



**From precarious
to decent work**

**Du travail précaire
au travail décent**

**Del trabajo precario
al trabajo decente**

**Workers Symposium on
Policies and Regulations
to Combat Precarious Employment**
Geneva, 4 - 7 October 2011

**Colloque des travailleurs
sur les politiques et les réglementations
destinées à lutter contre l'emploi précaire**
Genève, 4 - 7 octobre 2011

**Simposio de los trabajadores
sobre políticas y reglamentación
para luchar contra el empleo precario**
Ginebra, 4 - 7 de octubre de 2011

Precariousness and ILO Standards

- Five questions:
 1. Do ILO standards provide for the protection of precarious workers?
 2. Is this protection effective?
 3. If not, can it be made more effective?
 4. Are there any lacunas?
 5. How to address these lacunas?



Precariousness and ILO Standards

- Two concerns:
 1. Protecting precarious workers and
 2. Combating precariousness



Precariousness and ILO Standards

- Findings:
- 1. ILO standards do offer protection for precarious workers
 - a. All ILO standards apply to ALL workers
 - b. Flexibility clauses not used to exclude precarious workers



Precariousness and ILO Standards

2. A number of ILO Conventions provide specific protection for vulnerable workers

- the Migration for Employment Convention (Revised), 1949 (No. 97); and
- the Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143); (ratifications: 49 and 23, respectively);
- the Workers with Family Responsibilities Convention, 1981 (No. 156) (ratifications: 41);
- the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) (ratifications: 82);
- the Maternity Protection Convention, 2000 (No. 183) (ratifications: 22)
- the Home Work Convention, 1996 (No. 177) (ratifications: 7), and
- the Domestic Workers Convention, 2011 (No. 189), not yet in force.



Precariousness and ILO Standards

- The principle of equal treatment
 1. Non-discrimination
 2. Treatment no less favourable than that of other workers
 3. Need for additional measures to ensure effective equality of treatment
 4. The specific problem of trade union rights



Precariousness and ILO Standards

- 3. ILO Standards do not protect workers from precariousness
 1. Failed attempt at standard-setting on contract workers
 2. The strength and limits of C181
 3. The strength and limits of R198



Precariousness and ILO Standards

- The way forward
 1. Promoting ratification and application of existing labour standards
 2. Using the ILO supervisory procedures
 3. Developing new standards to fill the legal gaps



Precariousness and ILO Standards

- Protecting workers from precariousness requires:
 1. Restricting the use of precarious forms of employment through:
 - a) Clear conditions to limit, restrict, and reduce the resort to precarious forms of employment;
 - b) Negotiated limit to the proportion of workers on precarious contracts;
 - c) A limit on the amount of time a worker can be on a temporary contract;
 - d) Prevention of the abusive use of precarious contracts;
 - e) Establishment of effective remedies for workers victims of abuse.



Precariousness and ILO Standards

2. Strengthen protection for workers in precarious forms of employment through:

- Effective access to trade union rights, and to collective bargaining.
- Specific protection and equal treatment to that of workers generally,
 - social security;
 - occupational safety and health .
- Make precarious workers more expensive by
 - salary bonuses ;
 - higher taxes or reduced subventions;
 - additional contribution to the worker's social security fund.

