

PacificMUN

Dare to Speak



LEGAL-Topic B
Backgrounder Guide



International Labour Standards - LEGAL

Topic B

PacificMUN



Letter from the Director

Greetings, delegates.

Firstly, welcome to the Pacific Model United Nations of 2019. My name is Monica Song, and it is my absolute honour to be serving as your director for the Office of Legal Affairs, and I hope that this conference will reward you immensely as a delegate.

I am currently in grade 12, and attend Lord Byng Secondary School, specializing in the violin in the Byng Arts Mini School program. Since my first MUN conference in grade 10, I have learned much more about global affairs, politics, and international relations. Through my MUN journey, I have been exposed me to a world of heated debate and passionate individuals, allowing me to meet new people and create lasting friendships. Undoubtedly, Model UN taught me invaluable lessons and gave me unforgettable memories. I sincerely wish that you will reap just as many benefits throughout PacificMUN as I did.

Our first topic explores the problems plaguing one of the key organs of the UN: the Peacekeeping program. Our second topic addresses the disparities in labour standards around the world. Both topics are an international complications, and it is my hope that this will ultimately allow all delegates an opportunity to speak up and express their opinions.

As I conclude this letter, I strongly urge you to challenge yourself this weekend. I promise you that the skills you acquire will stay with you for the rest of your life.



Along with my chairs, Alex Oh and Naya Sedivy, we hope to bring you all a wonderful weekend of rapid debate and diplomacy. If you have any questions regarding the conference, LEGAL, or Model UN in general, please feel free to contact us.

Welcome to PacificMUN 2019.

Sincerely,

Monica Song
Director of LEGAL
PacificMUN 2019

Committee Overview

The Sixth Committee, LEGAL (Office of Legal Affairs), is the “primary forum for the consideration of legal questions in the General Assembly.”¹ Its mandate consists of promoting the development of public international law and its codification. All of the United Nations Member States are entitled to representation on LEGAL as one of the main committees of the General Assembly.

Established on February 13th 1946, LEGAL provides a “unified central legal service for the many other organs of the United Nations.”² The Sixth Committee has universal membership; all member states of the United Nations are de jure members of LEGAL. The committee not only contributes to the progressive development and codification of international public and trade law, but also, following Article 102 of the UN Charter, registers, publishes, and serves as a depository of international treaties. Practice following the mentioned article has interpreted this provision as a broad authorization to elaborate new treaties on the widest range of issues, to adopt them, and to recommend them to states for their subsequent signature, ratification, and accession.

Besides this, LEGAL also functions to promote the strengthening and development as well as the effective implementation of the international legal order for the seas and oceans.

¹ “Sixth Committee, Legal, United Nations, Main Body, Main Organs, General Assembly.” *United Nations*, www.un.org/en/ga/sixth/.

² “Office of Legal Affairs.” *United Nations*, legal.un.org/ola/overview.aspx.



Topic B: International Labour Standards

Introduction

With over 3 billion individuals employed across the globe, issues concerning labour ethicality and international labour standards are more prevalent than ever. Since 1919, the International Labour Organization (ILO) has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security, and dignity.³ Created and initially set to devise international standards of labour to contribute to lasting peace, the ILO has created global standards benefit international development, as well as mitigates adverse effects of international market competition. In the current ever-growing economy, international labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all.

However, over the years, it has proven difficult to monitor these standards. The ILO, in partnership with other organizations, generally rely on self-reported data from countries. There have been questions and concerns over the quality of these sources, including the presence of bias. In addition, even the large amounts of data provided by certain countries still cannot ensure complete coverage. Gaps plague data obtained from rural environments and informal sectors, which leads to positive skews in the country's labour statistics.

Further challenges lie in the application of this data. It is problematic to assess compliance with various international labour standards with the data. Standardization will prove crucial to allow proper and effective monitoring of labour standards. Moreover, many countries have still not yet ratified policies on child labor, one of the biggest ethical problems plaguing the labour industry at this time.

Overall, the ILO is devoted to advancing opportunities for women and men to obtain productive work in conditions of freedom, equity, security, and human dignity. It also works to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues.⁴ Alongside the World Bank⁵, these two large international organizations take large steps towards global labour market changes and reforms. In addition, bodies such as the

³ "Introduction to International Labour Standards." *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/global/standards/introduction-to-international-labour-standards/lang--en/index.htm.

⁴ "Introduction to International Labour Standards." *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/global/standards/introduction-to-international-labour-standards/lang--en/index.htm.

⁵ "World Bank Group - International Development, Poverty, & Sustainability." *World Bank*, www.worldbank.org/.



International Monetary Fund (IMF) have also indirectly contributed to changes in labour policies, through demanding structural adjustment conditions for receiving or giving monetary funds.⁶

Criticisms

In addition to disputes over the appropriate method of implementation of international labour standards, the validity of their existence is also questioned. Critics of international labour standards claim that they undermine international competitiveness and domestic policy. Furthermore, international labour standards may also distort market forces, inhibit employment, and lower income.⁷ As well, attempts to set standards for acceptable working conditions disregards, to some extent, each individual country's unique economic and social conditions. One possible alternative is to allow sovereign states to leave labour market regulation to domestic policy, either through resolutions or other means.

Timeline

1802 - Parliament of the United Kingdom passed what is now known as the English Factory Act.

1899 - Creation of the International Association for Labour Legislation.

Jan 18, 1919 - Jan 21, 1920 - Paris Peace Conference.

October 29th, 1919 - Formation of the International Labour Organization.

July, 1919 - IFTU Bern Conference in Switzerland.

August 20th, 1934 - U.S. government takes a seat at the ILO.

June 12th, 1975 - ILO voted to grant the Palestinian Liberation Organization observer status at its meetings.

1992 - Creation of the International Programme on the Elimination of Child Labour (IPEC) by the ILO.

June, 1998 - The International Labour Conference adopts the Declaration on Fundamental Principles and Rights at Work.

⁶ "IMF – International Monetary Fund Home Page." *Picture This – Girl Power – Finance & Development*, March 2017, www.imf.org/external/index.htm.

⁷ Ibid.



June, 2001 - ILO's governing body adopted a pioneering code of practice on HIV/AIDS and the world of work.

June 16th, 2011 - ILO adopts Convention on domestic workers.

Historical Analysis

Early Stages of Labour Standard Concerns

International labour law has been historically defined as the conglomeration of rules spanning both public and private international law that mainly target the rights and duties of employees, employers, trade unions and governments in regulating the workplace.⁸ The issue of protecting workers against hierarchical abuse of power has existed ever since the beginning of the 14th century in Europe. However, the idea of the modern rights movement did not emerge until Industrial age Europe, in the 18th and 19th centuries. Clear evidence of this breakthrough lies in the United Kingdom passing the English Factory Act in 1802.⁹ This act marked the true beginning of the idea of human rights in the workplace. The act regulated the legal workday of apprentices to 12 hours a day, serving as a precursor to the models of international labour standards today. However, regulations in this period of time were far more limited in scope than that of today; parliamentary decisions primarily focused on reducing work hours rather than improving working conditions, women and children in the workforce, and proper training in a hazardous environment. Though no major changes in labour regulations were made on an international scale, it was evident that there was widespread support for workers' rights, and thus contributed to greater progress in the late 19th and early 20th centuries.

Creation and Development of the International Labour Organization

The International Labour Organization was founded in 1919, following the end of World War I, in response to increasing concerns about international labour standards.¹⁰ Its creation marked the first international attempt to address universal workers' rights. The ILO originated as a branch of the League of Nations, as mandated by Part XII of the Treaty of Versailles, to address labour rights. Initial actions concentrated on the eradication of slavery and other types of coerced labour. However, the organization soon grew to deal with issues such as freedom of association and collective bargaining, non-discrimination in employment, and the elimination of child labour. In its early stages, the ILO urged its 44 original member states to adopt and ratify conventions limiting oppressive labour practices, despite the ILO's lack of formal means of coercion.

⁸ Brown, Drusilla K. "International Trade and Core Labour Standards." *Pep-Net.org*, 2000.

⁹ National Archives. "1833 Factory Act." *The National Archives*, The National Archives, Kew, Surrey TW9 4DU, 9 Jan. 2018, www.nationalarchives.gov.uk/education/resources/1833-factory-act/.

¹⁰ Mingst, Karen. "International Labour Organization." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., 19 Feb. 2018, www.britannica.com/topic/International-Labour-Organization.



In the International Labour Organization's first two years of existence, 22 of its labour conventions were adopted, covering problems such as "hours of work in industry, unemployment, maternity protection, night work for women, minimum age, and night work for young persons in industry."¹¹ In 1930, it adopted its first future fundamental convention: the Forced Labour Convention (No.29), which prohibited all forms of forced labour unless exempted by certain conditions.¹² During the Great Depression, which impacted nearly every nation severely, the United States, sensing the need for international cooperation, joined the ILO on August 20th, 1934. At the time of establishment, the U.S. government was not a member of the ILO, and the U.S. Senate rejected the League of nations. Thus, the U.S could not join any of the League's agencies. However, following Franklin Delano Roosevelt's rise to presidency, the new administration, under Roosevelt's guidance, made efforts to join the ILO. On June 19th, 1934, the Congress passed a joint resolution authorizing the president to join the ILO without joining the League of Nations. The addition of the United States was of great importance, as it allowed the ILO to gain a greater presence on the global stage while adding legitimacy and power to the organization as a whole. In 1944, the ILO expanded its mandate with the Declaration of Philadelphia¹³, signed during the 26th general conference session. This Declaration foreshadowed some of the ILO's future conventions, including the Freedom of Expression and Association Convention, and the Freedom of Association and Protection of the Right to Organise Convention.

In 1998, the ILO adopted the "Declaration on Fundamental Principles and Rights at Work", following the International Labour Conference.¹⁴ The "Declaration on Fundamental Principles and Rights at Work" determined certain "fundamental" rights, and committed member states to promote these core values, also referred to as the core conventions.¹⁵ The eight core conventions are organized into four categories: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour, and the elimination of discrimination in respect of employment and occupation. As these principles are considered universal, all member countries are obligated to comply with them, regardless of ratification status. Besides the fundamental conventions, the ILO holds four priority conventions (or governance conventions). They are the following: the Labour Inspection Convention (1947), the Labour Inspection (Agriculture) Convention (1969), the Tripartite Consultation (International Labour Standards) Convention (1976), and the Employment Policy Convention (1964).¹⁶ The ILO recommends member states to ratify these four conditions, which are critical to the maintenance of international labour standards.

¹¹ Brown, Drusilla K. "International Trade and Core Labour Standards." *Pep-Net.org*, 2000.

¹² "ILO Library (ILO Library)." *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/inform/lang--en/index.htm.

¹³ Brown, Drusilla K. "International Trade and Core Labour Standards." *Pep-Net.org*, 2000.

¹⁴ "ILO Declaration on Fundamental Principles and Rights at Work (DECLARATION)." *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/declaration/lang--en/index.htm.

¹⁵ *Ibid.*

¹⁶ "International Labour Standards and India." *Hydrocarbon Exploration and Licensing Policy (HELP) - Arthapedia*, www.arthapedia.in/index.php?title=International_Labour_Standards_and_India.



Globalization

In the latter half of the 20th century, colonialism played a major role in the global division of labour. The balance of wealth between developed and developing nations were more skewed than ever, thus resulting in an imbalance in the manufacture of goods. This created a multitude of problems that would plague the international community for decades to come. As poorer countries became more reliant on exporting goods to wealthier countries, developing nations in the global South took on increasingly protectionist policies in attempts to build up the manufacturing sectors of their economies, thus marking a shift in the global division of labour. As a result, the developing countries in the South focused intensively on a previously unseen domination of the labour-intensive manufacturing industry. This accounted for many problems. First, with the deregulation of major markets and significant increases in the volume of international trade, attempts to make manufacturing sectors more attractive to retailers saw extreme downward pressure placed on the quality of working conditions in lower-income regions of the world. Internationally, this created concerns regarding a global “Race to the Bottom,” in which governments loosen labour protections in an attempt to aid the competitiveness of export-oriented industries. This fear eventually produced drastic increases in the discourse on labour ethics and put into question the characterization of international human rights.

Current Situation

Implementation of Labour Reforms

Over the years, the traditional method of implementing labour standards regulations has been within the jurisdiction of individual countries. However, recent critics believe that this model may no longer be appropriate when considering the vast differences between competitors in the product market. Especially between countries that have dissimilar labour standards, there may be a discrepancy between international regulation in the context of global trade. Thus, one of the major debates of the current era spans the issue of effective implementation strategies and its difficulties.

The legislative model, the best known of the four, enforces labour standards through a legislative body across a union of countries. It is the model taken by the International Labour Organization and has also been adopted by the European Community.¹⁷ Organizations that have adopted this model are given the authority to issue directives in any of these three fields. While all member states are expected to comply with these directives, the definition of compliance is decided at the discretion of each individual member state.

¹⁷ SAPIR, ANDRÉ. “Globalization and the Reform of European Social Models*.” *Freshwater Biology*, Wiley/Blackwell (10.1111), 17 May 2006, onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-5965.2006.00627.x.



Direct Trade Sections are yet another model that has a history dating back to the Trade Act of 1974, which allowed the United States to grant nonreciprocal tariff preference to less developed countries.¹⁸ Tariff eligibility was based on specific country and product criteria, to facilitate their economic growth and development. The trade sanctions model in the United States has been successful thus far in forcing U.S. officials to encourage countries to address violations of labour standards. While it has proven effective in providing procedural rights, few trading partners provided substantive standards. Therefore, this model is not effective as a guarantee of labour standards among trade partners, as it is not based on the results of monitoring, but external complaints. Perhaps implementation in developing countries coupled with support by correspondent domestic policies will allow this model to gain larger social impact.

Another method of international labour standard implementation is the multilateral enforcement model. This model, adopted by the North American Agreement on Labor Cooperation (NAALC), is distinctive in that it opposes typical implementation of common standards.¹⁹ The enforcement on this model requires signatories to commit to existing labour standards within their particular domestic spheres, strongly avoiding a uniform set of international standards. The multilateral enforcement model rejects the creation of a baseline set of workers' rights and encourages members to create unbiased administrative bodies to judge and enforce domestic labour standards. Thus, the multilateral model does not require international uniformity in principles, but in level of commitment to unspecified standards. Multilateral enforcement models, such as the NAALC, have experienced mixed results in terms of effectiveness due to their limited powers of influence.

Finally, the voluntary standards model refers to a system of implementation for labour standards based on a corporate code of conduct and are adopted when several organizations join and agree to operate under a set of socially responsible labour rules. This model is embodied in the Sullivan Principles in South Africa, taken on by a group of U.S. companies. Generally, voluntary standards models involve increased volunteerism and self-regulation. Recently, U.S. apparel retailers such as Nike and the Gap have made efforts to put in place a system of regulations to prevent sweatshop working conditions.

Data Collection and Monitoring

When monitoring international labour standards, organizations such as the ILO generally rely on three major ways: information from international organizations, information from national agencies, and information from non-governmental organizations (NGOs).²⁰ After information gathering and reviewing,

¹⁸ Ibid.

¹⁹ SAPIR, ANDRÉ. "Globalization and the Reform of European Social Models*." *Freshwater Biology*, Wiley/Blackwell (10.1111), 17 May 2006, onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-5965.2006.00627.x.

²⁰ SAPIR, ANDRÉ. "Globalization and the Reform of European Social Models*." *Freshwater Biology*, Wiley/Blackwell (10.1111), 17 May 2006, onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-5965.2006.00627.x.



monitoring agencies will then process and analyze the data. Finally, recommendations are then made to the concerned third party.

However, several challenges arise in the monitoring of international labour standards. One of the major concerns of the ILO is that most of the information they gather is self-reported from each country. As such, analysts have questioned the quality of these sources. Neutrality and bias are also factors that need to be heavily noted when analyzing this data. Furthermore, the differences in definitions between the constitutions of each country make it difficult to compare the data cross-nationally and create large gaps in coverage. In other words, rural environments do not provide coverage to nearly the extent of an urban setting and thus can positively skew the labour statistics of a single country. Secondly, challenges also exist in attempting to find a balance of the extent of the usage of data and the labour regulations of different countries. Many countries have differing levels of transparency with regards to their statistical information, and this can often create problems for the ILO regarding information trafficking and reports. According to the National Research Council, an assessment that “requires careful analysis of what the core labor standards mean and imply, how to determine when a country is or is not in compliance, what indicators of compliance and which sources of information to use, and limitations of the sources of information” is needed.²¹

Workplace Discrimination

The ILO defines workplace discrimination as “treating people differently because of certain characteristics, such as race, colour, or sex, which results in the impairment of equality and of opportunity and treatment.”²² Though this problem has been recognized throughout the years, it still remains a part of the workplace culture; in 2017 alone, the US had 84,254 cases of filed discrimination charges.²³

Women in the Workplace

The most prevalent example of discrimination in the workplace is the gap between the pay between gender, otherwise known as the gender pay gap. According to a 2018 study done by Payscale, the median salary for women was 22 percent lower than that of men, meaning that women earn 77.9 cents for every dollar earned by men.²⁴ Despite widespread public support for equal pay and the fact that the

²¹ Ibid.

²² “Workplace Discrimination.” *Polybius at The Clickto Network*, Fox News, [web.archive.org/web/20131020214812/http://www.ilo.org/global/topics/equality-and-discrimination/workplace-discrimination/lang-en/index.htm](http://www.ilo.org/global/topics/equality-and-discrimination/workplace-discrimination/lang-en/index.htm).

²³ “Workplace Discrimination Statistics FY2017.” *First Healthcare Compliance*, 29 Mar. 2018, 1sthcc.com/workplace-discrimination-statistics-fy2017/.

²⁴ “The State of the Gender Pay Gap In 2018 | PayScale.” *Cardiovascular Technologist Salary*, 12 Apr. 2018, www.payscale.com/data/gender-pay-gap.



ILO recognizes that there are many benefits to reducing and eliminating the gender pay gap, the current rate of gender pay reduction means that there needs to be “another 75 years” before the gap is closed.²⁵

Child Labour

The ILO classifies work conducted by children into three categories: children in employment, child labor, and hazardous work. As of 2016, the ILO has clearly shown condemnation of both child labor and hazardous work with the goal of eliminating hazardous child labor. In 2012, the ILO estimated that 168 million children (11% of the world’s children) were engaged in child labour. In addition, 85 million of these children were engaged in hazardous work. The C182 Worst Forms of Child Labour Convention, enforced in 1999, has replaced all the previous conventions on the subject of child labour and sets the minimum working age at 18 years. However, on the global scale, many countries have not yet ratified this convention. In countries around the world, children are still made to work in dangerous jobs such as logging, mining, and fighting in wars, as well as exploiting them as beggars, household servants, and even for sexual purposes. In countries like Somalia, 39.8% of children between the ages of 5 to 14, numbering around 1,012,863, are child laborers.²⁶ Children are not only seen begging on the streets but are also engaged in armed conflicts, illegal and anti-national activities.

Eritrea is currently ranked number one as one of the worst countries for child labor in the world. In Eritrea, governmental programs exist under which children in grades 9 to 11 are asked to offer their labor in various fields like agriculture and public services.²⁷ Children are also often forced to participate in compulsory military training programs. Though laws are there against the employment of children as labor, the implementation of the laws are weak and many children are often dragged into forced labor where they are heavily exploited. Commercial sexual exploitation of children also takes place in the country.

Workplace Safety

According to the ILO, someone dies from a work-related accident or disease every 15 seconds.²⁸ Thus, the organization highly stresses the goal of making work safer and created the ILO Programme on Safety and Health at Work and the Environment (SafeWork). Unsafe labour has existed for a long time. The 1911 Triangle Shirtwaist Factory fire and the 2013 fertilizer explosion in West, Texas, mark the long history of industrial disasters, which negatively affect workers as well as induce high economic costs.²⁹ The ILO has since adopted several conventions to maximize worker safety. There are, currently, three fundamental conventions: the Occupation Safety and Health Convention (C155, 1981), the Occupational

²⁵ Ibid.

²⁶ Nag, Oishimaya Sen. “Worst Countries For Child Labor.” *WorldAtlas*, WorldAtlas, 10 May 2016, www.worldatlas.com/articles/worst-countries-for-child-labor.html.

²⁷ Ibid.

²⁸ “Safety and Health at Work.” *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/global/topics/safety-and-health-at-work/lang-en/index.htm.

²⁹ *History.com*, A&E Television Networks, www.history.com/topics/early-20th-century-us/triangle-shirtwaist-fire.



Health Services Convention (C161, 1985), and the Promotional Framework for Occupational Safety and Health Convention (C187, 2006). These conventions have the stated aim of “promoting a preventative safety and health culture and progressively achieving a safe and healthy working environment.”³⁰ However, the ILO fails to meet many of the expectations delineated in the conventions, causing international labor standards violations.

United Nations Involvement

The ILO was created in 1919, as part of the Treaty of Versailles that ended World War I, to reflect the belief that universal and lasting peace can be accomplished only if it is based on social justice.³¹ However, in 1946, the ILO became the first specialized agency of the newly formed UN. The ILO’s permanent mission reflects this: it liaises directly with the UN headquarters and other UN bodies.³² For example, the ILO’s core priorities, interests, and policies are always presented to UN fora, including the General Assembly and the Economic and Social Council (ECOSOC). They also work in close collaboration with other UN agencies, including the UN Development Programme, UN High Commissioner for Refugees, and UNAIDS, to ensure a coherent framework of policy dialogue and engagement with the governments around the globe.³³

In addition to work done by the ILO, other international organizations, such as the United Nations and the World Bank, also help maintain international labour standards.³⁴

In regards to data collection, the United Nations primarily uses self-reported data from member states to determine whether members are meeting the conditions outlined in international treaties agreed to by the United Nations. Because the International Labour Organization is a faction of the United Nations, more detailed labour standards data and records falls under the administration of the International Labour Organization.

³⁰ “International Labour Standards on Occupational Safety and Health.” *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang-en/index.htm.

³¹ “Introduction to International Labour Standards.” *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/global/standards/introduction-to-international-labour-standards/lang-en/index.htm.

³² *Ibid.*

³³ “ILO and the United Nations (ILO-USA).” *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/washington/areas/multilateral-initiatives/ilo-un/lang-en/index.htm.

³⁴ “History.” *World Bank*, www.worldbank.org/en/about/archives/history.



Seeking Resolution

New Agents

As labour can largely and directly influence a country's economics, decisions made directly by governments and representatives can largely be biased. In regards to data collection, a similar result could occur, especially if the collection and distribution of data are controlled wholly by one party. In recent years, a clear phenomenon is the rising strength of new world players, most often the multinationals. Specifically, players that no longer have ties with a specific country and headquarter wherever their principal leaders are at any given moment. Examples include Non-Governmental organizations (NGOs), who have, for their part, used new communication technologies to create networks between nations. Such players have adapted well to the opening of borders and trade liberalization than rigidly structure public authorities in the traditional sense.³⁵ Certain groups also have a heightened ability to make them heard in the media. In other words, NGO initiatives have changed the global landscape, and have created an emerging trend in which public authorities entrust NGOs with tasks that they can no longer carry out. Thus, to increase validity, governments should attempt to increasingly rely on non-biased organizations such as NGOs for data collection, review, and analysis.

New Standards

1. Decent work and flexicurity

"Flexicurity" refers to the balance between work flexibility and employee protection. The newly elected Director-General of the International Labour Organization has stressed the whole corpus of international labour standards. Beyond the ILO, the EU, in particular, promotes "flexicurity" when dealing with new economic developments. The Act of January 1st, 1999, stabilized the positions of temporary workers. This provided security and allowed workers to benefit from labour laws. In addition, it maintained the required mobility of these workers. The Act was well accepted by all parties involved. Overall, in order to facilitate proper and effective monitoring of labour standards, wide-scale standardization will be necessary across nations.

2. New forms of workers' security

Another course to consider is to introduce new forms of security that factor in less stable employment situations. As self-employment and precarious employment grows, protection of work must also develop and expand beyond the scope of permanent labour. Certain groups hover at the margin on a wage relationship, such as home-based workers, sportsmen or women, artists, professional journalists, lorry or taxi drivers. In these cases, it is difficult to judge whether these workers should be considered as employees or self-employed entrepreneurs. Some nations, (Canada, France, Germany, the Netherlands, Sweden), the legislation extends the application of labour provisions to some of those workers, others

³⁵ "NGO, Non-Governmental Organizations, United Nations, United Nations, Civil Society." *United Nations*, research.un.org/en/ngo.



(Belgium, France, Germany, Portugal, South Africa, Spain), presume either their subordination to an employer or their independence. British, Danish, Dutch, German, Italian and Spanish laws have integrated an intermediary category, called the 'para subordination', which covers workers who are not legally employees of an employer, but depends economically on one or few contractors. They enjoy some but not all the rights granted to the wage employees.

In the United States, social benefits are obtained chiefly through companies and are, in principle, lost if workers leave their jobs. Generally, history of social security shows that private institutions – followed later on and only to a certain extent by public institutions – sprang up in many Western countries to meet the new and urgent needs arising from the industrial revolution and subsequent social implications.

Modelling

1. **Legislative Model:** The legislative model reinforces labour standards through an international legislative body. Used by the International Labour Organization and across the European Community, organizations operating under this model are authorized to issue directives in any of these three fields: free movement of labour, prevention of social dumping via low labour standards, and dialogue between labour and management.
2. **Trade Sanctions Model:** The Direct Trade Sanctions model, used by the United States, has proven successful in forcing U.S. officials to encourage countries to address violations of labour standards. It allows the United States to grant nonreciprocal tariff preference to less developed countries, and is effective in providing procedural rights, but was unable to form substantive standards. Therefore, this model is not effective as a guarantee of labour standards among trade partners.
3. **Multilateral Enforcement Model:** The multilateral enforcement model requires signatories to commit to specific labour standards unique to each member state. It rejects the notion of a uniform set of workers' rights and encourages member states to enforce domestic labour standards. Multilateral enforcement models have limited powers of influence, typically resulting in reduced effectiveness.
4. **Voluntary Standards Model:** The voluntary standards model refers to a system of implementation for labour standards based on a corporate code of conduct and is adopted when several organizations join and agree to operate under a set of socially responsible labour rules. This model is embodied in the Sullivan Principles in South Africa, taken on by a group of U.S. companies. Generally, voluntary standards models involve increased volunteerism and self-regulation. Recently, U.S. apparel retailers such as Nike and the Gap have made efforts to put in place a system of regulations to prevent sweatshop working conditions.



Bloc Positions

Developing Nations

Countries that are underdeveloped, especially those in the South, would not be in favour of restricting labour standards. Especially in the case of countries that heavily rely on production of basic goods and have a so-called sweatshop economy, these countries could harm their economies from excessive regulation of work hours, working conditions, and management. Similarly, countries that extensively employ child labour, such as Zimbabwe, Pakistan, and Somalia, where child labour rates can be as high as 40%, would not be in favour of resolutions that attempt to reduce child labour and further enforce the minimum working age.³⁶ Third-world leaders fear, understandably, that including enforceable labor standards in trade treaties will expose their countries to constant challenge—and that the standards will be used mainly to protect workers and businesses in developed countries from competition from third-world workers.

China and Allies

China has been the home of frequent outbreaks of labour unrest. However, the Chinese government has a history of intervening attempts by the Chinese public to provide better compensation for blue-collared workers. The government, to keep the country in check, has opted to lower the threshold at which the police are allowed to intervene in a public setting. However, recent years have shown that growing labour strife and the power of workers' activism becoming some of the most important forces behind improvement in wages and working conditions in China. China would reject otherwise appealing trade deals that contain enforceable labor standards. By insisting on tough labor standards, the wealthy democracies could lay claim to the moral high ground despite having to forgo a trade pact that could help their own producers and consumers while boosting the incomes and political power of impoverished Chinese workers. Though NGOs seek to offer legal help, they are often met with professional censure and varying degrees of intimidation. Thus, China and its allies would also look favourably on a resolution that does not emphasize information and data transparency.

U.S. and Allies

In a society where the government is largely influenced by media opinions, the US would likely reflect the US public's opinion on the issue. According to a 2018 study done by the National Restaurant Association (NRA), 71 percent of Americans support raising the federal minimum wage to at least \$10.³⁷ Ranked as the 47th country for gender equality in the work environment, the US would also look to improve the

³⁶Nag, Oishimaya Sen. "Worst Countries For Child Labor." *WorldAtlas*, WorldAtlas, 10 May 2016, www.worldatlas.com/articles/worst-countries-for-child-labor.html.

³⁷"ILO and the United Nations (ILO-USA)." *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/washington/areas/multilateral-initiatives/ilo-un/lang--en/index.htm.



wages of women. Furthermore, the diversity of America's population would also encourage it to discourage hiring and discrimination.

Discussion Questions

1. To what extent are current labour standards employed internationally?
2. How has working hours and working environments improved over time?
3. How has the global society shifted in their opinions towards labour regulations and work improvement?
4. To what extent are labour regulations biased? How do NGOs and other international organizations contribute to resolving this issue?
5. How do developed and developing nations differ in their approaches towards improving working conditions, reducing child labour, and labour abuse? Why?
6. In what kinds of ways could improvements to labour laws be measured? Should underdeveloped nations be judged similarly to developed nations?
7. To what extent should labour laws be standardized across the globe? Why would complete standardization be impractical? Why not?

Further Reading

<https://www.brookings.edu/articles/workers-rights-labor-standards-and-global-trade/>

<https://www.humanrights.ch/en/standards/un-institutions/ilo/history/>

<https://www.cambridge.org/core/journals/international-review-of-social-history/article/the-international-labour-organization-ilo-in-past-and-present-research/FADBC7A7DC66CB9225745DE537D176B8>

<https://www.ioe-emp.org/policy-areas/international-labour-standards/>

<http://socialprotection-humanrights.org/legal-depository/legal-instruments/ilo-social-security-and-other-labour-standards/>



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- "Safety and Health at Work." *Danger at Sea - Working in the Fishing Sector*, www.ilo.org/global/topics/safety-and-health-at-work/lang--en/index.htm.
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2018, www.payscale.com/data/gender-pay-gap.

“Top 10 Worst Countries for Workers' Rights | Ethical Trading Initiative.” *Child Labour | Ethical Trading Initiative*, www.ethicaltrade.org/blog/top-10-worst-countries-workers-rights.