МЕЖДУНАРОДНОЕ, СРАВНИТЕЛЬНОЕ И ЗАРУБЕЖНОЕ ТРУДОВОЕ ПРАВО

UDC 349.2

Community, authority, power: Three times epistemic, but what fits the International Labour Organisation?

Beryl ter Haar

Warsaw University,
26/28, Krakowskie Przedmieście, Warsaw, 00-927, Poland

For citation: Beryl ter Haar. 2023. "Community, authority, power: Three times epistemic, but what fits the International Labour Organisation?" *Russian Journal of Labour & Law* 13: 296–310. https://doi.org/10.21638/spbu32.2023.120

The International Labour Organization (ILO) is a well-known standard setting organization in the world of work. With its standards the ILO has created an epistemic community for labour law and social security law. Central to this paper though is the question whether the ILO is also an epistemic authority or even an epistemic power. To assess this, the main activities of the ILO are described in this paper. These include, besides setting standards and the regular and special supervisory mechanism, also the ILO's technical cooperation activities, training activities and services, research, debates, and exchanges of information. These activities are described against the background of the idea of discursive diffusion, which could be typified as governance technique to influence the policies or behaviour of the members of an epistemic community. From this an image emerges from the ILO as an international organization which can definitely be qualified as an epistemic authority, and even holds some traces of epistemic power. However, most of the activities that could make up for the ILO's epistemic power are executed in the ILO's field offices. Unfortunately, hardly anything is known about how the ILO field offices operate and therefore to what extend and how they make use of the tools that provide them with epistemic power. To understand this, further research is needed, preferably in the context of new governance and with the application of empirical legal research methods.

Keywords: ILO, epistemic community, epistemic authority, epistemic power, labour standards, discursive diffusion, universality.

1. Introduction

The International Labour Organization (ILO) is the international public organization for the regulation of work. In fact, it is one of the oldest international organizations in the world. With its establishment in 1919, as part of the Treaty of Versailles, it is older than

the United Nations (UN), of which it is a specialized agency. Being established at the end of the first World War and shortly after the 1917 October revolution in Russia introducing communism, the ILO's value lies with the creation and maintenance of social justice. Furthermore, the ILO is based on the following key-ideas: labour is not a commodity; freedom of association, freedom of expression, and collective bargaining; indivisible and universal applicability of the principles to all human beings; and poverty anywhere constitutes a danger to prosperity everywhere (1944 Declaration of Philadelphia).

These key-ideas, basic principles, values or foundations, have underpinned the activities of the ILO during its first centenary and remain to do so during its second centenary (2019 Centenary Declaration, preamble; Maul 2019, 272ff). To achieve these values, the ILO has, as probably its most well-known task, to adopt labour standards. Compliance with these labour standards is monitored by a, for an international public organization, rather refined and well-developed supervisory system. However, the ILO is much more than a mere standard-setter. Indeed, it can be stated that it has built an epistemic community and developed a wide array of dissemination activities in order to promote the implementation of and compliance with its labour standards. The question is though, to what extend the ILO is more than just an epistemic community: Is it also an epistemic authority, or even an epistemic power? The reason to analyse this, is because only by an analysis of the ILO's activities as a whole we can understand its true value in achieving social justice. By analysing the ILO in terms of epistemic community, authority and power, we can understand what the strength is of the ILO and use this more deliberately and strategically. It will also allow us to identify what kind of further research will be needed to gain a more in-depth understanding of the ILO's epistemology.

To address this question, I will comprehensively, but briefly, describe the various activities the ILO employs in setting and promoting the labour standards. These descriptions will be made with the idea of discursive diffusion in mind, which I consider as a determinant for epistemic power. The paper is structured as follows. In section 2, I will briefly explain how I will use and interpret the concepts of epistemic community, epistemic authority, and epistemic power. Then I will turn to the activities of the ILO, starting in section 3 with the ILO's standard-setting role, including a brief indication of the ILO's supervisory mechanism. Next, I will elaborate on other activities of the ILO that are less well-known, at least among labour law scholars. Thus, section 4 addresses technical cooperation and training and service activities and section 5 deals with the ILO's research activities. Section 6 concludes with some reflections on how these combined activities have developed into an epistemic community and how this may possibly give the ILO also epistemic power.

2. Basic research

2.1. Epistemic community, epistemic expertise, epistemic power and discursive diffusion

The idea of an epistemic community is a concept that originally has been developed in reference to scientific communities. However, it has been re-interpreted in the context of international policy coordination and more importantly in relation to influencing interests of states (Haas 1992, 4). More specifically, an epistemic community in the latter context is understood to have:

> 1) a shared set of normative and principled beliefs, which provide a value-based rationale for the social action of community members; 2) shared causal beliefs, which are derived from their analysis of practices leading or contributing to a central set of problems in their domain and which then serve as the basis for elucidating the multiple linkages between possible policy actions and desired outcomes; 3) shared notions of validity—that is, inter-subjective, internally defined criteria for weighing and validating knowledge in the domain of their expertise; and 4) a common policy enterprise—that is, a set of common practices associated with a set of problems to which their professional competence is directed, presumably out of the conviction that human welfare will be enhanced as a consequence (Haas 1992, 3).

The effect of an epistemic community follows from "the diffusion of new ideas and information [that] can lead to new patterns of behaviour" (Haas 1992, 3). Haas finds that an epistemic community can be an important determinant of international policy coordination, in particular in policy fields that are characterised by dynamics of uncertainty, interpretation and institutionalization. Something that can definitely be said about the world of work.

The idea of an epistemic community is thus to create a situation in which values, standards, policy ideas are shared by a certain group of participants. The values, standards, ideas form the basis for possible policy actions for which the validity is based on statistical and evidence-based data, with the aim to address commonly identified and/or experienced problems or goals. To what extent the values, standards, ideas actually influence the policy actions addressing those problems or goals, depends on how those values, standards, ideas are disseminated. One way of shaping dissemination is by the use of discursive diffusion. Trubek D. M. and Trubek L. G. (2005, 358) have comprehensively explained this as follows in the context of the European Employment Strategy.

> Discursive diffusion theory suggests that various processes, including the requirement for annual reports, committee meetings of various types, peer review, and various monitoring efforts, subtly transform national discourse and thus national policy. Thus when reports must be written in terms set by the guidelines, new concepts, with definitions of reality embedded in them, come to be accepted at national level. When national administrations come to see their performance measured qualitatively through peer review and Council recommendations, and quantitatively through indicators and league tables, they must confront new policy paradigms and take on board new concepts and vocabularies. This process requires them to adopt new cognitive frameworks, a transformation facilitated and reinforced by the need to prepare annual National Action Plans and to defend performance to various audiences that themselves employ the discourse of the EES. Such changes in the way issues are conceptualised, it is suggested, may lead to policy change.

The more deliberate and instructive discursive diffusion is applied, the more likely it is that the shared values, standards, ideas will transform discourses and therefore policy directions. Since this can only be done when an epistemic community is created, a deliberative and instructive application of discursive diffusion would point in the direction of epistemic authority or epistemic power. Epistemic authority, very superficially defined, refers to an authoritative agent or faculty of expertise. In a "Socratic approach" "epistemic authorities will not only motivate us to adopt their beliefs, but also provide us with higher-order reasons for re-assigning our own considerations their proper place in the web of

reasons for and against the view in question, thereby fostering our overall understanding of the topic" (Jäger 2016). While much literature on epistemic authority seems to be related to religion, the word "beliefs" used in Jäger's definition, will in this contribution be understood in a more secular interpretation as referring to values, principles, standards (policy) ideas.

Epistemic power, goes one step further, as it uses the "beliefs" that lends an agent epistemic authority, to influence and wield the shared perceptions of the epistemic community in order to change policies or behaviour of actors of that community (cf. Alasuutari and Qadir 2014, although they frame it as epistemic governance). The source of power in the approach of this paper is knowledge and experience, which combined could be called expertise.

2.2. International labour standards and supervisory mechanism

Since the beginning of its existence the ILO has adopted labour standards. The first convention introduced the 8-hour working day and 48-hour working week[1], which in the same year of establishment was followed by conventions on unemployment (C002), maternity protection (C003), night work (women) (C004), minimum age (industry) (C005), and night work of young persons (C006). By the time the ILO became a specialized agency of the UN, it had adopted 67 conventions, which is about one-third of the in total 190 conventions the ILO has adopted in its hundred-year plus existence (Swepston 1994)[2]. With 190 conventions, 6 protocols and 206 recommendations, the ILO can rightly be called a standard-setting organization, albeit not without criticism (Valticos 1969; Ghebaldi 1989, 204ff; Potter 2001; Wisskirchen 2005; Standing 2010; Servais and Van Goethem 2016, 54–73).

The standards, commonly referred to as International Labour Standards (ILS), are addressed to the ILO's members states. And, as common in international law with conventions and protocols, are to be ratified and, when a dualistic system applies, implemented in national law in order to get legal effect in practice (Leary 1982 for a critical study). As such, the ILS serve for States as points of reference (cf. De Quintana Figueiredo Pasqualeto and Lopes Scodro 2022) and their ratification should strengthen their national laws with the idea that those can no longer be modified to the detriment of the workers (Servais and Van Goethem 2016, 19).

The standards are accompanied with a rather sophisticated supervisory system, which is also not free from criticism (Samson 1979; Thomann 2012; Maupain 2013). This supervisory mechanism exists of two systems. The first is the regular system of supervision, i. e. "the examination of periodic reports submitted by Member States on the measures they have taken to implement the provisions of the ratified Conventions" (www.ilo.org — labour standards — applying and promoting international labour standards). These reports are examined by two ILO bodies, namely the Committee of Experts on the Ap-

[1] Art. 2 C001 — Hours of Work (Industry) Convention, 1919 (no. 1). Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C001 (accessed: 05.06.2022).

[2] See for a full overview of the ILO's conventions at the ILO's database for conventions, protocols and recommendations: Normlex. Some scholars argue that the ILO's greatest creativity in adopting standards was in the period 1948 to 1964, which might be more based on the varied content rather than quantity. Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1 (accessed: 05.06.2022).

plication of Conventions and Recommendations, and the International Labour Conference's Tripartite Committee on the Application of Conventions and Recommendations. The second system is formed by the special procedures, i. e. "a representations procedure and a complaints procedure of general application, together with a special procedure for freedom of association" (ibid).

It goes beyond the scope and purpose of this contributions to describe these procedures in detail. See therefore the ILO's website (www.ilo.org — labour standards — applying and promoting international labour standards). What is interesting and relevant to highlight about the ILO's supervisory system in the context of this study is the following. Although the ILO has a rather refined supervisory system, the regular monitoring activities and representation procedures are legally non-binding. Nonetheless, in practice the outcomes of the monitoring and especially the representation procedures are considered as a form of soft law jurisprudence (La Hovary 2015). With this it is meant that the interpretations that are made of the labour standards are accepted as if they were legally binding. In the legal doctrine this has been indicated as one of the reasons why the employers delegation in the Committee on Freedom of Association no longer accepted the (developed) interpretation on the right to strike as inherent part of the right to collective bargaining (La Hovary 2015). This could be taken as a sign that the ILO is considered to poses the authority to make quasi-legally binding interpretations on the labour standards that have the effect of changing the behaviour of the actors affected by those interpretation.

2.3. Technical cooperation activities, training and service

The activities addressed in this section all three may have a significant influence on the design of the discursive diffusion the ILO applies, and therewith its epistemic power. Although these activities have not developed in the same pace and to the same extend, they are linked to each other, which makes it logical to explore them in the same section.

2.3.1. Technical cooperation activities

Technical cooperation has developed over the course of time with various activities. Initially technical cooperation existed mainly in the form of advisory opinions from the ILO Office to governments (at the request of the latter) on draft legislation or administrative organisation plans (Ghebali 1989, 242). It was only about 30 years after the ILO's establishment in 1919, that technical cooperation became a more serious part of the ILO's activities (Servais and Van Goethem 2016, 74; Maul 2019, 13). A good deal of technical cooperation activities can be related to particular programmes. In the 1950s, for example, these activities were related to the United Nations *Extended Programme of Technical Assistance* — ETPA (Ghebali 1989, 242). These activities were continued in the 1970s till late 1980s as part of the United Nations Development Programme (which was a merged continuation of the ETPA with the Special United Nations Fund for Economic Development — SUNFED) (Ghebali 1989, 243–247) and reached a peak in the hay-days of the ILO's World Employment Programme — WEP (Servais and Van Goethem 2016, 74; Maul 2019, 159; ILO 2020, 50).

The nature of the technical cooperation activities started to change from projects, such as technical assistance missions and regional programmes (Ghebali 1989, 247–249), to more systematic operative activities, when due to a combination of events since the late 1980s the budget for these activities started to shrink (ILO 2020, 34). Among these events, are the end of the cold war with the fall of the iron wall in Berlin in 1989, a more independent role of the UN's Development Programme, and an expansion of technical assistance by programmes of international financial institutions such as the World Bank and the International Monetary Fund (Servais and Van Goethem 2016, 75).

More generally, Servais and Van Goethem (2016, 75) argue that the overall purpose of the ILO's technical cooperation activities is the implementation of the Decent Work Agenda at a national level. The ILO's Decent Work Agenda functions as a framework to bring together the different programmes of the ILO and as such offers especially a way to promote, the core labour standards (Servais and Van Goethem 2016, 79). An important element of the ILO's Decent Work Agenda, are the Decent Work Country Programmes (Servais and Van Goethem 2016, 80). Another programme, which the ILO, in partnership with the International Finance Corporation (IFC), launched in 2007 is the Better Work Programme. This programme is set up against the background of globalisation with the aim to improve compliance with labour standards in global supply chains. It combines "enterprise assessments of compliance with labour standards at the factory level, with training and capacity building" (Servais and Van Goethem 2016, 85; see also: Bair 2017; and www.betterwork.org).

It is through these programmes that the ILO engages in a "sustained dialogue and action with concerned members with the aim of addressing specific problems. This allows for a more in-depth and common understanding of the changes taking place in the structures and dynamics of labour markets and of their implications for the realization of fundamental principles and rights at work" (Maupain 2005, 446; in similar vein Servais and Van Goethem 2016, 78). More concretely, currently (2022), the ILO discerns two broad forms of technical cooperation activities:

1) advisory and direct contacts missions, during which ILO officials meet government officials to discuss problems in the application of standards with the aim of finding solutions;

2) promotional activities, including seminars and national workshops, with the purpose of raising awareness of standards, developing the capacity of national actors to use them, and providing technical advice on how to apply them for the benefit of all (www.ilo.org — Labour standards — Applying and promoting International Labour Standards — Technical assistance and training).

All in all, with the development of the technical cooperation activities, the ILO has moved beyond being a standard-setting organisation only, indeed, it can with just also be qualified as an agency for technical cooperation (Maul 2019, 85 and 159). The latter is reflected in the ILO's institutional setting, which holds besides the headquarters in Geneva, several regional offices around the world (Ghebali 1989, 163; Maul 2019, 161; www.ilo.org — Labour standards — Applying and promoting International Labour Standards — Technical assistance and training). It is in these offices where most of the technical cooperation activities are carried out. These activities are not without impact (Servais and Van Goethem 2016, 86).

2.3.2. Training and service

The second activity the ILO is employing besides setting standards, is training. Training activities are considered to be an important addition to standard-setting and enforcement and control activities by public authorities (international and national), because they can have a direct effect at the workplace. Moreover, the effects of training may offer "a decisive means of bringing about profound and lasting change" (Clerc 1982, 566). This is especially of importance in countries where the normal social structures, such as the freedom of association, collective bargaining, rights training, that contribute to improving working conditions are ineffective or non-existent (Clerc 1982, 567).

A good part of the ILO's training activities are part of the technical cooperation activities. These activities essentially consisted of "building labour force capacities by means of vocational training or projects aimed at raising workers' productivity" (Maul 2020, 159). In 1964 the ILO established the International Training Centre (ITC) based in Turin, which was made possible by a grant of the Italian government (Maul 2020, 166). Since that time, the ILO offers a wide variety of training activities. Among the earlier training activities is support by ILO officers in assisting training institutions and policymakers in improving the relevance and cost efficiency of their national and regional training activities (Kanawaty and De Moura Castro 1990, 767; Maul 2020, throughout, a.o. 165). Similar to technical cooperation activities, training activities by the ILO have undergone change and developed with the needs (Kanawaty and De Moura Castro 1990 for a critical review of the then ILO training activities).

The current (May 2022) statement of the ITC is that it's training activities are "dedicated to achieving decent work while exploring the frontiers of the future of work" (— about). As such, the assignment of the ITC is "to provide training activities at the service of economic and social development in accordance with, and through, the promotion of international labour standards" (Article 1, par. 1 Resolution Concerning the Statute of the International Centre for Advanced Technical and Vocational Training, Turin).

The ITC offers a wide array of trainings and services that are open for and can be called upon by a wide variety of persons and (legal) entities, including states, employers, workers and their representatives. The services of the ITC include: customized courses; knowledge management; advisory services; events and meetings; project management; and communication and advocacy. These serves aim to assist in skilling up, building capacity and prepare for the future (www.itcilo.org/services). The ITC's training activities (www.itcilo.org/training) can be qualified as well developed in terms of: 1) sort of training techniques and possibilities; 2) sort of courses and certification; and 3) number of topics.

Ad. 1 Sort of training techniques and possibilities

At the website of the ITC four different training techniques and possibilities are offered. The first concerns capacity building, which serves two goals: to promote progress around an array of work-related topics; and to support stakeholders all over the world. The second is the form in which teaching takes place. In general the ITC applies a form of blended learning, as well as fully-online learning. The latter is offered via the eCampus. The type of learning forms include MOOCs, online toolkits and other tools. The third is the use of digital media, which involves especially the use of websites, communication campaigns and stories. The fourth concerns the use of gamifications as a learning tool,

which means that points, levels and stories are applied. The application of virtual or augmented reality could be accounted to both, the third and fourth category.

Ad. 2 Sort of courses and certification

The ITC offers academic courses which are rather comprised and intensive in time for a varied period of time. Academic courses require an active participation of the participants, including working in groups, and preparatory self-study. Standard courses differ from academic courses in that they require less active participation of the participants, especially in terms of preparatory self-study. Self-paced courses or free courses, differ from the other two courses in that they are taken individually whenever the student wants and in a self-chosen tempo.

Different types of certificates and a diploma can be awarded, depending on the amount of hours of instruction, distance learning, and self-learning and the completion of assessments to verify whether the learning outcomes have been achieved. More specifically:

— a certificate of participation is awarded when a registered participants has completed at least 80 % of a course that lasted for at least for one hour;

— a certificate of achievement is awarded when a selected participant has completed at least 90 % of a course that lasts between 60 and 300 learning hours, including a final assessment or project;

— a diploma is awarded to a selected participant who has completed at least 90 % of a single- or multi-track training activity that lasts a minimum of 300 learning hours, including a capstone project.

Additionally, it is also possible to do a master. Masters are offered by the Turin School of Development. A master provides 60 university training credits, which equals about 1500 hours of study. Upon completion of the master, the participant will be awarded a first level master by the University of Turin.

Ad. 3. Topics

On the website of the ITC I counted over 40 different topics, which are clustered by 9 overarching topics: 1) employment promotion; 2) labour migration; 3) international labour standards; 4) social protection; 5) social dialogue; 6) innovation; 7) gender equality; 8) sustainable development; 9) future of work.

Overall, the approach of the ITC to its training activities is based on the conviction that "the future of learning is experimental, immersive, and customized, which fosters learner engagement and better results and retention" (www.itcilo.org/topics/gamification).

2.4. Research, debates, information and communication

The technical cooperation activities, training activities and services that are offered by the ILO, presume that the ILO is rich in experience and knowledge. Such can only be actually the case, if the ILO keeps updating its experience and knowledge and adapting its solutions to the changing needs of the world of work (cf. Servais and Van Goethem 2016, 89). Thereto, the ILO employs research activities, research, debates and "a genuine exchange of information" (ibid).

2.4.1. Research

The ILO has its own research department, which "conducts research on labour and employment issues with the aim of contributing to policy formulation for ILO constituents" (www.ilo.org — research — about the Research Department). Leading for the department's research activities is the Decent Work Agenda. Currently (May 2022), the research focus is on "the consequences for decent work of major transformative changes related to new technologies, inequalities and demographic shifts, climate change and trade and global supply chains" (ibid). Together with other parts of the ILO, among others the field offices and policy departments, the research department seeks to conduct "new research on "frontier issues", designed to generate innovative policy thinking for a human-centred future of decent work and guided by the needs of ILO constituents" (ibid).

The research department runs the International Labour Review, which is a global multidisciplinary journal for employment and social issues that was established in 1921 (www.ilo.org — publications — journals). The journal aims "to advance academic research and inform policy debate and decision-making in all fields related to the world of work" (ibid). Other outputs of the departments research activities are: flagship reports; studies on growth with equity; papers and briefs; and events (especially the Regulating for Decent Work Conferences) and courses/trainings. The latter are part of the programmes that are offered by the ITC.

Part of the ILO's research activities is also the collection of data and statistics (cf. Servais and Van Goethem 2016, 9093; www.ilo.org — statistics and databases). Statistics play an essential role in assessing progress towards decent work. They are also an important tool for "information and analysis, helping to increase understanding of common problems, explain actions and mobilize interest" (ibid). Thereto, the ILO has a special unit called ILOSTAT (https://ilostat.ilo.org/). Via a data catalogue one gets access to all the available data in ILOSTAT (https://ilostat.ilo.org/). This page also holds information about the resources, such as the labour force survey, concepts and definitions, and labour market information systems (LMIS), on which the data is based. For statistics or any form of (quantitative) data to be reliable, it is important that the quality, consistency and comparability of the collected data is ensured. Thereto two activities of ILOSTAT can be identified that seems to ensure this.

Firstly, a rather rigorous process is followed to select, develop and update statistical standards. More specifically, what data is to be collected is suggested by the International Conference of Labour Statisticians (ICLS) in resolutions and guidelines, which have to be approved by the Governing Body before they become part of the existing set of labour statistics (cf. https://ilostat.ilo.org/about/standards/icls/). Which topics are to be considered follows from a lengthy process involving often various ICLSs, ILO Governing Body meetings and continuous work by staff members of the ILO's Department of Statistics. The latter follows debates and programmes within the ILO, but it may also pick up on signals from users, national producers, and regional and international organizations (ibid). For every ICLS reports are prepared with separate ones on specific topics and one on general issues. These reports are first presented in a plenary session, then discussed in more detail in committee meetings, and then discussed again in plenary session to amend and adopt or reject it. Existing statistical standards are regularly revisited in order to review whether

they are still apt given changes in the world of work and practices in official statistics, improvements in technology, methodological advances and new insights from experience (ibid).

The second way in which the quality, consistency and comparability of the collected data is ensured is by training activities. The aim of the training activities is to "strengthen technical capacity at the national level to support the production of authoritative analytical reports on the labour market and other decent work topics in support of evidence-based policies" (https://ilostat.ilo.org/ — resources — capacity building and technical assistance). The ILO also offers technical assistance and tools for "the different phases of the Generic Statistical Business Process Model", which is mainly focussed on the labour force surveys (ibid).

The ILO holds various legal databases. Currently, the ILO maintains eleven databases, among others, these are NORMLEX (which brings together information on the ILS and national labour laws and social security laws); NATLEX (a database for national labour, social security and related human rights legislation); EPLex (which contains legal information on the regulation of temporary contracts and employment termination at the initiative of the employer); and LEGOSH (which holds OSH legislation and national regulatory frameworks).

Although the ILO maintains many statistical standards and databases, it has to be said that it also made many efforts to make the data accessible for a wide audience. One of the ways it has done this is by country profiles. One of these profiles relates to the statistical information (https://ilostat.ilo.org/data/country-profiles/) and the other to the legal databases (www.ilo.org — NORMLEX — country profiles). The country profiles, as the name suggests, bring together all data available by the ILO concerning the selected country. Another way to access the data is by topic, which can be interesting from comparative perspective.

All in all, one could conclude that the ILO makes many efforts to collect the necessary information, knowledge and experience, to propose and support evidence-based policy approaches in order to achieve (better compliance with) its ILS.

2.4.2. Debates

According to Servais and Van Goethem (2016, 93), the ILO considers itself as "the natural forum, at the international level, for debates, even polemics, on labour problems". The debates take place in many different forms, such as in publications, discussions in meeting of the various bodies of the ILO, in studies, at the various conferences part of the ILO's standard-setting activities (especially the ILC which takes place every year in June and the ICLS), as well as conferences that are either directly hosted by the ILO (RDW), supported by the ILO (ILERA — https://ilo-ilera.org/), or loosely related to the ILO (ISL&SSL — https://islssl.org/). The debate may "support, correct or contradict technical findings by exposing them to critical analysis" by governments and the social partners (Servais and Van Goethem 2016, 93). In order to develop common policies, address complex issues, or issues in a particular sector or region/country (e. g. garment industry in Bangladesh after the collapse of the Rana Plaza building and the Better Work Bangladesh programme), debates take place in meetings organized by the ILO with other organizations like the FAO, UNESCO, WHO, and the EU (ibid).

Content-wise, in general debates address issues that are of direct interest of the ILO's members and their policy-making. Servais and Van Goethem (2016, 94–97) mention as topics:

— the proposal to add a so called "social clause" to international trade agreements, which was at the start of the debates considered rather controversial on various levels. The ILO's promotional approach of the ILS, especially with the adoption of the 1998 Declaration, proved convenient in finding a solution;

— the involvement of other actors than the traditional tripartite constituents in the work of the ILO;

— the increasing number of migrant workers facing exploitation, discrimination and violence at work;

— how best to address accountability and workplace compliance with ILS and human rights in global supply chains.

More recent topics of debate include:

— the emerging gig or platform economy in order to understand the implications of this new form of work organization on workers and employment in general (www.ilo.org — topics — digital labour platforms. This is also part of the centenary initiative "the future of work" (2019 Centenary Declaration; ILO Global Commission Report on the Future of Work 2019);

— green jobs as part of the need for a just transition to a carbon- and resource efficient economy, which disrupts millions of jobs and livelihoods, but could also offer many opportunities to boost the economy and improve the quality of working lives (www.ilo.org — topics — green jobs). This too is part of the centenary initiative "the future of work" (2019 Centenary Declaration; ILO Global Commission Report on the Future of Work 2019);

— work, peace and resilience in times of war and disasters, which became a prominent topic with the Syrian refugee crisis, during the Covid-19 pandemic, and the aggressive invasion of Russia in Ukraine (www.ilo.org — topics — work, peace and resilience; and https://www.ilo.org/budapest/what-we-do/projects/ukraine-crisis/lang--en/index.htm on Ukraine).

2.4.3. Information and communication

The above activities generate a true wealth of information, knowledge (critical) analysis and documentation on any issue related to the ILS (cf. Servais and Van Goethem 2016, 97–98). The ILO's Library plays a key-role in the dissemination of all this information and knowledge, through the use of a comprehensive database, which serves a double purpose (ibid):

> on the one hand to disseminate information and documentation concerning labour issues among the Organizations' constituents, headquarters and field staff, partner institutions and researchers; and, on the other hand, to enhance their capacity to make effective use of labour information by appropriate training.

More concretely, this has resulted in a variety of ways to access the information and data. I have already mentioned the example of country profiles to easily access legal and statistical data (section 5.2). Other output of information, knowledge, analysis and docu-

mentation can be found with a simple "open search" on the ILO's website, or in a more systematic manner via the Library's webpage. At the Library's webpage there are two accesses to the information: LaborDoc (i. e. the ILO's institutional repository); and LabourDiscovery. LaborDoc offers access to ILO publications (books, reports, guides and manuals, working papers, journals — including the ILRev.)) and documents of meetings of ILO bodies (a.o. the ILC, Governing Body, the CEACR, and the Committee on Freedom of Association), whereas LabourDiscovery also provides access to the full collection of the ILO Library.

Furthermore, much of the information, knowledge, analysis and documentation of the ILO is also accessible via the focus topics, both via the ILO Library's Digital Collection as on its regular website. The Library's Digital Collection takes you easily to preparatory documents about the labour standards, for example, whereas on the ILO's regular website it shows an array on sorts of information, including news, statistics, projects, publications, etc.

Indirectly, the ILO's information is also disseminated though it's technical cooperation activities and training and service activities, which are all build on the knowledge building capacity of the ILO (see information in sections 4, 5.1 and 5.2).

3. Conclusions — epistemic community, authority or power: What fits the ILO best?

The aim of this paper was to analyse what kind of epistemology fits best with the ILO. The reason to analyse this, is because only by an analysis of the ILO's activities as a whole we can understand its true value in achieving social justice. By analysing the ILO in terms of epistemic community, authority and power, we can understand what the strength is of the ILO and use this more deliberately and strategically. It will also allow us to identify what kind of further research will be needed to gain a more in-depth understanding of the ILO's epistemology.

ILO activities ordered by the three epistemics

Community	Epistemic Authority	Power
International Labour Standards	International Labour Standards Supervisory System Technical Cooperation (advice & direct contact missions) Services Research (incl. databases and statistics) Information & Communication (Library)	International Labour Standards Supervisory System Technical Cooperation (promotional activities) Training Debates

Table orders the ILO's activities to the three epistemics: community, authority and power. The ILS are part of all three the epistemics. Without them there would be no common points of reference, no shared understanding or vocabulary that is the basic building

block for a community. The Supervisory System, although also contributing to creating common points of reference, are more about providing authoritative interpretations on the common points of reference found within the ILS. Hence they are ordered as authority and not community. They are also ordered as power, due to how the outcome of the various supervisory mechanisms are perceived in practice: soft law jurisprudence. As such they have the power of making actors act as they "ought" to act.

Technical cooperation activities are also ordered in both, authority and power, however, with in each epistemic different activities. Part of the epistemic authority are the more early day technological cooperation activities, especially advice and direct contact missions. These activities are typical in accepting the expertise of the ILO, but not necessarily with the aim of changing or re-directing policy activities or behaviour. The typically promotional activities of technical cooperation, such as the Decent Work Country Programmes and the Better Work Programmes are ordered as activities expressing epistemic power. The aim of these activities is, to engage in a sustained dialogue and action. As such, these activities are governance oriented, hence they are about exerting influence (read: power).

Services are offered by the ILO and called upon by its constituent parties, i. e. states, employers and workers representatives. In other words, the constituent parties are seeking the expertise of the ILO. This is something that is typical for epistemic authority. Part of the services is also offering training. Training can be considered as typical for epistemic authority, since in general training activities are sought after with organizations that are considered expert in the field of training. However, the goal of training differs significantly from services, in that it empowers. And empowerment can be a decisive means of bringing about profound and lasting change. This is typical for epistemic power.

The ILO's research activities are all typical for epistemic authority. They are a means of gaining knowledge and building expertise. Especially the reports, databases and statistics contribute to the image of the ILO as authoritative in the field of labour. The ILO's information and communication activities, which as identified by Servais and Van Goethem (see above) mainly exists of activities of the ILO's library, are also typical for epistemic authority. Afterall, the main purpose of the ILO's library is to make the ILO's information accessible. This information contains of documents of the meetings of the institutions, research publications (books, papers, reports), and the databases and statistics. In addition, the library serves as a "gateway" to information about the world of work with making its collection accessible.

Based on its knowledge and expertise, the ILO is able to engage and initiate debates. In general these debates are on the direct interests of its members. During the Covid-19 pandemic, for example, the ILO was, compared to other international organizations, relatively fast to publish a policy brief with recommendations on how states could support businesses and maintain jobs during the lockdowns (ILO policy framework for tackling the economic and social impact of the COVID-19 crisis, Policy Brief May 2020). With the debates, the ILO aims to develop common policies, address complex issues or particular sector or region issues. The aims matched with the idea of epistemic power.

What is clear from this analysis is that when the wide array of activities of the ILO is taken into consideration, the ILO is definitely more than a mere standard-setting organization. As is illustrated in table 1 the standards are important since the form the basis and perhaps even the legitimacy, for all the other activities. Many of these activities give the ILO epistemic authority, making it more that just an epistemic community. Indeed, a

number of activities even gives the ILO epistemic power. However, a good deal of these activities, especially technical cooperation, takes place within the ILO's field offices. How the field offices operate in terms of, among others, discursive diffusion, which would give hand and feet to the ILO's potential epistemic power, is not known.

In general, this analysis is based on what is written about the ILO in the (legal) doctrine and on my analysis of the information about activities that is available on the ILO's website. This is useful as it gives a first impression of what epistemic fits the ILO best. However, to gain a more profound insight in the ILO's epistemology empirical research would be needed. Such research would be interesting, because it could help the ILO in using its strengths more deliberately and strategically and strengthen its weaker points, when such is considered to be desirable. Additionally, having a strong profile as having epistemic authority and/or epistemic power, could positively reflect on the ILO's reputation and position in the multi-pluralistic normative world of work. For the moment, thought, we can carefully conclude that the ILO holds epistemic authority complemented with some epistemic power.

References

Bair, Jennifer. 2017. "Contextualising compliance: Hybrid governance in global value chains." *New Political Economy* 22 (2): 169–185.

Clerc, J. M. 1982. "Training as an instrument of a strategy for the improvement of working conditions and environment." *International Labour Review* 121 (4): 565–576.

Ghebali, Victor-Yves. 1989. *The International Labour Organization. A Case Study on the Evolution of U. N. Specialized Agencies.* Den Haag: Martinus Nijhof Publishers.

Haas, Peter M. 1992. "Introduction: Epistemic communities and international policy coordination." *International Organization* 46 (1): 4.

Jäger, Christoph. 2016. "Epistemic authority, preemptive reasons, and understanding." *Episteme* 13 (2): 167–185.

Kanawaty, George, and De Moura Castro, Claudio. 1990. "New directions for training: An agenda for action." *International Labour Review* 129 (6): 751–772.

La Hovary, Claire. 2015. "'The ILO's supervisory bodies 'Soft law jurisprudence'." *Research Handbook on Transnational Labour Law*. Ed. by Adelle Blackett and Anne Trebilcock, Cheltenham: Edward Elgar Publishing: 316–328.

Leary, Virginia A. 1982. *International Labour Conventions and National Law: The Effectiveness of the Automatic Incorporation of Treaties in National Legal Systems*. The Hague: Martinus Nijhof Publishers.

Maul, Daniel. 2019. *The International Labour Organization: 100 years of global social policy*. Geneva: ILO and Berlin: De Gruyter Oldenbourg.

Maupain, Francis. 2005. "Revitalization not retreat: The real potential of the 1998 ILO Declaration for the universal protection of workers' rights." *The European Journal of International Law* 16 (3): 439–465.

Maupain, Francis. 2013. "The ILO regular supervisory system: A model in crisis?" *International Organizations Law Review* 10: 117–165.

Potter, Edward E. 2001. "Renewing international labour standards for the 21st century." *Zeitschriftfir Arbeitsrecht*: 204ff.

Quintana Figueiredo Pasqualeto, Olívia de, and Lopes Scodro, Catharina. 2022. "(Re)Thinking the International Labour Law: International Labour standards, regulatory strategy and universality." *Studia Z Zakresu Prawa Pracy i Polityki Społecznej* 29 (1): 1–10.

Samson, K. T. 1979. "The changing pattern of ILO supervision." *International Labour Review* 118 (5): 569–587.

Servais, Jean-Michel, and Valérie Van Goethem. 2016. *International Labour Organization (ILO)*. 2nd ed. Alphen a/d Rijn: Wolters Kluwer.

Standing, Guy. 2010. "The international labour organization." *New Political Economy* 15 (2): 307–318.
Swepston, Lee. 1994. "The future of ILO standards." *Monthly Labour Review* 117 (9): 16–23.
Thomann, Lars. 2012. *Steps to Compliance with International Labour Standards*. Wiesbaden: VS Verlag für Sozialwissenschaften.
Trubek, David M., and Louise Trubek. G. 2005. "Hard and soft law in the construction of Social Europe: The role of the open method of co-ordination." *European Law Journal* 11 (3): 343–364.
Valticos, Nicolas. 1969. "Fifty years of standard-setting activities by the International Labour Organisation." *International Labour Review* 100 (3): 201–237.
Wisskirchen, Alfred. 2005. "the standard-setting and monitoring activity of the ILO: Legal questions and practical experience." *International Labour Review* 144 (3): 253–290.

Received: June 6, 2022
Accepted: June 30, 2022

Author's information:

Beryl ter Haar — b.terhaar@uw.edu.pl