FAIRNESS AT WORK (THE ARTHURS REPORT): AN ARGENTINEAN PERSPECTIVE

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This brief reflection on some aspects of the final report of the Federal Labour Standards Review written by Harry Arthurs will not disregard the vast gap in the degree of development between Canadian and Argentinean economies. A gap that becomes even wider in relation to the specific object of this report—labor standards for workers employed in federally regulated enterprises—that refers to a peculiar business and labor universe: it comprises a total of 12,000 enterprises and 840,000 employees, 86% of which work in companies of over 100 employees; of all those workers, no less than 75% of them work in enterprises of the economic weight of banks, airlines, postal services companies, and telecommunications firms. It should be borne in mind that 99% of the establishments in Argentina employ no more than 50 workers each, and that these very establishments provide employment for over 70% of the manpower working in the private sector.[1]

Such an abysmal difference between these two realities certainly calls for care and prevention, but does not necessarily inhibit the study of the Canadian jurist from being interpreted from an Argentinean point of view. Because Labour Standards, open to multiple national varieties—different models, different rhythms and states in development, different emphasis—configure, notwithstanding, a historical category endowed with certain universal features whose evolution process in changing times must be up to the jurists to interpret and distinguish from the one that, probably simultaneously, permeates their national law along more strictly local paths.

Within the framework of a weighty and thorough, well written, and better thought out piece of work, I have chosen a small number of

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1. These small and medium-small enterprises represent a substantial portion of the economic activity in Argentina, which includes a scope of realities of various types ranging, among others, from sole proprietorships, family businesses, and companies with different degrees of formality to arts and crafts industry enterprises, and from companies with state-of-the-art technology to others whose obsolete technologies lead them into a process of decline.

issues to discuss in an attempt to show to what extent an effort concentrated on such a peculiar object of Canada's legislative policy at federal level may, however, shed light on some of our own reflections.[2]

I. ECONOMY AND WORK PROTECTION

The author highlights how notoriously contributions made by employers, workers, and community groups in response to public surveys he himself has conducted take on decidedly antagonistic positions regarding labor standards. Workers and community groups vindicate their historical protective function, claim for reform that would strengthen it, and—and this is the most innovative point—propose the establishment of a protection framework reaching not only employees but also the remaining members of the work force, that is to say, even those related to the company by a link other than an employment contract.[3] "Ironically" (term used by the author) employers also claim for reform, but their purposes are quite diverse: to extol flexibility in institutions in their own interest, reduce their costs and obligations, enable the introduction of new non-traditional forms of employment, and reduce restrictions affecting employers powers.

These positions can in no way come as a surprise to the Argentinean reader, for they are neither different nor less biased in our own debate on labor, wherein, while some consider impossible to take on any other way but indiscriminate deregulation (as deeply enforced as unavoidable political restrictions may permit) others, on the contrary, seem to worship regulations currently in force in a sort of uncritical cult, assuming they are "good" simply because they are there; it is from this last perspective that any reform proposal is perceived as regressive. These extremely opposing perspectives are reproduced in the minds of policymakers, who, identified with either one or the other, alternate in power and tinge labor policies with an exhausted (and exhausting) *swaying* shade: some of them arrive from the "right wing" and take on the practice of radically dismantling the institutional protection network to extremes; others arrive, later on,

2. Many other issues treated in the Arthurs Report may allow for a similar exercise, but it would lead us away from the purpose of this contribution; namely, as proposed, a brief comment.

3. The issue has been discussed in different studies lately (among them one by Arthurs himself and another one by the undersigned. Harry Arthurs, *Fairness at Work—Federal Labour Standards for the 21st Century*, HER MAJESTY THE QUEEN IN THE RIGHT OF CANADA (2006); BOUNDARIES AND FRONTIERS OF LABOUR LAW: GOALS AND MEANS IN THE REGULATION OF WORK (Guy Davidov & Brian Langille eds., 2006).

from the "left wing" this time and, far from endowing the regulation system with new institutional tools enabling the strengthening of the logics of protection in renewed economic, social, and technological contexts, they limit themselves to re-establishing, to the letter, those tools prevailing ten, twenty, or thirty years before.

From that standpoint, what does draw our attention—and is certainly profitable for those of us who often go through experiences like the ones I have just recalled—is the infrequent path Harry Arthurs takes to keep away from—to exorcize?—that display of biased unilateralism. In keeping with that resolve, he takes a succession of steps to examine the changes in the nature, needs, and aspirations of the workforce, in its new family and demographical structure requirements, in its work contents and credentials. He then passes on to examine the challenges the new economy poses to either companies (e.g., more flexibility to enable the introduction of technologies, input acquisition and access to new distribution channels, the need to upgrade or downsize, and quick development of their workforce) or workers (whose health, welfare, and productivity may be affected by, for instance, longer and more flexible work hours, increasing inequality, deprivation, instability, and insufficient retribution, among other scourges). Arthurs has a clear purpose in describing with equal emphasis and conviction the expectations that employers, on the one hand, and workers, on the other, place on labor institutions: to take into consideration and arbitrate the arguments and needs of either group, in a tribute to the complex network of values and interests institutions must attend to. He will not just stick to overcoming the unavoidable unilateralism of social demands: the author knows only too well that modern conception of labor institutions is not attained even by striking somewhat of a balance between workers' and employers' interests; they must also give appropriate responses to transcendental matters reaching far beyond both groups and expressing societal values—the time for citizens' coexistence, the need for everyone to participate in the civic and political evolution of the "polis," the central role of the family in society, etc.—that are not unfamiliar to the scope of responsibility of the policymaker in charge of labor institutions.

Considerations that Arthurs, notwithstanding, subjects and conditions to the *ideological framework* that, in my opinion, precedes and legitimates the institutional proposal that any effort to consider and harmonize such wide-ranging, even opposing interests must yield before a pre-eminent principle: *no economic argument should ever*

justify neglecting the principle of decency at work and the moral requirement upholding it.

Such a rich approach, brimming with nuances of meaning, cannot but inspire a proposal correlatively balanced and complex. Glimpses of this can be perceived on examining the group of principles of labor standards legislation proposed by the author and that I, with a different theoretical intent, reproduce in the following section.

For this Argentinean-outlook interpretation, i.e., from such a polarized historical experience, the way in which the author tackles the labor debate and assumes the demands of economy, protection of employment, and social coexistence configures *a suggestive methodological approach.* Approach valid as such, although his recommendations may sometimes prove distant from Argentinean practices or their state of development and some may also, why not say so, prove redundant, having already been part of their own set of institutions for a long time.

II. PRINCIPLES OF LABOR STANDARDS LEGISLATION (A LABOR LAW SCIENCE?)

Along the lines of that sensible regulatory conception, of particular interest are to me the *principles* to which the author attempts to underpin the assessment of the regulatory proposals put forward to the commission he was entrusted to. Principles that, in fact, appear to be a systematization of the rationale behind which the author intends to bind his institutional proposal. I will reproduce them as follows, trying to keep the synthetic wording chosen by Arthurs himself to facilitate their comparison to others formulated in Argentina many years before and, by means of this joint study, open up what seems to me a fruitful theoretical field around the development of new labor standards and the reform of existing ones.

The principles stated by Arthurs are:

1. *The fundamental principle*

> *Decency at work*. Labor standards should ensure that no matter how limited his or her bargaining power, no worker in the federal jurisdiction is offered, accepts or works under conditions that Canadians would not regard as "decent." . . . This principle, that in the author's

opinion "hardly requires justification," is pre-eminent and prevails over the others.[4]

2. *Strategic principles*

a. *The market economy.* Labour standards ought—so far as possible—to advance the decency principle in ways that allow workers to contribute to, and benefit from, the success of Canada's market economy. Because successful enterprises are better able to treat workers decently, labor standards should support and if possible enhance the competitiveness and adaptability of enterprises.

b. *Flexicurity.* Labour standards should be coordinated with income security and other adjustment policies to provide protection to workers whose jobs are threatened by changing labour market conditions, employer strategies or job requirements. Labour standards, along with other legislation, should provide a framework for avoiding job losses, if possible; for planning and funding worker transitions to new jobs; and for reducing the impact of job losses on workers.

c. *The level playing field.* Labour standards should ensure that competition is not based on differential interpretation or application of the decency principle . . . [nor on] . . . degrees of compliance with statutory labour standards.

d. *The work place bargain.* Labour standards should respect the right of employers and workers (or their collective representatives) to negotiate the terms of their relationship, provided that the negotiations are authentic and the resulting employment bargain is clear, respects the basic decency principle and conforms to law.

4. Whoever proclaims such serious consideration for the productive need of enterprises and their natural expectations of competitiveness, is particularly legitimated to declare that the argument that an excessive protective load may prove overwhelming for economy and enterprises does not have enough weight to disregard the principle of decency at work and the moral requirement entailed in it.

e. *Inclusion and integration.* All workers should enjoy in the workplace the full benefits accorded them by human rights legislation . . . all workers [should] enjoy like opportunities to integrate their working lives with their personal, family, cultural and civil lives in a balanced fashion.
f. *Respect for international obligations.* Labour standards and their administration should respect and reinforce Canada's obligations under international agreements and conventions.

3. *Operational principles*

a. *Effective and efficient use of public resources.* Labour standards should be designed and administered with a view to achieving the highest levels of compliance consistent with the efficient use of public resources and the achievement of multiple public policies.
b. *High levels of compliance.* Labour standards ultimately succeed or fail on the issue of compliance. Widespread non-compliance destroys the rights of workers, destabilizes the labour market, creates disincentives for law-abiding employers who are undercut by law-breaking competitors and weakens public respect for the law.
c. *Regulated flexibility.* Labour standards legislation should . . . permit some degree of flexibility in the initial establishment or subsequent adjustment, so long as employers do not gain advantages that contravene the level playing field principle. Workers are not deprived of the protection of the decency principle and both sides continue to enjoy the benefits of the bargain.
d. *Clarity.* Labour standards should be clearly stated, and workers and employers should have easy access to accurate and understandable information concerning their rights and responsibilities.
e. *Circumspection.* Labour standards should be designed and implemented so as to avoid unintended harm to workers . . . and unnecessary

> costs and inconvenience for employers . . . it may sometimes be appropriate to introduce changes gradually so as to permit necessary adjustments in management and personnel practices and to minimize negative impacts on firms and workers.

The principles stated by Arthurs led me to recall others proposed by Deveali, renowned Italian-Argentinean jurist, over fifty years ago and that, in his view, were capable of defining a "Labor Law science." Such a science, he argued, *would research into the results of the regulations and the reaction of the environment where they would be applied, rather than into their content itself*, and would shed light on the principles conditioning the state legislative task on this field "and the rules its workings should conform to in order to bring about the maximum benefit with the minimum sacrifice . . ."[5] This science clearly defined its own principles, distinguishing among others:

a. *Generality and Equality.* According to which, any state intervention affecting the relationship salaries-performance at work must have a general effect to prevent the treatment given to workers in a certain enterprise, activity or geographical environment from putting them or the enterprises, activities or territories where they work, out of the market. So, if a certain province establishes higher wages than the other ones (the rest of the conditions remaining unmodified), it will become excluded from competition, as a matter of course. Naturally, says Deveali, corollaries to this principle are the rules calling for *not distinguishing among equals and not assimilating the different.*
b. *Rational Progression of Benefits.* Under which terms, and in view of the limitations of available protection resources, the *necessary* protection must be preferred to the *useful* one, and the *partial* one, easier in access, to the *integral* one, of more difficult treatment. In the case of reciprocally conditioned services, he said, it is advisable to begin with the more elementary.

5. *See* Mario L. Deveali, *La ciencia de la legislación laboral y sus principios*, *in* LINEAMIENTOS DE DERECHO DEL TRABAJO 109–58 (Tipografica Editoria Argentina ed., Buenos Aires 1956).

c. *Cost-effectiveness.* According to which, the intended result must be achieved with minimum expense and community sacrifice, which calls for choice of the least costly and complicated procedure and the sensible proportion between benefits and sacrifice (the introduction of a smaller benefit demanding bigger sacrifice to implement should be excluded).

d. *Reactivity of the Economic Labor World and Effectiveness of Benefits.* Which is expressed in, at least, three different phenomena:

   i. The "*removal*" one, according to which, when a difference in salary or cost favorable to a certain service or labor category is not likely to be maintained, the market encourages cutting out the use of that labor category; so much so that, as in the habitual example international thought has already verified and processed, when female work is overprotected, there is a tendency to foster recruiting male workers. Certain instances of affirmative action induce companies to substitute the more costly labor with the cheaper one, thus negatively affecting the allegedly benefited person and inducing the substitution of the better paid service with an equivalent, less costly one

   ii. The "*transfer of costs*," not so much to product prices (quite a different issue) as to the workers themselves, thus affecting not just their salary (this is all the more possible the more distant the real salaries of the workers involved are from the minimum stated) but also probably the results of collective bargain.

   iii. The one of "*evasion*," understood as an illegal procedure to bypass the law, differs from the previous ones in that they, moral considerations aside, do not need to enter the realms of the illicit.

e. *Gradation.* A criterion referring to the partial and gradual admittance of standards generating successive customariness and acceptance of the new standards status quo. It differs from the principle of *rational progression of benefits* in that the latter makes reference to *the successive admittance of various initiatives*, which presupposes putting a

selective criterion into practice, whereas *gradation* refers to the introduction of a sole and unique standard quantitatively segmented for its gradual inclusion.

f. *Honesty of Labor Law.* Requiring a full match between the formulation of the protection standards with the objectives aimed at by their introduction, to avoid, for example, an allegedly protective measure, which actually attempts to eliminate or put "out of the market" the supposedly protected category.[6]

Even though both groups of principles bare a certain degree of reciprocal coincidence or overlap (for example, the *circumspection* and *effective and efficient use of public resources* ones stated by Arthurs seem to include, to a certain extent, those of *cost-effectiveness* and *gradation* described in Deveali's proposal), the principles within the former appear to have—in the fundamental principle of *decency* at work as well as in the more strategic and operational ones—a more political, value-oriented, and normative inspiration, that is, bearer of the "must be" of regulation, while the ones in the latter stand out more as technical rules[7] attempting to predict the effects in terms of effectiveness, efficiency, and efficacy that certain regulatory options are likely to bring about once they are put into practice. Complying with the principle of *decency at work*, making it compatible with the workings of *market economy*, offering the worker security as counterpart of the regulated flexibility also proposed (*flexicurity*), favoring the work place bargain, respecting international obligations and ensuring inclusion and integration of benefits and high levels of compliance are, as stated, political and value-oriented trends in the process of legislation. Principles such as generality, rational progression of benefits, and reaction of the labor economic world (expressed by "subprinciples" as removal, transfer of costs, and evasion) seem rather, just like technical rules or nature laws, to be aiming at establishing the degree of operational capability (once again, effectiveness, efficacy, efficiency) labor standards should have in accordance with the way they are conceived in.

6. Deveali recalled the case of the protection of home workers in the United States, dating back many decades, actually directed at obliterating this form of service. *Id.*

7. On the relationship between legal regulation and technical standards, see ALAIN SUPIOT, CRÍTICA DEL DERECHO DEL TRABAJO: MINISTERIO DE TRABAJO Y ASUNTOS SOCIALES 211 (Madrid, 1996).

Both approaches are hereby highlighted—one of utter contemporary conception, the other a classic of Argentinean legal thought—since, regardless the degree of agreement or disagreement either principle may awake in the scholar, they are reciprocally complementary to an extent, and both express their concern to explicitly describe the criteria—the rationale—the task of legislating is subjected to: Harry Arthurs's account for the way in which the author formalizes the material rationality[8] labor standards must give an answer to; Deveali's intend to predict the reactive behavior of the environment, thus enriching legislative action on a technical basis.

Be it these or others the principles, laws and techniques for the design of labor standards, what appears as true is that they open up quite an interesting area for research and theoretical thought, area to which the Arthurs report makes a generous contribution.

III. ON FLEXICURITY

From a national perspective such as the one meant to be expressed in this document, of interest is also the way in which the author conceives the idea of *flexicurity* for his own normative task. This concept is defined by its analysts as a systematic group of policies that highlight the flexibility in labor market, work organization forms and employment relationships on the one hand and, labor and social security for workers in and out of labor market, on the other[9].

Arthurs acknowledges flexicurity as one of the strategic principles he proposes to subject legislative action to, warns against a view entailing transferring the Danish model to Canada "to the letter" in any case and, yet vindicates as valid for his country some of the presuppositions he attributes to that model: economic success as precondition for social justice, willingness to adjust to change,

8. *Id.* at 223. Quoting Max Weber, he distinguishes material rationality, prevailing in labor institutions, from formal rationality typical, for example, of Obligations Law. In Supiot's own words (italics is reserved for Weber's textual quote), while formal rationality lays on a systematic group of abstract concepts created by the legislative thought itself, the norms material rationality give preeminence to comprise "*ethical imperative, or utilitarian rules, opportunity rules or political maxims that break logic abstraction formalism*."

9. *See* THOMAS BREDGAARD & LARSEN FLEMMING, COMPARING FLEXICURITY IN DENMARK AND JAPAN (Centre for Labour Market Research at Aalborg University (CARMA)), quoting Wilthagen et. al, in http://www.jil.go.jp/profile/documents/Denmark_ final.pdf. It is, in other words, a model intended to facilitate the adjustment of labor market and later strengthen workers security in terms of income continuity and social inclusion through the development of active labor market policies, the establishment of the system of "life-long learning," fair compensation in case of job loss, adequate services ensuring compatibility between work and family life, and health insurance regime that will not be disrupted by any variation whatsoever in the occupational situation of the workers.

unfeasibility of adjustment unless there is equal and fair distribution of its costs and also its benefits, and the need to involve labor market, social security, and educational system institutions in this task.

Within a framework in which extreme external flexibility mechanisms (and, therefore, those facilitating dismissal) seem to be prioritized, the author introduces a no minor nuance of meaning: from its very conception dismissal should be avoided whenever possible, were this not the case, dismissed workers should be provided with all the required assistance—by employers and the state—to face the costs derived from their job loss.

It must be noted that theoretical and political reflection on the concept of "flexicurity" is barely beginning in Latin America, nor has it yet been included in the labor debate in Argentina and it may certainly not be easy to introduce.

This is because, during the 1990s, within the framework of a widespread process of structural adjustment measures, liberalization and financial and commercial opening-up of the economy, privatization of state-owned enterprises and pension regimes, removal of government subsidies, social spending reduction, dismantling of state regulated market ("deregulation"), national currency overvaluation and downsizing of the State, an incisive process of flexibility in labor market institutions, purportedly grounded on the idea that labor standards are but merely mechanisms interfering with the adjustment capacity of labor markets, was implemented. From that logic, labor standards were stigmatized as responsible for the overgrowth of informal economy, unemployment, and underemployment and were reputed as excessive and unfounded.[10]

But by the outset of the new millennium it was already plain that those labor reforms, designed within the framework of concomitant economic reforms, had not had a beneficial effect on the socio-labor situation or on labor markets: high levels of unemployment, growing informal economic practices, employment precariousness and instability, inapplicability (ineffectiveness) of the protection of work, a fall in real salaries and social protection, a notorious increase in poverty and inequality.[11] As from 2004, as the aftermath of a social

10. *See* Eduardo Lora & Carmen Pagés, *La Legislación Laboral en el Proceso de Reformas Estructurales de América Latina y el Caribe* (IDB 1997) argued that it was necessary to introduce far-reaching labor reforms to adapt labor standards to the new context of flexibility and competitiveness. For these authors, labor codes in force in Latin America at the moment of the analysis were very strict and distorting, could bring about great losses in terms of efficiency and encouraged enterprises to sidestep the law to minimize those costs.

11. A situation that did not escape the perception of even those who some years before had actively encouraged the reforms. In that sense, also at the IDB, Carmen Pages (coauthor of the

and economic crisis of extraordinary proportions, Argentina withdrew many of the reforms introduced in the 1990s[12]; in the context of widespread deprecation of labor flexibility proposals any pretence to put back forward the topic of labor flexibility, apart from its natural political sensitivity, will meet with the reservation, rejection, and prevention derived from that extremely traumatic experience.

Despite those undeniable difficulties, the topic of *flexicurity* can significantly contribute to labor debate such as the one in Argentina, marked by the polarity and bias of the positions of the sectors involved. Its binary configuration includes, at the same time, the need to endow labor standards with flexibility and the need to invest workers reached by them with protection and security; it also encourages a more complex and sophisticated perspective on the institutional issue, certainly different from that of such schematic swinging back and forth between opposing positions.

Anyhow, as suggested by Arthurs himself, a first conclusive thought around the concept of *flexicurity* entails the understanding that any attempt to reproduce or replicate the original model (the Danish one) in a surely different national context would suffer from the same flaw of simplistic schematic view attributable to extreme positions in the Argentinean debate, and thus would seal its fate with radical unfeasibility. In Argentina, as well as in Canada, it is up to each national experience to explore and establish the optimal combination of appropriate flexibility and security contents for its own reality and the right path to follow from its unique starting point.

To analyze the topic from outside the Danish perspective, it should be borne in mind first, that the determining factors of high level of worker protection and security set up in Denmark for their own particular reasons and as a natural outcome of the firm commitment of Nordic societies to welfare state. If the enforcement of these policies of contention and security in Argentina lacked the inspiration of that original vocation for the welfare of workers, and were only due to the purpose of justifying—covering up for, rendering more bearable—the introduction of even higher levels of labor flexibility, the very idea of "*flexicurity*" would be perceived as a cunning strategy designed to reproduce, in a surreptitious and

report mentioned in the previous note) admitted that "structural reforms failed to produce the expected changes in labor market." Carmen Pages, *Good Jobs Wanted: Labor Markets in Latin America- Overview*, *in* ECONOMIC AND SOCIAL PROGRESS IN LATIN AMERICA 3 (2004).

12. The sequence just recalled illustrates the swaying characteristic already attributed to labor policies in Argentina.

elliptical way, the same thwarted institutional project that prevailed during the 1990s and became exhausted at the end of that decade.

It is therefore mandatory to understand that the way and temporal sequence the construction of the balance implicit in a "*flexicurity*" program is tackled is a necessary condition for its social legitimacy. In any case, its logic cannot be established but through long-term policies in which, for example, a higher degree of formalization of work relationships and an appropriate scheme for payment continuity are unavoidable conditions for that legitimacy. If the aim is for workers, such as the Danish, to feel safer at the mercy of active labor market policies and tools for social security than at the mercy of regulations granting the right to stability in their jobs, they should not be expected to believe or sense so; they should necessarily experience it, and therefore, the construction of such a security scheme must inevitable come first.

IV. FEDERAL REGIME AND LABOR STANDARDS

Despite possessing a gross body of statute law in labor issues, Canada acknowledges the local (not federal) nature of labor standards. This condition may, as pointed out by the author, induce the different provincial states to engage in competition with each other to attract investment through lowering the standards for working conditions; to avoid this (at least as far as salary is concerned) the author suggests, among other possibilities, the convenience of establishing a minimum wage on a federal basis.

Argentina is a federal country as well, and its legislation (in this case labor legislation) constitutes the first and foremost judicial experience, characteristic of its continental tradition. Unlike Canada, however, this legislation is strictly federal in nature: only the National Congress is able to enact major labor laws valid throughout the national territory, whereas provinces lack this capacity; they have delegated that prerogative on to the nation and are only left with the possibility of passing procedural and regulating rules to enforce those national standards.

If, as can be gathered from Harry Arthurs' work, the problem such an institutional configuration may, to a certain extent, pose in Canada is the one of a certain comparison between jurisdictions, prone to compromise the effective enforcement, in all of them, of the protection standards compatible with the principle of decency at work, the issue is none the simpler in a country as Argentina that establishes the national nature of its labor standards. In this last

sphere, the question would be rather to find out whether reordering labor of such a homogeneous territorial kind, will be always able to acknowledge local and regional diversity to guarantee regulating it appropriately.

The issue of salaries gives appropriate response to that diversity through the correlative multiplication of regulating units that pave the way for collective bargain. Furthermore, collective bargaining beyond enterprise level, so widespread in Argentina, enables in turn enterprises that, either due to their limited size or to their parties' political decision, do not engage into their own collective bargain to deal with the salary issue from a regional perspective. National industrial agreements and the law itself (national law) have sometimes provided for deductions or overpayments in wages to adjust them to the current (higher or lower) cost of life conditions in certain jurisdictions.

This issue is certainly all the more complex when it comes to other working conditions stated by the law, frequently less "malleable" than the salary variable. The same goes for legislation enforcement; the local nature of standards and institutions in charge of ensuring it—such as labor inspection and labor justice—entail the same national standards having a different degree of effectiveness in the various provinces. The degree of resource availability of the different local, more or less affluent, jurisdictions and even the political government intent in one of them that, seeking to attract investment, "guarantees" a more lenient rule enforcement (these things may, and have actually happened in Argentina), also bring forward, within this institutional framework, the sensitive issue of competition based on degrading working conditions, this time with a focus not on the diversity of major standards but on their different degree of actual effectiveness. I once alleged that if international experience displays signs of something like a "world championship of working conditions degradation" (the "race to bottom" or "downward harmonization"), the idea that some countries would train for that particular match by having their own "national championship" cannot be ruled out.

The purpose of these brief arguments is merely to suggest that Canada and Argentina, two federal countries with analogous law based work protection standards but with different territorial and political implementation, policy (local in a case, federal in the other), constitute highly attractive spheres for comparative research.