

Conference

The Future of Work we want

15-16 November 2016

Room JDE 62 | 6th floor EESC | Jacques Delors Building | Rue Belliard 99 | Brussels





THE FUTURE OF WORK WE WANT

Background memo for the ILO-EESC Conference on the Future of Work Brussels 15–16 November 2016

The ILO Future of Work Centenary Initiative

Globalisation, climate change, demography, technology and increasing financialisation of the global economy are mega drivers for change which directly affect the world of work. Certainly, work has always evolved and adjusted as new technological innovations have been developed, new means of production deployed and as societies' and people's aspirations have changed over time. However, many argue that the pace and nature of the current changes are without precedent.

To deepen our understanding of these changes and to better equip the ILO and its constituents to seize the opportunities and address the challenges they represent, the Director General of the ILO launched the Future of Work Centenary Initiative in 2015. This initiative is deemed to be a major milestone in the history of the ILO in the run-up to its 100th anniversary in 2019. At the core of the initiative is the aim of bringing together government, employer and worker representatives in all the Member States to address some of the most pressing policy challenges and opportunities of our time, and, most importantly, by doing so, to shape the future of work in a way that works for us all. As such, the Centenary Initiative enables different stakeholders to look at the broader picture of the world of work through evidence-based analysis of existing knowledge, new and targeted research, exchange of ideas and innovative partnerships, to generate tangible actions taking forward the ILO mandate of social justice and decent work.

As a first stage of the initiative, the ILO constituents were invited to undertake national "Future of Work Dialogues" with a view to ensuring the widest possible engagement and contributions to the reflection. The second stage will take place in 2017, when a High Level Commission on the Future of Work will be established to examine the contributions from these dialogues and other relevant input, and develop them further. The Commission will publish its report and recommendations in the course of 2018. The culmination and the third stage of the Initiative will coincide with the ILO's centenary year in 2019. During that year, the report will be submitted to the 108th Session of the International Labour Conference, which brings together 187 countries and their respective social partners.

The EESC-ILO Conference on the Future of Work is held in the framework of the global consultation launched by the ILO. The event will serve to identify the key challenges and opportunities related to the future of work from the viewpoint of EU social partners and civil society and their counterpart organisations in third countries. In debating with EESC members, this event aims to provide input for future initiatives by the EESC as well as contribute to the ILO global Initiative. Drawing on the existing work of the ILO and of the EESC, this conference will ultimately strengthen the robust, long-standing cooperation between the two institutions, which share a number of values and principles.

This background memo for the EESC-ILO Conference on the Future of Work We Want identifies key challenges, opportunities and questions through the four topics that will guide the discussion.

These are:

- (i) Work and society;
- (ii) Decent jobs for all;
- (iii) Organisation of work and production;
- (iv) Governance of work.

The objective of this background memo is to inform the debate that will take place during the conference on 15-16 November 2016. It does not commit the participants, nor predetermine the outcome of the conference. The note recalls the work already undertaken by the ILO and by the EESC which is of relevance to the subject of the conference, while relying on EU policy analysis and academic research on the broad topics at hand.

I - THEMATIC CONVERSATION: WORK AND SOCIETY

The idea that work is crucial to achieving social justice presupposes a notion of the place and function of work in society. Based on social market economies, Europe has achieved a high level of prosperity, solid welfare states and strong social cohesion through the progressive promotion of decent work which has been often characterised by a stable, full-time and relatively long-term employment contract. It was only after the Second World War, however, that secure, full-time work became the dominant form of employment, giving rise to the establishment of an important middle class fuelling economic and social progress. Initially, working age men occupied most of the stable jobs, while women, minorities, migrants and persons with disabilities have always been and continue to be overrepresented in undeclared and non-standard forms of work, with lower overall employment rates¹. Despite the persistence of gender gaps in employment and pay², women have progressively been integrated into EU labour markets, gaining rights and protection. Through that process, the care work traditionally carried out by women has been partially shifted away from the family sphere to public-private care institutions and to (female) migrant care workers.

Changing landscape of jobs and inequality

Over the last few decades and in particular since the 2008 financial crisis, there have been signs of an erosion of the European middle class³ while the level of inequalities in OECD countries reached a "tipping point". Long-term trends like the changing structure of jobs were aggravated by additional factors resulting from the crisis, such as rising unemployment, real wage decline and reforms of social dialogue institutions, which all contributed to this erosion. In 2014, almost every

¹ ILO; European Commission (2016a).

² Eurofound (2016a).

³ ILO (29/2/2016): "Crisis has aggravated long-term erosion of European middle-class" http://www.ilo.org/brussels/press/press-releases/WCMS 455743/lang--en/index.htm.

⁴ Gurria, OECD (2016).

fourth person in the EU was at risk of poverty or social exclusion and the objective set in the Europe 2020 Strategy on poverty reduction appears out of reach.

The current economic context characterised by fierce global competition combined with a widespread process of automation and digitalisation is transforming the ways in which jobs and occupation are perceived, organised and structured. The prospect of a single job for a working life seems to have become increasingly rare in today's world of work. Some see the beginning of a new era where work will become ever more flexible, short term and transient with workers being increasingly mobile spatially and functionally. If the internet has created new opportunities for personal development, access to knowledge and social networks, due to economic and other factors, these are far from being accessible to all. The lack of face-to-face contact might represent an additional critical social risk and the combination of remote workplaces and transient jobs could indeed increase the risk of social exclusion. As pointed out by the EESC, a key challenge is to ensure rights and protection for all.⁵

Young people represent the age category facing the most difficulties in labour market integration. In 2016, over 4.2 million (18.8 percent) young people under 25 were unemployed in EU-28 and more than 5 million were neither in employment, education nor training (NEET), facing a particularly high risk of poverty, social exclusion and even radicalisation. In addition, young people are overrepresented in temporary and part-time employment, with a higher risk of being in precarious jobs compared to workers overall. Lack of decent work opportunities can easily lead to stress and insecurity, affecting young people's ability to become independent, move away from home or start a family. In Spain, where the youth unemployment rate peaked at 56.2 percent (2013), the number of babies born annually has in fact clearly decreased in the post-crisis years.

To address these problems, the EU launched in 2013 the Youth Guarantee, which aims to ensure that all young people under 25 receive a good quality offer for employment, education, an apprenticeship or a traineeship within four months of becoming unemployed or leaving formal education. Although reaching the young people most in need remains a difficult challenge, the Guarantee has contributed to a positive trend in youth employment: Since 2013, there have been 1.4 million fewer young people unemployed and 900 000 fewer NEETs. This promising result has led the Commission to propose to extend the budget resources for the Guarantee until 2020.9

The urgent need for a decent job and a decent life has been further experienced by the high number of humanitarian migrants recently arriving in Europe. Over 1.3 million people requested asylum in the EU in 2015¹⁰, challenging national labour market institutions across the Member States and drawing attention to the special support refugees and migrants need to enter the labour market. Early labour market integration has proved essential, not just to avoid skills deterioration or alleviate the burden on the public purse, but also to facilitate integration into the host society. Indeed, as pointed out by the EESC, the cost of non-integration greatly exceeds the cost of

⁵ EESC Opinion SOC/530, SOC/533.

⁶ EESC Opinion SOC/503.

⁷ European Commission (24/8/2015): "Addressing youth unemployment in the EU" http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=7817.

⁸World Bank Data. http://data.worldbank.org/indicator/SP.DYN.TFRT.IN?locations=ES.

⁹ European Commission News (4/10/2016).

 $[\]underline{http://ec.europa.eu/social/main.jsp?langId=en\&catId=1079\&newsId=2629\&furtherNews=yes}$

¹⁰ Eurostat, Asylum Statistics http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics.

integration and civil society has an essential role to play in building robust integration systems¹¹that minimise the risks of social friction, undeclared work and labour exploitation. However, the conditions for accessing employment during the asylum process differ across the Member States, creating differences in the promotion of early labour market integration.

The EESC has underlined that migrants and refugees should not be seen as a burden but as a possibility for European societies to respond to the challenges of demographic ageing, skills shortages and economic recovery¹². The EU population is indeed ageing. Compared with 1970, an average EU citizen now works 10 years less and lives some 10 years more¹³. It is estimated that approximately 30 million people of working age will be lost in the EU by 2050, posing challenges to the financial and social sustainability of welfare systems¹⁴.

Different aspirations regarding work

An important element regarding the place of work in society is the significance of work for individual personal development and self-realisation. Work not only affects well-being in terms of financial security, but it also provides a sense of belonging, an identity and social support. Work can indeed be a key place for social connection and, when it occurs in decent conditions, a positive aspect of human dignity. Although the purpose of work has been throughout the ages to meet basic human needs, for an increasing number of people work needs to be something more than just a means of survival – an instrument for self-realisation¹⁵. According to the European Values Study (2008), the content and interest of a job have become more important for people across Europe¹⁶. This is particularly true for young people: according to the EVS, the youngest, best educated and women – more than others – have expectations characterised by the desire to work on something meaningful and compatible with their values. The search for personal self-realisation might explain to a certain extent young people's overrepresentation in self-employment, although a major factor behind this trend is linked to the difficulty they face in accessing full-time permanent employment contracts.

Several authors have highlighted a gap between people's expectations regarding work and their reality. Dominique Méda's research found that the development of a multi-skilled and autonomous workforce has come with the overall persistence of prescriptions and controls: although work has become more autonomous, it is a "controlled autonomy", as illustrated by the increase of systems of individual performance assessments¹⁷. Likewise, several studies have pointed to the rise in stress at work in several Member States, and Eurofound reports¹⁸ that more than one in four wage-earners experience regular stress in their jobs.

In this respect, the progression of the social economy sector in Europe (a sector which has weathered the crisis better than any other) is another illustration of this "work-is-more-than-

¹¹ EESC Opinion SOC/525.

¹² EESC Opinions SOC/525; REX/452.

¹³ Eurofound (2016a).

¹⁴ EESC Opinion SOC/525.

¹⁵ ILO (2015a).

¹⁶ ILO (2016a).

¹⁷ ILO (2016a).

¹⁸ European Working Conditions Survey (2010).

money" mind-set. There are some 2 million social economy entities in the EU, making up 10-12 percent of all European businesses and employing 14.5 million workers. These organisations include cooperatives, mutual societies, associations and foundations which have had strong successes which should enable them to now move up to an accelerated growth path¹⁹.

Guiding questions:

As the digital platform economy grows, work units tend to become smaller and more dispersed, and locations more disconnected from communities, what are the implications for workers' social network and identity? Will new work patterns result in greater freedom, opportunities and a better work-life balance, or rather in greater insecurity? How will these developments affect peoples' inclusion in society? In particular, how can social inclusion of already disadvantaged groups be protected in this emerging world of work? What role can the social economy and social investment play in this context?

II THEMATIC CONVERSATION: DECENT JOBS FOR ALL

The ILO defines decent work as work that is productive and delivers a fair income, a secure workplace, social protection, good prospects for personal development, freedom for people to express their concerns, organise and participate in the decisions that affect their lives, and equal opportunities and treatment for all women and men. Social dialogue and collective bargaining lie at the very heart of decent work. In September 2015, the international community agreed on a new Sustainable Agenda to be achieved by 2030, which sets priorities under 17 Sustainable Development Goals (SDGs), one of them being the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (SDG No 8).

Despite the significant negative impact of the financial crisis on its labour markets, Europe remains the continent with the highest number of decent jobs. Current discussions are focusing on whether recent technological innovations such as the digitalisation and automation of production will enable it to keep high standards of employment both quantitatively and qualitatively. These debates have generated both hopes and fears. Optimistic views emphasise the job creation potential of new technologies and the contribution they could make to job quality. Areas of concern are linked to the potential job destruction and polarisation impact of technological innovation, which could lead to an unprecedented digital divide.

However, besides technology, research and experience have shown that other factors such as lifelong learning at the work place, good labour-management relations, innovation in work organisation and respect for workers' rights have proved fundamental ways of raising companies' productivity and profitability, including in very competitive environments. Indeed, many European companies have built upon these elements with successful results.

Impact of technological developments on the labour market

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¹⁹ EESC (2012).

Some scholars have painted a rather dark picture of the future of work, where innovative use of technologies such as big data and robots lead to increasing and persistent technological unemployment²⁰, or even to a jobless future²¹. Frey and Osborne (2013) estimate that 47 percent of the US jobs are potentially "at risk" of being automated in the next 20 years. The Research Institute of the Finnish Economy²² estimates that computerisation threatens one third of both Finnish and Norwegian employment in the next decade or two, low-wage and low-skilled jobs being more threatened than service and public sector jobs. In fact, between 2000 and 2015, the share of employment involving routine tasks declined in all EU Member States. This trend can be particularly tracked in the decline in the employment share of middle-skilled and middle-wage occupations that have been relatively easy to automate or to relocate to other countries.²³

Meanwhile, other scholars have argued that while some tasks and jobs may be destroyed, *work* will survive. Empirically, we have witnessed how digitalisation and digital technologies have already transformed many jobs, rather than destroyed them. For instance, in the service sector, such as in banking, new skills like "e-skills" have become a necessity²⁴. Studies that have analysed jobs rather than occupations find significant lower risks for job losses. According to the analysis of Arntz, Gregory and Zierahn (2016), about 9 percent of jobs in OECD countries on average are at high risk of being automated, ranging from 12 percent in Germany, Austria and Spain to around 6 percent or less in Estonia and Finland.

Typically, job destruction caused by technological development is followed by job creation at a slower speed. This notion is supported by the fact that the overall employment rate has increased by around 10 percentage points during the last 55 years²⁵. Indeed, innovation and technological change can create new jobs through various channels, such as new complementarities between technology and employment or spill-over effects. New jobs are also created through price and income effect: where increased productivity translates into reduced prices and higher wages, income and purchasing power, consumer demand is likely to increase²⁶. A recent EU analysis²⁷ on the impact of robot systems on employment supports the view that technology does not seem to replace workers, but rather to increase their capabilities, allowing human beings to focus on complex tasks that cannot be performed by computers or robots.

Although it is hard to predict the exact nature and scope of the overall impact of technological changes on European labour markets, a lot will depend on the policy choices that will be made and on how European companies adapt to these changes. Research tends to indicate that countries that stimulate innovation, mobilise resources for new economic activities and learn to compete do better in terms of job creation²⁸. However, boosting the uneven capacity of EU Member States' economy remains a challenge.

²⁰ Brynjolfsson & McAfee (2014).

²¹ Ford (2015).

²² ETLA (2015).

²³ ILO (2016b).

²⁴ EESC Opinion CCMI/136.

²⁵ ILO Issue note on Technological changes and work in the future: Making technology work for all (2016).

²⁶ ILO (2016c).

²⁷ European Commission (2015).

²⁸ Cheon (2014); Nübler (2014); Paus (2014).

Quality of jobs and the distributional challenge

Although the debate on the employment effect of technology often revolves around the quantity of jobs that might disappear and be created, there are other equally important policy issues. A particular question considers the quality of the jobs that are to be created or transformed. The fear exists that "good" and stable jobs could disappear while "bad" or precarious jobs would be created²⁹. Avoiding such a situation would require smart regulatory frameworks informed by sustained dialogue between the social partners and public authorities³⁰.

What seems specific to the current wave of technological change, though, is that it is taking place in a context in which overall inequalities have reached a historic peak³¹, jobs are increasingly polarised and labour markets segmented. This has led many to argue that the distributional impact of new technologies should be closely monitored and addressed. Indeed, in several countries, including in the EU, technological innovation has generated productivity gains which were unequally distributed between capital owners, consumers, and skilled and unskilled workers, leading to greater inequalities. Unless measures are taken, this trend could increase in the future.³²

While owners of innovation should be fairly rewarded, technological progress is usually the result of collective and cumulative efforts which would justify fair sharing of the benefits. The economic argument would support this view too: when productivity gains are captured by a few, the purchasing power of the others tends to become suboptimal, eventually inhibiting the potential of economic growth³³. Historically, increased productivity gains have been shared through fiscal policies and higher wages and/or shorter working hours. Yet, in recent years, wages have stagnated in several EU countries, lagging behind productivity growth, corporate profits and property income, while the reduction in working hours has been modest at best³⁴.

Therefore, a challenge might well be for public authorities, social partners and other civil society organisations to manage the changes so that new knowledge and technology are as widely shared and used as possible, creating quality jobs instead of exacerbating divides between different economic and social groups³⁵. The digital society should not become an additional cause of social exclusion – whether generational, regional or gender-based - but should instead provide vulnerable and marginalised people with new means to overcome exclusion³⁶.

Acquiring the right skills

Smart management of the digitalisation process and associated technological change relies heavily on effective provision of education and training. However, the skills mismatch has been identified as one of the key obstacles to the development of the EU digital economy and competitiveness, exacerbated by the economic crisis.³⁷ The New Skills Agenda for Europe (2016) provides a number of actions and initiatives, such as the Skills Guarantee to help low-skilled adults to acquire a

²⁹ Gordon (2016, p. 604), cited in ILO (2016c).

³⁰ EESC Opinion SOC/385, EESC Opinion CCMI/136.

³¹ Piketty (2014).

³² ILO (2016c).

³³ ILO (2016c).

³⁴ ILO (2016c; 2016f).

³⁵ ILO (2015); see also EESC Opinion TEN/548.

³⁶ EESC Opinions SIC/438; TEN/548.

³⁷ EESC Opinion CCMI/136; ILO (2014b).

minimum level of literacy, numeracy and digital skills. Skills needs in a digital economy have also been prioritised in the European social partners' current work programme (2015-2017).

Several EU Member States are looking at ways of establishing stronger connection and alignment between educational systems and labour market needs³⁸. For instance, the EU countries with lowest youth unemployment rates seem to have education systems that are attuned to labour markets' and to companies' needs, providing vocational qualifications that are accredited and transferable³⁹. Close cooperation with employers and their organisations is essential to better understand and anticipate future skills needs⁴⁰. The EESC has also highlighted the importance of non-formal education organised alongside quality public formal education. This kind of education is often based on non-hierarchical and participative forms of teaching run by civil society organisations, and its learning outcomes should be validated ⁴¹.

In addition to technical skills, soft skills, such as creativity, problem-solving and cooperation skills and the ability to communicate have been identified as being crucial for workers' employability⁴². Acquiring both technical and soft skills could be promoted through innovative workplace practices, on-the-job training and lifelong learning schemes, enabling workers to upgrade their competences while preventing the erosion of their skills.⁴³ Additionally, targeted policies such as paid educational leave, introduced in some Member States, have served as a positive incentive for retraining. Training efforts encouraged by legislation and financing mechanisms can be of particular help to SMEs, given that small businesses and the self-employed often encounter difficulties in organising (re)training activities⁴⁴.

Another policy challenge relates to gender segmentation in labour markets and skills inequality⁴⁵. The higher average educational achievement of women compared to men has not yet translated into decision-making positions, remuneration or working conditions⁴⁶. Women are underrepresented in the STEM (Science, Technology, Engineering and Mathematics) sectors⁴⁷ and they only account for 30% of the approximately 7 million people working in the ICT sector⁴⁸. According to an EU study on the digital sector, if as many women had digital jobs as men, European GDP could be boosted annually by some EUR 9 billion and gender equality in employment would improve⁴⁹. Yet much remains to be done to tackle the social and cultural stereotypes that prevent women from entering these jobs.

³⁸ ILO (2015), EESC study on the implementation of EU policies for youth employment (2014).

³⁹ EESC Opinion SOC/503.

⁴⁰ ILO (2016b), EESC study on the implementation of EU policies for youth employment (2014).

⁴¹ EESC Opinion SOC/365, EESC Opinion SOC/523.

⁴² ILO (2015); see also Statement of the European Social Partners on Digitalisation https://www.businesseurope.eu/sites/buseur/files/media/position_papers/social/2016-03-16_tss_-statement_on_digitalisation.pdf.

⁴³ ILO (2016b); EESC Opinion SC/034.

⁴⁴ EESC Opinions CCMI/136; SOC/246.

⁴⁵ ILO (2016d).

⁴⁶ EESC Opinions SOC/284; SOC/475; SOC/486.

⁴⁷ EESC Opinion SOC/502.

⁴⁸ EESC Opinion TEN/548.

⁴⁹ European Commission Press Release (3/10/2013). http://europa.eu/rapid/press-release IP-13-905 en.htm.

Creating decent jobs in the green economy and care sectors

Together with opportunities provided by the high-tech digital sector, the green economy and care sectors have also been commonly identified as sources of potential job creation in the EU⁵⁰.

Climate change is affecting and will continue to affect European companies, infrastructure and labour markets. Moving toward a low-carbon economy may have both positive and negative impacts on jobs, depending on how the transition is managed. The ILO promotes a just transition approach whereby policies are in place to ensure that those likely to be negatively affected are protected through income support, retraining opportunities, relocation assistance, and the like. In this respect, social dialogue is a critically important component of a just transition. Notably, greening our economies and building a more sustainable environment can also lead to technological innovation with massive job-creation potential, provided clear environmental policy incentives are in place. To that effect, the EESC recommends that the creation of green jobs be mainstreamed in all EU policy areas while stressing that the key pillars of a European sustainable economy would include stable regulatory frameworks, huge-scale harnessing of capital and intellectual resources, clear programmes in the areas of support for transition and sufficient backing from European funds⁵¹.

The health and care sectors have potential for large job-creation too, assuming that all people in need can afford such services⁵². The International Trade Union Confederation (2016) estimates that investing in the care industry (i.e. care for the elderly, people with disabilities and pre-school age children), would generate a considerable increase in employment. According to the study, investing 2 percent of GDP in the care industry could lead to an increase in overall employment of between 2.4 and 6.1 percent depending on the country. This could mean nearly 2 million new jobs in Germany alone or 120 000 jobs in Denmark. In addition, such investment would particularly benefit women, who make up the majority of workers in these sectors, while at the same time responding to other societal challenges such as the specific needs of an ageing population. However, to make these jobs attractive, attention needs to be paid to the quality of working conditions in the sector⁵³.

Guiding questions:

Are current policy instruments capable of promoting sufficient, quality job creation? How can we steer technological innovation to reap benefits for all and how can the potentially negative job impact of technological innovation be mitigated so that jobs remain "decent"? How can we manage the distribution of productivity gains while strengthening sustainable economic growth and job creation? Do we need a paradigm-shift in our understanding of a fair income distribution? What innovative workplace practices would enhance productivity while preserving decent jobs?

III THEMATIC CONVERSATION: THE ORGANISATION OF WORK AND PRODUCTION

⁵⁰ EUR-LEX. COM/2012/0173. http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012DC0173.

⁵¹ EESC opinions SOC/283; SOC/385; SOC/463.

⁵² ILO (2015).

⁵³ EESC Opinion SOC/463.

Globalisation, technological changes and companies' permanent quest for competitiveness have a huge impact on the way work and production are organised. Globalisation has generated the continuing internationalisation of the world's production systems, with increasingly prevalent global supply chains. This has resulted in considerable new openings for economic development worldwide but also increased the risks for both workers and companies.

Non-standard and new forms of work

The ILO defines non-standard forms of employment as work that falls outside the scope of a standard employment relationship – usually understood as full-time, indefinite employment in a subordinate employment relationship. Non-standard forms of employment usually include part-time employment including zero hour contracts, temporary employment including on-call jobs, temporary agency work and other contractual arrangements involving multiple parties, and ambiguous employment relationships including bogus self-employment.

Although the majority of Europeans still work on a stable, full-time basis, recent ILO research has helped to identify a global shift from traditional employment relationships toward non-standard forms of work over the past decade. In the EU, the recent increase in overall employment can to a large extent be explained by fixed-term and part-time job offers⁵⁴. A similar trend has been recorded in the US, where a significant increase in alternative work arrangements has been observed during the past decade (from 10.7 percent to 15.8 percent)⁵⁵. Globally, the rise of these forms of work is the result of multiple drivers, including the impact of economic crises, business interconnectedness, technological advances, the growth of the service sector and companies' need for flexibility⁵⁶.

Although most labour law falls within Member States' remit, at EU level minimum standards have been established. Since the 1990s, the EU has followed a dual policy approach which encourages diversity in types of employment, while seeking to regulate non-standard forms of work. The adoption of EU legislation on part-time, fixed-term and temporary agency work exemplifies this approach.⁵⁷ However, the rising proportion of people in non-standard forms of employment still lacks protection in law or in practice more frequently than other workers⁵⁸.

Parallel to the rise in non-standard forms of employment, new forms of employment have been identified across Europe, stemming from technological innovation and new ways of organising work in enterprises. These include job sharing, ICT-based mobile work, crowd employment and collaborative employment, to mention a few. Despite the heterogeneity of these employment forms, they all are characterised by irregular provision of work and unconventional work patterns⁵⁹. The ILO has noted that the combination of these new forms of work with companies' regular outsourcing practices could make self-employment, and the different forms it might take, more common in the future⁶⁰. The European Parliament's Employment Committee has for its part stressed the need to more clearly define "self-employment" in order to prevent bogus self-

⁵⁴ (Eurofound, 2016b).

⁵⁵ Katz & Krueger (2016).

⁵⁶ ILO (forthcoming2016). EESC Opinions SOC/372; SOC/508; SOC/535.

⁵⁷ Deakin (2014).

⁵⁸ ILO (2016b).

⁵⁹ Eurofound (2015).

⁶⁰ ILO (2015).

employment in a digital single market, and recommended that this issue be taken up by the platform on undeclared work⁶¹.

Recently, the collaborative economy has been discussed at EU level, and according to the European Commission's estimate it is small – still estimated at EUR 28 billion in 2015 - but rapidly growing⁶². Due to a lack of reliable data and cross-employer labour mobility, it is difficult to estimate the exact number of workers in this sector. Further, thanks to the terminology used by internet platforms – which connect providers of services and clients - there is a risk of the notion of employment becoming hidden by words such as "gigs", "tasks" and "rides". Likewise the use of words such as "independent contractors" or "associates" to refer to the individuals providing the services is in danger of obscuring the traditional concepts of "worker", "employee", "employer" or "self-employed"⁶³, leading to the creation of a new group of invisible workers⁶⁴. ILO research has highlighted that the "independent contractors" operating from e-platforms are often excluded from the scope of labour laws and protection and from certain social security benefits⁶⁵.

The EESC has asked for clarification of the legal status of these new labour market intermediaries and of the standards, obligations, liabilities and rules of operation that should be applied. It has further recommended that the European Commission, the OECD and the ILO work together with the social partners to develop appropriate provisions on decent working conditions and protection for online workers⁶⁶.

The EESC has also requested an assessment of the contribution of new forms of employment to the creation of sustainable quality jobs and growth, and has highlighted the need to investigate their impact on freedom of association and collective bargaining coverage. Another specific concern relates to liability for health and safety measures, given that the people concerned work in private homes often without adequate instruction or guidance. Their access to training and skills development programmes - or lack thereof - has also been highlighted by the EESC⁶⁷.

Challenge for social security and social protection systems

The new ways of organising work and production have also revealed the need for European social security and social protection systems to adapt and expand. These systems reduce the risk of poverty by one third in the EU while providing for a stable, healthy, well-educated and capable workforce. Social protection benefits have also proved to work as automatic economic stabilisers during the economic crisis, maintaining social cohesion and preserving public confidence in the European project⁶⁸.

European social security and social protection systems are faced with several challenges, including declining employment rates, ageing populations and fiscal erosion and evasion affecting their

⁶¹ Opinion of the Employment Committee on the report "Towards a Digital Single Market Act (2015/2147(INI))".

⁶² European Commission (2016b).

⁶³ EESC Opinion SOC/533.

⁶⁴ ILO (2016e), EESC Opinion SOC/511.

⁶⁵ De Stefano (2016); see also EESC Opinion SOC/533.

⁶⁶ EESC SOC/533.

⁶⁷ EESC Opinion SOC/533.

⁶⁸ EESC Opinion SOC/405.

financial sustainability. Furthermore, the EESC has noted that the growth of new, non-standard forms of employment caused by digitalisation means that an increasing share of the workforce does not contribute to or benefit from established social security systems such as public unemployment, health and pension insurance69. It has therefore called upon the EU, national governments and the social partners to launch debates with a view to defining political measures and legislation that will ensure appropriate levels of mandatory social protection for the entire workforce — including those in non-standard forms of employment70. More broadly, the Committee has recommended exploring new ways of combining social protection and jobs71.

New and innovative forms of organisation for the financing and delivery of social benefits and services have emerged in several Member States. In that regard, the EESC welcomed the Commission's 2013 social investment package and the paradigm change announced of no longer regarding social investment purely as a cost but rather as an investment in the future, while stressing that a change of course towards preventive social investment would mean rejecting strict, one-sided austerity policies 72.

The European Political Strategy Centre, for its part, recommends focusing on securing benefits and protection across the transitions which workers will increasingly be going through as they change employers, jobs, sectors, employment status or even countries 73.

Securing transitions is also one of the objectives of the flexicurity promoted by the European Commission. The concept of flexicurity is more than a mere "balance" between workers' need for security and employers' need for flexibility. It aims for the one to offset the other: the more flexible the employment contract is, the less job security the worker has and the stronger the protection needs to be⁷⁴. For the EESC, flexicurity does not mean unilateral and illegitimate reduction of established rights, but rather a fair deal between employers and workers with a commitment to creating more and better jobs⁷⁵.

Discussions about social protection have also focused on minimum income guarantees that would help protect the most vulnerable members of society and create a level playing field at EU level⁷⁶. In a recent study, the ILO proposes establishing a benchmark at EU level for national minimum income guarantees⁷⁷ based on three principles, namely universality of coverage, adequacy and predictability of benefits, and tripartite participation in the reviewing of the scheme. The EESC has supported the introduction of a European framework directive on adequate minimum income that would "improve the adequacy of existing schemes" while acknowledging the limited role of the EU in this field⁷⁸. As stated by the EESC, the ongoing EU initiative regarding the construction

⁶⁹ EESC Opinion CCMI/136.

⁷⁰ EESC Opinion CCMI/136.

⁷¹ EESC Opinion SOC/336, SOC/530.

⁷² EESC Opinion SOC/ 496.

⁷³ EPSC Strategic Note No13: The Future of Work, EESC Opinion SOC/339.

⁷⁴ EESC Opinion SOC/246.

⁷⁵ EESC Opinion SOC/283.

⁷⁶ ILO (2016b); EESC Opinion SOC/482.

⁷⁷ Building on the ILO Social Security Convention (1952) and Social Protection Floors Recommendation (2012). Similar guidance is also provided in the European Social Charter (1961) and in the European Code of Social Security (1966). The Commission's Social Investment Package (2013) also calls on Member States to design efficient and adequate income support.

⁷⁸ EESC Opinion SOC/482.

of a European Pillar of Social Rights could provide a framework for combating poverty and strengthening social protection, provided it manages to improve current social standards and systems⁷⁹.

At national level, the concept of "basic income", which would provide all citizens or residents with a regular, unconditional sum of money is another policy option under discussion. For example, the Dutch city of Utrecht⁸⁰ is developing a pilot project and Finland⁸¹ is about to conduct a government-funded basic income experiment over the years 2017–2018. Other experiments of the same nature are taking place throughout EU Member States. However, there is not yet a common view or definition regarding the nature of basic income, its scope or level of benefits.

At international level, in order to ensure equal treatment of workers and companies, the EESC has called for coordination of the social security systems of the EU and its partner countries through the conclusion of international social security agreements, within the legal framework of the Treaties. In this regard, the EESC recommends the deployment of a multilateral policy establishing closer links with international organisations or supranational regional entities. A good example of this type of multiregional cooperation is the Ibero-American Social Security Agreement between the Latin American countries, Spain and Portugal. The EESC has also suggested that cooperation on social security should be directed in particular towards those countries that want to meet the goals set out in the ILO Social Protection Floor Initiative but need assistance to reach or improve the required thresholds⁸².

Flexibility, technology and work-life balance

As work forms an integral part of human life, changes in the world of work have direct implications for individuals' work-life balance in a broader sense. While flexi-work, part-time jobs, cloud work, digital tasks and other non-standard forms of employment might fail to create income security and job stability, the flexibility they provide creates greater scope for work-life reconciliation.

Technological developments such as teleworking and online platforms have meant that work is no longer bound to a certain location or time. Flexibility in working hours and the time saved on commuting facilitate the reconciliation of work and private responsibilities, including care for children or for the elderly. Flexi-work and new forms of employment can also represent an income opportunity for home-bound people, such as people with disabilities⁸³ or parents of young children.

However, the link between flexibility and work-life balance is not straightforward, and the blurred spatial and temporal boundaries of work and home might not benefit everyone⁸⁴. The risk for the worker to be "always on" is real⁸⁵. Some may experience work without boundaries as stressful,

⁷⁹ See EESC Opinions SOC/530; SOC/482; ILO (2016b).

⁸⁰ The Atlantic (21/6/2016): "The Netherlands' Upcoming Money-for-Nothing Experiment". http://www.theatlantic.com/business/archive/2016/06/netherlands-utrecht-universal-basic-income-experiment/487883/.

⁸¹ Vox (8/12/2015): "Finland's Hugely Exciting Experiment in Basic Income, Explained" http://www.vox.com/2015/12/8/9872554/finland-basic-income-experiment.

⁸² EESC Opinion REX 363.

⁸³ De Stefano (2016).

⁸⁴ ILO (2015).

⁸⁵ EESC Opinions CCMI/135; SOC/533.

leading to ill-health or burnout. Other may experience remote jobs as excluding from the work community⁸⁶. The question of whether workers' private lives require additional protection has been discussed in France⁸⁷ under the "right to switch off" initiative. In 2013, the French social partners adopted a national inter-professional agreement encouraging companies to look for ways of avoiding intrusion into employees' private lives by defining times when devices can be switched off. Similar initiatives were taken in other Member States.

Furthermore, flexibility alone does not guarantee the overall sustainability of the new working arrangements⁸⁸. Whether the new, non-standard forms of employment actually improve work-life balance partially depends on the nature of the flexibility provided, and in particular if the worker can keep control of the negotiable dimensions of employment such as working hours⁸⁹. Indeed, according to Eurofound⁹⁰, predictability in working hours may be preferable to flexibility when it comes to maintaining work-life balance.

Finally, it is important to bear in mind that part-time and temporary work are very often a matter of necessity rather than choice in the EU, and European workers seem to want more job security⁹¹. According to the 2013 Eurofound Labour Force Survey, 29% of part-time workers had non-standard types of work because they could not find a full-time job. Furthermore, simply increasing the participation rate of women does not necessarily mean ensuring social justice for them⁹² All in all, it should not be assumed that the risks related to the new, non-standard forms of employment are necessarily offset by flexibility or by the potential improvement in work-life balance these kinds of employment could offer⁹³.

⁸⁶ EESC Opinion CCMI/136.

⁸⁷ Eurofound (18/12/14): "France: A Legal Right to Switch Off from Work"

 $[\]underline{http://www.eurofound.europa.eu/observatories/eurwork/articles/working-conditions-quality-of-life/france-a-legal-right-to-switch-off-from-work.}$

⁸⁸ De Stefano (2016).

⁸⁹ Eurofound (10/8/2015) "Policies to improve work-life balance"

http://www.eurofound.europa.eu/observatories/eurwork/articles/working-conditions-industrial-relations/policies-to-improve-work-life-balance-0.

⁹⁰ Eurofound (3/3/2008): "Flexible working hours can hinder work-life balance"

http://www.eurofound.europa.eu/observatories/eurwork/articles/working-conditions-quality-of-life/flexible-working-hours-can-hinder-work-life-balance.

⁹¹ ILO (2016b); Eurofound (14/4/2015):"European workers want more job certainty"

http://www.eurofound.europa.eu/observatories/eurwork/articles/working-conditions-labour-market/european-workers-want-more-job-certainty-working-time-q4-2014-eurwork-topical-update.

⁹² Eurofound (2016a).

⁹³ De Stefano (2016).

Guiding questions:

Are the benefits of increased fragmentation of production unambiguous for business? How can businesses secure workers' long-term commitment in such an unstable context? In what ways does the changing nature of employment relations matter for workers and employers? How can tax and social protection systems adjust to these new realities?

IV THEMATIC CONVERSATION: THE GOVERNANCE OF WORK

Work is governed through various instruments in society: laws and regulations, voluntarily concluded agreements, labour market institutions, economic and social committees, and the interaction of governments and workers' and employers' organisations. These instruments are generally based on underlying social norms and values, reflecting what is perceived to be fair and what is not. At the very core of the international governance of work is the adoption of International Labour Conventions through tripartite negotiations which, when ratified, have the force of international law and are subject to ILO supervision.

As its tripartite structure indicates, the ILO regards governments, workers' and employers' organisations, and the social dialogue processes that bring them together, as key to the governance of work. Social dialogue and tripartism have indeed served the ILO and its European Member States well for nearly a century. Nonetheless, they are not without challenges and detractors.

The 2008 crisis has had far-reaching implications for social dialogue and collective bargaining across the EU. Whereas, in a few countries, they proved to be useful tools for overcoming the negative impact of the crisis – especially through the introduction of short-time and other negotiated working arrangements – in several others, social dialogue and collective bargaining suffered significantly and have not yet recovered. Indeed, in a significant number of countries, collective agreement coverage is decreasing. The EESC found that this can be partly explained by EU intervention in governance94, and invites the social partners to continue to increase their autonomy and capacity for collective bargaining so as to be able to rise to the current challenges. Recognising the complexity and scale of the challenges engendered by the crisis, the EESC has also called for ad hoc cooperation with other civil society representatives with due consideration for their respective responsibilities and competences. 95

In another opinion, the EESC stated the need to increase the involvement of all stakeholders in the design, delivery and evaluation of social policies. To that effect, it recommended that the Commission proposes new guidelines for consulting stakeholders in the social field, allowing them to provide input at all stages of European governance, at both EU and national levels⁹⁶.

⁹⁴ EESC Opinion SOC/507.

⁹⁵ EESC Opinion SOC/507.

⁹⁶ EESC Opinion SOC/ 530.

Bargaining in the digital economy

As discussed above, the process of digitalisation is having a great impact on the organisation of work, transforming a complex and continuously-changing labour market landscape⁹⁷. This poses some challenges for traditional labour market institutions such as collective bargaining and social dialogue which could render them partly ineffective⁹⁸, especially in contexts where trade union membership rates decline and more workers are in non-standard forms of employment⁹⁹.

While these developments pose challenges, it should not be assumed that current labour market institutions are entirely outdated or unsuitable for governance. On the contrary, the changes taking place in the world of work may well accentuate the need for strong, democratic, independent workers' and employers' organisations and for particular focus on protecting the rights of these workers in non-standard forms of employment. The EESC has called for collective bargaining to be promoted at all levels, especially in sectors and businesses that are affected by digitalisation.¹⁰⁰

Additionally, the social partners themselves are optimally placed to make productive use of internet-based technologies and e-platforms to stimulate both their membership and dialogue¹⁰¹. Examples of new trade unions' initiatives include the branch for the self-employed in the gig economy set up by the German Service Workers' Union, or the FairCrowdWork campaign run by IG Metall¹⁰². There is, however, legal uncertainty in several Member States regarding the right to organise people working through digital platforms in trade unions¹⁰³. Other initiatives aiming to give workers new "digital bargaining power" include the creation of cooperative digital platforms and the setting-up of e-groups of activists who compare, name and shame digital platforms according to the conditions they offer to their "contractors". However, these initiatives are still at an early stage of their development.

Social and civil dialogue across borders

While the economic context is global, labour market institutions, labour legislation and welfare systems are essentially defined and operate at national level, notwithstanding the existence of a European Social Model. For most companies and workers, governance is effected through national institutions, such as government departments, employment offices, labour inspectorates and health and safety authorities¹⁰⁴. Despite the tensions that a global economy may create for national bargaining processes, innovative cross-border social dialogue initiatives have emerged.

Recently, the promotion of decent work in global supply chains has come to the fore on both the EU and global agendas. In May 2016, the Council of the EU adopted conclusions on responsible global value chains stressing the important role of social partners and other stakeholders. In June 2016, the ILO adopted conclusions on the promotion of decent work in global supply chains

⁹⁷ EESC Opinion SOC/533.

⁹⁸ EESC Opinion CCMI/136.

⁹⁹ ILO (2015).

¹⁰⁰ EESC Opinion CCMI/136.

¹⁰¹ See European Commission Press Release (4/3/2015). http://europa.eu/rapid/press-release IP-15-4542 en.htm.

¹⁰² Knaebel (2016): "Germany looking for ways to defend the workers of the digital age"

http://www.equaltimes.org/germany-looking-for-ways-to-defend?lang=en#.V DWJ CLTIU.

¹⁰³ ILO (2016e). SOC/533.

¹⁰⁴ ILO (2015).

which stress the need to stimulate cross-border multi-stakeholder initiatives, including through sectoral initiatives, collective agreements and social dialogue. A month earlier, the EESC had adopted an own-initiative opinion on the same topic calling for the promotion of multi-stakeholder involvement and inviting the ILO to play an active role, including by considering adopting any relevant instruments which, with the commitment of all the stakeholders, would contribute to effective improvement of working conditions¹⁰⁵.

International Framework Agreements (IFA) are an interesting cross-border bargaining initiative. They are concluded between multinational enterprises and Global Unions to ensure that companies respect the same social standards in all the countries in which they operate. The majority are signed by European multinationals and they all specifically refer to the ILO Core Conventions. The other provisions, which differ from one agreement to another, refer to various issues covered by ILO standards such as the protection of workers' representatives, wages, occupational safety and health, and skills training. The 2016 ILO Resolution on Decent Work in Global Supply Chains recommends that, at the request of the social partners, the ILO assist in IFA follow-up processes, including through monitoring, mediation and dispute settlement where appropriate¹⁰⁶.

The Bangladesh Accord is another example of a legally binding agreement between global brands, retailers and trade unions to promote a safe garment industry in Bangladesh. It was signed in 2013 for the following 5 years and the key components include (i) an independent inspection programme supported by brands in which workers and trade unions are involved, (ii) the establishment of democratically elected health and safety committees in all factories to identify and act on health and safety risks, and (iii) workers' empowerment through an extensive training programme, complaints mechanisms and the right to refuse unsafe work.

Corporate social responsibility

Many private compliance initiatives have been put in place, including corporate social responsibility (CSR) activities which are essentially voluntary and company-driven. These are increasingly shaping the behaviour of enterprises and guiding consumer choices¹⁰⁷ as the international community as a whole is expressing what it expects of business, over and above compliance with law¹⁰⁸. Civil society often plays an important role in CSR initiatives and in some cases they can help shape responsible business strategy and governance.

The EESC has stressed that CSR should be used to promote not just environmental sustainability but also decent working conditions in third countries, and that it should aim to tackle the root causes of societal problems rather than merely providing defensive protection of shareholder interests¹⁰⁹. The EESC has also emphasised that CSR in an enterprise remains ineffective without

¹⁰⁶ ILO Resolution (2016): http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_489115.pdf.

¹⁰⁵ EESC Opinion REX/462.

¹⁰⁷See EESC Opinion SOC/440; ILO InFocus Initiative on Corporate Social Responsibility (CSR), Governing Body, 295th Session, Geneva (2006) http://www.ilo.org/public/libdoc/ilo/GB/295/GB.295 MNE 2 1 engl.pdf. ¹⁰⁸ ILO (2015).

¹⁰⁹ EESC Opinions SOC/480; SOC/440.

the commitment of its employees, and hence calls for CSR agendas to be set in cooperation with employees, managers and, where relevant, social partners¹¹⁰.

Additionally, under the UN Guiding Principles on Business and Human Rights, companies are expected to apply due diligence in order to identify, prevent, mitigate and account for how they address adverse human rights impacts. Some companies have involved workers' organisations in their due diligence process as these can provide useful information and play a role in the remediation of adverse human rights impacts.

The role of the ILO standards

The International Labour Conventions, which lie at the very heart of the international governance of work, are underpinned by three commonly agreed principles: first, the need to establish a level playing field between all countries on the basis of common standards; second, the shared objective of establishing universal respect for the Fundamental Principles and Rights at Work as set out in the 1998 ILO Declaration; and third, the importance of providing international guidance to Member States as they seek to combine economic growth with social progress.

Despite the global trend towards deregulation of labour markets in recent decades, international labour standards have been increasingly recognised as key components of regional and subregional integration processes. They are also referred to in most international trade agreements. The latest ILO research indicates that, as of December 2015, there were 76 trade agreements in place (covering 135 economies globally) that include labour provisions, nearly half of which came into existence after 2008. Over 80 percent of agreements that have come into force since 2013 contain such provisions while 72 percent of currently applicable trade-related labour provisions make reference to ILO instruments¹¹¹. The EU includes a sustainability chapter in all its trade agreements, the social provisions of which refer directly to the promotion and implementation of the ILO Core Conventions.

The expansion of global supply chains supported by technological innovation raises a key question for all ILO member states and their social partners: Do the far-reaching changes taking place in the world of work call for renewed focus on international Standards? And do newly arising needs and circumstances call for a revision of existing Standards or the adoption of new ones?

Guiding questions:

What is the place for national tripartite governance and social dialogue in a globalised world characterised by complex value chains incorporating resources from different countries and continents? How can workers' and employers' organisations strengthen their capacities and their partnership through the use of new communication systems? How can governments facilitate the strengthening of workers' and employers' organisations and promote collective bargaining? What can be done to ensure civil dialogue complements social dialogue? How can the greater focus on respecting labour standards in globalised production chains be leveraged to improve standards globally? What is the role of the ILO in this?

¹¹⁰ EESC Opinion SOC/440.

¹¹¹ ILO (2016) Assessment of labour provisions in trade and investment arrangements.

CONCLUDING REMARKS: TOWARDS THE WORLD OF WORK WE WANT

The ILO Future of Work Centenary Initiative essentially builds on the notion that the world of work will be what we make it and want it to be. This is contrary to technological determinism and the reductionist idea that technology independently and irreversibly governs a society's cultural values, social structure or history¹¹². If managed with care, technological development can further contribute to productivity and flexibility in existing businesses, respond to workers' aspirations and lay the foundations of new quality jobs. However, social partners and other civil society organisations must be able to play their crucial role in shaping the future in a way that works for us all. To this end, the EESC is, by its very nature, the ideal forum for fostering and promoting the sharing of best practices, policies and instruments with a view to maximising benefits and mitigating challenges related to the emerging world of work.

Almost a hundred years ago, the founders of the ILO made social justice the ultimate goal of the organisation. The turbulence of our times, both within and outside the EU, makes social justice an agenda for today. The Future of Work Initiative is indeed closely linked to the achievement of social justice, and the results it generates will provide guidance for the ILO on how that cause can be advanced.

Today, as the EU appears to be at a crossroads, the future of work in Europe is also related to the future of Europe. These two fundamental debates are highly complex and very different in nature, but they should both be guided by values - those same values on which both the EU and the ILO were built decades ago.

¹¹² ILO (2015).

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