

The Right to Decent Work

O Direito ao Trabalho Decente

El Derecho al Trabajo Decente

Work is an important dimension of life in society. Work, and the ways in which it is realized, reflect the structure and dynamics of economic/productive processes and social relations in different historical periods. Through work, people have the opportunity to develop their skills and feel valued as active members of a community. Work is an important element in the construction of identity.

The right to work is one of the pillars of people's socio-economic rights (Sarkin & Koenig, 2011). And, at the same time, it is admitted that work is a fundamental human right to life in society (Balestero Casanova, 2020; Comisión Nacional de los Derechos Humanos [CNDH, 2016]). The admissibility of this statement, although not recent, is still a challenge in practice for governments, organizations, and society, since it reflects the complexity of the economic, social, and psychological aspects related to the role of work in people's lives and in the organization of society.

The roots of this statement can be identified in the evolution of the civilization process, with emphasis on the Industrial Revolution in the 18th and 19th centuries. Scientific and technical advances during this period improved mechanization processes in the extraction, production and transport of raw materials, the development of new communication technologies, computerization, and work management. All these aspects significantly transformed the economy and life in society, driving the growth and urbanization of cities, the consumption of goods and services, and the marked entry of women into the labor market (Peck, 2015).

The production of military artifacts played a relevant role in this scenario of transformations. During wars and armed conflicts, especially in the 19th and part of the 20th centuries, there was an accelerated search for new instruments and products that could strengthen the battle and political power of countries. This military demand drove technological innovation and the development of new equipment, which later were applied to civilian life, especially in the workplace (Sarkin & Koenig, 2011).

This scenario of transformations and technological innovations also caused significant social, health, and humanitarian problems, built under intense labor exploitation, precarious working conditions, fatigue, health problems, and accidents at work. At the beginning of the 20th century, the intensification of labor movements and demands for changes in labor relations, associated with the various struggles for human and civil rights

(protection of life, liberties, and individual rights before the state and other institutions), gained momentum and strengthened. Social movements, corporate and scientific entities, as well as international treaties, have proliferated, aimed at building policies and guarantees for the protection and promotion of the fundamental rights of all people, regardless of race, gender, religion, ethnic origin or social status (International Labour Organization [ILO], 2019).

From a historical point of view, it is possible to understand the intrinsic relationship between “work” and “human rights” through two perspectives. The first, more traditional, was built especially at the turn of the 19th century to the 20th century, and considers work as a means of subsistence, individual and collective; the basis of the productive system and economic relations in society. This conception dates back to the consolidation and expansion of the capitalist production system, the increase in salaried labor, and the fight for labor rights (Van der Linden, 2019). The absence of legal and social guarantees aimed at protecting workers from unhealthy working conditions and fragile employment relationships has emerged as one of the main challenges to be faced by workers since then. Access to work was not enough; it had to be decent.

Throughout the 20th century, a second perspective of understanding work gained relevance, focusing on its value, meaning, and potential—which could be called the human dimension of work—generally emphasized in two distinct but complementary ways. The first emphasis highlights the interdependence between working conditions, workers' well-being, and the pursuit of social justice. It recognizes that the conditions in which people work have a direct impact on their quality of life and overall well-being, highlighting the importance of ensuring safe, healthy, and fair working environments for all workers (Burchell et al., 2014). The second emphasis, in turn, reinforces the understanding of work not only as a necessity or means of subsistence, but also as an activity that enables self-realization and human development. In this view, work is understood not only as a form of livelihood, but as an opportunity for individuals to express and develop personal and professional competencies and skills (Berg et al., 2013).

Both emphases have contributed to the emergence of international labor standards and guidelines, and the integration of “work issues” into international human rights systems. Arguably, international labor standards emerged before the establishment of comprehensive international human rights standards, which in

How to cite this article:

Cruz, R. M., Borges-Andrade, J. E., De Andrade, A. L., Moscon, D. C. B., Esteves, G. G. L., Viseu, J., López-Núñez, M. I., Abacar, M., Kienen, N., Barros, S. C., Knapik, J., Cassiano, S., & Porto, J. B. (2023). The Right to Decent Work [Editorial]. *Revista Psicologia: Organizações e Trabalho*, 23(2), 1-III. <https://doi.org/10.5935/rpot/2023.2.editorial>

this case dates back to the period of formation of the United Nations (UN).

An important historical marker in this direction was the establishment of the International Labour Organization (ILO) on 11 April 1919 as part of the Treaty of Versailles, which officially ended the First World War. The establishment of the ILO reflected the view that precarious working conditions can lead to social conflict and that improving working conditions is therefore essential to ensure peace and stability in the world (Sen, 2000). At its inception, the ILO already emphasized the need for a set of guidelines aimed at the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, and the effective abolition of child labour and discrimination against persons in respect of employment or occupation (ILO, 2019).

The Universal Declaration of Human Rights (UDHR), proclaimed by the UN General Assembly in Paris on December 10, 1948, reaffirmed the ILO guidelines, establishing, in its Article 23, some of the main guidelines that should guide policies and actions aimed at decent work worldwide: “1) Everyone has the right to work, to free choice of employment, to fair work and favorable conditions of work, and to protection against unemployment; 2) Everyone, without any discrimination, has the right to equal pay for equal work; 3) Everyone who works has the right to just and favorable remuneration, to secure for himself and his family an existence worthy of human dignity, supplemented if necessary by other means of social protection; 4) Everyone has the right to form and join trade unions for the protection of his interests” (UN, 1948, art. 23).

The International Declaration on Economic, Social, and Cultural Rights (ICESCR) — an international treaty approved by the UN General Assembly on December 16, 1966 — aligned the right to work, education, health, and housing, among other rights considered essential to a dignified and full existence in society. The ICESCR is part of a set of instruments known as the International Covenant on Human Rights, which also includes the UDHR and the International Covenant on Civil and Political Rights (ICCPR). These instruments were in fact only ratified and adopted by a significant proportion of UN member states from the late 1970s onwards. Over the following decades, political, economic, and cultural challenges have been revealed in improving and consolidating legislation and public policies aimed at the right to work as an inherent condition for the development of society (Van der Linden, 2019).

In this direction, in Brazil, it is relevant to consider the role of the Regulatory Norms (Normas Regulamentadoras, NRs) — a set of norms and guidelines, established by the Federal Government, with the objective of regulating working conditions in various sectors of the economy. The first 28 NRs were implemented through Ordinance No. 3,214 (Brazil, 1978). Updated periodically through tripartite commissions involving representatives of workers, employers, and government, the NRs cover a variety of topics related to safety, health, and protection of workers’ rights, considering a particular sector of the economy or peculiarities of work activities and environments. However, the effective implementation of the NRs in organizations is a constant challenge, as well as the adequate inspection and the process of raising awareness of workers and employers (private initiative and the state) about the scope of rights and responsibilities in promoting healthy and safe working environments.

During the UN General Assembly in September 2015, the four pillars of the Decent Work Agenda—job creation, social protection, rights at work and social dialogue—became integral elements of the new 2030 Agenda for Sustainable Development.

Again, the ILO had already anticipated the discussion of “decent work” at the 87th Meeting of the International Labor Conference (ILC) in Geneva in June 1999. It applied this concept not only to workers in the formal economy, but also to unregulated wage workers, the self-employed, and domestic workers (ILO, 1999).

From this perspective, the concept of “decent work” emphasizes the need for decent and healthy working conditions that promote fair remuneration, health and safety at work, personal and professional development, social integration and inclusion, participation in decisions affecting workers’ lives, equal opportunities and treatment for men and women, and the right to social security and social assistance (Burchell et al., 2013; Ghai, 2003). Since then, the notion of decent work has been the centerpiece of ILO policy, guidelines, and actions. In a way, it reinvigorates the general objective and guidelines of the institution, created more than 100 years ago, as described in the ILC in 1999: Ensure decent work for women and men everywhere, given that this is a need shared by individuals, families, and communities in all societies and at all levels of development (Silva, 2022).

The technological advances experienced in the 21st century—social networks, artificial intelligence, automation, and robotics—have an impact on the opportunities and modalities of work, in its different forms. Social networks have become an essential part of the connectivity of billions of people around the world, not only on a personal level, but also in terms of job opportunities, income, and the expansion of sales of services and products. Artificial intelligence (AI) has established itself as one of the most impactful technologies of the 21st century, increasingly present in scientific research, information generation and analysis, and technical assistance to professional work. Automation and robotics, in turn, have been increasingly incorporated into the workplace, whether in the manufacturing, logistics, agriculture, or health sectors (Kolade & Owoseni, 2022; Smids et al., 2020).

These advances consolidate the search for speed, efficiency, and operational precision at work. However, they have an unfavorable impact on low-skilled jobs, job retention, and job security. Against this backdrop, discussions on the present and future contexts of work are being mobilized, considering the increasingly intensive transformations and innovations. The need to improve production processes and the use of technologies based on the adoption of policies and practices aimed at sustainable development, care for the environment, health, and the inclusion of people accentuates the pressure for qualitative changes in governance models that prioritize quality of life, equal opportunities, and social justice (Peck, 2015).

Finally, this interconnection between the right to work and human rights is crucial for ensuring a dignified and sustainable life, given that working and obtaining a fair wage is not only a matter of economic survival, but is intrinsically linked to access to a series of other rights, such as adequate food, access to education, health services, and leisure (ILO, 2019). In this sense, the discussion on the future of work increasingly presupposes the strengthening of a “social contract”, based on the right to work as a fundamental human right and under the imperative of decent work. This is a challenge for governments; political, social, and business leaders; and workers in general.

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