

*Tatiana Wrocławska\** <https://orcid.org/0000-0001-6780-8897>

## DECENT AND SUSTAINABLE WORK: AROUND THE DISCUSSION ON THE IMPORTANCE OF INTERNATIONAL LAW IN THE REGULATION OF EMPLOYMENT RELATIONS

**Abstract.** Transnational strategies not only show the contemporary risks in the world of work, but also point to directions and measures to mitigate them. In this regard, recognising a certain regression in the protection of workers' rights, it is worth emphasising the question of the role of decent and sustainable work, which occurs in one of the important documents of the International Labour Organisation (hereafter: the ILO). It is noteworthy that the adjective 'sustainable' increasingly appears in various social, economic, and environmental aspects, including but not limited to sustainable employment, the workplace, and sustainable work. This raises the question about the meaning of the phrase 'decent and sustainable work'. Apart from a rather general link to certain areas of the strategic objectives, we do not find an answer to it in the documents in which it appears. For this reason, in the presented study it was decided to characterise briefly both concepts considering the achievements of the ILO and Eurofund as well as the relationship occurring between them. Moreover, an attempt was made to give an answer on the starting point for effectively counteracting negative phenomena and related risks in the world of work within the framework of the concept of decent work.

**Keywords:** decent work, sustainable work, sustainable development, the ILO, international sources of labour law

## GODNA I ZRÓWNOWAŻONA PRACA. WOKÓŁ DYSKUSJI O ZNACZENIU PRAWA MIĘDZYNARODOWEGO W REGULACJI STOSUNKÓW ŚWIADCZENIA PRACY

**Streszczenie.** Strategie ponadnarodowe ukazują nie tylko współcześnie występujące w świecie pracy zagrożenia, ale i wskazują kierunki oraz środki na rzecz ich niwelowania. W tym zakresie, dostrzegając pewien regres w ochronie praw pracowniczych, można zaakcentować wątpliwość o rolę pracy godnej i zrównoważonej, o której mowa w jednym z ważnych dokumentów MOP. Warto odnotować, że przymiotnik zrównoważony coraz częściej pojawia się w różnych aspektach społecznych, gospodarczych i ekologicznych, w tym m.in. w odniesieniu do zrównoważonego zatrudnienia, miejsca pracy, a także w odniesieniu do zrównoważonej pracy. W wyniku powyższego rodzi się także pytanie o znaczenie terminu godna i zrównoważona praca. Poza dość ogólnym

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\* University of Lodz, [twroclawska@wpia.uni.lodz.pl](mailto:twroclawska@wpia.uni.lodz.pl)

powiązaniem z pewnymi obszarami celów strategicznych nie znajdziemy nań odpowiedzi w dokumentach, w których on występuje. Z tego względu, w prezentowanym opracowaniu postanowiono dokonać charakterystyki obu koncepcji z uwzględnieniem dorobku MOP i Eurofund i relacji zachodzącej między nimi oraz podjęto próbę udzielenia odpowiedzi na temat wysiłków na rzecz skutecznego przeciwdziałania negatywnym zjawiskom i powiązanych z nimi zagrożeniom w świecie pracy przy pomocy koncepcji pracy godnej.

**Słowa kluczowe:** praca godna, praca zrównoważona, cykl życia, zrównoważony rozwój, MOP, międzynarodowe źródła prawa pracy

## 1. INTRODUCTORY REMARKS

The regulation of employment relations from the international legal perspective is a difficult and complicated process, as it is fraught with the risk of encountering numerous obstacles worldwide of political, social, and economic nature. It is linked to the different employment and labour standards in the various national systems, the different roles of employee representatives, as well as the different levels of economic development and traditions in the shaping of labour, collective, and industrial relations. The essence of the problem illustrates the clause of “national circumstances” resulting in dominance of the pro-business narrative, as we can observe it in the creation of the human-centred agenda led by the ILO Secretariat and the Global Commission on the Future of Work (2019) – the key source for the content of the ILO Centenary Declaration (2019a) aimed at finding an answer to the question about how ‘to achieve a future of work that provides decent and sustainable work opportunities for all’, and the final version of Declaration. This resulted, as Silva highlights, in dismantling several ideas based on the human-centred framework as well as the consequent increase in the ideational power of business (2022, 343). The basic question that arises also concerns the manner and scope of regulation of the matter in question and the choice of the source of regulation most appropriate to the objective at stake, so that it can meet with the recognition and acceptance of the members of the international community. The double-edged sword principle is connected with the standard-setting process and the lacking interest of ratifications.

The relatively high level of regulatory flexibility or vagueness in matters of a neuralgic nature in the shaping of supranational labour standards results in the predominance of so-called soft law sources, which is not conducive to the effective enforcement of obligations towards their addressees. However, this is often dictated by a deliberate strategy of choosing the so-called lesser evil – as opposed to not adopting any instrument at all – and often remains so for the long term. Should such a trend continue in relation to concepts based on fundamental human rights? Contrary to what one might assume, answering this question is not easy. The law is an instrument for achieving goals that are central to the protection of human rights and the right to work is one of them, as it is axiologically based on values such as

dignity, freedom of choice, equality, and justice. The right to work is “interpreted as work that must be decent for a meaningful application of the right” (Zekić, Rombouts 2020, 355). Accordingly, the respect and realisation of the right to work in conditions that respect human dignity is also a *conditio sine qua none* of respect for humanity as well as the right to decent life and development. However, from the legal point of view, the concept of decent work appears as a guiding tool and for its unspecified character it is considered more in terms of symbolic, ethical rhetoric calling for the improvement of working conditions. It is stressed that the concept of decent work was conceived as a concept with a global dimension, and this global context of application demonstrated its weaknesses. The predominance of promotional aspects, the substitution of binding law for soft law, as Standing notes (2008, 370–371), has not only weakened ILO, but also resulted in decent work being called a slogan and a mantra of unclear scope (Hauff 2015, 138–155). We are witnessing the sustaining and reaffirming of this trend in the last ILO Convention concerning the Elimination of Violence and Harassment in the World of Work, 2019 (No. 190), adopted during the 108<sup>th</sup> ILO conference together with Centenary Declaration, governing all workers regardless of the form of employment; its Article 5 states that each Member will respect, promote, and realise the fundamental principles and rights at work, but in relation do dignity and work members are obliged simply to promote decent work. *Nota bene*, fundamental principles and rights at work were listed in the above-mentioned Article by including: the freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation. Noteworthy that the fundamental labour rights or core labour standards (a minimum set of fundamental conventions codifying universal labour rights) form a central pillar of the concept of decent work and, along similar lines, face criticism (Liukkunen 2021, 27–29). They are also called ‘negative rights’ that lie outside the sphere of social or work rights. Objections relates to encouraging voluntarist approaches with severing the ILO conventions from the principal mechanism of ratification and endorsing business self-regulation through voluntary codes of conduct or CSR policies (Hauf 2015, 139–140). Also, the standards contained in conventions to which reference is made in many areas have only a basic or even very minimal dimension. Would it, therefore, be a decent work based only on such standards? For some – especially those operating in very difficult conditions and most exposed to various abuses – yes, for others definitely not. While in fact certain standards, regardless of place in the world where work is performed and employment status, should be perceived as fundamental – such as an adequate living wage, maximum limits on working hours, and the protection of safety and health at work. It is no coincidence that they were woven into the ‘Universal Labour Guarantee’ called for by the establishment by the ILO Global Commission on the future of work (2019).

The critics of the concept of decent work argue that there is also a lack of defining clear responsibilities and liabilities to promote and implement decent work. Despite the development of key measurement factors that can be used at different levels and serve to assess the quality of work and presumed improvement of this quality, there is a lack of normative models for the organisation of work (Budowski, Jany, Schieff 2020, 3–4). In the meantime, such attempts to specify and select tools that work in particular national conditions are being made and bring tangible benefits. As a positive example, the concept of ‘Gute Arbeit’ and tools that go significantly beyond the shaping of minimum standards are pointed out (Budowski, Jany, Schieff 2020, 3–4).

It is regrettable to note that, despite significant progress in the protection of the rights of working people, decent work is still a scarce value for hundreds of millions of people (ILO 2019, 18; Liukkunen 2021, 20). At the same time, this applies not only to the negative effects of globalisation, including transnational supply chains in international trade, but also to disasters affecting different societies and to the occurrence of an increasingly sophisticated form of the digital exploitation of working people. Meanwhile, neither the relocation of a company’s activities to another country, nor the employment of foreigners, nor the digital working environment can be exempted from standards of decent work and human working conditions for everyone (2019, 38). The ILO Global Commission on the future of work repeats the motto of the Declaration of Philadelphia that labour is not a commodity, but also, taking into account contemporary threats and risks, it adds that it is not a robot (2019, 11–14, 43). The transparency of working conditions, countering precariousness at work (as provided in EU directive 2019/1152), as well as regulations against harassment (ILO Convention No. 190 (2019)) and supporting specific groups of workers vulnerable to abuse (Convention No. 189 (2011) on domestic workers) have lived to see adequate regulations subject to implementation and/or ratification from various supranational levels. We also have further ambitious proposals (including, inter alia, parity in company boards, the shaping of standards on adequate minimum wages, relate to platform work or algorithmic management and the multi-year work on the protection of the rights of the elderly) while simultaneously observing progress being made from national levels with regard to regulations relating to the reduction of working time and establishing the right of workers to disconnect (be offline). Reached experiences confirms that without firm action to improve working conditions, we will not be able to cope with the current technological, demographic, and climate challenges (ILO 2019), including the consequences of the disasters occurring as pointed out by the ILO Employment and Decent Work for Piece and Resilience Recommendation No. 205 (2017).

The article refers to the important and unique narrative – ensuring decent and sustainable work for all – as highlighted by ILO Global Commission on the future of work (2019), while decent work for all became one of the fundamental aim

(SDG) of UN Sustainable Development Agenda (2030) and was repeated in the European Commission Communication (EC, 2022) pointing the comprehensive approach that aims at effective promotion of decent work for all. Moreover, author undertake attempts to answer questions about possible directions for giving the right to decent work a more realistic framework than abstract and promotional rhetoric. As the relations between decent work and sustainability are tight and close (Mačernytė-Panomariovienė, Wroclawska 2023, 113), for this aim it was decided to make a brief characterisation of both concepts and afterwards, its confrontation.

## 2. THE CHARACTERISTICS OF THE CONCEPTS

### 2.1. Decent work

Counting from the late 1990s, the notion of decent work has received much attention in the scientific discourse, resulting in numerous interpretations and approaches (Mačernytė-Panomariovienė 2021, 382). They have indeed contributed to a deeper clarification of what is, in fact, intuitively felt by every working person as a fundamental and necessary value for self-realisation and a decent human life. It is difficult to deny that work that is useful, developmental, and free of exploitation and enslavement appears as a value (dignified work) when it is harmless to the subject of work and serves to satisfy the earning, developmental, and social needs of human beings. Because of the dignity and ethical aspect, it is the subject of work that is at the centre of the whole work-related issue.

The concept of decent work is an expression of the rich achievements and heritage in the international protection of fundamental human rights, also expressed in the documents constituting the basis for the functioning of the ILO (1919; 1944). The ILO Declaration of Fundamental Principles and Rights at Work (1998) defined the four principles concerning the fundamental labour rights or core labour standards included in eight the ILO's fundamental conventions also referred to as the core or key conventions (29, 87, 98, 100, 105, 111, 138, 182) – freedom to association and right to collective bargaining, elimination of forced and compulsory labour, the abolition of child labour, and the elimination of discrimination.

Formally, the term 'decent work' was called and launched in the Global Report of the ILO's 'Decent Work' by the ILO director-general (ILO 1999) as converging focus of all its four strategic objectives: the promotion of rights at work, employment, social protection, and social dialogue. It covered non-employment contract-based form of work and work in the unofficial sector (Liukkunen 2021, 23). Since that time, there have been many actions for enabling the realisation of decent work. The four-pillar structure of Decent

Work was reaffirmed and clarified in the ILO Declaration for Social Justice for a Fair Globalization (2008). The Declaration institutionalised the decent work agenda, placing it at the core of the ILO constitutional objectives with particular accents placed on freedom of association and collective bargaining (Liukkunen 2021, 25). It points out that decent work is defined by the ILO as productive work for women and men in conditions of freedom, equity, security, and human dignity, emphasising that the Decent Work Agenda with gender equality and non-discrimination as scarcity-cutting issues has four strategic priorities that are inseparable, interrelated, and mutually supportive. Decent work refers to opportunities for work that are productive and deliver a fair income; security in the workplace and social protection for families; better prospects for personal development and social integration; freedom for people to express their concerns, organise, and participate in the decisions that affect their lives; and the equality of opportunity and treatment for all women and men (ILO 2008).

A number of tools and factors have been developed to monitor progress in making it closer to reality, such as the Toolkit for Mainstreaming Employment and Decent Work (ILO 2008) and Decent Work Indicators (2013). The latter covered statistical and legal framework indicators on decent work in ten areas: employment opportunities; adequate earnings and productive work; decent working time; combining work, family, and personal life; work that should be abolished; stability and security of work; equal opportunity and treatment in employment; safe work environment; social security; social dialogue, employers' and workers' representation. Notwithstanding the above efforts, in *de lege lata*, the concept of decent work marks important priority areas and objectives, but still does not provide a clear and lucid answer on how the right to decent work should be implemented.

It is worth noting that in recently adopted ILO documents prior to the Centenary Declaration, such as in *Work for a Brighter Future: Global Commission on the Future of Work* (2019), the term 'decent work' co-occurs with the term 'sustainable work', while in the Centenary Declaration this important relationship was ignored. It should be assumed that the conjunction used by the Global Commission is not accidental. Indeed, decent work has become one of the seventeen goals of the UN Sustainable Development Agenda (2030), where the adjective 'sustainable' as originated from the concept of sustainable development defined in the Brundtland Report (1987) is applied to something that is "able to be used without being completely used up" (Fleuren et al. 2020, 2). The ILO Centenary Declaration also upholds this narrative containing many references to sustainability and repeating the text of SDS' 8<sup>th</sup> Goal with confirming strong linkages between decent work requirements and sustainability in three dimensions (social, economic, and environmental) (Zekić, Rombouts 2020, 329, 355). The importance of decent work in achieving sustainable development goals is strongly highlighted and expressed by Goal 8 of the Agenda 2030, which aims to promote

sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all. By the way, aspects important for decent work are also included in the other goals (SDGs) of the Agenda 2030 (Mačernytė-Panomariovienė, Wrocławska 2023, 111–112). Despite such exposed links, we may encounter the remark that the UN's targets relating to the 8<sup>th</sup> SDG do not fully correspond with the ILO's Decent Work Agenda (Liukkunen 2021, 26). As is being argued in this regard, it is about the predominance of quantitative over qualitative elements, and, thereby, the prevalence of efficiency and sustainability in economic terms (Piasna et al. 2020, 7–8).

In its report, the Global Commission distinguished pillar entitled “investing in decent and sustainable work”. Accordingly, the phrase ‘decent and sustainable work’ is used for the human-centred growth and developmental path to deliver decent work for all (2019, 46). As Zekić & Rombouts point out, “this key objective of the third pillar clearly demonstrates the close relationship between decent work and sustainability goals and marks the first time these concepts have been combined into a central goal for the ILO and its member states” (2020, 326). The above pillar embraced two domains: transforming economies for decent and sustainable work and shifting incentives towards a human-centred business and economic model. As such, it forms one of the three pillars of the human-centred agenda, alongside with the increasing investment in people's capabilities and increasing investment in institutions of work (ILO 2019, 48–51; Silva 2022, 349, table 1). All the pillars are interdependent and complementary in an exposed long-term perspective, and the references to decent work as defined in the ILO Declaration (2008) occur in each of them. Of particular note is the ‘Universal Labour Guarantee’ (ULG) embraced in the pillar of increasing investment in institutions of work alongside expanding time sovereignty, revitalising collective representation, and technology for decent work. It focuses on workers' fundamental rights as “adequate living wage”, limits on hours of work, and safe and healthy workplaces (2019, 38). All of the elements of the ULG are interconnected and mutually reinforcing. It aims at ensuring human working conditions and providing a labour protection floor for all workers as an absolute basis through such instruments as laws, regulations, or collective agreements (2019, 38–39, 51). In this respect, we can see strong links to the implementation of the idea that labour is not a commodity, and bravely naming what is indeed lacking in the concept of decent work and its Agenda. In spite of the above, it is worth noting that the phrase ‘decent and sustainable work’ in the presented frame of the economic-business approach has a rather narrow overtone and this is not just simple omission. The caution in the chosen narrative confirms also the subsequently admitted definitely more ‘pro-business’ text of the Centenary Declaration (Silva 2022, 353).

Despite the focus on decent and sustainable work as a pathway for delivering decent work for all, as a result of its clarification with business-economic domains, there is a rather vague notion as to how this work – as leading to the achievement

of indicated goals – should be read and interpreted. Bearing in mind the justified criticism of the concept of decent work as undefined and with a symbolic meaning without legal significance – including the Millennium Declaration’s position that ignored *expressis verbis* connotations between decent and sustainable work while highlighted decent work for all as future of work fundamental to sustainable development (2019a, 2–3) – it is worth seeking other guidance and clarification. For this aim, the concept of sustainable work and its basic elements are characterised below.

## 2.2. Sustainable work over life course

The concept of sustainable work (SW), like other related concepts, is derived from the idea of sustainable development, a concept defined in the Brundtland Report (1987). The rise of the concept is described as coinciding with research started by Swedish academics in the 1990s and resulting in the 2002 document ‘Creating Sustainable Work Systems’ (SWS), which was developed as a result of international research. The definition of a sustainable work system contained therein corresponded significantly with the narrative concerning the understanding of sustainable development (Vendramin, Parent-Thirion 2019, 11–14). The subsequent transformations that led to the redirection of attention from the SWS concept to SW originated in the consideration of the ageing aspect of work, giving rise to a focus on the quality of work in all dimensions, with a particular concentration on a holistic approach to working subjects. The idea of sustainable work draws attention to the consequences and effects of working conditions in relation to private life from a long-term perspective (Vendramin, Parent-Thirion 2019, 14). In literature, sustainable work is also defined as work that “(..) promotes the development in employees’ personal resources underlying their sustainable abilities to work” (Fleure 2019, 72–74). Accordingly, the human life cycle has become an important point of reference. It is argued in the literature that “working life experiences should not only be seen as exposures that increase or decrease the risk of early exit from the labour market; they should also be considered an experience that is dependent on place and time”. Therefore, working life course is created from life course transitions, depending on health developments, labour market experiences, and labour market transitions (Virtanen, Ervasti, Ropponen 2018, 3).

Sustainable work over the life cycle has been a major research priority for Eurofund since 2013, and as a consequence a comprehensive analysis of various aspects of sustainable work has been carried out. This achievement was presented in numerous studies (e.g. Eurofund 2016, 7–8; Eiffe 2021, 82–83). According to Eurofund, sustainable work is the interplay of working and leaving conditions being such that they support people in engaging and remaining in work throughout an extended working life (Eurofund 2015, 5). Working conditions are perceived as



a characteristic or a combination of characteristics of work that can be modified and improved and are the significant features of workers' experience in performing their jobs (Eurofund 2021, 7). The criteria for sustainable work over the life cycle will be met by work in which the interaction between working conditions and individual characteristics (individual circumstances) is such that it will not adversely affect his/her future work and ability to work in the longer term. The aspect of health and the maintenance of work ability appear to be particularly important in this respect. Eurofund's approach focuses on the working individual in a concrete job situation (job quality) that interacts with its private (quality of) life domain (Eiffe 2021, 68). Accordingly, as there are the two basic domains for assessing sustainable work are work characteristics, specifically job characteristics and the work environment (job quality), and the characteristics and circumstances of the individual that change over time, the central issue here constitute work-life balance, showing the interactions and interdependencies between job quality and quality of life (Eiffe 2021, 69).

The above raises the fundamental question of factors for measuring sustainable work. Studies presented in the literature show different possibilities in this field (Virtanen, Ervasti, Ropponen 2018; Eiffe 2021, 70–74). In some simplified terms, the first domain refers to aspects relevant to the ability to remain engaged in paid work, such as earnings, prospects, intrinsic job quality, and working time, while the second – to the characteristics and circumstances of the individual, among which care obligations, health and well-being, skills and employability, unemployment and inactivity, and motivation are indicated (Eurofund 2015; 2016, 5–6; Mačernytė-Panomariovienė, Wroclawska 2023, 118–121).

The characteristics of work – considered as an objective measure with a key impact on the well-being of workers, as the first of the determinants of sustainable work – are based on an assessment of working conditions in seven indicated areas from the workplace level. These include skills and discretion, social environment, physical environment, work intensity, prospects, working time quality, earnings. All of the above areas are semi-dependent, as each has an impact on the well-being of workers. They also remain in a certain correlation, compensating with higher rates achieved in some of them for shortcomings occurring in others (Eiffe 2021, 75). The location of the above-mentioned job quality factors at the workplace level undoubtedly shows the key role in terms of shaping the company work culture. In this respect, the issue of company social dialogue and the role of employees' representation and employees' participation in workplace management are worth special attention. The selection of tools and instruments – applied on the basis of the employees' participation model in specific legal conditions and circumstances – makes the goal of ensuring decent working conditions more feasible to achieve, which becomes extremely important from the perspective of engaging and remaining at work in lifelong period. The concept adds another dimension to company social dialogue and workers' participation, indicating that

their voice in improving working conditions counts (Mačernytė-Panomariovienė, Wroclawska 2023, 115, 129). Yes, it is also the motivation and meaningfulness of work at the workplace level that is the result of the aforementioned variable factors, including health, which has a fundamental impact on decisions to engage and stay in work during working life. It should be added that the monitoring of job quality factors from the company level is what can realistically flow into improving working conditions, increasing the fit between work and the subject of work, and thus playing a key role in decisions about engaging in work, remaining in work, or returning to work after transitions. Therefore, the concept of sustainable work in life-cycle creates an opportunity to revive the company social dialogue, the role of employee representation, and the co-management of employees in the workplace. Thus, by focusing on the working human at the heart of work, it significantly serves the basic idea that work is not a commodity; the human-centred approach to the future of work enshrined in Millennium Declaration (2019a).

The essence of sustainable work over the life cycle is to create a system of matches between the two domains: work characteristics and individual characteristics in the form of a person's availability for work, taking into account the different situations and transitions (life transitions approach) that occur over the life cycle. Some of them, such as starting work, parenthood, prime-age transitions associated with employment risks, work to retirement, and old age (Eurofund 2016, 6, 17), are universal in scope and hence should deserve special attention at every level: macro, meso, and micro. The awareness of their occurrence should create foresight on the legal side, taking into account the various elements of human resources management, including, in particular, using the institution of company social dialogue. In addition, the focus on the subject of work does not exclude, and indeed suggests, the possibility of a collective analysis and characterisation of specific subject groups. Measures of fit between the domain of the plane of work (working conditions, job quality) and subject characteristics can be common reference points in the form of transitions taking place in people's lives, e.g. due to age, maternity, parenthood, caring responsibilities, disability, illness, etc.

### **2.3. Decent and sustainable work?**

The above title might slightly suggest that the concepts of decent work and sustainable work are opposed to each other. To cut off such an approach, it needs to be stressed that they are indeed intertwined and complementary. This approach is explicitly mentioned by the Global Commission (2019) and is included in a wider perspective of sustainable development in the Millennium Declaration (2019a). The basic question contained within the title relates to its definition and resulting conclusions, because this aspect raises concerns.

It is no coincidence that sustainable work has displaced the earlier concepts of the quality of work and flexicurity, as it contains a strong response to contemporary

challenges in the world of work, including the increase on the part of all workers (employed) of psychosocial risks (Vendramin, Parent-Thirion 2019, 2). Originally conceived as a response to the needs of ageing societies, the concept of sustainable work shows a broad spectrum of solutions for improving working conditions (job quality) and measurement factors from the workplace level, taking into account the diverse trajectories of people's lives. In conjunction with the decent work, it should not be reduced to incentives in the economic-business dimension. This would be an oversimplification.

The concept of decent and sustainable work in the frame of sustainable development and human-centred approach should be treated as an indivisible whole and, therefore, as a long-standing achievement with regard to both of them: the concept of decent work, including its role in sustainability goals, and the concept of sustainable work, should be combined within the above framework. Indeed, the concept of sustainable work in the life cycle sheds light from the perspective of the human-centred approach on the various stages and aspects of human life that interfere with its quality. It considers the human being as a whole with its different characteristics and trajectories, and can link the goals of sustainable development with the goals of decent work (Vendramin Parent-Thirion 2019, 62). Joint holistic approach opens the way to other broader issues beyond the individual level, important in the context of disasters and crises affecting current societies and, in particular, specific social groups.

Creating a match between the two main domains (work and the worker) within the concept of sustainable work in life course and assigning roles to different actors is nothing less than a tool for the realisation of the right to work in dignified, human conditions, identical to the content of the idea of work that cannot be a commodity and which cannot be performed in conditions that are unacceptable or incompatible with decent work. It can also be said that the concept of sustainable work in the life cycle indeed fills the gaps that are apparent in the application of the right to decent work as productive work in conditions of freedom, equity, security, and human dignity. However, can decent and sustainable work serve as a pathway for delivering decent work for all, since the concept of decent work itself is criticised for its imprecise, vague, and non-binding promotional nature? The considerations carried out justify sharing some conclusions, as discussed below.

### **3. TOWARDS A REDEFINITION OF DECENT WORK**

In the framework of presented study, there is no space for detailed analyses, even if their usefulness in matter is worth highlighting, but there occurs the strong need to point out the main aspects. Is there a chance that in the legal sphere decent work will cease to have the character of ethical rhetoric and go beyond the symbolism of the slogan 'decent work' for all resulting in creating arbitrary

ideas of what might be considered decent work? Is not the concept of decent work simply about working under conditions that respect humanity, the right to life and human development, about striving to improve the quality of human life, which is a process and subject to various fluctuations in the life cycle? Is it not included in the term of decent and just (safe and healthy) working conditions, *nota bene* exposed in leading supranational acts? Even if the answers are affirmative, it does not constitute an unjustified simplification. It does not force one to make it a legal norm secured by sanctions and responsibility. However, it requires the fundamental principles and rights at work for to be addressed for all employed worldwide. Even if decent work is to remain an idea and a goal to be achieved in the above sense, it certainly does not negate the need to apply a set of basic working conditions and fundamental workers' rights, which the entire international community should implement and take into account towards sustainable development goals.

Therefore, the choice of tools and sources of regulation remains a key issue. What role should be assigned to the 'Universal Labour Guarantee' and the concept of sustainable work in this regard? Unfortunately, the concept of ULG and its important elements (the phrase 'adequate living wages' finally was reduced to 'adequate minimum wages'; the term 'time sovereignty' was rejected and the 'human-in-command' approach to platforms and algorithmic management was omitted) were left behind in the final version of the Centenary Declaration, as the term 'guarantee' was considered too constraining (Silva 2022, 352). Moreover, the motto that labour is not a commodity, contained in the ILO Declaration of Philadelphia (1944), remains the basic motto in the Centenary Declaration (2019a, 2), but it was not decided to add enhanced formula ('it is not a robot') enshrined by the Global Commission (2019, 43). Accordingly, it will not be wrong to admit that what we are witnessing is not a step forward but a step back in approach for which the Global Commission was calling, and that this strengthens the social contract and puts people and the work they do at the centre of economic and social policy as well as business practice (2019, 11, 24).

According to the Global Commission (2019), the 'Universal Labour Guarantee' is an attitudinal step towards the realisation of decent work, while the 'decent and sustainable work' is treated as the pathway for delivering decent work for all. In this respect, both the Universal Labour Guarantee and sustainable work in life-cycle, incorporating elements of the human-centred agenda, should be seen as a more real chance to make ideas a reality, notwithstanding the clause of legal and industrial 'circumstances' applied in the Centenary Declaration (2019a, 6, 9). A step forward to ensuring human working conditions requires to speak courageously about workers' rights with simultaneous agreeing on both basic and minimum working conditions as well as fundamental rights at work, choosing definite directions for their improvement from the international, national, and company level, and, in particular, the ordering of terminology and discourse as regards the following phrases: 'international labour standards', 'fundamental labour rights', 'fundamental

labour principles’, ‘core labour rights (standards)’, ‘workers’ rights’, or ‘rights at work’ by clarifying the essence of these concepts and the relationship between them and other terms. Perhaps too optimistically, but I believe that all of the relevant guidelines for achieving decent work in times of contemporary challenges and risks can experience the complexity through a holistic concept of decent and sustainable work. The issue to be examined in detail will be the selection of the appropriate instruments and tools for its implementation.

Sustainable work in the life cycle fills in the gaps of the concept of decent work and provides a range of tools for how decent working conditions should be shaped for particular groups of workers and how they should be provided and achieved in Member States characterised by specific circumstances and specificities. Accordingly, this sheds light on how human’s working rights may constitute the inclusive response to global challenges of labour regulation embraced in the frame of the objective of decent work and required shifting back to labour rights-oriented thinking, going beyond the economic necessities (Liukkunen 2021, 43–44).

The formal enrichment of the concept of decent work with elements of the concept of sustainable work in life-cycle not only opens up a new perspective on solving the existing problems, but may also create new opportunities for improving working conditions by equipping them with the adjectives of ‘healthy’ and ‘fair’, to which there is strong reference in leading supranational and European documents. Even though the right to health is perceived as a human right, it still lacks adequate attention in the frame of fundamental principles and rights at work (2019, 39), while, in fact, it constitutes a precondition for decent work. Thus, the concept of sustainable work may constitute the required approach for a decent life as a frame to address situations which hinder decent work (Liukkunen 2021, 45) and the means to improve the quality of life, as indicated by the authors of the study, who refer to the WHO’s definition of the quality of life and point to the need to take into account the broader perspective of decent work, not abstracting from the poverty aspects and its minimisation (Budowski, Jany, Schieff 2023, 8). Sustainable work encourages one to go beyond minimum standards and enables the selection of tools that are most relevant and adequate in given national systems and in transnational dimension as well as take into account contextual differences in national regulations which are extremely important in the implementation of decent work in labour law affected by globalisation. It also provides an opportunity to realistically see the voices of hidden and invisible labour performers in global production and the de-commodification of work performed in forms at risk.

#### 4. CONCLUSION

Finally, it is worth emphasising the reflection on the need to implement a new legal instrument for ‘decent and sustainable work’ with transnational dimension, combining the well-known *acquis* on fundamental labour rights or core labour standards with a long-term perspective in the form of the human life cycle, focusing on working conditions and their monitoring within the two leading domains (the characteristics of work and the subject of work). By formally linking decent work with sustainable work in life-cycle, an integrated and holistic perspective based on the need for fair and appropriate working conditions for all groups of workers – for the better quality of life – is likely to emerge.

An instrument that would give legal expression to the affirmation and recognition of decent and sustainable work should undoubtedly consider the broad perspective and its various dimensions. It leaves no doubt that there is the need to go beyond the promotional, diagnostic, and analytical tools; the aspect of respect and realisation should be emphasised instead. It is also essential to sort out the terminology of ‘decent work’ (e.g. fundamental principles, core or fundamental rights, and standards at work), ‘sustainable work over the life cycle’, and other terms (e.g. ‘sustainable employment’ and ‘sustainable jobs’, ‘sustainable employability’). Indeed, what currently raises reservations stems from the vague nature of the terminology used, the incidental or narrow scope of this use, the lack of uniform and universally accepted definitions, and, consequently, their use as loud slogans outside the system of binding law. It is hard to disagree with the statement that “if we see decent and sustainable work as a universalistic, inclusive, and global concept based on fundamental rights, which positions employment in a broad economic, social, political, and environmental framework, decent work may be very well suited to guide fair employment practices in the future” (Zekić, *Rombouts 2020*, 357).

The relevance of international law and its impact on the labour regulation depends on the combined efforts of supranational organisations and different actors in pursuit of achieving overarching goals. The promotional, strategic, and research aspects laying the groundwork for the adoption of binding instruments with integrated global perspective have been done. What is needed now is to take a firm step forward. As noted by the Global Commission, “(...) none of this will happen by itself. Without decisive action we will be heading into a world that widens existing inequalities and uncertainties” (2019, 10).

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