

Dr. Eve Landau

Decent Work Research Prize presentation 11th of November 2011

*Mr Director–General of the International Labour Organization;
Distinguished Members of the ILO Governing Body; Ambassadors;
Mr Director of the International Institute for Labour Studies;
Ladies and Gentlemen, friends.*

It is a proud day in my life to be the recipient of the 2011 ILO Decent Work Research Prize, and I would like to thank the jury of eminent international experts for their choice. I deem it an honour to share this award with Professor Jayati Ghosh of the Jawaharlal Nehru University of New Delhi.

A few days ago we bid welcome to the seven billionth inhabitant of our planet. In purely economic and social concepts, this particular individual, will in due course turn into a worker or an employer and I wonder whether he/she will enjoy or practice decent work.

From an early age I was interested in justice and being a lawyer by training I was always focused on the rights of working people, with special reference to equality, in the sense of treating equal situations on an equal basis. Equality is the life - blood of law and justice, and it dawned on me soon enough that the most glaring of injustices in this context is the unequal treatment of workers for no other reason than their belonging to two different genders, or, in other words, the inadmissible discrimination against working women at the work place.

It was my good fortune to be able to give this preoccupation of mine expression in three different environments: in my teaching, including international conferences, seminars and workshops with lawyers and judges, writings, and practical work.

In my teaching the dissemination of ILO's core values seemed to me of fundamental importance bearing in mind the precept of the French Revolution philosopher, the Marquis de Condorcet, who, writing in 1790 on the fundamental right to education and rights of women to citizenship and voting, said:

« We did not want for a single person in the realm to be able to say « The law assured me complete equality of rights, but I am denied the means of knowing them »

Knowing your rights of equality is the first step towards implementing these rights. Explaining and spreading the knowledge of these rights are the essential duty of teachers and educators. In my courses for undergraduate students in Geneva, we were privileged to visit yearly the ILO and help ourselves to copies of the Conventions and Recommendations at the generous Office of Distribution.

My role as teacher extended beyond Switzerland also to Israel, where I taught students, lawyers and judges as well as organized in 1999 an international Conference, entitled « The Status of Women on the Eve of the 21s Century »

(I organized a number of conferences under the auspices of UNESCO, the Minerva Foundation of Human Rights, the Hebrew University Jerusalem and Webster University Geneva and brought together participants from Latin America, China, Japan, Canada, Switzerland, Germany, Turkey and Israel. Representatives from the ILO were always invited and present.)

What did I teach ?

In a nutshell I taught the core values of the ILO, The Declaration of Philadelphia, that labour is not a commodity, the importance of freedom of association and the ILO unique tripartite system as well as the long road to equality. Equality is a human right, a higher norm.

Discussing gender equality in class, my students often pointed to the half glass that is empty. At times they even reproached my generation for not being resolute enough in the fight against injustice and discrimination. They refused to believe the prevailing situation as late as in the 1970ies, that a Sabena Stewardess was dismissed at forty according to her collective agreement which mentioned no such condition for men.

I tried to balance the picture and point to the progress achieved.

The ILO was a pioneer in the field of gender equality. Soon after women had joined the work force in great numbers during and in the wake of WW2, the ILO adopted the pivotal Convention No. 100 on Equal Remuneration for Work of Equal Value, 1951. The provisions of this Convention constituted the first milestone towards equality.

The second milestone was Convention No. 111 on Discrimination (Employment and Occupation), 1958 that prohibits discrimination not only on grounds of sex, but includes other grounds, as race, colour, religion etc. It covers all conditions of work, as well as access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

The third milestone was Convention No 156 on Workers with Family Responsibilities, 1981 that endeavours to reconcile the double roles of women at home and at work. The important issue of childcare is evoked for the first time. This Convention testifies to a shift in traditional attitudes concerning the role of women, and recognition that family responsibilities affect not only women workers but also the family and society as a whole.

The fourth milestone is marked in my opinion by the adoption of Convention No. 175 on Part-Time Work, 1994. It is well known that discrimination of part-timers in comparison with full-timers is all-prevalent. As the majority of part-time workers are women, they are victims of indirect discrimination. The protection of part-time workers against discrimination and the adoption of the criteria of pro rata temporis for pay and other conditions of work are a guarantee for decent work for part-timers and for women. Convention No. 175 is a great leap in

the protection of women workers. It is suggested that more efforts should be made to increase the number of its ratifications.

The fifth milestone points to positive action or affirmative action to redress past discrimination. Equality in practice requires the empowerment of groups that are underprivileged. The adoption of national legislation in some countries introducing quotas for the advancement of women may be a solution. The 2011 ILO Global Report on Equality at work addresses these new trends in countries like Norway, Spain and Germany.

While these significant developments would indicate that progress in the 20th century was achieved in a piecemeal fashion, in the new millennium it will in all likelihood be achieved in a more systematic and comprehensive manner. The introduction of the concept of Decent Work on the eve of the new millennium brought with it a holistic approach. The new term is taken over from the realm of ethics and it is more than fairness at work (a term suggested by Prof. Arthurs) "Decent" is not a legal concept. It comprises of a description of goals, it means work that is productive in which rights are protected, which generates an adequate income, with adequate protection of social welfare. Essentially it promotes the ILO Declaration on Fundamental Principles and Rights at Work. It is also a flexible term that may be extended to cover new situations and social progress. The creation of the new concept of DECENT WORK produces a code of core values under one umbrella and its flexibility permits expanding beyond equality and existing values to cover new social needs and situations like the recent protection of domestic workers enshrined in Convention No. 189 adopted last June.

Beyond expanding the scope of decent work to new types of employment and occupation, the focus would continue to be on the extension of ratifications of ILO Conventions by countries that are gradually achieving social progress, like Namibia, (See Progress Report submitted to the present GB Session) and by overcoming the gap between theory and practice, e.g. the gap in pay between men and women in countries like South Africa and Indonesia. This road map should also include Europe where the pay gap is not closed yet.

Besides the three social partners the Academia has also a role to play. The Gender Academy in Turin is a most welcome initiative. International Conferences and interdisciplinary meetings have a stimulating effect on achieving goals.

As to my writings and publications I do not wish to repeat (the list of books submitted to the distinguished members of the jury as well as the long list of articles relevant to the subject of equality and human rights.) I'll only refer to the latest study on « From ILO Standards to EU Law: The case of Equality of Men and Women at Work », 2008, co-authored with Dr Yves Beigbender in which we tried to show that much of EU Law and practice is based entirely on ILO standards.

It was in Australia that I was able to undertake practical work in this domain. When my husband was posted in that country as UNHCR Representative I had the opportunity to collaborate with the then Australian Employment Discrimination Committees. They were set up in Australia in

1973 to apply ILO Convention No. 111 on discrimination and to implement its provisions directly as part of the law of the land before any national legislation was enacted. I had the privilege of being a consultant with the Department of Equal Opportunities and Human Rights in Canberra in very formative days.

During my stay in Australia I also completed a project on the Abolition of Protective Measures for Women, like the limitation of lifting weights, prohibition of work in underground mines, of night work, exposure to lead poisoning, etc. The protection of women under early ILO Conventions was highly justified when the standards were adopted, but in the 1980ies they have become counterproductive, discriminatory and redundant, as my visits to the different Australian States showed. They hindered free access to certain jobs that could otherwise be open to women. Australian women protested against maintaining such protection and several Conventions were subsequently denounced and the old protective standards were abolished by legislation. Equality of men and women at the work place was re-established at times by health and safety protection being extended to all workers.

Finally, as to the future, ILO collaboration with the UN Millennium Development Goals and with the EU New Strategy for gender equality in development policy (starting with education) as well as the EU plan of action for 2010-2015 will intensify joint efforts and increase the chances of success of decent work.

Although much has been achieved, there is a lot left to be done. The challenges have grown, as the social unrest and uprising in so many countries these days have shown us. Once more we were reminded of the Philadelphia principle that poverty anywhere constitutes a danger to prosperity everywhere and there is no lasting peace without social justice.

Hopefully that seven billionth cohabitant who recently joined us will have a smoother path "to obtain decent and productive work, in conditions of freedom, equity, security and human dignity", in the words of Dr Somavia, the ILO Director General.

In conclusion, I would like to express two personal wishes:

One – to find the term « decent work » in the Oxford Companion of Law and « travail décent » in Larousse.

Two - not to find the terms human capital or human resources in the vocabulary of the ILO. The ILO has created the grundnorm that Labour is not a commodity. How can humanity be a capital, merchandise or a resource? (The Philosophy of Kant has taught us that a human being is an end in itself and cannot become a means. The Philadelphia principle followed this spirit. Human resources and human capital are incompatible with the Philadelphia legacy. As Prof. Stiglitz said « Treating labour as a commodity ignores the human nature of labour ».)

Thank you!