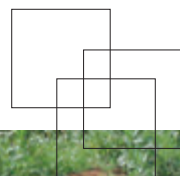




International
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Office

Towards the right to work

**A GUIDEBOOK FOR DESIGNING INNOVATIVE
PUBLIC EMPLOYMENT PROGRAMMES**



Guidance note 9 Public employment programmes and decent work

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Guidance note 9

Public employment programmes and decent work

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Guidance note 9

Public employment programmes and decent work



Objective

The objective of this note is to better understand decent work as promoted by the ILO, and how public employment programmes¹ (PEPs), covering the spectrum of public work programmes (PWPs) and employment guarantee schemes (EGSs), can support, but possibly also undermine decent work. It also discusses how they can be designed to support the realization of the Decent Work Agenda (DWA) and provides some examples of how this has been done in practice.

Introduction

Public employment programmes often operate at what could be considered the margin between what is considered ‘decent’ or ‘indecent’ work. They could, for example, pay the minimum wage rate but, if they were to pay below that rate, it would generally be considered ‘indecent’. However, PEPs are unlikely to pay wages that are higher than the minimum wage, and will generally operate at or around the minimum wage. This margin between decent and indecent work is most easily demonstrated with wages, but also applies to many other dimensions of work.

The reason for this is that PEPs often function as employers of last resort and not as employers of choice as they are designed to attract and employ those who have no other employment options. This implies that the jobs offered in PEPs are not worth having, but they should be judged in the contexts in which they operate of widespread poverty, informal employment and crises. It is for this reason that there is often a high demand for the employment offered by PEPs.

The notion of PEPs operating at the margin of decent and indecent work and contributing to an ‘employment floor’ is useful when discussing PEPs and decent work. Public employment programmes’ main contribution to improving work is typically limited to lifting it – or aspects of it – from indecent to a standard that typically could just be considered decent.

¹ M. Lieuw-Kie-Song; K. Philip; M. Tsukamoto; M. Van Imschoot: *Towards the right to work: Innovations in public employment programmes (IPEP)*, ILO Employment Working Paper No. 69 (Geneva, International Labour Organization, 2011).



In circumstances where the margin is not as clear as is the case with wages, PEPs have been criticized for undermining decent work or not even contributing to it. While, in some countries, such criticism may be valid, as there are PEPs that pay scant attention to working conditions or pay very low wages, there are also critics who fail to appreciate this particular aspect of PEPs.

This criticism is often combined with a poor understanding of how the concept of decent work has been articulated by the ILO and adopted by many Member States, and leads to very subjective assessments of what decent jobs looks like, in which case, they certainly do not look like the ones offered in the PEP.

This guidance note is part of a framework that aims to clarify the concept of decent work and how PEPs relate and can contribute to the realization of decent work in the countries in which they operate.

The ILO and decent work

Defining and understanding decent work

The International Labour Office's constituents have defined the promotion of decent work as the primary objective of the ILO. However, decent work is not a straightforward concept, as it needs to capture all the dimensions of employment and the world of work. The four strategic objectives of the ILO now coincide with the four strategic objectives that capture decent work, namely, to:

1. Create greater opportunities for women and men to find decent employment and income.
2. Promote and realize standards and fundamental principles and rights at work.
3. Enhance the coverage and effectiveness of social protection for all.
4. Strengthen tripartism and social dialogue².

These objectives hold true for women and men working in both formal and informal economies, whether they are in wage employment or working on their own account in fields, factories or offices, or in their homes and communities.

The central position of decent work for the ILO was also captured in the 2008 Declaration of Social Justice for a Fair Globalization, which elaborates

² The ILO's mission and objectives are defined on its web site: <http://www.ilo.org/global/about-the-ilo/mission-and-objectives/lang—en/index.htm> (20 Nov. 2011).

on these four objectives in more detail.³ In addition to affirming these objectives, it makes two additional important statements. Firstly, it describes the relationship between these four objectives and states that:

The four strategic objectives are **inseparable, interrelated and mutually supportive**. The failure to promote any one of them would harm progress towards the others. To optimize their impact, efforts to promote them should be part of an ILO global and integrated strategy for decent work.

In addition, it locates decent work as a universal concept within the different global contexts in which it needs to be applied and states:

How Members achieve the strategic objectives is a question that must be determined by each Member subject to its existing international obligations and the fundamental principles and rights at work with due regard, among others, to:

- i. the national conditions and circumstances, and needs as well as priorities expressed by representative organizations of employers and workers;
- ii. the interdependence, solidarity and cooperation among all Members of the ILO that are more pertinent than ever in the context of a global economy; and
- iii. the principles and provisions of international labour standards.



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³ International Labour Organization: *ILO Declaration on Social Justice and a Fair Globalization*. International Labour Conference, 97th Session, Geneva, 2008 (Geneva, 2011). Available at: <http://www.ilo.org/public/english/sjd/> (20 Nov. 2011).

Given the above, it is clear that decent work covers many dimensions and aspects of work, and can seem complicated and difficult to work with in practice. It is important, therefore, that it is approached in a manner that makes it useful in practice. In some cases, this means focusing on specific manageable areas of the DWA without losing sight of the interrelationships with other areas.

How then do PEPs relate to decent work? How do they promote it? Are there risks that they might actually undermine decent work? In order to answer these questions, it is useful to first discuss approaches to promoting decent work in practice, as well as some of the efforts to measure progress in achieving it. Together these can be used to construct a framework for designing PEPs that contributes to the DWA, as well as assessing areas where PEPs may constitute a risk to some achievements so far.

Promoting decent work and addressing decent work deficits

The promotion of decent work is driven through the ILO's Decent Work Agenda. This is a global process through which the ILO advocates and enables the promotion of decent work. It includes the establishment of Decent Work Country Programmes (DWCPs) and the identification of specific goals, priorities and activities. The Decent Work Agenda is also supported through the formulation of mechanisms to measure decent work.

Conditions of work vary widely in different countries. While some countries have highly developed systems of rights and entitlements for labour, others are still trying to address widespread child labour, enforce basic safety standards for hazardous work, or secure equal pay for women. This makes it impossible to set a single global decent work standard. Strategically, the approach to achieving decent work is a process that aims to incrementally improve on the four objectives of the DWA by addressing 'decent work deficits'. These are specific areas where it is agreed that there is a work situation, which



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does not meet local decent work standards, and which needs to be addressed. Deficits are usually defined in terms of one of the four strategic objectives. For example, specific deficits could be high unemployment among youth (lack of employment opportunities), or dangerous working conditions in a specific sector of the economy (inadequate standards and conditions). Addressing such deficits does not automatically mean that the work is then decent work, as other deficits may still exist, which would also need to be addressed.

There may be different approaches to addressing decent work deficits. Public employment programmes may be one approach, even though addressing decent work deficits is rarely stated as a PEP objective. However, in some instances, there may also be a risk that PEPs could undermine decent work. The way PEPs can contribute or undermine decent work is discussed below.

Box 1. Can PEPs contribute to the erosion of working conditions?

In several countries, the introduction of PEPs has been met with resistance, as it is feared that they will undermine existing working conditions by offering work at lower wages and under poorer working conditions. This has been of particular concern among workers employed in similar industries such as in the construction industry and, in some cases, among local government employees.

In circumstances where this is a concern, these issues can be addressed through consultation so that agreement can be reached on, for instance, the following:

- wages to be paid in the PEP;
- employment conditions in the PEP;
- activities to be included and excluded in the PEP;
- geographical areas to be included or excluded in the PEP.

While such approaches have worked in some countries, it has become clear that mechanisms that enable a periodic review of these issues are also required. This enables programme policies to be changed if it transpires that there are negative consequences to the established working conditions.

The four strategic decent work objectives and PEPs



Public employment programmes are rarely explicitly linked to decent work, especially in programmes where there is no ILO involvement. However, they can and will impact on practically all of the elements of the DWA, especially when they are of large scale and long term. As such, they act as large employers and thus influence the labour market. It is, therefore, important that the impacts on decent work be considered when designing a PEP. Care should be taken that the PEP does not undermine decent work, but maximizes its contribution wherever possible.

This can perhaps best be discussed by showing how PEPs relate to these four strategic decent work objectives.

Employment opportunities

A common reason for starting or expanding a PEP is often that there are too few employment opportunities available. This generally manifests itself in high levels of unemployment or underemployment. Public employment programmes create employment opportunities. They are one of the few instruments that governments have to do this directly. In addition to the direct employment creation, PEPs also have multiplier effects by boosting local consumption and procuring local goods and services.

This is particularly the case in situations where there are no social security measures for the unemployed, which is often the most indecent situation. A public employment programme is an important instrument for creating employment and income, and thus contributes to the employment creation aspect of decent work.

Social protection

Another common reason for PEPs is that they provide social protection to a target group or segment of the population. The income from a PEP can assist in stabilizing household consumption, especially in times of shocks, both externally, such as during recessions or droughts, and internally, such as during the illness of a family member or following a serious accident.

Public employment programmes designed to provide social protection are generally longer term programmes and focus on providing regular and predictable income. They can provide this over an extended period, or just during crises when such income is most needed. However, what is important from a social protection perspective is that the programme is there when participants need it most. It even provides a level of security to those who are not working in the programme because they know that they can get work whenever necessary.

Programmes that provide a one-off, short-term employment opportunity are not that effective from a social protection perspective, as social protection is required in the long term.

Rights and standards

Public employment programmes are often criticized for their employment conditions. In many PEPs, the employment relationship between the participants and the programme (government) is often deliberately ambiguous. Governments may be wary of acknowledging that they employ the participants, in case they start considering themselves regular government employees or civil servants. Depending on local legislation, this can create serious difficulties, such as participants becoming permanent employees after a certain period of time, being entitled to government-level salaries, as well as other benefits. This would undermine the PEP's effectiveness, as it is not the intention of the programme to expand the civil service.

There are several ways to address these challenges. One is to establish a clear and explicit set of conditions that govern employment in the PEP, and comply with local labour legislation. Defining such conditions may require negotiation with other parties, but are important especially for long-term programmes where a lack of clarity on rights and standards can undermine decent work and become a source of complaint and discontent among the participants.

Social dialogue

Using social dialogue in its normal tripartite sense is often difficult in PEPs. Firstly, participants do not fit the traditional profile of workers and are generally not organized. It is, therefore, not clear who can represent them or act on their behalf in the dialogue process. Secondly, the government is also the employer.

However, most PEPs have mechanisms for the involvement of participants, and for many programmes this is critical to success. It is common for participants to be involved in project selection (what and where), participant selection and recruitment, and in some level of oversight. In some countries, the PEPs' beneficiaries are directly involved in social audits.

However, this involvement is often limited and only takes place if it is requested by programme management, for instance in the project selection process. There is a paradox involved here in that even though PEPs may want to improve social dialogue on the grounds that it leads to a better programme, there is a disincentive for government to promote participants to organize. This is because once organized, participants would also be able



to put more pressure on the government by demanding their rights, complaining about implementation, demanding higher wages, etc.

Promoting social dialogue in PEPs raises two questions:

1. What organizations or structures could be supported and fostered to be representative and support social dialogue?
2. What to do in the meantime when there is an absence of such organizations, but the need for social dialogue exists.

Nonetheless, many PEPs specify roles and mechanisms for the involvement of workers, and, increasingly, the involvement of nongovernmental organizations (NGOs) and community-based organizations (CBOs) is encouraged with the aim of strengthening the participants' voices.

Designing PEPs to support decent work

The question that now arises is how we design PEPs to support decent work. A useful starting point is that decent work can actually be a useful framework for designing or assessing the design of a PEP, as it covers the various dimensions of employment. These dimensions can actually function as a 'checklist' during the design process. Is the PEP contributing to this particular dimension of decent work? If yes, can this be enhanced further? If no, can some of the design features be amended? Is the PEP

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undermining decent work? If so, how can this be prevented? If not, what should be done?

One risk for programme designers is that they may want to maximize how the particular PEP contributes to all these elements resulting in a programme that is too complex and has too many objectives. In most cases, the best strategy may be to focus on a few key elements on which the PEP can have a significant impact and simultaneously ensure that the programme does not undermine any of the other elements of the DWA.

The table below provides an overview of the relevant dimensions of decent work and identifies key design questions and considerations. While it is based on work by the ILO to finalize a set of indicators and methods for measuring decent work, they are neither official and nor comprehensive.

Table 1. Overview of dimensions of decent work and key design questions and considerations for PEPs

	Decent work dimensions	Key design questions	Design considerations
1	Employment opportunities	What is the anticipated contribution of the PEP to the overall employment of beneficiaries? What is the legal employment status of PEP participants? Who should be targeted in terms of gender, age, caste, etc.	Plan for a scale in line with unemployment and anticipated demand for work. Provide clear guidance on the employment framework and conditions. Develop clear targeting policies (gender, youth, disabled, etc.) and procedures if required.
2	Adequate earnings and productive work	What wage rate should be paid on the PEP? What are adequate earnings in the specific context? How is payment of the specified wage rate ensured? How does the PEP ensure that work is productive and useful?	Ensure that the wage rate takes into account a broader set of factors than just the prevailing wage rate. Include measures for monitoring that wages stipulated are actually received by participants. Ensure adequate attention to the design and execution of work to ensure productivity.
3	Decent hours	In case of set tasks, ensure that these can be finished in reasonable working hours.	Provide guidance in setting tasks and monitor that they are not excessive.
4	Combining work, family and personal life	Should child-care facilities be provided on site? Are they budgeted for? Can working hours be flexible to allow for other family duties? Is there a need to provide part-time as well as full-time work? Has sufficient advance notice been given for women to organize alternative arrangements for domestic duties?	Create clear policies on child care and ensure that such facilities are allocated budgets. Include work that can be done on a flexible or part-time basis. Investigate other common livelihood and household activities among target groups to enable programme work to be complementary.



	Decent work dimensions	Key design questions	Design considerations
5	Work that should be abolished	How can the programme be designed to support the abolition of child labour and forced labour?	Offer fairly remunerated work as an alternative to forced labour. Ensure programme increases income security and predictability.
6	Stability and security of work	Can the PEP provide sufficient work to those who need or request it? Would access to regular and predictable work – such as two days a week – provide greater security than project-based employment? What measures can be included to provide participants with security that they will obtain work from the PEP should they require it?	Ensure programme flexibility in order to respond to increased demand for work (seasonally, in case of economic downturns, or in response to shocks). Maintain shelf projects (projects ready for implementation). In case of an employment guarantee scheme (EGS), include a legal guarantee or unemployment benefits if a guarantee is not provided.
			Consider provision of regular access to a minimum level of work rather than project-based employment, providing continuity and a longer term perspective.
7	Equal opportunity and treatment in employment	Require and monitor that women, and marginalized groups, receive equal pay and equal access to employment. What type of work is prioritized, does it create a gender bias – and what should be done to address that? Is care work recognized as ‘work’?	Take gender divisions of labour into account and design to address them, e.g. through pro-active processes to get women involved in infrastructure, offer part-time work, consider distance to work site, include care work to facilitate women's participation. Provide information about rights and work opportunities defining appropriate types of work.
8	Safe work environment	What health and safety measures need to be in place? Are these measures budgeted for? Can women travel to work safely? Are they safe from harassment at work? Do workers have access to clean drinking water and ablution facilities at work?	Ensure that (appropriate) health and safety policies are in place. Ensure that these measures are budgeted for, especially the provision of safety equipment and gear if required. Be aware of gender differences and take appropriate measures. Ensure proper provisions for dealing with injuries at work are in place; ensure access to drinking water and ablution facilities.

	Decent work dimensions	Key design questions	Design considerations
9	Social security	Can the PEP enable or support participants to gain access to other social security interventions such as child support, food subsidies, primary health care? Does the PEP itself provide any additional social security benefits?	Use programme to provide information, application forms and support to participants. Enable social security officials' access to workers.
10	Social dialogue, workers' and employers' representation	How can social dialogue be used to design a better programme and maintain or grow support? How can social partners be actively involved in the programme at a policy/design level? What is the role of social mobilization in winning policy support for a PEP? Can workers in a PEP organize and negotiate? How can communities participate in the prioritization and design of outputs?	Social dialogue builds a solid base for a programme, minimizing hurdles in future implementation. Involve social partners in discussions on needs, identification of suitable activities, setting of wage rates and working conditions and social mobilization. Consider mechanisms for supporting workers' representation in PEPs. Ensure community organization if necessary and facilitate community participation in design at local level.
11	Economic and social context for decent work	What is the context in which the PEP is being initiated or will be implemented? What is the PEP's likely role in the short-, medium- and long-term? Is it designed to play this (changing) role?	Define clear objectives, e.g. establish preparedness for crisis response. Create long-term plans and employment scenarios that can assist with planning for possible shrinkage or expansion of the programme.

Innovative ways in which PEPs contribute to decent work

This final section provides examples of how real PEPs are contributing to addressing specific decent work deficits.

Employment opportunities

Common decent work deficit: *PEPs struggles to meet demand for employment because of budget constraints and work opportunities are often rationed.*

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), India: Programme budget determined by demand for work

The Mahatma Gandhi National Rural Employment Guarantee Programme and its Act was designed to be demand-driven and its design is based on the premise that it will meet demand for work in rural India by providing up to



100 days of work to every rural household every year. This means that, ultimately, the budget is based on the demand for work, not on a predetermined fixed amount. This does not imply that there is no budget forecasting or planning, just that there is no preset ceiling and that if demand is higher than forecast, MGNREGA requires that sufficient funds be made available to meet that demand.

States still have to submit budgets based on projected demand for work under MGNREGA, but if demand is higher than anticipated, they can submit requests for additional funds to the Central Government, which is committed to funding these requests. This arrangement has required the introduction of a more complex budgeting process, but has been supported by a sophisticated management information system that keeps track of actual programme expenditure and releases funds linked to the rate of expenditure. Demand for work exceeding projections is flagged early on and additional funds are made available.

This lack of a budget ceiling has allowed MGNREGA to grow rapidly and enabled it to provide 2,835 billion person days of employment to 52 million households in 2010, an average of 545 days per household. At the same time, the budget has not spiralled out of control. In 2011, more than five years after the Act was passed, approximately 500 billion Rupees (INR)⁴, which is less than one per cent of gross domestic product (GDP), have been spent and thus fears that the programme would exceed five per cent of GDP seem exaggerated.

The removal of budget as the main constraint for meeting the demand for work, has brought to the forefront other constraints in meeting the demand for work mainly the operational and implementation capacity of state and local governments. So while removal of the budget constraint is necessary for a truly demand-based programme, it has not proven to be sufficient. The operational and capacity constraints are demonstrated by how performance on MGNREGA varies dramatically from state to state. Some states, such as Andhra Pradesh, manage to meet the full demand of 100 days (66 per cent more than 75 days, 40 per cent more than 100 days), with an average of 111 days, while other states, such as Bihar, are still struggling and providing only an average of 24 days of work (2.7 per cent more than 75 days, 0.4 per cent more than 100 days), even though there is a much higher demand. The national average is 54 days. Seven million people have been provided with 100 days or more of employment.

The Mahatma Gandhi National Rural Employment Guarantee Act has also highlighted the importance of the awareness of rights, and it was found that even now, more than five years since the Act was passed, only 48 per cent of MGNREGA participants surveyed in Bihar were aware of their legal right to 100 days of employment.

⁴ 1 US dollar = 51 Rupees (Nov. 2011).

Adequate earnings

Common decent work deficit: *Public employment programmes pay wages that are below the market or minimum wage. The main argument for this is that paying low wages targets the poorest and avoids the displacement of workers from other work to the PEP.*

Productive Safety Net Programme (PSNP), Ethiopia: Wages are based on food requirements and linked to food prices

Generally, adequate income is one of the most difficult dimensions of decent work to assess and, in the context of extreme poverty and food insecurity, this is perhaps even more difficult. There is no official minimum wage for rural Ethiopia and this further exacerbates these difficulties. Furthermore, there is no real objective measure of adequate income, and the practical approach taken in the PSNP, whose main objective is to ensure food security, was to set income in relation to minimum food consumption benchmarks.

In 2005, the PSNP started off paying a daily wage rate of 6 Ethiopian Birr (ETB), which, at the time, was equivalent to around US\$ 0.60 a day. Over the course of the programme, this was increased twice, once to ETB 8 and then to the current level of ETB 10⁵. The basis for setting this daily wage rate is that it is sufficient to purchase or is the equivalent of 3 kilograms (kg) of cereal or six days of food requirements for one person. Where payments were in the form of food, the transfers consisted of 3 kg of cereal. Since a household is provided with five days of work (and income) for every household member, the wage rate is such that the income from five days of work provides 15 kg of cereal, which is enough to give food security to a household member for a month. Expressed in a different way, in a household consisting of two adults and four children, the adults would have to work 30 days for the PSNP to earn enough to provide food security for the entire household. It also means that, on average, each adult would work only 15 days of that month for the PSNP and would have the remainder of their time to engage in other livelihood activities or work.

If adequate earnings in a programme providing food security were to be defined in absolute terms, a possible benchmark could be the Sphere standards⁶. While the use of Sphere standards could be criticized as they are meant to apply to households that have no other means of livelihood, there are PSNP households, in particular those on direct support, that have very limited additional livelihood options. The Sphere Standards for Ethiopia prescribe the minimum monthly consumption of 15 kg of cereal, 1.5 kg of

⁵ 1 US dollar = 17.2 Birr (Nov. 2011).

⁶ The Sphere standards were developed to set minimum consumption standards for emergency food programmes.

pulses (protein) and 0.5 litres of oil (fat). Given this, how does a wage rate that is based on providing 15 kg of cereal compare?

In answering this question, it should be recognized that households need to work only part time on the PSNP to meet their monthly cereal requirements and that the remaining time could be used to engage in other livelihood activities that would enable the household to also purchase the additional required protein (pulses) and fats (oils). So, from a strictly food consumption perspective, the earnings appear to address minimum food consumption needs in line with the programme's objective of "ensuring adequate consumption among targeted households".

In 2006, in many regions where the PSNP was being implemented, the wage rate was well below the prevailing market wage rate. However, the fact that the labour market was extremely 'thin', and available work was seasonal and of short duration, raised questions about what the 'market wage' means in this context. In some areas, the PSNP wage rate was estimated to be as low as 50 per cent of the market wage rate, although the wage rate used as a basis for comparison by participants referred to rates paid in the closest town not in the rural areas where the PSNP was implemented (Sharp et al., 2006). At the same time, the PSNP offers regular and predictable work, which is very different from other wage employment offered in these areas. Furthermore, work is offered close to home which means that the cost of participating is low and there is more scope for combining working on the PSNP with other livelihood activities. These are factors that make a PSNP attractive, as demonstrated by the high demand for it, despite the low wage rate it offers.

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The fact that a PSNP pays in both cash and food is also important as it can help stabilize participants' income. As the wage rate is not strictly indexed to food prices, which fluctuate both over time and by region, paying beneficiaries with food can offset the loss in purchasing power. Although communities can express their preference for cash or food, in practice, the programme does not respond to this preference. In 2008, a decision was made to use a mix of food and cash strategically as a risk-management tool to stabilize the value of earnings. It now pays in food in times of predictable food shortages when cash payment may push up food prices, and pays in cash to encourage local markets when the supply of food is better. In the context of increases in food prices, paying in both food and cash has helped to stabilize the value of earnings.⁷



Combining work and family life

Common decent work deficit: *In particular, female participants are often time constrained because of household duties, and can therefore not work on a PEP even though they are in need of the income and (if applicable) meet eligibility requirements.*

Mahatma Gandhi National Rural Employment Guarantee Act, India: Provision of crèches (day care) on the worksite

In order to ensure that women with infants and small children are able to participate in the programme, MGNREGA requires crèches, and shade and drinking water, to be provided at worksites whenever there are more than five women with children who need care while they are working. One of the women is paid to take care of the children at the standard MGNREGA wage rate. So far, MGNREGA has consistently exceeded quotas for women's participation, and the provision of crèches has contributed to this, albeit more significantly in some states than in others.

In a recent survey in three states, where women with small children had participated in MGNREGA, participants were asked what they did with their children whilst they were at work. In Andhra Pradesh, 21 per cent indicated they had left their children at a crèche, as did 16 per cent of women in Rajasthan. In Bihar, not one woman had left her children at a crèche, presumably because none were available. As part of the same study, a survey of 108 active worksites found only one site with a crèche.

One key challenge is the lack of awareness among women of this provision, which is why they do not demand child-care facilities even if they require them, and tend to rely on the authorities to make them available. The same survey found that, in Andhra Pradesh, 51 per cent of women were aware of

⁷ M. Lieuw-Kie-Song; K. Philip; M. Tsukamoto; M. Van Imschoot: *Towards the right to work: Innovations in public employment programmes (IPEP)*, ILO Employment Working Paper No. 69 (Geneva, International Labour Organization, 2011).

this provision, in Rajasthan, 57 per cent were aware and, in Bihar, only four per cent were aware.

This clearly indicates that while including the provision of crèches in programme design is useful and can enhance women's participation, it is also important that the officials be encouraged to provide these facilities, and ensure that women are aware of their right to demand them.

Equal opportunity and treatment

Common decent work deficit: *Women or other groups are under-represented and/or face barriers to entry and/or participation.*

Mahatma Gandhi National Rural Employment Guarantee Act, India: Quotas and equal wages for women

In order to ensure equal opportunity for women in MGNREGA, a combination of measures was made part of the Act. Firstly, a 33 per cent quota was set for women's participation along with a requirement that men and women receive equal wages. With some other measures, such as the provision of crèches and the payment of wages directly to women, this has resulted in a high and increasing rate of women's participation, for example, 40.65 per cent in 2005–2006, 42.56 per cent in 2007–2008, 47.88 per cent in 2008–2009, and 48.1 per cent in 2010.

It is thought that the payment of equal wages to men and women has been particularly effective in attracting more women because the market wage for



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women in rural India is much lower than that for men. In 2007–2008, the average MGNREGA wage rate paid to women was 79 INR per day, while the average rural market wage rate was 50 INR. For men, the MGNREGA wage rate was also 79 INR, while the average market wage rate was 75 INR. Clearly, MGNREGA is more attractive to women than to men and this partly explains the high female participation rate. This also shows the importance of attracting women by paying equal wages, especially in conditions where there is a large gender wage gap.



Standards and rights at work

Common decent work deficit: *Many PEPs do not acknowledge that there is an employment relationship between workers and the programme. Programme participants are referred to as beneficiaries for instance, and their wages are referred to as transfers or stipends. In such cases, it is not clear what rules govern the relationship and what measures are open to participants for redress in case of grievances.*

Expanded Public Works Programme (EPWP), South Africa: Special employment framework and conditions for PEPs

The way in which employment conditions for workers were agreed upon influences the way public works programmes in South Africa are designed. Even before the Expanded Public Works Programme, there were concerns, mostly from labour unions, that these programmes could erode wages and working conditions. In South Africa, a government programme that would have such an undefined employment relationship was seen as unacceptable. A special employment framework, applicable to those working on PEPs (designated as Special Public Works Programmes) was therefore negotiated.

This framework was captured in a Ministerial Determination and a Code of Good Practice published in 1998. It specified the minimum working conditions that must apply to all public works programmes (PWP) in South Africa. It allows for special conditions of employment to facilitate greater employment on PWPs, namely:

- employers (departments, provinces and municipalities) may set rates of pay locally at self-targeting rates to avoid attracting workers away from more permanent employment;
- reduced obligations for employers, e.g. no obligatory Unemployment Insurance Fund (UIF) payments;
- task-based payment for labour-intensive works.

At the same time these special conditions of employment also specify that:

- workers are entitled to two days of training for every 22 days worked; and
- workers can only be employed under these special conditions of employment for a maximum of 24 months' employment within a five-year cycle after which they should be hired under normal conditions of employment.

The Code of Good Practice essentially ring fences employment conditions on EPWPs from established industries. This is in order to prevent PWPs from being used to replace workers employed under normal conditions in established sectors and activities with casual EPWP workers, which would turn it into a vehicle for deregulating the labour market or for promoting casual employment over regular employment.

The Code of Good Practice also regulates other employment conditions such as payment frequency and methods, health and safety, compensation or injuries at work, and sickness and maternity leave, etc. It sets affirmative action targets for the employment of youth, women and people living with disabilities on EPWP projects. It also requires that workers be issued with a written contract and a certificate of service on completion of the project.

Adherence to the Code was mixed, partially due to the limited awareness of its provisions among contractors. On some projects, workers were employed more formally than the Code requires. On other projects, workers were employed on standard conditions of employment as the dual status of workers caused significant tensions.

The provision that allowed departments, provinces and municipalities to set their own wage rates resulted in a very wide variation in wage rates paid under the EPWP. This provision caused a number of challenges and difficulties, and was amended in 2010 when a minimum wage for the programme was established.

Social protection

Common decent work deficit: *People who are not able to participate because of labour constraints (the elderly, sick, pregnant and nursing mothers, and the disabled) are excluded from the PEP but are still in need of a minimum income.*

Productive Safety Net Programme, Ethiopia: Integrating PEP with direct transfers

The Productive Safety Net Programme has addressed this by explicitly considering the labour availability of a household. Households that are found to be labour constrained can work less, or not at all, depending on the

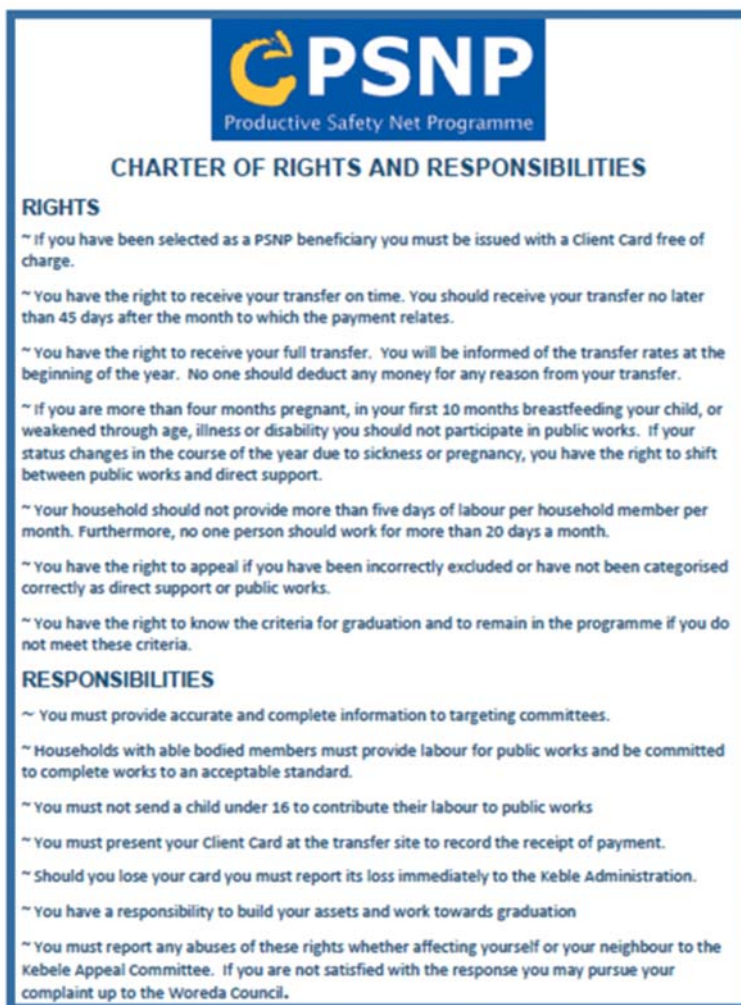
degree of the constraint, and receive a transfer through the direct support component as part of the programme. Alternatively, an able-bodied person in the household can work on their behalf.

During the targeting process, labour availability is assessed and households are categorized accordingly. Initially, the programme only had two categories: no labour supply and thus the household received only a transfer, or labour available and the household had to work five days per household member in order to receive the full entitlement of up to 20 days. It was recognized that there were many households in between these extremes that could, for instance, provide 20 days of labour per month, but not the 25 required for their full entitlement. The programme was adjusted thereafter to allow participants to work for the 20 days and receive the additional five days of wages as a direct transfer.

This required adjustments in the programme's administration. In particular, this involved merging the registers of those receiving direct support and those on public works so that both categories of households could be clearly identified and tracked. Furthermore, it was also recognized that the labour constraint could be temporary, such as in the case of pregnancy or temporary disability. The register would also need to be able to track such cases.

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Source: World Bank. 2010. *Designing and implementing a Rural Safety Net in a low income setting: Lessons learned from Ethiopia's Productive Safety Net Program 2005–2009* (Washington, DC). Available at: <http://www.worldbank.org/safetynets> [6 Dec. 2011].

Social dialogue

Common decent work deficit: *Public employment programme workers are not organized and there are therefore no organizations that can represent them in disputes over their rights.*

Mahatma Gandhi National Rural Employment Guarantee Act, India: Involvement of community-based women's groups

Kudumbashree is a women-oriented community-based poverty alleviation programme implemented in Kerala by the State Government where Panchayati Raj institutions source MGNREGA implementation work to local people's groups. It has shown that there is scope for involving community-based organizations (CBOs) in programme implementation. Under *Kudumbashree*, grassroots neighbourhood groups consisting of 15–40 families, each represented by a woman, are federated into Area Development Societies (ADS) at the ward level, and these in turn are federated into Community Development Societies (CDS). Each Area Development Society provides a volunteer who helps in organizing MGNREGA work – ensuring proper maintenance of the muster rolls, attending to worksite facilities and overseeing the measurement of work, thereby acting as a substitute for the contractor. The women volunteers are thus given a pivotal role in labour mobilization and work execution. Similarly, it has been suggested that the mobilization of people through an agency of networks and cooperatives using populism is an effective driver of the scheme, as this might help in stemming systemic rent-seeking tendencies that are associated with bureaucratic hurdles.⁸



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⁸ A. Sharma: *Experiences of the National Rural Employment Guarantee Act in India and some aspects of the Decent Work Agenda, IPC-IG, Brasilia* (Geneva, ILO, forthcoming).

Stability and security at work

Key decent work deficit: *Public employment programmes do not provide stability or security, just a one-off opportunity.*

Community Works Programme (CWP), South Africa: Unconditional offer of work, two days a week

The Community Works Programme in South Africa has addressed the challenge of providing regular, stable and predictable work (and income) by offering regular work to members of the community on two fixed days of the week. Often, there is no screening or selection involved, except in some areas where the demand for work exceeds the supply. Furthermore, there is no obligation, or expectation that people will work. In this way, regular and predictable work is always available on predetermined days of the week. At the same time, if participants have other work, or are not able to work for any reason, they are not at risk of being excluded from the programme in the future.

This system requires a different approach to the planning of work, as it is uncertain how many people will come to work on a given day. In case more people arrive than expected, 'back up work' activities are required. Furthermore, work activities need to be able to 'stop and start' as participants' availability is not continuous. However, where continuity is required or desirable, communities have managed to alter the work schedule to be more responsive to work needs, but based on the same principles (e.g. instead of two days a week, work is offered for three hours a day, or one week a month).



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Checklist

PEPS AND DECENT WORK	
Respond to the following questions	☒
What is the anticipated contribution of the PEP to the overall employment of beneficiaries? What is the legal employment status of PEP participants? Who should be targeted in terms of gender, age, caste, etc.	
What wage rate should be paid on the PEP? What are adequate earnings in the specific context? How is payment of the specified wage rate ensured? How does the PEP ensure that work is productive and useful?	
In case of set tasks, ensure that these tasks can be finished in reasonable working hours.	
Should child-care facilities be provided on site? Are they budgeted for? Can working hours be flexible to allow for other family duties? Is there a need to provide part-time as well as full-time work? Has sufficient advance notice been given for women to organize alternative arrangements for domestic duties?	
How can the programme be designed to support the abolition of child labour and forced labour?	
Can the PEP provide sufficient work to those who need or request it? Would access to regular and predictable work – such as two days a week – provide greater security than project-based employment? What measures can be included to provide participants with security that they will obtain work from the PEP should they require it?	
Require and monitor that women, and marginalized groups, receive equal pay and equal access to employment. What type of work is prioritized, does it create a gender bias – and what should be done to address that? Is care work recognized as ‘work’?	
What health and safety measures need to be in place? Are these measures budgeted for? Can women travel to work safely? Are they safe from harassment at work? Do workers have access to clean drinking water and ablution facilities at work?	



PEPS AND DECENT WORK

Respond to the following questions



Can the PEP enable or support participants to gain access to other social security interventions such as child support, food subsidies, etc.? Does the PEP itself provide any additional social security benefits?

How can social dialogue be used to design a better programme and maintain or grow support? How can social partners be actively involved in the programme at a policy/design level? What is the role of social mobilization in winning policy support for a PEP? Can workers in a PEP organize and negotiate? How can communities participate in the prioritization and design of outputs?

What is the context in which the PEP is being initiated or will be implemented? What is the PEP's likely role in the short-, medium- and long-term? Is it designed to play this (changing) role?

What organizations or structures could be supported and fostered to be representative and support social dialogue?

What to do in the meantime when there is an absence of such organizations, but the need for social dialogue exists.

Notes



Notes





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