Human rights in business and employment:

Promoting the right to decent work

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Introduction

Please think about the working world. You might have a clear vision about what you would expect when entering an organization as an employee or what you would do as an employer. If you now look at your social surrounding, is the distribution of labour overall or between various groups in the workforce equitable? Are the working conditions always in accordance with human rights? Where do you think violations of such rights could occur?

Usually, if people reflect on human rights abuses in the working world, the first things that come to mind are the clothing industry, mining, or toy manufacturing in developing countries in Africa, Asia, or South America. In countries such as Bangladesh, China, the Democratic Republic of Congo, India, or the Philippines, harmful working conditions (e.g., dealing with dangerous chemicals in the case of illegal electronic scrap from Europe and the U.S.) and child labour (e.g., when mining or producing soccer balls or firecrackers) are common and well known. This can, however, seem to be far away from our everyday life. Therefore, the question arises as to whether there are any human rights threatened in the Western developed world of work.

In developed countries, human rights in the workforce may be affected in much subtler ways. For example, the trend towards digitalisation offers companies the option of "digital Taylorism", namely a modern version of "scientific management" (The Economist, 2015). This may be perceived as a great danger for dehumanising the workplace. By using technical equipment, some companies in the logistic, transport, and construction sectors, for example, monitor and track employees' behaviour, performance, and location. This type of monitoring was impossible before the fourth industrial revolution and goes by far beyond Taylor's opportunities to control workers more than a century ago. Such conditions can cause a threat

to employees' right to privacy and data protection. Even threats to dignity and respect seem to be potential risks in parts of the modern working world.

As the digital change and its consequences for the workforce exemplify, human rights are, in many instances, at stake in the working domain. In this chapter, we introduce the reader to those aspects of the labour market and in companies that build on and can violate human rights. By doing so, we focus on those rights stated in the 1948 Universal Declaration of Human Rights (UDHR) of the United Nations that primarily affect the field of work, which are declared in Article 23. The viewpoints highlighted in this chapter also relate to the emphasis of Article 7 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) and 2015 Sustainable Development Goal (SDG 8) that advocates for "decent employment for all". The chapter sheds light on the value of (paid) work for human beings, the important role of working conditions, and the state of equal opportunities. The chapter then explores these aspects from a practitioner's perspective and suggests psychological prevention and intervention opportunities that can help to sustain or rebuild human rights at work.

Enabling the right to work? Psychological effects of unemployment

The financial crisis in 2007 led to particularly high unemployment worldwide, the likes of which were last reported during the time of the Great Depression (i.e., the 1930s). According to the 2018 International Labour Organization's World Employment and Social Outlook report, the total number of unemployed exceeds 192 million people around the globe. In Article 23(1) of the UDHR, it is declared, however, that "everyone has the right to work" as well as the right to "to protection against unemployment". From a psychological perspective, theoretical knowledge and empirical findings from the field of unemployment research outline why this claim is so important for human beings.

Unemployment alters people's lives (Klehe & van Hooft, 2018), particularly aspects of wellbeing such as happiness and life satisfaction (e.g., Mohr & Otto, 2011; Paul & Moser, 2009). Unemployment reduces both imminent and long-term financial resources. There is, overall, a 3.9 times higher mortality risk after longer periods being out of (paid) work (Grobe, 2006). Additionally, studies have found a correlation between reduced financial funds and mental impairment (Elovainio, Kivimäki, Kortteinen, & Tuomikoski 2001), and one's financial situation is related to depression (Frese & Mohr, 1987).

The impact of unemployment on wellbeing, however, arises from more factors than just mere loss of income (Carroll, 2007). Enabling the right to work provides humans with meaning for their lives: Work shapes our identities, offers us social inclusion, and helps us to achieve collective goals (Fasbender, Wang, Voltmer, & Deller, 2016; Jahoda, 1997). In her Latent Deprivation model, Jahoda (1997) postulates that, besides having the manifest function of earning a living, work serves various latent functions, such as structuring the daily routine of employees, providing them with self-confidence, and offering them social rewards (i.e., co-operation, social contact, and appreciation).

It might be difficult for unemployed people to live a life with dignity and respect as suggested by human rights because unemployment is commonly associated with stigmas (Fasbender &

Klehe, 2019) such as laziness, and is even perceived as a 'contagious disease' (Letkemann, 2002). Research controlling for other career-relevant factors (e.g., professional qualification, experience, age) has provided experimental evidence of such stigmatisation processes by revealing employers' preference for hiring (still) employed as compared to (long-term) unemployed people (Oberholzer-Gee, 2008). Kugler and Saint-Paul (2004) argue that "firms increasingly prefer hiring employed workers, who are less likely to be lemons" (p. 553). Hence, it is very hard to end unemployment (permanently) if already trapped in it (Bender, Konietzka, & Sopp, 2000). This pattern also explains why it is difficult to get into employment for the first time; such problems are faced by graduates as well as underprivileged people such as refugees when entering the labour market (Wehrle, Klehe, Kira, & Zikic, 2018; Wehrle, Kira, & Klehe, 2019).

For practitioners, the psychological consequences of unemployment are frequently considered to go along with reduced performance (Cole, Daly, & Mak, 2009). Several reasons have been posited for explaining this phenomenon including, for example, the outdating of human capital or learned helplessness of the unemployed. More specifically, in line with the so-called "disuse hypothesis" (Berkowitz & Green, 1965), unemployed people are potentially unable to use their skills and advance their knowledge and competencies, which contributes to an outdating of their human capital. Realizing this loss of competencies could lead to a shattered self-efficacy and, hence, the assumption of helplessness. However, whereas empirical findings underline that unemployment affects some work attitudes and work behaviour, for most people achieving re-employment, such negative effects vanish within a short period of time (Scheel & Otto, 2016). Yet, unemployed people are in a low-status group and share highly negative attitudes toward their own group. Thus, their own out-group favouritism (i.e., they want to escape the unemployed "in-group" as soon as possible and devaluate it and its members) may be one reason why unemployed people do not have a strong lobby for representing their interests in society (Wahl, Pollai, & Kirchler, 2013).

The meaning of job quality: Is any job better than none?

Employment should be full (if so desired), productive, and decent (SDG 8). The International Labour Organization (2013) provides relevant indicators of decent work among which are adequate earnings, decent working time, balancing work-family-life aspects, job and social security, safe working environment, and equal opportunities and treatment in the workplace. This report supplements Article 23 of the UDHR, and Article 7 of ICESCR, which advocate for just and fair working conditions and remuneration. Reflecting on the right to just and fair remuneration, it has been suggested that availability of financial resources allows humans to take part in everyday life, to determine their way of life (Fryer, 1986). Thus, fair remuneration is important to living a dignified life (Article 7a-ii). From a political viewpoint, however, it is often argued that simply having a job is the best solution for all and that people should feel grateful for work opportunities even if a specific job might lack some desired qualitative aspects. This argument serves as a justification for providing low-paid and insecure (i.e., fixed-term contracts and temporary agency work) or precarious work (i.e., insecure work plus few entitlements to income support when unemployed) and for forcing unemployed people to accept such job offerings.

Psychological and sociological knowledge provides evidence that the assumption that any job is better than none is not true. For example, Otto and Dalbert (2013) found that those in insecure employment perceiving high job insecurity were not better off regarding their wellbeing as those in unemployment. Similarly, using longitudinal data from the German Socioeconomic Panel, Grün, Hauser, and Rhein (2010) found that a lack of latent functions of work (Jahoda, 1997) impairs life satisfaction. An examination of the impact of change from unemployment to full-time employment revealed that only 50% of those re-employed felt better, whereas over 20% (i.e., those re-employed with low job satisfaction as well as those who had a worse job than before) felt worse. Grün and colleagues proposed a threshold model predicting that there will not be a positive effect of re-employment on life satisfaction if at least four of six quality aspects (kind of activity, earnings, advancement possibilities, workload, working hours' regulations, use of professional knowledge) are rated as worse in comparison to the prior job.

Regular employment is defined as involving an open-ended, five days per week contract with an organisation that pays taxes and social security contributions and is subject to national labour legislation and protection (Eurofound, 2017). In 2018 yet, almost 1.4 billion workers around the globe—equalling three out of four workers in developing countries—are estimated to be in vulnerable employment (i.e., having few other means of subsistence such as financial means or a partner with a significant income), and an additional 35 million will have joined them by 2019 (International Labour Organization, 2018). In developed countries, work is also shifting radically: New forms of short-term, digitally-platform-managed work, such as gig-economy work now make up between 5% (in the EU) and 17% (in the US) of jobs (Eurofound, 2017). These new forms of employment bring potential pitfalls (e.g., less protection, inconsistency, uncertainty) for workers (Spreitzer, Cameron, & Garrett. 2017) and challenge their work identity (Selenko et al., 2018).

Psychological theories offer criteria regarding how favourable work is designed, and empirical findings provide overwhelming evidence that poor jobs damage the mental and physical wellbeing of the labour force and undermine workers' motivation and satisfaction. One such model that serves to explain health issues related to unjust or unfavourable working conditions is based on the idea of an experienced imbalance between efforts expended at work and rewards received for it (Siegrist, 2002). The Effort-Reward Imbalance model emphasises that work-related benefits depend upon a reciprocal relationship between efforts and rewards at work (Siegrist, 1996) implying that an individual's investment of effort should be matched by adequate rewards (money, esteem, and career opportunities including job security). Lack of balance in this relationship (i.e., jobs that entail high effort and low reward such as precarious jobs) may cause emotional distress, which can lead to the development of physical (e.g., cardiovascular) and mental (e.g., depression) diseases via sustained activation of the autonomic nervous system (Van Vegchel, De Jonge, & Landsbergis, 2005).

The Job Characteristics model by Hackman and Oldham (1976), in contrast, focuses on the content of specific tasks a person must perform in a job. The model proposes five "core" job characteristics that affect various work-related outcomes (e.g., motivation or satisfaction) through three psychological states (i.e., experienced meaningfulness, experienced responsibility, and knowledge of results). Together, the three job characteristics of skill

variety, task identity, and task significance contribute to feelings of meaningfulness for employees. Meaningfulness has been shown to be related to, among other things, increased intrinsic motivation (Fried & Ferris, 1987) and productive employment (Steger, Littman-Ovadia, Miller, Menger, & Rothmann, 2013). Specifically, skill variety refers to the level to which a job requires a broad variety of activities and/or requires workers to develop their skills. Task identity can be defined as the level to which the job requires the person to identify and complete a work piece with work being more meaningful if jobholders are involved in the entire process rather than just being responsible for a part of the work. Task significance refers to the level to which the job affects other people's lives. Favourable working conditions in line with human rights thus offer the opportunity for persons to use and develop their skills; to be involved in all stages of a process from planning through executing to finishing a task, product, or service; and, thus, to work in a manner that fosters learning and personality development (Barrick, Mount, & Li, 2013). The two other core characteristics are autonomy (how much the job provides the employee with individual freedom to plan out the work and determine the procedures) and feedback (the degree to which the worker has knowledge of results), which are both expected to interact with meaningfulness.

Equality at work without discrimination: How much is there still to do?

In one paragraph of Article 23 of the UDHR it is declared that "Everyone, without any discrimination, has the right to equal pay for equal work". Although its manifestation, prevalence, and likelihood vary according to the characteristics of individuals and organisations involved, discrimination has been reported among employees due to age (Fasbender, 2017), ethnical minority status (Laer & Janssens, 2011), and gender, including women and people of the lesbian, gay, bisexual, transsexual, and queer (LGBTQ) community (García Johnson & Otto, 2019). For example, a British study investigating the prevalence of being a victim of bullying, found a six-month incidence rate of 6.4% for heterosexual employees. The number was doubled for lesbians (16.9%) and gay (13.7%) individuals and more than tripled for bisexuals (19,2%; Hoel, Lewis, & Einarsdottir, 2017). However, the prevalence of these violations as well as those in relation to age, religion, or ethnic origin varies among countries.

The world is presently challenged by the growing number of refugees, the biggest in recent times (Hainmueller, Hangartner, & Lawrence, 2016). The population of refugees at the end of 2016 was estimated at over 25.4 million people (United Nations High Commissioner of Refugees (UNHCR), 2018). A critical challenge in relation to labour rights is that the majority of the refugees are hosted in developing countries in Asia and Africa where access to meaningful employment is limited, given the already exacerbated unemployment rates. Yet, about 41% of the world's refugees are considered to be in a protracted situation (Dancygier & Laitin, 2014), implying that they remain in the host countries for a long time. An important aspect of integrating refugees in host communities is ensuring involvement in the economic space through job and business opportunities. The Geneva Convention Relating to the Status of Refugees (CSR. 1951) specifically highlights rights to wage-earning employment and social security. The SDG 8 also emphasises employment and decent work for all, hence

seeking to eliminate discrimination against groups such as refugees in the labour market and other economic platforms.

However, the reality is that some Western countries do not allow asylum seekers to pursue employment for a considerable amount of time while their applications for asylum are being processed, thus causing additional disruptions to their careers and undermining their ability to enact valued identities (Wehrle et al., 2018). Moreover, the challenge of forced migration and desperation to earn some kind of income leads refugees into lower rank jobs than they qualify for, leading to lower occupational status and earnings (Connor, 2010). This situation is complicated by prejudices held by host communities and by employers resulting in discrimination in hiring (Wehrle et al., 2018). Refugees are often the last to be hired, and easily lose their jobs (Lundborg & Skedinger, 2016). An assessment of refugees in the European labour market revealed that about 60% are overqualified for the jobs they hold compared to other immigrants and natives; indeed refugees need up to 20 years on average to achieve a similar employment status as natives (Dumont, Liebig, Peschner, Tanay, & Xenogiani, 2016). Such patterns reflect violations of labour rights of refugees and pose challenges for their social security, mental health, and career development.

Another example relating to the violation of the right to equality and equal treatment is the different economic situation of women and men and the so-called gender pay gap. Article 11 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) commits states to ensure that women have the same opportunities as men in employment, promotion, training, equal remuneration, social security, and safe working conditions. The recent Global Gender Gap Report provided by the World Economic Forum (2017), which considered 144 countries for which data were available, indicates that progress has been slow regarding gender equality. While women's and men's current access to education is nearly balanced (with ratios of women to men in primary-, secondary- and tertiary-level education of 98%, 97%, and 94%, respectively), when it comes to work and political power, the percentage of females drops dramatically. While it is estimated that the education-specific gender gap could be reduced to parity within the next 13 years, the continued widening of the economic gender gap suggests that it will prevail for another 217 years worldwide (ranging from 47 years for Western Europe to 580 years in the Middle East and North Africa).

The proportion of females as compared to males employed in skilled roles equals 76%; the proportion of females in leadership positions, however, is only 32% (World Economic Forum, 2017). Notably, the blame for differences in employment rates of males and females cannot be entirely placed on employers. The education system and processes that discourage certain people from certain professions undoubtedly contributes to the imbalance in employment. Witz (1990) notes that the "profession" is a "gendered" construct, such that specific groups of people are privileged during professional socialisation resulting into male- or female-dominated professions. There is also the notation of gendered expertise (Azocar & Ferree, 2015) where by conceptualisations of competences are centred on gender differences. These result in human rights challenges for minority groups, such as sexism in male-dominated organisations and professions (Powell & Sang, 2015).

From a psychological perspective, the gender inequality effect is mirrored in the case of glass-ceiling discrimination, which prevents women and other minorities from ascending in the organisation's hierarchy despite possessing the necessary qualifications (Arasu & Lathabhavan, 2017). Whereas the glass ceiling metaphor is related to the explanation of the underrepresentation of minority groups in general, the issue of their overrepresentation in specific precarious leadership positions in which failing is very likely, has been referred to as the glass cliff (Ryan & Haslam, 2007). In addition to this vertical gender segregation, a horizontal segregation is also observed: Even within the same hierarchical level, men and women do different jobs. Pichler, Simpson, and Stroh (2008) explain that women in middle human resource management positions more often are involved in jobs that afford direct employee involvement, whereas men at the same level are more involved in strategic human resource management tasks.

Building on knowledge of human rights in business and employment: What can or should psychologists do?

Psychologists can defend human rights at work. They can use their knowledge to help companies create decent work. They are experienced in risks assessments (which, at least in Germany, have to, by law, be conducted regularly by companies) and thus can help to identify those working conditions that are unfavourable. In the following paragraphs, some practical advice for ensuring equal opportunities, working with unemployed people and designing decent work based on empirical evidence is provided.

Ensuring equal opportunities and reducing human rights violations in the workplace: Psychologists are often involved in recruitment processes through which they can help to eliminate discrimination in hiring and placement. Psychological assessments should not only serve the interests of the employer but also the applicants and clients to promote equality in employment. Organizational psychologists and counsellors provide consulting services to organizations, which allow them to inform employers about potential workplace human rights abuses including discrimination and stigmatization of workers from minority groups, bullying, pay discrepancies, effort-reward imbalances, and lack of work-life balance, among others. Moreover, from a social learning perspective, psychologists should be role models and set standards for the organizations they counsel (Bandura, 1986) due to their expertise in detecting unacceptable conditions and behaviours in the workplace.

Working with unemployed people: It is evident that the best remedy for the unemployed would be providing a secure job. However, this goes beyond psychology and is largely affected by political and economic contexts. Nonetheless, career research has highlighted a number of career adaptive responses that unemployed jobseekers can undertake to foster the quality of their subsequent re-employment, such as exploration, deciding, planning, and sustaining their belief in their ability to handle this difficult situation (Zikic & Klehe, 2006). Indeed, these responses appear to be trainable (van der Horst & Klehe, 2019). Additionally, psychologists can focus on sustaining mental health and (re)building employability.

In this context, any intervention needs to be evaluated with regard to what its goal could be. In cases where the unemployment rate is very high, coping with long-lasting unemployment and

trying to secure mental health should include the further development of one's job qualifications for the low qualified. In contrast, in regions where a sufficient number of jobs are available or where self-employment is an option, re-employment should be the primary target through strengthening employability. Koen, Klehe, and Van Vianen (2013) showed that employability fostered job searches and the chance of finding re-employment among long-term unemployed people, and re-employment interventions helped to develop people's employability (though effects were small). Thus, employability is significant in the re-employment process, and interventions targeted at employability might be beneficial even among the long-term unemployed.

When designing interventions for unemployed people, psychologists should refrain from several practices. One of those is the illusion that the amount of activity put into applications is a predictor of re-employment. Psychologists should be aware that the number of applications submitted may, itself, be a risk for the mental health of the unemployed, who then may have to cope with more negative answers. Further, psychologists may be inclined to implement supporting an unrealistic optimism and a strong commitment towards paid employment. In a longitudinal study, Frese and Mohr (1987) showed that unemployed individuals who held high hopes to regain employment but were unable to re-enter the labour market one and a half years later had the highest level of depression. Coercing a willingness to make concessions also seems to be counterproductive. This practice increases the risk that re-employment comes along with precarious working conditions.

Improving working conditions through work re-design: As introduced above, in order to avoid negative health impacts similar to those of unemployment, jobs have to contain some basic features of human work design. Under the label of Occupational Safety and Health, legally binding human criteria of good work (Hacker, & Richter, 1984) have been established across developed nations that include aspects such as feasibility (indicating that jobs can be executed, considering standard values e.g., screen heights), elimination of damage (indicating that norms regarding pollutant concentration and of working under conditions of extreme heat, cold, or noise are considered), impairment of freedom (indicating that jobs should not risk psycho-somatic or mental health problems; e.g., burnout), and personality promotion (indicating that jobs should allow the development of skills.

Overall, employment must provide a person with the means to live as well as the chance to develop skills, to take part in social life, and to make plans for the future (Grün et al., 2010; Jahoda, 1997). When designing meaningful work, psychological knowledge can offer support by means of structural as well as behaviour-oriented preventions (e.g., stress-prevention trainings). In work psychology, there is a clear preference for structural- over behaviour-oriented interventions as structural-oriented interventions keep the focus on structural problems in organisational settings and away from the individual being simply not resilient enough in the tough working world. Through applying measures of work re-design, meaningful work can be established, and unilateral burdens can be reduced. With the classic methods of job rotation (whereby employees switch between jobs on the same qualification level in a company; e.g., balancing back and front office activities) and job enlargement (a widening of the range of tasks to be executed; e.g., replacing assembly lines with modular work where an employee performs not one but several tasks on a single item), task variety can

be increased and employees' understanding of the organisation and its entire process can be improved. Both described methods, however, are not appropriate when learning and personality development come into play. Instead, if aiming at growth needs more responsibility should be incorporated using job enrichment (i.e. higher qualified tasks are added to someone's job) or semi-autonomous work groups where a high level of responsibility for a specific product or service is attributed to the group (e.g., production of a complete car).

Reflections, questions and discussion points?

(1) You are involved in a discussion with some politicians on the community level. They suggest that unemployed people should be involved in voluntary work. How would you as a psychologist argue building on the right to protection against unemployment and the right to just and favourable remuneration?

(2) Referring to human rights (i.e., ICESCR Article 7): Is any job better than none? Please discuss empirical findings (e.g., Otto & Dalbert, 2013; Grün et al., 20110) and conceptual models (i.e., the Effort-Reward Imbalance model; Siegrist, 1996; the Job Characteristics Model; Hackman & Oldham, 1976) with regard to the role of employment quality in light of human rights.

(3) How can the gender gap be closed? Discuss the pros and cons of regulations regarding a female quota using your knowledge on equal rights. Can gender equality be achieved without implementing regulations or quotas?

(4) How can the work experiences of refugees be improved? They face the challenges of educational equivalence, language, and acculturation in addition to their personal career aspirations. What work rights and entitlements can refugees claim during and after the asylum-seeking process? What organisational and government policies limit the realisations of labour rights of refugees?

(5) Take a look away from the situation in the heavily industrialized countries: What about the plight of child labourers in mining and agricultural sectors in the less developed countries. How can psychologists contribute to increasing awareness of human rights violations?

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