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Decent Work, Human Rights, and the Millennium Development Goals

GILLIAN MACNAUGHTON* AND DIANE F. FREY**

"[T]he best way to avoid a life of poverty is to find decent work." 1

Introduction

Elimination of world poverty has been at the top of the global agenda since the turn of the millennium when leaders from 189 nations committed in the United Nations Millennium Declaration to work in partnership for peace, poverty eradication and human rights in order to create a better world for all.2 The Millennium Declaration was later configured into eight Millennium Development Goals ("MDG") with time-bound targets and indicators, which provide the

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global framework for international development and poverty elimination policy, programming and monitoring. The original MDGs and targets did not recognize full employment and decent work for all as a key part of the framework for poverty elimination.3 In October 2007, however, the UN General Assembly approved four new targets to the MDGs.4 One of the four new targets is to "achieve full and productive employment and decent work for all, including women and young people."5 This article discusses the import of the new MDG target on full employment and decent work from social justice and human rights perspectives.6


6. By “social justice perspective,” we refer to the perspective of the International Labour Organization (“ILO”) as set out in its founding documents and declarations. See CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION, preamble, 49 Stat. 2712, 225 C.T.I.A. 373 (June 28, 1919) (opening words of the preamble state: “Whereas universal and lasting peace can be established only if it is based upon social justice”). See also ILO Declaration on Social Justice for a Fair Globalization, adopted by the International Labour Conference, 97th Sess. (June 30, 2008) (declaring that the Organization and its members will implement the ILO’s constitutional mandate based on the four strategic objectives of the Decent Work Agenda toward the universal aspiration for social justice).


The meanings of the terms "full employment" and "decent work" differ between organizations as well as over time. The ILO defined "decent work" in 1999, see infra Part II, and the Committee on Economic, Social and Cultural Rights defined "the right to decent work" in 2005, see infra Part III. Both bodies have detailed the content of "decent work," and their respective views are considered in depth in this article. More generally, "work" is frequently distinguished from "labor" or "employment" as a broader term that encompasses both paid and unpaid work, reflecting "the variety of ways in which people contribute to [their] economy and society." GERRY RODGERS, EDDY LEE, LEE SWEPSTON & JASMIEN VAN DAEL, THE ILO AND...
Over the past three decades, the worldwide dominance of the neo-liberal economic paradigm has resulted in a sharp decline in work rights and essential components of decent work, as well as increased job insecurity and growing inequalities within and between countries.7 Downsizing of the public sector, privatization and the consequent increase in the informal sector, among other factors, adversely impact human rights — such as the rights to food, housing and health — and expose more people to greater risk of falling into poverty, particularly in countries with inadequate social security.8 These trends most heavily impact marginalized and vulnerable people, including women, children, elderly people and people with disabilities, who are already the most at risk.9 The International Labour Organisation (“ILO”) has projected that the current global economic downturn will add between twenty-four million and fifty-two million people to the ranks of the unemployed and increase the proportion of workers in the most vulnerable jobs.10

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Although late in the MDG process, it is important that the UN General Assembly has formally recognized that decent work is the most obvious way to avoid living in poverty.\textsuperscript{11} The new MDG target on full employment and decent work paves the way for global leaders to examine the three-decade trend in the decline of decent work. The indicators selected to monitor progress toward the new MDG decent work target, however, fall far short of a human rights-based concept of decent work that incorporates the work rights adopted in the Universal Declaration of Human Rights in 1948.\textsuperscript{12} Indeed, a comparison of the MDG decent work indicators with ILO and human rights indicators reveals these shortcomings, much as they revealed the shortcomings of the original MDG targets and indicators on hunger, education, health, housing and the environment.\textsuperscript{13} In short, the MDG targets and indicators fail to include any concern about work rights, the human rights related to work.\textsuperscript{14}

In this context, this article examines the potential importance of the new decent work target now part of the MDG framework. Following this introduction, Part I provides the background to the discussion by examining the relationship between poverty and work. Parts II and III look at two international frameworks for decent work and work rights: the Decent Work Agenda of the ILO and the International Bill of Human Rights. Part IV examines the original MDGs in light of these frameworks, as well as the new target and indicators on full employment and decent work for all. Finally, Part V considers the challenges to uniting the three overlapping regimes — the ILO Decent Work Agenda, the international human rights treaty regime and the MDG framework — focusing on the new full employment and decent work target. While uniting the regimes

\begin{footnotesize}
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  \item \textsuperscript{11} See Poverty Reduction and Decent Work, supra note 1.
  \item \textsuperscript{12} See UDHR, supra note 6. These work rights are similar to those proposed earlier by Franklin D. Roosevelt in his 1944 State of the Union Speech. \textsc{Franklin D. Roosevelt, Public Papers and Addresses of Franklin D. Roosevelt}, Vol. 13, 41 (1950).
\end{itemize}
\end{footnotesize}
would increase coherence in law, policy and programming on poverty eradication, the article concludes that to do so, all three communities — international development, social justice and human rights — must broaden their perspectives to accommodate a notion of decent work that respects all human rights.

I. Poverty and Work

A. Poverty

Poverty is often defined in monetary terms. For example, it may be defined “as insufficient income to buy a minimum basket of goods and services.” Based on such a definition, people are considered to be poor when their income falls below the minimum threshold necessary to buy this basket. The minimum threshold — in other words, the poverty line — may be established in absolute terms, such as three times the amount of a nutritionally adequate diet, as it is indicated in the United States, or in relative terms, such as sixty percent of the median income in the country, as in the European Union.

In recent years, however, poverty has more often been understood to encompass broader features beyond income, including hunger, ill health, poor education, vulnerability and social exclusion. Amartya Sen, for example, views poverty as the deprivation of basic capabilities to live a life one has reason to value. The United Nations Development Program (“UNDP”) has adopted this capability approach, often called human development, and has led UN agencies in adopting this broader understanding of poverty as well as a human-focused development agenda. While poverty today is generally understood to be a multi-dimensional concept, it continues to be frequently represented by monetary

16. Id.
17. AMARTYA SEN, DEVELOPMENT AS FREEDOM 87 (1999).
indicators, such as the World Bank indicator of extreme poverty as living below one U.S. dollar per day.19

Importantly, poverty has also been defined as a deprivation of human rights where inadequate command over economic resources is a causal factor.20 Deprivation of the rights to food, housing, health and education are often caused by economic factors, but so too are deprivations of the rights to personal security, political participation and access to justice.21 Most obviously, poverty may also be understood as the deprivation of the right to an adequate standard of living for health and well-being that covers food, clothing, housing, medical care and necessary social services. This right to an adequate standard of living is enumerated in Article 25 of the Universal Declaration of Human Rights.22

Capabilities, human development and human rights-based definitions reflect the shared understanding that poverty is a multi-dimensional phenomenon and that the dimensions of poverty are interdependent. For example, inadequate housing, illiteracy and discrimination contribute to poor health, which in turn prevents educational achievement and work opportunities, leading to exclusion from political and social participation in society. Consequently, exclusion leads to poor housing conditions, inadequate schooling, precarious employment and shortened life expectancies.23 Key in these definitions is the acknowledgment that living in poverty entails multiple, interrelated deprivations that prevent people from living in dignity.24

22. UDHR, supra note 6, art. 25. The right to an adequate standard of living is also enumerated in Article 11 of the ICESCR, supra note 6, art. 11.
Poverty is closely connected to work. Indeed, “employment is the basic route for escape from poverty.”\textsuperscript{25} There is no doubt that work has instrumental value as a means of gaining income to meet needs for food, clothing, housing, health care and so on. People who do not work, due to disability, old age or lack of employment opportunities, for example, are more at risk of living in poverty, particularly in countries without adequate social security.\textsuperscript{26} Simply speaking, most of us depend upon a job to generate the income necessary to live.\textsuperscript{27}

Work is also intrinsically valuable, as a “vital ingredient of well-being.”\textsuperscript{28} Jobs provide people with the opportunities to acquire knowledge and skills, to participate in their communities, and to form friendships and acquire status.\textsuperscript{29} Jobs give people their identities and also link them to other people.\textsuperscript{30} Evidence of the serious effects of unemployment clearly shows that work is not simply about money. The psychological harm, loss of self-confidence, increased poor health, disruption of family and social life, increased racial tensions and deepening of social exclusion may all result from, or be exacerbated by, unemployment.\textsuperscript{31} In this sense, work is intimately linked not only to the income dimension, but to all the dimensions of poverty.

On the other hand, many jobs are dangerous, boring, demoralizing and even demeaning, and therefore, do little to enhance


\textsuperscript{26} \textit{Id.}


\textsuperscript{28} \textit{Id.} at 25.

\textsuperscript{29} \textit{Id.} \textit{See also} JAMES A. GROSS, \textit{A SHAMEFUL BUSINESS: THE CASE FOR HUMAN RIGHTS IN THE AMERICAN WORKPLACE} 14 (2010) (through work, people express their creativity, achieve self-realization, become integrated into the community, achieve status, acquire income for subsistence and escape poverty).


\textsuperscript{31} SEN, \textit{supra} note 17, at 94. \textit{See also} GROSS, \textit{supra} note 29 (Unemployment “is intimately associated with human misery of all sorts: suicides and homicides, imprisonment, alcoholism and drug addiction, family breakups, child abuse, emotional breakdowns, and a wide range of physical maladies.”).
self-worth, health, longevity or family and community relations.\textsuperscript{32} Further, many people who do work do not earn enough money to meet their basic needs or those of their families. In 2006, the ILO estimated that 44.1\% of the total population employed worldwide lived below the two U.S. dollars per-day poverty line.\textsuperscript{33} People do not have adequate incomes from work when employment is scarce and wages are low.\textsuperscript{34} Additionally, people cannot make adequate income through self-employment when they do not have access to land or physical and financial assets.\textsuperscript{35} In all these ways, work and poverty are closely intertwined.

Over the past three decades, privatization, outsourcing, growth in the informal sector, as well as increases in temporary and part-time work, have increasingly made finding decent work a challenge. This challenge is now significantly greater with the recent global economic collapse. This means that work is more difficult to find and less likely to pull a person and her family out of poverty. Additionally, the imposition of the neo-liberal paradigm has simultaneously resulted in cuts in welfare, health insurance, pensions and labor standards. As a result of these changes, great numbers of people continue to live and work in poverty, and many more are at higher risk than they once were of falling into poverty. Improving the quality and quantity of employment is, therefore, key to reducing poverty.

\textbf{II. The ILO Decent Work Agenda}

The ILO is the UN specialized agency that focuses on work and poverty.\textsuperscript{36} Founded in 1919 at the end of World War I, the ILO is the

\textsuperscript{32} Mundlak, supra note 30, at 347. As James Gross writes, simply having a job is no guarantee of human dignity as some jobs stifle creativity and personal development, are demeaning and inhumane, and alienate the worker from the community. Gross, supra note 29.

\textsuperscript{33} ILO, KEY INDICATORS OF THE LABOUR MARKET, Chapter 9, Indicator No. 20, Box 20a (5th ed. 2007) (unpaginated) [hereinafter ILO KEY INDICATORS].

\textsuperscript{34} Siddiqur R. Osmani, Exploring the Employment Nexus: The Analytics of Pro-Poor Growth, in FIGHTING POVERTY: THE DEVELOPMENT-EMPLOYMENT LINK 9, 11-12 (Rizwanul Islam ed., 2006).

\textsuperscript{35} Khan, supra note 25, at 63-64.

\textsuperscript{36} See ILO Declaration of Philadelphia, Declaration concerning the aims and purposes of the International Labour Organization (1944), § 1 (declaring that “labour is not a commodity . . . poverty anywhere constitutes a danger to prosperity everywhere . . . freedom of expression and of association are essential to sustained progress . . . [and] the war against want requires to be
oldest of the UN’s specialized agencies and the only multilateral institution to survive the demise of the League of Nations. It is also unique in its tripartite structure; meaning that in addition to traditional representation of state parties, the ILO also includes employer and worker representation for each of its 183 member countries. From its inception, the ILO has been concerned with the decent treatment of working people. Its Constitution declares that one of its raisons d’etre is to address working conditions of injustice, hardship and privation. In fact, the ILO was the first, and continues as the longest-lived, inter-governmental institution focused on poverty and its links to work.

The preamble to the ILO Constitution recognizes that labor conditions involving unjust hardship and privation for large numbers of people produce unrest that threatens peace and harmony in the world. It further acknowledges that “universal and lasting peace can be established only if it is based upon social justice.” In 1919, social justice at work was of central importance because widespread social unrest threatened the peace established at the end of World War I and made urgent the task of improving working conditions. The preamble also recognizes that one nation’s failure to improve working conditions not only harms its own people but also prevents other nations from succeeding in their efforts to improve conditions.

The ILO Constitution and subsequent innovations establish multiple mechanisms to protect work rights and to improve working
carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.”). See also RODGERS ET AL., supra note 6, at 1-10 (explaining the history and central ideas of the ILO).


38. Id.

39. CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION, supra note 6, preamble.

40. Id.

41. Id.

42. RODGERS ET AL., supra note 6, at 2-6.

43. Id.
conditions.\textsuperscript{44} At the center of this system are the ILO Conventions. Employer, worker and state representatives adopt Conventions at the annual International Labour Conference, which then may be ratified by member states.\textsuperscript{45} ILO Conventions read like a prescription for decent work and poverty eradication. They include the regulation of work hours,\textsuperscript{46} establishment of a maximum work day and week,\textsuperscript{47} prevention of unemployment,\textsuperscript{48} provision of an adequate living wage,\textsuperscript{49} protection of the worker against sickness and work-related injury,\textsuperscript{50} protection of children\textsuperscript{51} and women,\textsuperscript{52} equal remuneration for work of equal value,\textsuperscript{53} freedom of association,\textsuperscript{54} vocational and

\textsuperscript{44} See generally Swepston, supra note 37.
\textsuperscript{45} Id. at 86.
\textsuperscript{46} Convention Limiting the Hours of Work in Industrial Undertakings to Eight in the Day and Forty-eight in the Week, ILO Convention No. 1 Hours of Work (Industry) Convention (adopted Nov. 28, 1919, entered into force June 13, 1921); Convention concerning the Regulation of Hours of Work in Commerce and Offices, ILO Convention No. 30 Hours of Work (Commerce and Offices) Convention (adopted June 28, 1930, entered into force Aug. 29, 1933).
\textsuperscript{47} Convention concerning the Reduction of Hours of Work to Forty a Week, ILO Convention No. 47 Forty-Hour Week Convention (adopted June 22, 1935, entered into force June 23, 1957).
\textsuperscript{49} Convention concerning the Creation of Minimum Wage-Fixing Machinery, ILO Convention No. 26 Minimum Wage-Fixing Machinery Convention (adopted June 16, 1928, entered into force June 14, 1930).
\textsuperscript{52} Convention concerning the Employment of Women before and after Childbirth, ILO Convention No. 3 Maternity Protection Convention (adopted Nov. 28, 1919, entered into force June 13, 1921, revised by Convention No. 103 in 1952); Convention concerning the revision of the Maternity Protection Convention (Revised), ILO Convention No. 183 Maternity Protection Convention (adopted June 15, 2000, entered into force Feb. 7, 2002).
technical education\textsuperscript{55} and other measures. In addition to the Conventions, the ILO adopts non-binding recommendations at the annual conference.\textsuperscript{56} Recommendations provide more detailed guidance to countries on legislation and policy, often supplementing the minimum standards set out in the Conventions.\textsuperscript{57}

When a state ratifies an ILO Convention, it agrees to submit reports to the ILO on implementation. The cornerstone of ILO supervision is the Committee of Experts on the Application of Conventions and Recommendations ("CEACR") founded in 1926. The CEACR's independent experts evaluate the state party's implementation of Conventions and discern whether a state party's law and practice conform to its obligations. Each year, a tripartite Conference Committee on the Application of Conventions and Recommendations is established at the annual conference and selects a number of the most serious or persistent problem cases from the CEACR report for further attention.\textsuperscript{58}

In addition to reporting procedures, the ILO has complaint procedures, which enable governments, trade unions, and employer organizations, as well as the ILO's Governing Body, to initiate complaints for violations of the Conventions.\textsuperscript{59} Further, complaints concerning violation of the right to freedom of association may be filed before a specialized Committee on the Freedom of Association even in the absence of ratification of any specific Convention.\textsuperscript{60} Because the right to freedom of association is enshrined in the ILO Constitution, all ILO members are required to guarantee this right.\textsuperscript{61} Ultimately, ILO Conventions and supervision are designed to influence working conditions in member states by elaborating norms


\textsuperscript{56.} Swepston, \textit{supra} note 37, at 86.

\textsuperscript{57.} \textit{Id.}

\textsuperscript{58.} \textit{Id.} at 85, 87. In contrast to the CEACR, which is composed of independent experts on labor law and social problems, the Conference Committee on the Application of Conventions and Recommendations is composed of representatives of governments, workers' organizations and employer organizations. \textit{Id.} at 87.

\textsuperscript{59.} \textit{Id.} at 88-100.

\textsuperscript{60.} \textit{Id.} at 88.

and monitoring their internalization into domestic laws, court decisions and actual behaviours.62

Globalization and the dominance of the neo-liberal paradigm in the 1980s and 1990s had substantial impact on the ILO and its vision of work, poverty reduction and human rights.63 Indeed, the emerging globalized world markets of the 1980s and 1990s presented "seismic changes" and challenges to the ILO.64 The new policies — including privatization, labor market deregulation and the decline of the welfare state — altered the relationship between the three constituents of the ILO: labor, employers and governments.65 The traditional environment in which the ILO developed — including social dialogue in policy making, government intervention in markets and reliance on legal regulations — fell out of favor in the emerging orthodoxy of economic liberalization.66 In this new context, the ILO sought to reinvent its purpose and relevance.67 Beginning in 1998, the ILO made a dramatic shift away from its traditional Convention-based system toward soft law approaches.68 This move came in two waves. The first was the 1998 Declaration of Fundamental Principles and Rights at Work and the second was the Decent Work Agenda launched in 1999.69

The 1998 Declaration of Fundamental Principles and Rights at Work established four universally accepted Core Labour Standards ("CLS") drawn from eight different ILO Conventions.70

63. See RODGERS ET AL., supra note 6, at 33-35 (neo-liberal paradigm dominant in the 1980s and 1990s severely restrained ILO’s ability to maneuver and “left it marginalized”).
65. Id. (policy of economic liberalization altered relationship between State, labor and business). See also RODGERS ET AL., supra note 6, at 33 (ILO tripartite model was contested as a result of economic environment hostile to trade unions).
66. ILO Decent Work Report, supra note 64.
67. Id. at 4-6.
69. See ILO Declaration of Fundamental Principles and Rights at Work, 37 I.L.M. 1233 (June 19, 1998); ILO Decent Work Report, supra note 64.
70. There were originally seven core ILO Conventions in 1998. See Report of the Committee on the Declaration of Principles, International Labor Conference, 86th Sess., June
Declaration obligates all ILO members states, even if they have not ratified the underlying ILO Conventions, to respect, promote and realize the principles underlying the four CLS: (1) freedom of association and the effective recognition of the right to collective bargaining, (2) the elimination of forced and compulsory labor, (3) the abolition of child labor, and (4) the elimination of discrimination in respect of employment and occupation.\textsuperscript{71} The Declaration also established two follow-up procedures.\textsuperscript{72} First, countries that have not ratified CLS Conventions report on the status of the relevant rights and principles and discuss impediments to ratification; and second, the ILO publishes an annual Global Report highlighting global and regional trends with respect to each of the CLS in turn.\textsuperscript{73}

Critiques of CLS emerged almost immediately. One criticism is that by hierarchically setting apart the four CLS from the rest of the ILO labor rights Conventions, the Declaration departs from the international human rights regime, which holds that all human rights are universal, indivisible, interdependent and interrelated.\textsuperscript{74} Secondly, the Declaration does not actually commit member states to comply with the corresponding ILO Conventions and arguably disconnects CLS from the Conventions and their precise formulations of rights and obligations.\textsuperscript{75} Third, the Declaration has been criticised for its “unstructured and unaccountable decentralization of responsibility for implementation” and reliance


71. ILO Declaration of Fundamental Principles and Rights at Work, \textit{supra} note 69, § 2.

72. Follow-up to the ILO Declaration of Fundamental Principles and Rights at Work (1999).

73. \textit{Id.}


75. Alston, \textit{supra} note 68, at 518.
on soft promotionism rather than enforcement. Notably, the United States Employer Delegate to the ILO observed that the Declaration received the support of the ILO employer group because it imposed no new legal obligations and did not result in any new complaints-based bodies.

One year after the Declaration, the ILO launched its second soft law initiative, the Decent Work Agenda, which emerged partly in response to the criticism of the "reductionist list of rights" promoted by the CLS. It was also intended to address the new challenges confronting workers and to make globalization more equitable and inclusive. Further, it was envisaged as a key to reducing poverty and creating sustainable development. Decent work is defined as "productive work in which rights are protected, which generates an adequate income, with adequate social protection." It also means sufficient work in the sense that everyone should have full access to income earning opportunities. The Decent Work Agenda addresses formal as well as informal employment in developed as well as developing countries.

There are four pillars to the Decent Work Agenda. The first is Rights at Work, which incorporates the 1998 Declaration of Fundamental Principles and Rights at Work and its four CLS. Second is Fostering Employment, which focuses on the need for national economic and social policy goals of full employment and appropriate pay for work as a key means of poverty reduction. Third is Expansion and Improvement of Social Protection, including

76. Id.
78. Mundlak, supra note 30, at 349.
79. See RODGERS ET AL., supra note 6, at 224 (ILO promotes decent work "as a way of building a social dimension into globalization.").
81. ILO Decent Work Report, supra note 64, at 13.
82. Id.
84. ILO Decent Work Report, supra note 64, at 14-21.
85. Id. at 21-31.
prevention of work-related accidents, protection from oppressive working conditions and over-taxing work hours, provisions for breaks and holidays, and protection in the form of social security in cases of illness, pregnancy, old age, dismissal or redundancy.86 The fourth pillar is Fostering Tripartite Agreements and Social Dialogue through information, consultation and negotiation between employers and workers from the level of the firm up to and including government at the national level, to provide a means to peacefully resolve conflicts and provide social stability.87

The ILO maintains that decent work is the key means of lifting people out of poverty, and since 1999, it has consistently emphasized the importance and interdependency of all four decent work pillars.88 Curiously, despite the close relationship between poverty and work, full employment and decent work for all was not included as one of the eight Millennium Development Goals.89 Nevertheless, the ILO worked to integrate the Decent Work Agenda into the MDG framework and its own and other multilateral policies and programs.90 Since the Decent Work Agenda was launched, there have been several initiatives to integrate the four-pillar approach into global development and poverty reduction efforts.

For example, in the Director-General's 2003 report Working Out of Poverty, he reiterated the ILO mantra that “work is the best route out of poverty,”91 and detailed the multiple dimensions of the ILO’s efforts to eradicate poverty.92 In essence, his report aimed to demonstrate that decent work is the “quality road to poverty

86. Id. at 31-39.
87. Id. at 39-45.
88. See, e.g., Poverty Reduction and Decent Work, supra note 1, ¶ 32 (“[T]he best way to avoid a life of poverty is to find decent work.”) and ¶ 26 (translating decent work into a policy framework for poverty reduction requires attention to the four interconnected pillars: employment, fundamental principles and rights at work, social protection and social dialogue).
89. See RODGERS ET AL., supra note 6, at 217-227 (detailing history from World Summit for Social Development in 1995, which was convened to address poverty, unemployment and social integration, to the Millennium Summit, which narrowed the focus to poverty reduction).
90. Id. at 227 (“The failure of the MDGs to recognize the central importance of employment for poverty reduction called for an ILO response.”).
92. Id. at 7-11.
reduction and greater legitimacy of the global economy.93 He noted that the MDGs called upon the ILO specifically to develop and implement strategies aimed at creating decent work for youth and to monitor women’s share of non-agricultural wage employment as a key indicator of their empowerment.94 Beyond these two specific concerns, however, the Director-General saw that the ILO had a larger role to play in breaking the cycle of poverty. In his view, the four pillars of the Decent Work Agenda — employment, rights, protection and dialogue — are “always going to be the heart of successful policies to reduce poverty,” and the ILO has knowledge and experience in all these areas.95 He thus offered the ILO as a full and willing partner on the larger agenda of poverty elimination.96 In the end, the Director-General maintained that decent work was the missing link in global efforts to reduce poverty and that the MDGs could not be achieved if the “community of work” was absent in policy formulation and implementation.97

In 2004, the World Commission on the Social Dimension of Globalization, an independent commission established by the ILO, published its findings and recommendations in a final report entitled, A Fair Globalization: Creating Opportunities for All.98 Among its findings, the Commission declared that the goal of full employment and decent work is a cornerstone of fairer globalization, yet receives low priority in current international policies.99 The report highlighted the urgent need to give higher priority to the goal of decent work for all and to reform international polices to make them more supportive of decent work.100 In December 2004, the UN General Assembly adopted a resolution recognizing this report and calling for its consideration at the follow-up to the Millennium Summit in 2005.101

93. Id. at v.
94. Id. at 5.
95. Id. at 8.
96. Id.
97. Id. at 5.
99. Id. ¶ 356.
100. Id. ¶ 231, ¶ 492.
This resolution paved the way for full employment and decent work to be on the agenda at the 2005 review of the MDGs.\textsuperscript{102}

In 2005, the ILO produced \textit{Decent Work and Poverty Reduction Strategies: A Reference Manual for ILO Staff and Constituents}.\textsuperscript{103} The manual begins by pointing out "the fact that work is the main, often the only, way for poor people to get and stay out of poverty."\textsuperscript{104} It proceeds to explain the link between decent work, MDGs and Poverty Reduction Strategy Papers ("PRSPs").\textsuperscript{105} Importantly, the manual maintains that the ILO's role is not limited to reporting on the youth and women's employment indicators. Rather, it contends that the ILO's main entry point is MDG 1 on eradicating extreme poverty because, as it states, decent work is the "main route out of poverty."\textsuperscript{106} In this vein, the ILO urged "others to recognize the importance of decent work for the achievement of all MDGs."\textsuperscript{107}

While full employment and decent work for all was not adopted as one of the eight original MDGs, the ILO, as well as international trade union federations, continued advocating for its inclusion in the MDG framework.\textsuperscript{108} The ILO Director-General called upon the ILO and its constituents to actively participate in the numerous bodies working on achieving the MDGs to ensure that the Decent Work Agenda was integrated into the international framework.\textsuperscript{109} In}

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\textsuperscript{102} RODGERS ET AL., supra note 6, at 231.
\textsuperscript{104} Id. at 1:1.
\textsuperscript{105} Poverty Reduction Strategy Papers ("PRSPs") are road maps that set out the priorities for domestic policies on poverty and development assistance; they are developed by national governments with support from International Financial Institutions, bilateral donors and the UN, \textit{Id.} at 1:3. The manual explains that PRSPs are "country strategies for addressing poverty" and "the primary strategic and implementation vehicles to reach the MDGs." \textit{Id.} at 1:3, 1:11. It further clarifies that the MDGs are the commitments to which national governments and international agencies have pledged themselves, while PRSPs are the primary means to achieve them. \textit{Id.} at 1:11.
\textsuperscript{106} \textit{Id.} at 1:13.
\textsuperscript{107} \textit{Id.} at 1:10.
\textsuperscript{109} Working Out of Poverty, supra note 91, at 5.
addition to the report of the World Commission on the Social Dimensions of Globalization, a global coalition of trade unions submitted a report to the 2005 World Summit of the UN General Assembly. The coalition argued for a ninth MDG on decent work under which each of the four decent work pillars would be translated into targets with indicators.\textsuperscript{110}

At the 2005 World Summit, world leaders committed to the idea of fair globalization, including full and productive employment and decent work for all as one of the central objectives of poverty reduction strategies and efforts to achieve the MDGs.\textsuperscript{111} Nevertheless, it did not adopt this objective as a ninth MDG. Instead, based on the commitment in the 2005 World Summit Outcome Report, the Secretary-General directed the Inter-Agency and Expert Group on Millennium Development Goal Indicators to select appropriate indicators for four new targets, including a new target on full employment and decent work. The resulting set of four indicators presented in the Secretary-General’s report of 2007 did not cover all four pillars of decent work, but rather focused primarily on the income dimension of employment.\textsuperscript{112} Part IV discusses the new MDG target of full employment and decent work for all, as well as the indicators, in more detail.

With the new MDG decent work target, the larger international development community has recognized that full employment and decent work for all is essential to eliminating poverty. Following the 2005 World Summit, a summary of the Report on the World Social Situation 2007: The Employment Imperative was produced for the use of the UN General Assembly.\textsuperscript{113} The ultimate recommendation of the report is that “decent work for all, rather than economic growth per se, or even simple job creation, should be placed at the centre of economic and social policymaking.”\textsuperscript{114} Reaching out to labor, human rights and development communities, the final words

\textsuperscript{110.} Trade Union Congress, \textit{supra} note 108, at 5.


\textsuperscript{112.} \textit{See} The Secretary-General, \textit{supra} note 5. One of the indicators attempts to measure the increase in the informal labor market, which would indicate a decrease in formal work arrangements and therefore increased vulnerability. \textit{See} id.

\textsuperscript{113.} \textit{World Social Situation, supra} note 7.

\textsuperscript{114.} \textit{Id.} ¶ 4.
Work should be an important means of gaining self-respect and dignity, and of affirming human identity. Productive and decent work and poverty eradication are essential to ensuring the exercise of the fundamental human rights and freedoms enshrined in the Universal Declaration of Human Rights (General Assembly resolution 217 A(III)) and to meeting the Millennium Development Goals. Decent work is not a policy option, but an imperative for the twenty-first century.\textsuperscript{115}

In 2008, the International Labour Conference adopted the ILO Declaration on Social Justice for Fair Globalization, its third major statement of principles and policies since the 1919 Constitution.\textsuperscript{116} The 2008 Declaration affirms the ILO's goals of social justice, full employment, a minimum living wage and the extension of social security to provide a basic income to all.\textsuperscript{117} Encouraged by the widespread and repeated support for the ILO's concept of decent work, including the endorsement by 170 heads of state at the 2005 World Summit, the ILO declared that its constitutional mandate should be implemented by the Organization and its Members based on the four equally important and mutually supportive strategic objectives of the Decent Work Agenda: (1) employment promotion, (2) social protection, (3) social dialogue, and (4) rights at work.\textsuperscript{118} Later that year, the UN General Assembly took note of the ILO Declaration on Social Justice and reiterated its support for “implementation of an integrated approach to the decent work agenda, based on the inseparable, interrelated and mutually supportive strategic objectives.”\textsuperscript{119} The General Assembly further resolved to make the goals of full employment and decent work for

\textsuperscript{115} Id. ¶ 131.
\textsuperscript{116} ILO Declaration on Social Justice for a Fair Globalization, supra note 6. The first major statement was the Philadelphia Declaration of 1944 and the second was the Declaration of Fundamental Principles and Rights at Work in 1998.
\textsuperscript{117} Id. at 6.
\textsuperscript{118} Id. at 9-11.
all a central objective of poverty reduction strategies, including the MDGs.120 

The ILO has now received support from the United Nations for the Decent Work Agenda in the 2005 Word Summit Document, in the 2007 UN Summary Report *The Employment Imperative*, and most recently, in its unanimous 2009 Resolution in support of the ILO Declaration on Social Justice for a Fair Globalization. With the widespread acknowledgement that full employment and decent work are essential components of poverty reduction, the ILO is now in a position not simply to monitor and gather data, but also to advise on the global poverty reduction agenda. The question remains, however, whether the resort to soft law approaches and the retreat from promoting the full ambit of worker rights hinders the achievement of this new target and the enjoyment of work rights and other human rights by workers and their families. This recent turn toward soft law is curious in view of the simultaneous growth in strength of the international human rights legal regime, which includes work rights, and the clear intention of the UN system to embrace human rights-based approaches to development and poverty reduction based on international human rights legal obligations that require effective mechanisms of accountability.

### III. Work Rights as Human Rights

In 1948, the Universal Declaration of Human Rights recognized a wide range of work and work-related rights.121 It was not until 1976, however, that the political commitments to work rights and other economic and social rights in the Declaration were carried forward into binding international human rights treaties.122 Even then, the commitment to economic and social rights protections was

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120. *Id.* ¶ 4.

121. *See, e.g.*, UDHR, supra note 6, arts. 22 (the right to social security), 23 (the right to work, to just and favorable conditions of work and protection against unemployment, the right to equal pay for equal work, the right to just and favorable remuneration and social protection, and the right to form and join trade unions), 24 (the right to rest and leisure, including reasonable limitations on working hours), 25 (the right to a standard of living adequate for health and well-being and the right to security).

minimal, in comparison to the commitments to civil and political rights, as evidenced by the lack of effective mechanisms to monitor, promote and enforce them. In recent years, however, there have been tremendous changes in the protection of work rights as human rights. Unlike the ILO trend toward soft law approaches, the international and regional human rights legal regimes, which once viewed economic and social rights as merely policy goals or aspirations, have progressively hardened their approach.

Since the mid-1980s, there has been renewed interest in economic and social rights, including work rights. At the global level, one signpost of this trend was the establishment of the UN Committee on Economic, Social and Cultural Rights ("CESCR") in 1985 to consider state reports under the International Covenant on Economic, Social and Cultural Rights ("ICESCR"). Subsequently, the Convention on the Rights of the Child, which also covers economic and social rights, entered into force in 1990, and the Committee on the Rights of the Child began receiving state reports soon after. In the 1990s and early 2000s, the Commission on Human Rights began appointing a number of Special Rapporteurs on specific economic and social rights, including the rights to education, health, housing and food. Additionally, the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families entered into force in 2003, and it also has a Committee to monitor the compliance of state parties.

At the regional level, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and

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123. Id.
126. See ICESCR, supra note 6.
Cultural Rights entered into force in 1999. The Protocol encompasses a wide range of work rights and requires state parties to report on their compliance with the Protocol. Further, individual complaints alleging violations of the rights of workers to organize and join trade unions and the rights of unions to function freely may be brought before the Inter-American Court on Human Rights. In Europe, a collective complaints system under the European Social Charter entered into force in 1998, which has the potential to improve the effectiveness of the Charter system as a whole. The Charter gives extensive protection to work-related rights in articles 1 through 12 and was largely patterned on ILO conventions and recommendations.

Most recently, on December 10, 2008, the UN General Assembly unanimously adopted the Optional Protocol to the ICESCR, which provides a mechanism to bring complaints before the CESCR, just as the Optional Protocol to the International Covenant on Civil and Political Rights ("ICCPR") has provided for over thirty years. With the adoption of the CESCR Optional Protocol, the international community has returned to the "normative architecture" established in the Universal Declaration of Human


131. See, e.g., id. arts. 6 (right to work), 7 (just, equitable, and satisfactory conditions of work), 8 (trade union rights), 9 (right to social security).

132. Id. art. 19, para. 5 (means of protection).


134. European Social Charter, Feb. 26, 1965, 529 U.N.T.S. 89, articles 1 (right to work), 2 (right to just conditions of work), 3 (right to safe and healthy working conditions), 4 (right to fair remuneration), 5 (right to organize), 6 (right to bargain collectively), 7 (right to children and young person to protection), 8 (right of employed women to protection), 9 (right to vocational guidance), 10 (right to vocational training), 12 (right to social security).

135. Alston, supra note 133, at 63.


137. The Optional Protocol to the ICCPR opened for signature and ratification on December 16, 1966, the same day that the ICESCR and ICCPR opened for signature and ratification. It entered into force on March 23, 1976, the same day that the ICCPR entered into force. The ICESCR entered into force two months earlier on January 3, 1976. The Optional Protocol to the ICESCR has not yet entered into force.
Rights, which recognized the equal value of all human rights.\footnote{138}{OHCHR, News and Events, New Human Rights Mechanism Complaints Procedure Soon Available, Sept. 25, 2009, available at http://www.ohchr.org/EN/NewsEvents/Pages/OPCESCR.aspx (quoting Navi Pillay, UN High Commissioner for Human Rights).} The progress since 1985 shows that economic and social rights, including work rights, are now firmly part of international and regional human rights legal regimes as hard law with human rights mechanisms authorized to detail their normative content as well as to promote, monitor and enforce them.

This renewed commitment to economic and social rights at the international level also re-establishes that “[a]ll human rights are universal, indivisible and interdependent and interrelated,” as declared in the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993.\footnote{139}{Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna, U.N. Doc. A/CONF.157/23 (June 14-15, 1993).} With this understanding, it is apparent that poverty is closely related to deprivations in the enjoyment of many interrelated human rights, including the rights to food, health, education, housing, work and political participation. In 2001, the CESCR formally recognized this relationship in the \textit{Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights}, declaring that “poverty is a human rights issue.”\footnote{140}{CESCR \textit{Statement on Poverty}, supra note 15.} In the \textit{Statement}, the Committee acknowledged that poverty has always been one of its central concerns, and the right to work, and adequate standards of living, housing, food, health and education — all recognized in the Covenant — have a direct bearing on the eradication of poverty.\footnote{141}{Id. \textsection 1.}

A year later, the CESCR joined with the Special Rapporteurs on Economic, Social and Cultural Rights to produce a joint statement, \textit{The Millennium Development Goals and Economic, Social and Cultural Rights}.\footnote{142}{The Millennium Development Goals and Economic, Social and Cultural Rights, A Joint Statement by the UN Committee on Economic, Social and Cultural Rights and the UN Commission on Human Rights' Special Rapporteurs on Economic, Social and Cultural Rights (Nov. 29, 2009) [hereinafter Joint Statement].} The \textit{Joint Statement} calls attention to the fact that the Secretary-General’s road map for implementing the Millennium Declaration includes six Millennium Human Rights Goals in addition to the eight Millennium Development Goals.\footnote{143}{Id. \textsection 1.} In the \textit{Joint
Statement, the CESCR and the Special Rapporteurs affirm that they “strongly believe that the two sets of commitments are interdependent and mutually reinforcing.” Thus, the Joint Statement urges UN agencies and governments to adopt a human rights approach to realizing the MDGs, including the selection of indicators and benchmarks consistent with international human rights obligations. Such an approach, they assert, will improve chances for attaining the Goals.

Also relevant here, the CESCR issued General Comment 18 on the Right to Work in 2005, affirming that the right to work is inherent to human dignity and essential for realizing other rights. At the outset, the Comment recognizes “the importance of work for personal development as well as for social and economic inclusion.” In General Comment 18, the CESCR defines “decent work” as “work that respects the fundamental rights of the human person,” and that “provides an income allowing workers to support themselves and their families.” Decent work presupposes that it respects ICESCR article 6 (right to work), article 7 (conditions of work) and article 8 (union rights). Critically, the CESCR recognizes that “[a]rticles 6, 7 and 8 are interdependent.” As the CESCR explains, article 6 proclaims the general right to work, article 7 develops the individual right to work, including the right to just and favourable conditions of work, and article 8 addresses the collective dimension of the right to work, including the right of everyone to form and join trade unions and the right of trade unions to function freely.

With the links between poverty, decent work and human rights

144. Id. ¶ 13.
145. Id. ¶ 3-4.
146. Id. ¶ 3.
148. Id. ¶ 4.
149. Id. ¶ 7.
150. Id. ¶ 7-8.
151. Id. ¶ 8.
152. Id. ¶ 2.
firmly established, the Office of the High Commissioner for Human Rights ("OHCHR") promulgated a report in 2006 entitled *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*. In the opening words of the report, the High Commissioner for Human Rights asserts: "[p]overty is the gravest human rights challenge facing the world today." The report goes on to provide a rationale for a human rights approach to poverty reduction strategies: "Underpinned by universally recognized moral values and reinforced by legal obligations, international human rights provide a compelling normative framework for the formulation of national and international policies, including poverty reduction."

The report then sets out eight guidelines. The first seven guidelines concern the *process* of formulating, implementing and monitoring a human rights based poverty reduction strategy. These include: (1) identifying the people living in poverty, (2) identifying the applicable national and international human rights framework, (3) ensuring that people living in poverty are not subject to discriminatory actions simply because they are poor, and that they have equal access to basic services for the rights to education, health and justice, (4) setting time-bound targets, benchmarks and priorities in a participatory manner, (5) creating an institutional framework to ensure participation by people living in poverty and civil society, (6) ensuring that monitoring and accountability procedures are accessible, transparent and effective, and (7) ensuring that international agreement and policy are consistent with human rights obligations, including the obligations to provide and seek assistance and cooperation.

Guideline 8 then defines the *content* of a human rights-based poverty reduction strategy. Among the many rights enumerated in the eight core international human rights treaties, the Guideline includes only eight specific rights, selected because they are particularly relevant to poverty. These eight rights are (1) the right

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153. OHCHR *Principles and Guidelines*, supra note 21.
154. *Id.* at iii.
155. *Id.* ¶ 16.
156. *Id.* ¶ 8.
157. *Id.*
158. *Id.*
159. *Id.* ¶ 6.
to work, (2) the right to adequate food, (3) the right to adequate housing, (4) the right to health, (5) the right to education, (6), the right to personal security and privacy, (7), the right of equal access to justice, and (8) political rights and freedoms.

Notably, Guideline 8 includes the “right to work” among the rights most relevant to eliminating poverty, highlighting again the links between poverty, work and human rights. As the guideline explains, “[p]eople living in poverty invariably lack adequate and secure livelihoods,” and thus, “access to decent and productive work has a direct role to play in relation to poverty reduction.” Further, the guideline indicates that “[w]ork as specified in international human rights law must be decent work.” The OHCHR recognized that decent work is key to addressing poverty, and in particular, key to a human rights approach to poverty reduction strategies.

The OHCHR concept of decent work, however, differs from both the CESCR and the ILO definitions. Prior to publication of these Guidelines, decent work had been defined by the ILO in terms of the four pillars — rights at work, employment creation, social protection and social dialogue — spelled out in the 1999 Decent Work Agenda. Importantly, decent work had also been defined by the CESCR in terms of work that is respectful of human rights, including ICESCR article 6 on the right to work, article 7 on the conditions of work and article 8 on the union rights to freedom of association and collective bargaining. The OHCHR Guideline, however, recognizes a narrower idea of decent work than either the ILO or the CESCR.

While the descriptive text briefly mentions that “rights in work” include the rights to organize and bargain collectively, the Guideline indicates that the ICESCR provisions most relevant to decent work are article 6 (right to work), article 7 (conditions at work) and article 9 (right to social security). Oddly, this list omits

161. ld. ¶ 108, ¶110.
162. ld. ¶ 112 (emphasis in original).
163. The Guideline includes ICESCR General Comment 18 (right to work), however, on the list of the international human rights law most relevant to decent work.
164. See OHCHR Principles and Guidelines, supra note 21, ¶ 115 (description of rights at work includes the rights to organize and bargain collectively).
165. ld. at 24-25.
article 8 on union rights. Moreover, the Guideline indicates only one ICCPR provision relevant to decent work, article 8, prohibiting slavery and other forms of forced labor. Again, the Guideline omits article 22 on the right to form and join trade unions. And finally, the Guideline omits reference to any ILO Conventions on union rights in the list of ILO Conventions most relevant to decent work. In short, the Guideline does not acknowledge that international human rights law protects union rights.

In 2008, following up on the Joint Statement of the CESCRI and the Special Rapporteurs, the OHCHR published the report Claiming the Millennium Development Goals: A Human Rights Approach. The report noted that 2007 marked the mid-point to the 2015 target date for reaching most of the Millennium Development Goals but alarmingly many countries were not on track to achieve many of the Goals. The OHCHR responded by questioning whether the MDGs could be achieved as they had been completely disconnected from the human rights context in which they were rooted in the Millennium Declaration. Thus, the OHCHR presented a human rights based approach to achieving the MDGs, based on an analytical framework with four major elements. These elements are: (1) align the goals with human rights by harmonizing MDG targets and indicators with human rights standards; (2) be transformative, not technocratic; (3) prioritize rights by making policy choices and resource-allocation decisions within a human rights framework; and (4) claim the MDGs by ensuring enforceable rights, accountability mechanisms and sustainable strategies.

167. OHCHR Principles and Guidelines, supra note 21, at 25.
168. See ICCPR, art. 22(1) ("Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.").
170. OHCHR Claiming the MDGs, supra note 14.
171. Id. at iii.
172. Id.
173. Id. at vii.
Claiming the Millennium Development Goals then applies human rights to each of the MDGs targets, making suggestions for policy, programming and advocacy, as well as for additional indicators. It includes the new 2007 decent work target, a brief discussion, and suggested additional indicators. Interestingly, the report does not refer to the CESCR General Comment on the right to work, but defines decent work in terms of ICESCR article 6 on the right to work, article 7 on conditions of work, ICCPR article 8 prohibiting forced labor, and several provisions prohibiting discrimination on the basis of sex, race, disability and age. Like the OHCHR Guideline, the report omits ICESCR article 8 and ICCPR article 22 on union rights in its definition of decent work. The OHCHR’s recurring omission of union rights in its definition of decent work is difficult to understand, given that both the ILO and the CESCR have defined decent work to include union rights, that the role of the OHCHR is to support the work of the treaty bodies including the CESCR, and that unions have played a critical role in lifting people out of poverty.

In the end, the CESCR, the OHCHR and other international and regional human rights mechanisms and organizations generally recognize the importance of the right to decent work to development and poverty reduction. Moreover, the human rights community is now focusing more attention on economic and social rights, including work rights, specifically recognizing these rights as justiciable human rights and establishing international and regional mechanisms for their enforcement. Further, the UN system has embraced human rights mainstreaming and the UN development agencies — in particular the UNDP and UNICEF — have adopted human rights based approaches to development and poverty reduction. What is surprising is that the OHCHR does not view union rights as essential components of decent work or poverty

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174. Id.
175. Id. at 19.
176. Id.
177. This report also omits article 9 on the right to social security. Id. at 19-20.
178. See infra Part V discussing these contradictions.
179. Patrick Twomey, Human Rights-Based Approaches to Development: Towards Accountability, in ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN ACTION 55-57 (Mashood A. Baderin & Robert McCorquodale eds., 2007).
reduction strategies. It is also a curious juxtaposition that the ILO is stepping back from hard law approaches to work rights just as human rights and development communities are stepping forward. Nonetheless, the ILO and the human rights organizations all agree on one thing: decent work, including at least some work rights, is essential to eliminating poverty.

IV. The Millennium Development Goals

On September 8, 2000, the leaders of 189 countries — including 147 heads of state and government — unanimously approved the Millennium Declaration, reaffirming their commitment to the United Nations and “its Charter as indispensable to a peaceful, prosperous and just world” and to “the principles of human dignity, equality and equity.” The Declaration sets out a series of specific commitments to enhance peace and security, development and poverty reduction, environmental protection, human rights and the rule of law. The eight MDGs were subsequently drawn from the Declaration and set the global agenda for development for the first part of the new Millennium. The MDGs demonstrate that poverty is widely understood to be a multi-dimensional phenomenon and that poverty reduction has become a key component of international development policy. On the other hand, the MDGs do not reflect the international human rights obligations embraced in the Millennium Declaration. Moreover, until very recently, the MDGs surprisingly overlooked the link between poverty and decent work.

In response to the neo-liberal policies of the 1980s, new ideas about economic development began to emerge in the 1990s. Indeed, 1990 was a turning point. For example, the World Development Report 1990 focused on poverty elimination, including the need to

181. See id.
182. See id. ¶ 19-20 (listing commitments that would later become goals, targets or indicators). Although it was purportedly a purely technical exercise to draw the final eight MDGs from the Millennium Declaration, it was actually a complex negotiation. See David Hulme, The Making of the Millennium Development Goals: Human Development Meets Results-based Management in an Imperfect World 15, BROOKS WORLD POVERTY INST., Working Paper No. 16, (2007) (arguing that the OECD International Development Goals, not the Millennium Declaration, were the primary source for the MDGs).
183. See Hulme, supra note 182, at 3-5.
provide employment opportunities and basic social services.\textsuperscript{184} That same year the UNDP published the first \textit{Human Development Report}, challenging the economic-growth model of development with the human-development model in which people are at the center of all development.\textsuperscript{185} Additionally, during the 1990s, the UN organized several international conferences, including the International World Summit for Children in 1990, the Earth Summit in 1992, the World Conference on Human Rights in 1993, the International Conference on Population and Development in 1994, the World Summit on Social Development in 1995 and the Fourth World Conference on Women in 1995.\textsuperscript{186}

The World Summit on Social Development was particularly important as it attracted an unprecedented 120 heads of state and of Government.\textsuperscript{187} Moreover, they recognized the central role of employment in reducing poverty and social exclusion and endorsed the goal of full, productive and freely chosen work.\textsuperscript{188} Adopted at the Summit, Commitment 3 of the Copenhagen Declaration on Social Development states: "We commit ourselves to promoting the goal of full employment as a basic priority of our economic and social policies, and to enabling all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work."\textsuperscript{189}

Significantly, the ILO participated actively in preparation for this Summit and circulated the first World Employment Report at the Summit, which provided a basis for the debate.\textsuperscript{190}

In 2000, the Millennium Declaration reiterated a carefully selected list of the commitments made at the world summits of the 1990s. This Declaration was subsequently translated into the eight MDGs to provide a coordinated international development plan. Thus, the MDG followed a decade of sustained attention within the UN to reorienting economic development policy toward improving

people's well-being. Yet, until then, despite the declarations and commitments, little had been achieved to improve the lives of the poorest people.191 The MDGs were thus intended to put into concrete terms the commitments that had been made at the world summits. Only eight commitments, however, from among the many made over the decade, were selected to be prioritized by the international development community.192 The eight MDGs are set out in Table 1.

| Goal 1: | Eradicate extreme poverty and hunger |
| Goal 2: | Achieve universal primary education |
| Goal 3: | Promote gender equality and empower women |
| Goal 4: | Reduce child mortality |
| Goal 5: | Improve maternal health |
| Goal 6: | Combat HIV/AIDS, malaria and other diseases |
| Goal 7: | Ensure environmental sustainability |
| Goal 8: | Develop a global partnership for development |

The MDGs have been successful because they differ in many respects from the previous efforts to coordinate on development objectives.193 First, "they have unprecedented political legitimacy," as they derive from the Millennium Declaration, which was unanimously approved by a record number of Heads of State and government at the Millennium Summit.194 Second, they focus international development energy and resources upon certain "limited and selective" objectives.195 Third, they are both

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191. Alston, supra note 13, at 756.
192. See Hulme, supra note 182, at 5-17.
193. Alston, supra note 13, at 756.
194. David Hulme & Sakiko Fukuda-Parr, International Norm Dynamics and 'The End of Poverty': Understanding the Millennium Development Goals (MDGs) 6 (Brooks World Poverty Institute, Working Paper No. 96, 2009). Hulme and Fukuda-Parr identify three factors to explain the dominance of the MDGs: (1) the unprecedented political legitimacy, (2) their specificity in quantified and time-bound targets, and (3) the successful efforts at "packaging and effectively communicating them." Id.
195. Alston, supra note 13, at 756.
measurable and time-bound, and thus, provide a solid basis for accountability. As a result, the MDGs have become the central coordinating framework for international development, bringing together the UN, the World Bank, bilateral donors and developing countries to work on this common strategic plan. Such a unified plan of action to address poverty is unprecedented.

The MDG framework is structured in a hierarchy of goals, targets and indicators. In addition to the eight Goals, there were originally eighteen specific targets and forty-eight indicators to assess progress towards the targets over the period from 1990 to 2015 when most of the targets are to be met. The eight Goals recognize the importance of food, education, gender equality, health and environmental sustainability to poverty reduction. Remarkably, however, they did not acknowledge full employment and decent work for all as a key feature of the international development agenda. Regrettably, the commitment to full employment and sustainable livelihoods made at the World Summit on Social Development was not included in the Millennium Declaration. Accordingly, decent work and full employment for all did not make it onto the list of the final eight MDGs either. The Declaration did recognize, however, that strategies were necessary to “give young people a real chance to find decent and productive work,” and this commitment to decent work was incorporated into the original MDG framework.

Indeed, two work issues were addressed in the original hierarchy of targets and indicators related to the Goals. First, one of the indicators for Goal 3 — Promote gender equality and empower women — was the “[s]hare of women in wage employment in the 196. Id.
197. Id.
199. Id.
200. See Original MDG framework, supra note 3.
201. U.N. Millennium Declaration, supra note 2, ¶ 20.
non-agricultural sector.” Second, one of the targets under Goal 8 — Develop a global partnership for development — was: “In cooperation with developing countries, develop and implement strategies for decent and productive work for youth.” This target had the corresponding indicator “[u]nemployment rate of young people aged 15-24 years, each sex and total.” The ILO took the lead in reporting on these two indicators.

Five years later, at the World Summit 2005 meeting, the omission of decent work for all from the MDG framework was remedied, at least in part, when the governments gathered at the United Nations headquarters in New York and resolved:

We strongly support fair globalization and resolve to make the goals of full and productive employment and decent work for all, including for women and young people, a central objective of our relevant national and international policies as well as our national development strategies, including poverty reduction strategies, as part of our efforts to achieve the Millennium Development Goals.

This resolution resulted in an inter-agency consultation, and subsequently, a revision of the MDG monitoring framework in 2007. The 2007 MDG framework includes four additional targets related to work, health and environmental sustainability, and eleven new

203. Id. Target 16 in the original MDG framework was the “decent work for youth” target. Unlike most of the other targets in the MDG framework, which set out specific numerical benchmarks to be achieved by 2015, the “decent work for youth” target did not specify any numerical benchmark or any date for achievement of the target.
204. Id.
205. Hulme suggests that the absence of “decent work for all” in the Millennium Declaration and the MDGs was in part due to the unsuccessful strategy of the ILO and transnational labor organisations in the 1990s. Hulme, supra note 182, at 12. As a result, he notes that even the goal of “decent work for youth” slipped from the main list of priorities in paragraph 19 to the auxiliary list in paragraph 20 of the Millennium Declaration, thus becoming a target, rather than a goal in the final MDG scheme. Id. See also Hulme & Fukuda-Parr, supra note 194, at 23 (explaining that, during the 1990s, top management of ILO dismissed the MDGs as “a passing fad” and advised staff not to get involved with them). Rodgers et al. indicate that the ILO had focused its attention on the 2000 follow-up to the World Summit for Social Development, the Social Summit +5, which was also in 2000. RODGERS ET AL., supra note 6, at 227. The Social Summit +5 endorsed the ILO Decent Work Agenda while the Millennium Summit overlooked this important aspect of a strategic plan for poverty reduction.
206. 2005 World Summit Outcome, supra note 111, ¶ 47.
corresponding indicators.207

The MDG most closely linked to full employment and decent work for all is Goal 1: Eradicate extreme poverty and hunger.208 Initially, it had two targets: (1) the proportion of people with income below one dollar a day, and (2) the proportion of people who suffer from hunger. These two targets were monitored via the five indicators as shown in Table 2.

Table 2: Original Targets and Indicators for MDG 1 — Eradicate extreme poverty and hunger

| Target 1: Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day. | Indicator 1: Proportion of the population below $1 (PPP) per day |
| Indicator 2: Poverty gap ratio [incidence x depth of poverty] | Indicator 3: Share of poorest quintile in national consumption |
| Target 2: Halve, between 1990 and 2015, the proportion of people who suffer from hunger. | Indicator 4: Prevalence of underweight children under five years of age |
| Indicator 5: Proportion of population below minimum level of dietary energy consumption |


208. ILO REFERENCE MANUAL, supra note 103, at 1:12 (noting that the ILO’s primary entry point in the original MDG framework was under MDG 1 because “decent work and productive employment is the main route out of poverty”).
The 2007 revised MDG framework now includes under Goal 1 the new decent work target, which is to “achieve full and productive employment and decent work for all, including women and young people.” The four indicators to monitor progress toward this target are: (1) growth rate of GDP per person employed, (2) employment-to-population ratio, (3) proportion of employed people living below $1 (PPP) per day and (4) proportion of own-account and contributing family workers in total employment. The new target and indicators are set out in Table 3.

Table 3: New Target and Indicators for MDG 1 — Eradicate extreme poverty and hunger

<table>
<thead>
<tr>
<th>Target 3: Achieve full and productive employment and decent work for all, including women and young people</th>
<th>Indicator 6: Growth rate of GDP per person employed</th>
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<tbody>
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<td></td>
<td>Indicator 7: Employment-to-population ratio</td>
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<td>Indicator 8: Proportion of employed people living below $1 (PPP) per day</td>
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<td>Indicator 9: Proportion of own-account and contributing family workers in total employment.</td>
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According to the ILO, all four new decent work indicators meet the following criteria: (1) they measure progress made on the target, (2) they are well established in the statistical community, (3) they are easily available for many countries, (4) they are comparable between countries, and (5) they are quantifiable. The ILO has explained the

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210. Id.
211. ILO KEY INDICATORS, supra note 33, ch. 1, § A. Interestingly, four of the five criteria for selection of the indicators relate to issues of measurability and availability of data. Only one of the criteria relates to the purpose of the indicators, to measure progress toward the targets. The focus is on the technical aspects of indicator selection rather than consideration of other important
reasons for the selection of each of the four indicators, as well as some of their limitations, as follows.

**Growth rate of GDP per person employed:** This indicator attempts to capture the relationship between productivity growth and poverty reduction. The measure is problematic, however, if considered apart from other indicators. For example, the ILO has explained that improvements in productivity may reduce poverty but in countries with more equal income distribution, the poverty reducing effects are greater.\(^\text{212}\) Additionally, an increase in productivity does not guarantee improvements in the social and economic environment, but simply makes it more likely to occur.\(^\text{213}\)

**Employment-to-population ratio:** This indicator expresses the total number of people employed as a percentage of the population and could indicate the efficiency of an economy to provide jobs for those who want to work. This measure is problematic, however, because there is no “correct” ratio and high as well as low ratios are found where there are decent work deficits and poverty.\(^\text{214}\) Generally, the indicator must be viewed in connection with economic growth to determine if economic growth is pro-employment and pro-poor.\(^\text{215}\) Additionally, the indicator measures only quantity and says nothing about the quality of work or whether it is work that reduces poverty.\(^\text{216}\)

**Proportion of employed people living below US$1(PPP) per day:** This indicator is an income-based component of decent work, measuring the proportion of individuals who work, but live in poverty on less than US$1 a day per family member.\(^\text{217}\)

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212. *Id.*

213. ILO, GUIDE TO THE NEW MILLENNIUM DEVELOPMENT GOALS EMPLOYMENT INDICATORS, INCLUDING THE FULL SET OF DECENT WORK INDICATORS 17 (2009) [hereinafter ILO GUIDE TO NEW EMPLOYMENT INDICATORS].

214. ILO KEY INDICATORS, supra note 33, ch. 1, § A. See also UNITED NATIONS, THE MILLENNIUM DEVELOPMENT GOALS REPORT 2008 8 (2008) (proportion of working-age population that is employed is a good indicator of the ability of an economy to provide jobs but there is no optimal employment-to-population ratio).

215. ILO GUIDE TO NEW EMPLOYMENT INDICATORS, supra note 213, at 20.

216. *Id.*

217. ILO KEY INDICATORS, supra note 33, ch. 1, § A. The ILO has pointed out a number of difficulties in measuring this indicator, however, on its face, it does at least appear directly related to both decent work and eliminating poverty. See ILO GUIDE TO NEW EMPLOYMENT INDICATORS.
Proportion of own-account and contributing family workers in total employment: This indicator measures the proportion of employed people working in the most vulnerable forms of employment with the least formal work arrangements. The ILO has explained that this will help confirm or refute increased informalization of labor markets. It also maintains that there is a relationship between poverty reduction and reduction in these vulnerable categories of employment.218

The ILO identifies two main limitations of these indicators. First, they focus narrowly on income-based components of decent work. The ILO has justified this focus on the grounds that the decent work target correlates to MDG 1 on extreme poverty and hunger, which the ILO maintains stresses income poverty.219 Second, the ILO acknowledges that two of these indicators — growth rate of GDP per person employed and employment-to-population ratio — tell us very little about full employment and decent work without additional information on a country’s economic and social situation.220 The ILO points out, however, that full and productive employment and decent work for all is a complex concept that is difficult to measure with a small number of indicators, “especially those aspects most related to the quality of work.”221 Nonetheless,

INDICATORS, supra note 213, at 24 (explaining the difficulties in measuring for this indicator because it is often based on estimates and on simplifying assumptions that may not be true).

218. ILO KEY INDICATORS, supra note 33, ch. 1, § A.

219. Id. However, there is nothing in Goal 1 on the eradication of extreme poverty and hunger that limits it to the income dimension of poverty. Indeed, even when income may be adequate to provide adequate nutritious food, gender inequality may be a major contributor to hunger and malnutrition.

220. Id. For example, the ILO acknowledges that “the growth rate of GDP per person employed” is a better indicator of poverty reduction in countries with more equal income distribution than in countries with highly unequal income distribution. Id. The value of the indicator is therefore questionable as most extreme poverty occurs in highly unequal societies. Based on the Human Development Report 2005, sixteen percent of the fifty-seven high human development countries have a gini index of forty or above, twenty-six percent of the eighty-eight medium human development countries have a gini index of forty or above, and fifty-six percent of low human development countries have a gini index of forty or above. The gini index is a measure of inequality in which a value of zero represents perfect equality and one hundred perfect inequality. On this index, Norway is the country with the highest human development and comparatively has a very low gini index of 25.8. Namibia is ranked 125 on human development and has the highest gini index of 70.7. UNDP, HUMAN DEVELOPMENT REPORT 2005: INTERNATIONAL COOPERATION AT A CROSSROADS: AID, TRADE AND SECURITY IN AN UNEQUAL WORLD 270-273 (2005).

221. ILO KEY INDICATORS, supra note 33, ch. 1, § A. See also ILO, MEASUREMENT OF DECENT WORK: DISCUSSION PAPER FOR THE TRIPARTITE MEETING OF EXPERTS ON THE
from the ILO perspective, "[d]ecent work indicators should capture all four dimensions of the concept of decent work."²²²

There is no doubt that selecting four indicators to monitor progress toward full employment and decent work for all — a complex and multi-faceted target — was a formidable task. Selection of indicators is often difficult and invariably indicators fail to present a full picture. Nonetheless, it is difficult to understand the selection of these four indicators as a combination for either measuring progress or mobilizing resources and energy toward the target of full employment and decent work for all. In general, a list of criteria for selecting indicators will depend upon the objective for which the indicators will be used.²²³ Above all, they should be relevant and effective in addressing this objective.²²⁴ In the case of the MDG decent work indicators, they should be relevant to measuring progress toward the specific target as well as relevant, and therefore necessarily accessible, to inform and thereby mobilize the larger international development community.²²⁵ In this latter respect, it is helpful if they are simple, timely and few in number.²²⁶ In the words of the UN Secretary-General: "In order to help focus national and international priority-setting, goals and targets should be limited in number, be stable over time and communicate clearly to a broad audience. Clear and stable numerical targets can help trigger action and promote new alliances for development."²²⁷ In short, to be relevant and effective in addressing their objective, the MDG indicators should be directly related to the target and easily understandable.²²⁸

²²² ILO, MEASUREMENT OF DECENT WORK, supra note 221, at 4.
²²⁴ See id.
²²⁶ OHCHR Report on Indicators, supra note 223.
²²⁷ Millennium Declaration Road Map, supra note 2, Annex ¶ 3.
²²⁸ Additionally, there are criteria related to the data, such as availability of data in most countries, reliability of the data, suitability for temporal and spatial comparability and amenability
Judged by these two criteria, indicator 8 — proportion of employed people living below one U.S. dollar ("PPP") per day — rates well. It is clearly related to the target, measuring the income dimension of decent work. Moreover, in all likelihood, a job that does not provide income adequate to lift a person out of extreme poverty will not fulfill other components of decent work either. The indicator is also easily understandable and is therefore accessible to a broad community and helpful in mobilizing efforts toward the target. Indicator 9 — proportion of own-account and contributing family workers in total employment — attempts to measure vulnerable employment in which workers are likely to lack social protection and safety nets. This indicator is not obviously related to the decent work target because "some wage and salaried workers might also carry high economic risk and some own-account workers might be quite well-off and not vulnerable at all." On the other hand, in developing economies there is in fact a strong correlation between high poverty rates and high vulnerable employment. Consequently, this indicator may be useful in monitoring the social protection pillar of decent work in developing countries.

The selection of the other two indicators — “growth rate of GDP per person employed” and “employment-to-population ratio” — is, however, difficult to understand. Their relationship to the target of full employment and decent work for all is not at all direct, and requires, at minimum, additional indicators to interpret. As such, these two indicators do not appear to satisfy the criterion that they actually measure progress toward the target. Moreover, because the relationship is not direct and is not easy to interpret, they are not easily accessible to a larger development community in a variety of professions. Thus, it is not clear how effective these indicators will be in mobilizing efforts toward the target or in providing evidence to support reports and explanations of progress, or lack thereof, to donors, policy makers and other actors. The technocratic criteria for selection of indicators — quantifiable, easily available, established in the statistical community and comparable to disaggregation in terms of sex, age and so on. See id.  

229. ILO GUIDE TO NEW EMPLOYMENT INDICATORS, supra note 213, at 24.  
230. Id. at 28.  
231. Id.
between countries — may have outweighed the single criterion that they be relevant and effective to the objective of measuring progress toward the target of full employment and decent work for all.\textsuperscript{232}

While indicators may not be easy to select, a few examples may illustrate the point. The ILO has recently published its \textit{Guide to the New Millennium Development Goals Employment Indicators}, which provides among other guidance, a proposed full set of decent work indicators.\textsuperscript{233} As indicators of employment opportunities — toward the target of full employment — it proposes (1) the unemployment rate, and (2) youth 15-24 not in education or employment.\textsuperscript{234} These indicators appear directly related to the target and easily understandable to a broad range of people in development, labor and human rights communities. Indeed, the OHCHR also proposes (1) the unemployment rate, and (2) the underemployment rate, as indicators for the target of full employment.\textsuperscript{235} For the social dialogue pillar of decent work, the ILO suggests (1) union density rate, and (2) collective bargaining coverage rate.\textsuperscript{236} Again, these indicators make sense at first sight to a broad audience.\textsuperscript{237} Further, they are closely related to one of the ILO decent work pillars as well as to the enjoyment of the human rights to form and join unions recognized in ICCPR Article 22 and ICESCR Article 8.

\textsuperscript{232} Technical issues of measurability and data availability may often override the issue of relevancy to human rights and social justice concerns. For a comprehensive discussion of the use of quantitative indicators to monitor state compliance with economic and social rights, see Ann Janette Rosaga & Margaret L. Satterwaite, "The Trust in Indicators: Measuring Human Rights," \textit{27 BERKELEY J. INT'L L.} 253 (2009). The authors state, "Chief among our concerns is the seemingly inevitable drift from this persistent demand for “potentially quantifiable” information to situations in which technical questions end up playing a more determinative role in the choice of human rights indicators than the more substantive considerations of the best way to assess rights.” \textit{Id.} at 282.

\textsuperscript{233} \textit{ILO GUIDE TO NEW EMPLOYMENT INDICATORS, supra note 213, at 42-45.}

\textsuperscript{234} \textit{Id.} at 42.

\textsuperscript{235} \textit{OHCHR Principles and Guidelines, supra note 21, at 25; OHCHR Claiming the MDGs, supra note 14, at 20.}

\textsuperscript{236} \textit{ILO GUIDE TO NEW EMPLOYMENT INDICATORS, supra note 213, at 45.}

\textsuperscript{237} Similarly, the \textit{OHCHR Principles and Guidelines} present a list of indicators to monitor progressive realization of the right to decent work that appear to meet the basic criteria of relating to the decent work target and being easily understandable. See \textit{OHCHR Principles and Guidelines, supra note 21, at 25. See also OHCHR Report on Indicators, supra note 223, at 31 (providing a full array of structural, process and outcome indicators for the right to work). See generally Paul Hunt and Gillian MacNaughton, \textit{A Human Rights-Based Approach to Health Indicators, in ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN ACTION} 303, 303-13 (Mashood A. Baderin & Robert McCorquodale eds., 2007) (providing a history on the development of indicators to monitor the progressive realization of economic and social rights).
Although the four indicators selected for the new MDG focus on full employment and decent work for all may be puzzling, the importance of including this target in the MDG agenda cannot be overstated. These are the goals and targets to which the leaders of the nations of the world have agreed to work toward achieving. Their resources and expertise are focused on making real change in these areas and on measuring and documenting progress towards the goals and targets that they have set. Full employment and decent work for all, although still not one of the eight MDGs, is now a target under Goal 1. Consequently, international organizations, development agencies, national governments and civil society will focus their attention and resources to achieve this key dimension of poverty reduction.

V. Challenges to an Integrated Decent Work Agenda

The ILO Decent Work Agenda, international human rights law and the Millennium Declaration all share the common objective of promoting and enhancing the well-being and dignity of all people. Moreover, they share the understanding — expressed in both the UN Charter and the ILO Declaration of Philadelphia — that peace, security, human rights and poverty elimination are all interconnected and interdependent. As they share a common vision of a prosperous and peaceful world, it is not surprising that their agendas overlap in many respects. While there are many commonalities and great potential for mutual reinforcement, there is also substantial room to bring further coherence and coordination to the three regimes.

The MDGs as originally conceived in 2001 received substantial criticism. Among the concerns raised was that the selected MDGs

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238. These are the purposes and principles of the United Nations as stated in Article 1 of the U.N. Charter, pursuant to which international human rights law has developed and to which the Millennium Declaration reaffirms the commitment of the members of the United Nations. See U.N. CHARTER, art. 1(1)-(3); U.N. Millennium Declaration, supra note 2, ¶ 3; ILO Declaration of Philadelphia, supra note 36.

239. See, e.g., Alston, supra note 13, at 762-770; Hulme & Fukuda-Parr, supra note 194, at 17-18; Twomey, supra note 179, at 62-63; OHCHR Claiming the MDGs, supra note 14, at 4-5; Ashwani Saith, From Universal Values to Millennium Development Goals: Lost in Translation, 37(6) DEVELOPMENT AND CHANGE 1167 (2006). See also Cathal Doyle, Introduction,
reflected the continued dominance of developed countries. Indeed, the goals closely parallel the OECD’s proposed International Development Goals. The main exceptions are the addition of Goal 7 on environmental sustainability and Goal 8 on a global partnership for development. Notably, Goals 1 to 7 are time-specific, with concrete quantitative targets and indicators for developing countries. On the other hand, Goal 8, which defines the obligations of developed countries, lacks the specificity of detailed quantitative targets and timetables. In addition, commentators queried how so many pertinent dimensions could still be missing. For example, “[w]ould it not have been appropriate to set higher ambitions here and call for a rights-based universal access to decent health services for all?” Moreover, even if the MDG targets were achieved by the year 2015, that would still leave one half of those suffering from hunger still in hunger, and one half of those living on less than one dollar per day still living on less than one dollar per day.

From a human rights perspective, there have been additional criticisms. Although there is considerable overlap between the MDGs and socioeconomic rights in international human rights law, the MDGs sidestep rather than embrace the human rights framework. In this way, Alston contends that the possible synergies between the political momentum of the MDGs and the legal obligations imposed by human rights are squandered. According to Twomey, as an alternative to the human rights legal framework, the MDGs

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240. See Hulme & Fukuda-Parr, supra note 194, at 18 (networks of nongovernmental organizations argued that “MDGs were not democratically formulated” and developing countries “feared MDGs would be used as another set of donor conditionalities.”).
241. Hulme, supra note 182, at 15.
242. Id.
244. Saith, supra note 239, at 1188.
245. Id. at 1189.
246. In contrast, the “decent work for all” target is aimed at all people with the objective that all people escape from poverty. Nonetheless, this target, unlike almost all of the others, is not time-bound.
247. Alston, supra note 13, at 762-770; Twomey, supra note 179, at 63.
248. Alston, supra note 13, at 784.
demonstrate “the triumph of measurability over applicable law.”249 Indeed, others have noted the “technocratic nature” of the MDGs and associated institutions.250 In terms of the development agenda, policy makers may narrowly focus on the particular MDG goals, targets and indicators, losing sight of the overall picture.251 Quantitative targets may also encourage the development of policy focused on segments of the population easiest to move out of poverty, leaving the most marginalized people unaffected,252 while a human rights approach would focus on ameliorating the situation of those most marginalized. Finally, the MDGs focus primarily on poverty in developing countries, which may shift concern away from poverty in developed countries; in contrast, human rights are universal and apply to everyone everywhere.253

Additionally, the absence of “full employment and decent work for all” as part of the original MDG framework was glaring. As the key means of escaping poverty, this omission was particularly curious. The addition of the target and indicators on full employment and decent work for all in 2007, therefore, has created a major opportunity to refocus attention on the importance of employment law, policy and practice in relation to poverty reduction. It could promote much-needed efforts on behalf of the many people who do work but still live in poverty, as well as those who lack work altogether. The urgency of this project has become particularly pressing as a result of the current economic crisis.254 One promising sign is the convergence of all three communities on the central importance of full employment and decent work as a key means of poverty reduction. A remaining challenge, however, is for development, labor and human rights communities to coordinate their strategies to reinforce their efforts to achieve this important target.

There remain serious obstacles to unifying the three decent work agendas. Importantly, although now included in the MDG schema, the full employment and decent work target is divorced from work-

249. Twomey, supra note 179, at 63.
250. OHCHR Claiming the MDGs, supra note 14, at 4.
251. Fukuda-Parr, supra note 243, at 987.
252. OHCHR Claiming the MDGs, supra note 14, at 4.
253. Id.
254. ILO GUIDE TO NEW EMPLOYMENT INDICATORS, supra note 213, at 13.
related rights in the international human rights treaties. Indeed, the MDG framework, even after the 2007 modifications, fails to recognize that all of these Goals correlate to legally binding human rights obligations. Additionally, the indicators selected to monitor progress towards the new MDG decent work target do not correlate to the ILO decent work pillars, or otherwise adequately recognize the robustness of the ILO concept of decent work, including the corresponding work rights. Moreover, at least two of the four indicators do not correspond directly to the target, and it is difficult to see how they will indicate progress towards the target or mobilize donors, governments and others to strengthen their efforts. Most importantly, unlike the other targets that monitor progress towards Goals 1 to 7, the decent work target is not time-bound. While governments are to achieve most of the other targets by 2015, there is no deadline for achieving full and productive employment and decent work for all. The absence of a specific timeframe signifies less than wholehearted commitment to this target.255

Second, OHCHR has also created an obstacle to collaboration between the three regimes by omitting union rights from its legal framework for the right to decent work in its human rights approach to poverty reduction strategies and to the MDGs. The omission of union rights in the law, targets and indicators of the OHCHR human rights approach to decent work is striking as it conflicts with both the CESCR and the ILO definitions of decent work. The CESCR adopted General Comment 18 on the right to work in 2005, clarifying that the right to decent work is encompassed in ICESCR article 6 on the right to work, article 7 on conditions at work and article 8 on union rights.256 Decent work, as understood by the ILO, also requires workers to have a voice at work and requires legal protection of this voice through freely chosen worker organizations.257 Thus, there is no doubt that the international legal authorities on decent work view union rights as an essential element

255. See Fukuda-Parr, supra note 243 (criticizing the targets and indicators on MDG 8 as weak because there are no timetables for implementation and no quantifiable targets except the official development assistance target of 0.7 percent of GDP).
256. CESCR, General Comment No. 18, supra note 147, ¶ 2, at 7-8.
257. ILO KEY INDICATORS, supra note 33, ch. 1, Box A1. Indeed, the ILO considers the right to freedom of association so important that it accepts complaints concerning State violations of trade union rights even when the State has not ratified any relevant convention. See supra notes 60-61 and accompanying text.
of decent work.258

Additionally, in the context of poverty reduction, the omission is particularly perplexing given that unions have been crucial to bringing the working poor out of poverty.259 Historically, unions have been, and in many parts of the world continue to be, the human rights defenders of poor people. “Trade union leaders are often in the front line of political change in favour of greater democracy, and in many cases are assassinated, imprisoned or exiled for their beliefs and their actions.”260 The UN Special Representative on Human Rights Defenders reports that repression of human rights defenders working on labour rights, especially those working “through trade unions, is prevalent in a large number of countries.”261 Moreover, among the constituents of the ILO, unions would be the most likely allies of human rights advocates. It is therefore unfortunate to have

258. Indeed, the CESCR drew heavily on materials provided by the ILO in drafting the General Comment on the right to work. Eide Riedel, Monitoring the 1966 International Covenant on Economic, Social and Cultural Rights, in PROTECTING LABOUR RIGHTS AS HUMAN RIGHTS: PRESENT AND FUTURE OF INTERNATIONAL SUPERVISION 1, 5 (George P. Politakis ed., 2007). Further, the CESCR works closely with the ILO, which has regularly provided the CESCR with extensive and useful information, particularly on arts. 6 (right to work), 7 (just and favorable conditions of work), 8 (trade union rights, including the right to strike) and 9 (right to social security, including social insurance). Id. at 4. The CESCR has relied heavily on the cooperation of the ILO Secretariat and the members of the CEACR. Id. at 7. Thus, it is not surprising that the CESCR and the ILO present largely compatible perspectives on decent work, particularly in contrast to those of the OHCHR and the MDGs. Eide Riedel, Vice-Chairperson of the Committee on Economic, Social and Cultural Rights, reports that “the approach taken by the CESCR reflects similar efforts undertaken in the context of the ILO, even though the human rights approach is broader, transcending tripartite relationships.” Id. at 6.


260. RODGERS ET AL., supra note 6, at 50. See also Hina Jilani, Report of the Special Representative on Human Rights Defenders, U.N. Doc. A/HRC/4/43, ¶ 49 (Jan. 24, 2007) (alleged State violations against defenders working on labor rights are very serious, including “summary executions, torture, violent repression and death threats”) [hereinafter Human Rights Defenders Report]; IRENE KHAN, THE UNHEARD TRUTH: POVERTY AND HUMAN RIGHTS 27 (2009) (over two thousand trade unionists have been killed in Columbia over the past twenty years; in response, the ILO appointed a permanent representative to Columbia in 2006).

261. Human Rights Defenders Report, supra note 260, ¶ 50. Further, the Special Representative reports that human rights defenders working on labor rights remain the most vulnerable group of defenders of economic and social rights. Id. ¶ 51. She reported receiving 190 individual complaints concerning defenders who were killed because of their work on labor rights. Id.
left them out of the OHCHR’s human rights framework for reducing poverty and achieving the MDGs. Rather than promoting coalition building and the understanding of the interdependency and interconnectedness of work rights specifically and human rights more generally, this approach compartmentalizes rights and isolates actors.

Third, the ILO Decent Work Agenda also presents some challenges because it has turned selective and soft just when the international human rights legal regime on work and work-related rights has turned holistic and hard. These are also unfortunate turns. The ILO Decent Work Agenda Pillars, in fact, correspond to ILO Conventions and to international human rights treaties. By turning to soft promotional approaches, the ILO appears to transform binding legal obligations into mere policy or programmatic goals. One hundred and sixty countries, however, have ratified the ICESCR, which enumerates specific work rights that correspond to each of the Decent Work Pillars. Additionally, ILO Conventions on rights underlying the Pillars have been ratified by varying numbers of ILO state members. Despite the ILO’s promotional and programmatic approach to the Decent Work Agenda, the four Pillars correlate to laws in force in most countries.

Recent ILO research on the measurement of decent work, however, acknowledges the complementarity of statistical indicators and the legal framework on decent work, and advocates that the “two

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262. See generally MacNaughton & Frey, supra note 74.

263. The CESCR has specifically rejected such a promotional and programmatic approach in favor of adopting a binding legal obligations approach to work rights. Riedel, supra note 258, at 10.


265. The four pillars correspond to the following rights: (1) Pillar One: Rights at Work corresponds to ICESCR article 2 (non-discrimination), article 6 (right to freely choose work), article 7 (conditions at work), article 8 (union rights), article 10(3) (protection of children and young persons from economic exploitation); (2) Pillar Two: Fostering Employment corresponds to ICESCR article 6 (right to opportunity to gain living by work); (3) Pillar Three: Expansion and Improvement of Social Protection corresponds to article 7 (right to favorable conditions at work, rest to leisure, limitation on working hours), article 9 (right to social security), article 11 (right to adequate standard of living); and Pillar Four: Fostering Tripartite Agreements and Social Dialogue corresponds to article 8 (union rights). Other rights underlying the four pillars are enumerated in the ICCPR, the Convention on the Rights of the Child and the other core international human rights treaties.
types of information could be used to jointly describe and measure decent work.” Moreover, this research recognizes that international labor standards “cover the entire spectrum of the Decent Work Agenda.” Most notably, in the recent *ILO Guide to the New Millennium Goals Employment Indicators*, the ILO embraces again the legal obligations associated with the components of decent work, detailing components of the legal framework — including national legislation and ILO Conventions and cases — that correspond to the decent work indicators it proposes. While these laws and indicators are not yet correlated to legal international human rights obligations, drawing links between indicators and laws is a hopeful turn in this direction.

In sum, while there is widespread agreement among international actors that full employment and decent work for all is key to eradicating poverty, there does not appear to be any consensus on the components of decent work or on the appropriate indicators to monitor the progress of states in achieving the new full employment and decent work target. Most importantly, States have failed to commit to any time-bound target to achieve what they all agree is necessary to eradicate poverty.

**Conclusion**

The UN Millennium Declaration proclaimed the commitments of 189 countries to work in partnership for development, and the eradication of poverty. These commitments were subsequently transformed into the eight MDGs. It is less well known that the Millennium Declaration also set out commitments for human rights, democracy and good governance. The 189 countries committed to respect all internationally recognized human rights, including the

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266. ILO, *MEASUREMENT OF DECENT WORK*, supra note 221, at 10.
267. *Id.* at 19.
268. *See ILO GUIDE TO NEW EMPLOYMENT INDICATORS*, supra note 213, at 42-45 (providing information on rights at work and the legal framework for decent work that corresponds to each of the decent work indicators it is currently piloting in five countries).
269. U.N. Millennium Declaration, supra note 2, § III.
270. *Id.*, § V, ¶¶ 24-25; OHCHR *Claiming the MDGs*, supra note 14, at 5 (questioning whether the paragraphs on human rights, democracy and good governance in the Millennium Declaration have been “forgotten”).
right to development, to fully uphold the Universal Declaration of Human Rights and to strive for the promotion and full protection of civil, political, economic, social and cultural rights for all.\textsuperscript{271} Further, the report of the Secretary-General, which provided the road map for implementation of the Millennium Declaration, included both Millennium Development Goals and Millennium Human Rights Goals.\textsuperscript{272} The six Millennium Human Rights Goals are listed in Table 4.

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<tr>
<th><strong>Table 4: Millennium Human Rights Goals</strong></th>
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<tr>
<td><strong>Goal 1:</strong> To respect and fully uphold the Universal Declaration of Human Rights and strive for the full protection and promotion in all countries of civil, political, economic, social and cultural rights for all.</td>
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<td><strong>Goal 2:</strong> To strengthen the capacity of all our countries to implement the principles and practices of democracy and human rights, including minority rights.</td>
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<td><strong>Goal 3:</strong> To combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.</td>
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<td><strong>Goal 4:</strong> To take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies, and to promote greater harmony and tolerance in all societies.</td>
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<td><strong>Goal 5:</strong> To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries.</td>
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<tr>
<td><strong>Goal 6:</strong> To ensure the freedom of the media to perform their essential role, and the right of the public to have access to information.</td>
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\textsuperscript{271} U.N. Millennium Declaration, \textit{supra} note 2, ¶ 25.  
\textsuperscript{272} Millennium Declaration Road Map, \textit{supra} note 2, ¶¶ 195-224.
The Millennium Human Rights Goals were not, however, translated into time-bound targets and indicators, and the human rights principles and goals in the Millennium Declaration have not been integrated into the MDG framework. Indeed, as critics have maintained, there is a stark absence of human rights norms in the MDGs.\footnote{273}{273. For example, MDG Goal 2 is to achieve universal primary education, whereas the ICESCR obligates states to achieve the right to \textit{free} primary education for all. \textit{See} ICESCR art. 13(2)(a).}

The original MDG framework also omitted a goal on full employment and decent work for all — the primary means for most people to escape poverty. This oversight was addressed in part in 2007 when the General Assembly adopted the new MDG target to “achieve full and productive employment and decent work for all, including women and young people.” While the new target is an important addition to the MDG framework, the four indicators selected to monitor progress toward the target are puzzling. Two of the four indicators do not appear to have a direct relation to the target, so it is not apparent how they will monitor progress toward the target or effectively mobilize actors to achieve the target.\footnote{274}{274. \textit{Cf.} Millennium Declaration Road Map, \textit{supra} note 2, Annex ¶ 3 (“\textit{T}o help focus national and international priority-setting, goals and targets should be limited in number, be stable over time and communicate clearly to a broad audience”).}

Furthermore, consistent with the original MDG framework, the indicators do not acknowledge work rights or any other human rights, although the ILO and the CESCR both view work rights as essential components of decent work and the Millennium Declaration committed countries to strive for the full protection of human rights for all.

The ILO Director-General’s 1999 report introducing the ILO Decent Work Agenda affirmed that “one of the hallmarks of the twentieth century has been the promotion of human rights.”\footnote{275}{275. \textit{ILO Decent Work Report}, \textit{supra} note 64, at 14.} Noting that the ILO had already made major contributions to human rights, he committed the ILO to further strengthen these efforts. In contrast to the Director-General’s statement, however, the ILO Decent Work Agenda embraces a soft-law promotional approach to decent work and recognizes only four work rights — the four Core...
Labor Standards. Additionally, the ILO appears to have retreated from the position that indicators for the MDG decent work target should encompass all four pillars of the Decent Work Agenda. For its part, the OHCHR has taken steps that have the potential to alienate labor unions and other worker organizations, logical allies in the movement for decent work, by omitting union rights as key components of the right to decent work in its human rights approach to poverty reduction and the MDGs. This omission stands in stark contrast to the CESCR’s General Comment asserting that the right to work, meaning the right to decent work, is encompassed by ICESCR article 6 (general right to work), article 7 (individual dimension of right to work) and article 8 (collective dimension of right to work). As the CESCR declared, the three articles are interdependent.

From an ILO social justice perspective, as well as from a human rights perspective, the addition of an MDG target on full and productive employment and decent work for all is a major step forward in the development agenda. Also, it is certainly possible to integrate social justice and human rights approaches into an MDG plan. All three communities could implement their agendas in mutually reinforcing manners. The question remains, however, whether they will do so. In the current economic crisis, the full employment and decent work target is even more critical than when it was adopted in 2007. Today, it is therefore more pressing, and perhaps therefore more likely, for these three communities — labor, human rights and development — to overcome obstacles and work together to advance a unified decent work agenda, including all work and work-related rights. Full and productive employment and decent work for all are essential to achieving the MDGs and eradicating poverty, as well as to ensuring the enjoyment of the human rights enshrined in the Universal Declaration of Human Rights.

276. CESCR, General Comment No. 18, supra note 147, ¶ 2.
277. Id. ¶ 8.
278. OHCHR Claiming the MDGs, supra note 14, at 7. See also Joint Statement, supra note 142.