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Trade, Labor and EU Law Perspectives

The Universal Labour Guarantee, a great birthday gift for the ILO Centenary

Valerio De Stefano (Osgoode Hall (Canada)) · Sunday, January 27th, 2019



On January 22, the ILO launched its centenary celebrations by releasing the [Report of its Global Commission on the Future of Work](#). The Report is the result of several years of research, consultation with the Governments and social partners of the ILO Members State and the work of the 28 [members](#) of the Global Commission, with the crucial support of some of the most brilliant researchers in force at the International Labour Office.

The Report includes a wealth of insights and proposals for the way forward in governing work. It is a call for lawmakers, the social partners, the ILO constituents and the broader community of labour researchers and activists to start responding now to the pressing challenges the world of work is encountering today and will face in the future.

Some of the most forward-looking parts of the Report concern the impact of technology on labour. Besides what mainstream media has picked up, concerning the effects of automation on employment figures, the Commission also looked into topical issues concerning the quality of jobs that will survive to automation. It calls for a [human-in command approach](#) when Artificial

Intelligence is introduced at the workplace, ensuring that human beings, not algorithms, take the final decisions affecting work. It also advocates strengthening data and privacy protection in the world and minimum labour standards for platform-work by looking at the Maritime Labour Convention as an example of regulation effectively governing work globally.

Many things could, and will, be said about these proposals and the numerous other insights from the Report. In this first comment, however, I want to highlight what is the most innovative and far-reaching proposal of the Global Commission: the introduction of a [Universal Labour Guarantee for all workers](#).

This Universal Labour Guarantee includes:

- the ILO fundamental principles and rights at work: “freedom of association and the effective recognition of the right to collective bargaining and freedom from forced labour, child labour and discrimination”;
- a set of basic working conditions: (i) “adequate living wage”; (ii) limits on hours of work; and (iii) safe and healthy workplaces.

The aim of the Global Commission is for the Universal Labour Guarantee to apply to all workers “regardless of their contractual arrangement or employment status”, and thus also to cover the self-employed. This is an actual breakthrough. The ILO supervisory bodies already consider the fundamental principles and rights at work to be universal and to apply to all workers, including the self-employed. The Global Commission calls now to regard a new set of protections as universal, and applicable to all workers without distinctions, namely those related to occupational safety and health as well as to working time and living wages. This is a call that is well-grounded in the ILO Constitution.^[1]

By proposing the Universal Labour Guarantee, the ILO Commission contributes to bridging the gap between socio-economic and civil-political human rights at the workplace, adding to a high number of institutional initiatives in this direction, including the [UN Sustainable Development Goals](#).

If duly implemented, the Universal Labour Guarantee would be a crucial instrument to tackle some of the most critical challenges in the modern world of work. It would decouple access to basic – and essential – labour protection from the need to establish employment status and to litigate over it. This would be extremely beneficial to categories of workers like informal workers, domestic workers, and the bogus self-employed and casual workers, including platform workers, for whom it is often complicated, practically and legally, to successfully claim the existence of an employment relationship. And it would be beneficial for societies at large, as it would level the playing field for all businesses.

The Global Commission, however, is not proposing the Universal Labour Guarantee to side-line the employment relationship and employment protection. The Report calls for ensuring better protections for workers in an employment relationship and the Guarantee is also seen as a tool to “reinforc[e] the employment relationship while broadening the scope of labour protection beyond it”. This is a welcome statement, which places the Universal Labour Guarantee as a supplement to – and not as a substitute for – existing labour and employment protection.

The process to implement the Universal Labour Guarantee is not going to be a quick or easy one.

Many challenges will need to be addressed before it effectively becomes universally applied. But it is undoubtedly a most promising way to start this second century of the ILO's path towards social justice. Happy Birthday, ILO! *Cento di questi giorni!*

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