalization is mainly focused on developing countries. The lack of resonance of the decent work concept in developed countries and the need to ‘translate’ it also emerged in NGO policy documents. While Solidar, a European network of civil society NGOs, uses the concept in promoting social dialogue, it notes that in Europe the term ‘quality work and employment’ -‘a different term for essentially the same idea’ - is more typically used.\(^4\)

5. GENDER EQUALITY AT THE HEART OF DECENT WORK?

The centrality of gender equality to the ILO’s vision of decent work is not something that resonated strongly with our interviewees. Even among those who engaged with gender inequality as a systemic concern and who were positive about its central place in the DWA, there was little enthusiasm for

\(^4\) For Australia see supra, n 24. Unifor, Canada’s largest private sector union has a ‘Good Jobs Revolution’ campaign which focuses on ‘creating jobs with fair wages – jobs that are safe and secure’, and is also aligned with the concept of decent work. http://www.unifor.org/en/take-action/campaigns/join-good-jobs-revolution (accessed 24 April 2014).
\(^4\) ITUC, Decent Work Agenda, a Gender Perspective (2009).
the potential of decent work to progress gender equality. Like other interviewees, this group saw the DWA as lacking relevance to the developed economy context.

Decent work and engagement with gender inequality as a narrow concern

For interviewees whose responses suggested a narrow engagement with gender inequality and an understanding of the DWA as either a standard or slogan the DWA was generally seen as having little utility in the domestic context. A common view was that there are already formal legislative requirements for gender equality in place and, further, that the protection of formal equality through mechanisms such as anti-discrimination legislation is superior to anything that might be set down in international labour standards.

This position was put strongly by UK and Australian employer representatives. One UK government representative also suggested that, with minimum standards already in place, ‘other’ concerns are matters of ‘compromise’ or ‘trade-offs’. In this view, beyond the current framework of national labour standards, gender equality is a contingent matter to be addressed by social policy or, where directly relevant to the workplace, to be negotiated between employers and trade unions. Another UK government representative raised similar concerns to many conservatives about the ‘interference’ and ‘meddling’ of international bodies such as the EU in British social and employment policy. He suggested that the DWA ‘sought to redefine what the (British) floor is and our argument is if you took the floor up too much then you started damaging things around the edges.’

Other government and some human rights agency representatives in Australia, Canada and the UK were similarly engaged with gender equality as a narrow concern and saw the DWA as irrelevant to the particular industrial, legal or policy areas that concerned them. Here decent work was presented as encompassing a broad set of concerns which did not ‘fit’ neatly into the frameworks within which individuals worked. Often this was to do with the perceived limited potential for international standards to provide impetus for change in domestic regulation or policy generally, as illustrated by a female Canadian government representative:

... in Canada, there tends not to be a lot of enthusiasm for taking large kind of paradigms and applying them to policy areas. Instead, there’s a tendency to look more, I don’t want to say pragmatically but, well, just look at a policy area in more pragmatic terms or measured by kind of traditional Canadian statements of values and so on.

50 Supra, n 20.
In other cases it appeared that the DWA did not relate directly to a narrow set of gender equality concerns with which the individual was engaged including, for example, specific legislative change or was simply unknown. To illustrate, one UK government representative working in an area with an equality focus was unaware of the DWA remarking ‘certainly within (this office) it’s not a phrase we’d particularly use which isn’t to say we don’t want women to have good jobs etc’.

Decent work and engagement with gender inequality as a systemic concern

Several interviewees expressing views which suggested they were engaged with gender inequality as a systemic problem were positive about the potential for the DWA as a framework or vision for change. Several suggested the DWA could be used to rethink narrow or inadequate approaches to gender inequality—such as industrial relations and human rights mechanisms that were only activated through individual complaints. In this vein an Australian employment rights NGO representative acknowledged the DWA’s value in its locating of employment in broader context:

To me, it’s the fact that it puts the whole picture together. It deals with conditions of work, conditions for people who are not in work, the whole social security parameters around that. The whole idea of what people are experiencing in their lives, not just seeing the only element being what occurs in the workplace I think is the key. And, I think really we need, I mean it would be useful for Australia to get its head across ... will we ever fix the problems for women for example? If we don’t actually get some people who will actually accept that we’ve got to deal with the social security system as well as workplace arrangements and the whole ... (t)he tax transfer system, the whole child care system, the whole box and dice, will we ever get that all sorted?

Others who presented similarly positive views included representatives of women’s NGOs and trade unions in all four countries as well as Australian social welfare peak body representatives. These women were all activists who could see some practical application of the DWA to their work as campaigners and story-tellers for their organisations in producing alternative visions for society. In Australia and Canada, rather than seeing the DWA as providing impetus for change, these interviewees suggested its value was in the ways it might be employed strategically to support existing policy or campaign agendas. For example, an Australian NGO had cited the DWA in a submission to the ACTU’s 2012 Insecure Work Inquiry to this effect.

In arguing that the DWA is relevant to gender equality some Australian and Dutch policy actors also suggested that there was a lack of understanding or recognition of the level of social and economic disadvantage existing for some women workers in their country. For example, in one Australian
female trade unionist’s view, there is an ‘ignorance of the social reality’ of insecure employment and low pay for women in some highly feminised sectors.

Generally, interviewees who saw the DWA as relevant to gender equality implicitly or explicitly acknowledged gender inequality as having to do with employment standards and conditions in non-standard jobs, the gendered division of unpaid and caring work, and the nature and level of social protection, including child care and income support. For example, a female Dutch trade unionist spoke of the concept of ‘good work’ being used in local campaigns focusing on employment in ‘less protected’ low-paid work feminised sectors. This included the identification of a scale and indicators for application in companies to enable workers to assess the quality of their own employment. The union’s campaign was also part of building up to a drive to persuade the Netherlands Government to ratify the ILO Convention 189 concerning Decent Work for Domestic Workers.52

The value of the DWA was most commonly seen to be in its holistic vision rather than because it has any authority as an ILO vision or framework. Indeed, several interviewees in Australia, Canada and the UK embraced the DWA while also regarding the ILO as having limited influence domestically. One Australian female government representative stated:

… (the DWA) incorporates gender equality but it comes across as being a much broader agenda, I think it’s great. I mean I don’t think anybody takes much interest in it which is what worries me but I think as an agenda it’s terrific.

Seen as being aspirational and without precise standards, the DWA was also seen to lack the force of domestic regulation in addressing gender equality. In particular several Canadian interviewees commented on the weak presence of the ILO in Canada and the far greater importance of the Canadian Charter of Rights. A female union representative suggested ‘people are not very much aware of what the ILO is and what it does, even in (the union)’ while both Canadian NGO and trade unionists saw greater potential in framing gender equality and employment standards in terms of ‘rights’.

So, did our study unearth any other plausible alternative frameworks to address the consequences of precarious work, the erosion of employment protections and the persistence of gender inequality in developed countries? None of the four countries has established a broad national vision for decent work, however framed. The national and international policy and legislative frameworks for employment, gender equality and social justice in the four nations vary considerably in the extent to

52 Working towards ratification of this Convention by all countries including developed countries is also part of an ITUC campaign. See <http://www.ituc-csi.org/ituc-s-12-by-12-campaign-keeps-up> (accessed 26 April 2014).
which they articulate principles underlying strategies and priorities. The European Employment
Strategy and employment guidelines set out common priorities for member countries and the EU
approach attempts to mainstream gender equality within policy and programmes.53 However, as
Tomlinson has argued, there is ‘no unified vision of what gender equality is, and how it should be
conceptualised at the EU level and realised within member states’ while gender equality has also
had a declining prominence in European employment policy.54 In both the UK and the Netherlands
there has been a shift in emphasis to narrower gender equality policies.55 The current UK
government’s main concern has been to reduce ‘red tape’ demands on employers and its vision is
‘for a strong and efficient labour market’ in which there is ‘minimal intervention by the
Government’.56 In regard to gender equality in employment a voluntarist approach also underpins
the only actions identified in the UK Government’s equality strategy, which concern the gender pay
gap and sex segregation,57 with little evidence of a systemic view of gender inequality. This is also
the case for the Netherlands where national gender equality targets, contained in the government’s
‘LGBT and Gender Equality Policy’, include increased labour force participation, with a focus on
increased hours of work for women, including changes to support combining paid work and care,
and increases in women in leadership.58

In Canada a project to modernise federal labour standards produced a clear set of guiding principles
for labour regulation with ‘decency at work’ presented as a fundamental principle ‘giv(ing) meaning
and purpose to all labour standards legislation’.59 However, decency at work was conceived much
more narrowly than in the DWA, including that it did not encompass gender equality goals. In any

53 Although political commitment to such mainstreaming has been marked by contradiction and ambivalence.
See M. Smith & P. Villa The Ever-Declining Role of Gender Equality in the European Employment Strategy 41
Industrial Relations Journal 526 (2010).
Union 22 Int J Hum Resour Man 3755 (2011) at 3758.
55 In the UK the 2006 Women and Work Commission Government Action Plan was a key focus for policy
framework development and evaluation until the change of government. In the Netherlands the 2007 More
Chances for Women policy has also been superseded. For these earlier policy frameworks see P. Villa & M.
Smith Gender Equality, Employment Policies and the Crisis in EU Member States Synthesis Report 2009, EU
56 Department for Business, Innovation and Skills, Flexible, Effective, Fair: Promoting Economic Growth through
58 Ministry of Education, Culture and Science, LGBT and Gender Equality Policy Plan of the Netherlands 2011-
event, despite a 2009 consultation this project does not appear to have proceeded and the principles have no formal status.  

In Australia the object of the Fair Work Act 2009 (FW Act) (s 3) provides the only formal national policy articulation of underpinning principles for labour regulation. This object gives some emphasis to ‘balance’ between productivity for prosperity and social inclusion and relies heavily on ‘fairness’. A goal of gender equality is incorporated only in that the FW Act aims to assist employees balance work and family responsibilities through flexible working arrangements and to prevent discrimination. The federal Sex Discrimination Commissioner’s ‘Gender Equality Blueprint’, which has no formal status, takes a reasonably broad approach advocating for pay equity and valuing unpaid work but does not address the gendered underpinnings and consequences of precarious work and the erosion of employment rights.  

6. CONCLUSION

Our study suggests that there is a lack of any deep engagement by key policy actors in Australia, Canada, the Netherlands and the UK with the concept of decent work in their own national setting, even though those countries have endorsed the concept at the ILC and among interviewees whose roles involved direct ILO engagement. Nevertheless, in all four countries the DWA is seen as highly relevant to emerging economies. In Australia, the Netherlands and Canada the national governments have partnership agreements with the ILO to support the implementation of decent work country programs in countries to which they provide aid and other support. For example, a recent overview of progress towards decent work though the ILO-Australia partnership agreement highlights the revising of labour laws in a number of Pacific countries as well as some achievements towards gender equality in Indonesia. 

The close identification of the DWA with support for developing countries may well underpin a perceived lack of relevance in the developed country context. Indeed, with regard to employment and social protection generally, and to gender equality more particularly, many interviewees saw their countries as somehow ‘above’ the aspirations of the DWA. This was particularly the case in the

UK and the Netherlands where the EU is seen as more relevant and influential, suggesting the salience of national and supra-national frameworks may be a factor in the lack of interest in the DWA.

Even among policy actors who welcomed the DWA as a vision or statement of principles there was a view that in practical terms it was most meaningful for developing economies. The most enthusiasm for the DWA in the domestic context was among policy actors who saw its potential or utility as a means for shifting or broadening debates and who were concerned with the limitations of current policy and regulatory approaches to work and gender equality. This is not to say there are not inherent tensions in and limitations to the DWA when it comes to practical operationalization at the national level, particularly in respect of progressing gender equality. Feminist scholars have pointed out that articulations of the DWA do not clearly address structural issues tied to persistent gender divisions inside and outside the labour force and that in practice the DWA is often reduced to the effective implementation of ILO core standards, which may ignore the different priorities of women workers.64 In addition, the DWA’s balancing of the competing demands of economic competitiveness and social justice may work to limit market-controlling measures that could address the gendered impact of global capital.65

Those most positive about the DWA in the developed country context were a small group of policy actors from women’s NGOs and unions who were concerned with the limitations of current approaches to addressing gender inequality – understood as a systemic problem. While they recognised that without buy-in from governments and others this potential was highly unlikely to be realised, they saw the DWA agenda as a useful aspirational framework. Here we can see the potential of the DWA as an ‘alternative imaginary’ as envisaged by Vosko,66 which might see the realisation of decent work through gender equality and vice versa. However, this group were in the minority. Many other policy actors who were engaged with specific gender inequality issues or who represented gender inequality as a narrow concern were unlikely to make a connection between the DWA and gender equality. Yet, while a lack of understanding of or engagement with the systemic nature of gender inequality may be one barrier to the adoption of the DWA our interviews suggest that the fundamental problem is that the DWA, while seen by most as relevant to developing economies, is not seen as relevant to the developed country context.

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66 Supra n. 10.
The DWA is not the only plausible alternative vision or framework that could address the consequences of precarious work, the erosion of employment protections and the persistence of gender inequality. However, the DWA is possibly unique as an aspirational framework and coherent ‘imaginary’. It could arguably provide a useful framework for developed countries in its holistic emphasis and acknowledgment of the centrality of gender equality to decent work—neither of which occasional comparisons with OECD or EU norms can deliver. The DWA has widespread international acceptance and has been endorsed by national governments and employer and union representatives. It has also had a demonstrable and practical application in informing and monitoring the direction of change in employment and social protection in developing countries as can be seen in the ILO’s decent work country programme. Today, the historically separate concerns of labour law and anti-discrimination law are beginning to intersect with the increasing recognition of the systemic and structural dimensions of gender inequality in employment. The prevailing assumption in our four comparator countries that the DWA has little to offer developed economies represents a missed opportunity to rethink the gendered policy underpinnings of domestic employment and social regulation.

Despite tensions and contradictions in the ILO’s framing of ‘gender equality at the heart of decent work’—the emphasis on gender equality as a cross cutting objective in the DWA provides an important opportunity to mainstream gender equality in employment regulation. In emerging economies the challenge will be to ensure gender equality remains central to realisation of decent work, rather than an afterthought as it appears to be in some country profiles. In developed economies the challenge will be to move beyond narrow historical framings of minimum labour standards to gender-inclusive ones and a positive duty to promote gender equality.