

13.30 - 13.40

Begrüssung

Dr. iur. Sylvie Pétremand, Universität Lausanne

Prof. Dr. iur. Kurt Pärli, Universität Basel

13.40 - 14.10

Soziale Rechte in der Logik des Postwachstums (englisch)

Prof. Dr. Nicolas Bueno, FernUni Schweiz

14.10 - 14.40

«Grünes Arbeitsrecht» – Klimawandel und Nachhaltigkeit als rechtliche Herausforderungen für das Arbeitsverhältnis (deutsch)

Prof. Dr. iur. Isabelle Wildhaber, Universität St. Gallen

14.40 - 15.10

Die Herausforderungen des Schutzes der psychischen Gesundheit von Arbeitnehmern (französisch)

Prof. Nicolas Moizard, Universität Strassburg

15.10 - 15.30

Pause (La Pausa)

15.30 - 16.00

Möglichkeiten und Schranken der Regulierung digitaler Arbeit (deutsch)

Prof. Dr. Sebastian Krebber, Universität Freiburg i.Br.

16.00 - 16.30

Arbeiten im Metaverse – Arbeits- und sozialversicherungsrechtliche Herausforderungen (deutsch)

Prof. Dr. iur. Kurt Pärli, Universität Basel

Diskussion

Moderation Dr. iur. Anne Meier, Rechtsanwältin, Genf

(englisch/deutsch/französisch)

Work and Labour Law in Post Economic Growth

Prof. Dr. Nicolas Bueno, *UniDistance Suisse*

nicolas.bueno@unidistance.ch

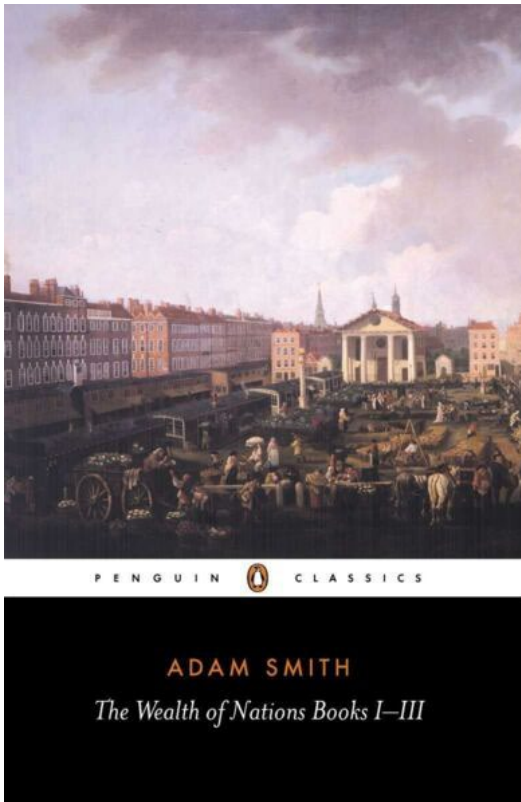
Work and Labour Law in Post-Growth

Questions for labour lawyers:

- What kind of work does labour law **currently** protect and why?
- What kind of work could labour law promote **in the future** and why?
- **How** does labour law shape how we work?

1. Work and Labour Law for Growth and Productivity

Gross Domestic Product (GDP) as a Goal



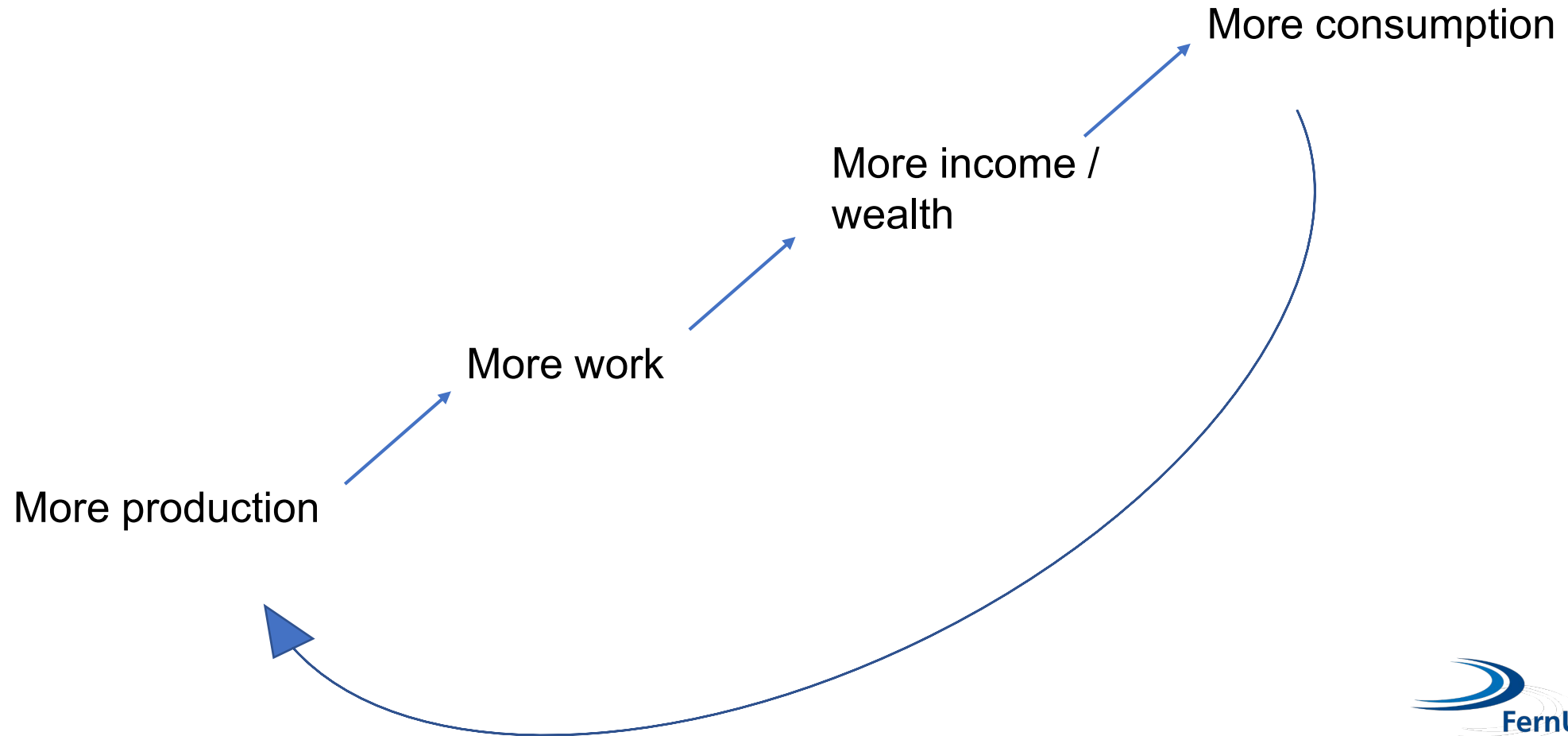
(The Wealth of Nations, 1776) The wealth of any nation can be increased ... by increasing either the number of its **productive labourers** or their **productive powers**



- Focus on economic growth
- Focus on economic productivity
- Promotion on **productive workers**

1. Work and Labour Law in the Growth and Productive Era

The Imprecise Dogma of «More is Better»



1. Work and Labour Law in the Growth and Productive Era

BUT...

Productivity is based on market competition

- Competition between workers/technology
- Hyperadvertisement

Overvaluation of market work

- Food speculation

Devaluation of non-market activities

- non-market paid work (public work, non-profit work)
- non-market unpaid work (care work, voluntary work, artistic work, political work)
- non-market activities (leisure time, friendship)

1. Work and Labour Law in the Growth and Productive Era



John Stuart Mill
Principles of Political Economy
With Chapters on Socialism

OXFORD WORLD'S CLASSICS

John Stuart Mill, *Principles of Political Economy*, 1848

“The labour of saving a friend's life is not productive, unless the friend is a productive labourer”

1. Work and Labour Law in the Growth and Productive Era

BUT...

Productivity is based on market competition

- Competition between workers/technology
- Hyperadvertisement

Overvaluation of market work

- Ex: Food speculation

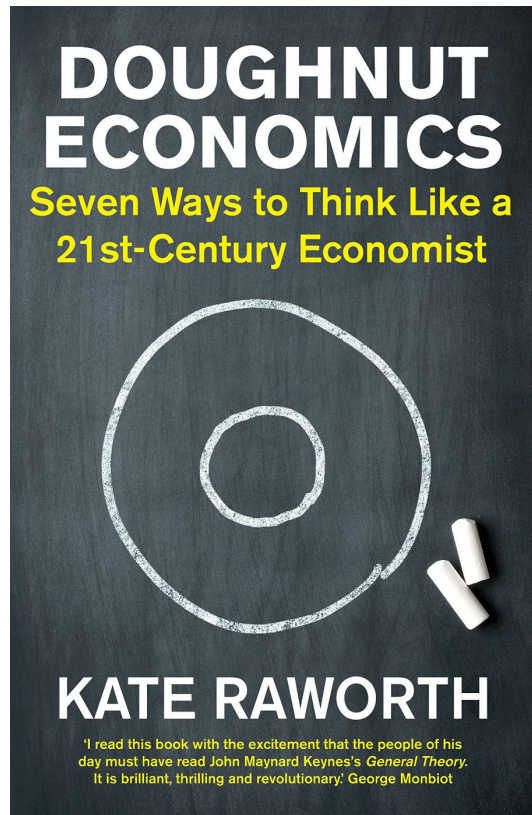
Devaluation of non-market activities

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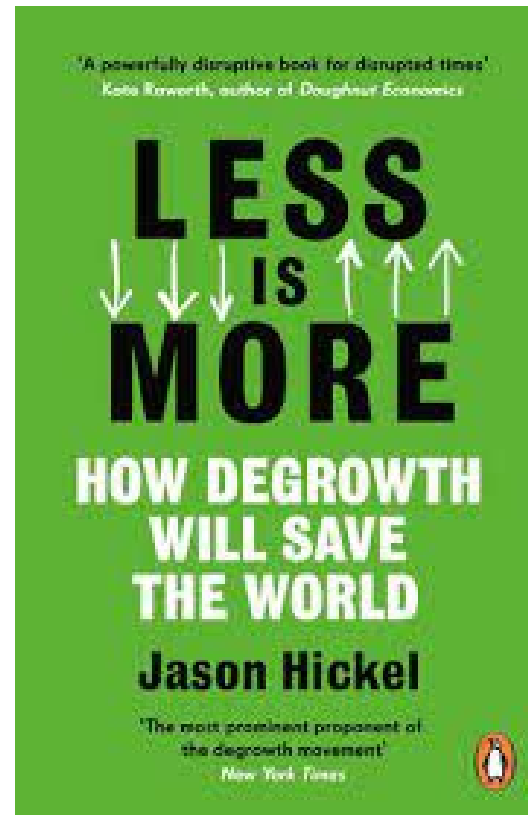
LABOUR LAW...

- introduces minimum standards / allows market bargaining/protects wage workers (ex: Uber)
- *is supportive/neutral*
- introduces minimum standards / allows market bargaining / protects wage workers/
- *not supportive*
- *not supportive*

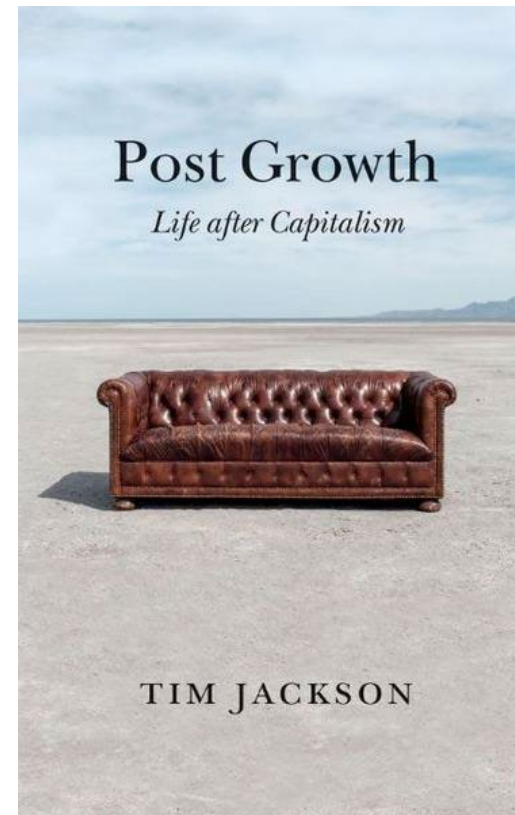
2. Post Economic Growth Theories



2018



2021



2021



Green Growth
Sustainable Growth

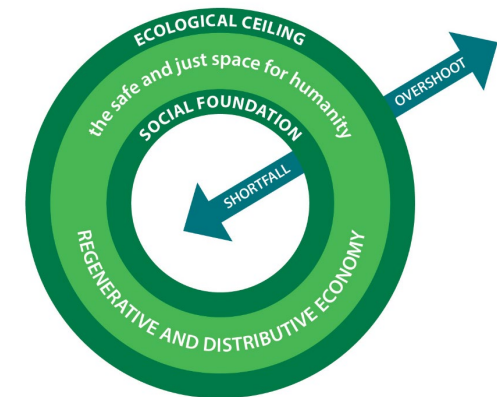
2. Post Economic Growth Theories

Main message:

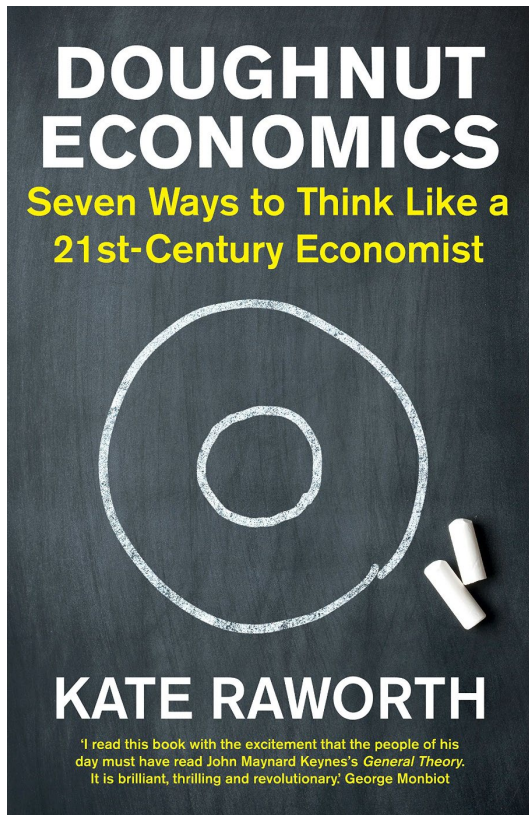
- «High-income countries don't need more growth in order to improve people's lives» (Hickel)
- «more is not always better» (Jackson)
- Growth has a human and environmental cost

What then if not growth?

- Health (physiological, psychological, social)
- Social and environmental fairness
- Individual freedom (meaningful work, leisure time, social relations)



3. Work in Post Economic Growth



2018

From a «divisive» to a «redistributive» economy

What?

- Employee-owned firms
- Not-for-profits
- Community interest companies

How?

- Taxing non-reneweable energy/extreme personal wealth (instead of income tax)
- Basic income

3. Work in Post Economic Growth

Post Work Theories (quantitative)

Society with less work



Basic Income
Technology

Post Productive Work Theories

Society with more personally and socially meaningful work and activities



- Basic Income
- Revaluation of non-market activities that are personally and socially meaningful
- Revaluation of market activities that are socially/environmentally detrimental
Ex: *Bullshit Jobs* (Graeber)

4. Labour Law in a Post Growth Era

What kind of work does labour law currently protect and why?

- Mainly paid market work
- Because it contributes to economic growth

What kind of work could labour law protect more in the future and why?

- Personally and socially meaningful non-market work (e.g. environment, health)
- Win win for society and the individual

4. Labour Law in Post Growth

How can labour law promote non market meaningful work?

1. Broaden the definition of work in labour law
2. Depart from the idea that market work is more useful than other activities:
 - Identify specific activities as particularly socially/environmentally meaningful
 - Identify specific market work as particularly socially/environmentally detrimental (Bullshit Jobs)
3. Expand opportunities for particularly socially/environmentally meaningful non market work
 1. Provide retirement benefits, unemployment benefits, reduce taxation
 2. Increase taxation, reduce unemployment benefits or retirement benefits for high-valued market work that is particularly socially/environmentally detrimental
 3. Introduce a basic income (maybe, but not only)

References

- Bueno Nicolas, From Productive Work to Capability-Enhancing Work: Implications for Labour Law and Policy, 23(3) *Journal of Human Development and Capabilities* (2022) 354-372 doi: 10.1080/19452829.2021.1951186
- Bueno Nicolas, Freedom 'at', 'through' and 'from' Work : Rethinking Labour Rights, 160 (2) *International Labour Review* (2021) 311-329. doi: 10.1111/ilr.12192
- DermineElise and Daniel Dumont, 'A Renewed Critical Perspective on Social Law: Disentangling Its Ambivalent Relationship With Productivism' (2022) *International Journal of Comparative Labour Law and Industrial* 38(3)