



G15

Rights of Migrant Workers

By Adam Ziemba

INTRODUCTION

The international community has recently been focused on counteracting violations of rights against workers who decide to migrate to another country in order to begin new lives and undertake new job responsibilities. Migrant workers, as defined by international law, constitute a group of nearly 90 million individuals around the globe. Since there were no well-grounded laws and documents on the rights of migrant workers, the world has shifted its focus to this issue. The United Nations and its agencies such as the International Labor Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have worked to enshrine rights of migrant workers in the internationally signed, ratified, and respected documents. As the organization that is responsible for promotion, protection, and establishment of the rights of workers, the ILO adopted several documents concerning migrant workers, such as the C97 Migration for Employment Convention and the C149 Migrant Workers (Supplementary Provisions) Convention in 1949 and 1975, respectively. In 2003, UNESCO enforced its Program on International Migration as a result of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the General Assembly. The UNESCO Convention provides for the Committee on Migrant Workers (CMW), which, as one of the seven UN-linked Human Rights treaty bodies, monitors implementation of the regulations included in the Convention in countries around the world.

UNESCO—*United Nations Educational, Scientific, and Cultural Organization*

As one of the very important documents embracing rights of migrant workers, the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families intends to protect migrant workers and their families from violations of any kind. The main issues discussed in the Convention include: basic freedoms, due process, right to privacy, equality with nationals, transfer of earnings, right to information, right to be temporarily absent, freedom of movement, employment contract violations, and rights of undocumented workers, among others. In fact, UNESCO has been aiming to promote respect of the human rights of immigrants, and to facilitate their peaceful integration with local societies. States which have ratified international conventions seek to establish sufficient mechanisms and structures to afford migrant workers with sufficient rights.

The ILO and UNESCO, however, are not the only recognized organizations that deal with rights of migrant workers. Many national governments cooperate with non-profit and non-governmental organizations such as the People's Movement for Human Rights Education or Americans Rights at Work.

Explanation of the Problem

History of the Problem

Definition of Non-Migrant Workers

Since the world is now more focused on the problems and accommodation of



migrant workers who are “engaged or [have] been engaged in a remunerated activity in a State of which he or she is not a national,” the national and international community have never provided any internationally-recognized definition of non-migrant workers – even though they constitute the vast majority of workers in the world. Therefore, laws regarding that broad group of people, and thus working conditions, may vary significantly from country to country. Some regions managed to work out, establish, and develop instruments and structures guaranteeing rights of non-migrant workers. Some other regions, on the other hand, still deal with serious infringements of the rights of their workers and, consequently, human rights. Rights of workers are especially important in the developing world since workers may face extreme situations in their native country. The developing world represented by the Group of Fifteen (G-15) is especially focused on this type of rights.

G-15—Group of Fifteen

As the present document discusses the issue of rights of non-migrant workers, it is important to understand who might be considered as a non-migrant worker in the contemporary world. The document henceforth assumes that non-migrant workers – sharing similar backgrounds and facing similar problems in everyday life – satisfy one of the following requirements:

They are born in a country of which they are citizens, and in which they decided to undertake legal work, or

They were born abroad, but live in a country in which they became/are citizens, and decided to undertake legal work there.

In addition, non-migrant workers contribute their labor and expertise to the work they are assigned to, or to which they undertook themselves. Therefore, the term “non-migrant workers” embraces people in all possible occupations which are entered in a legal way by the citizens of a country.

History of Workers’ Rights

The issue of lacking labor rights persisted internationally for centuries. Initially, workers across regions attempted to pursue and hold their rights by uprisings, protests, and civil disobedience. Many of those revolts and civil demands eventually contributed to the development, improvement, and establishment of some workers’ rights. While it is indeed impossible to list all historical events which smoothed the way for the recognition of labor rights, Peasant Revolts, which were a larger part of “Crisis of the Late Middle Ages,” initiated a change in the social attitude. During the upheavals from the 14th to 16th century, Europe saw an increased number of uprisings and rebellions against nobles, abbots, and kings. As a matter of fact, historians name four reasons for these massive protests:

- a) An increasing gap between the wealthy and poor became very extreme in Europe. The society opposed the huge distinction between nobility and other socio-economic classes since dress, behavior, manners, speech, education, and many more had become very distinct between the groups,
- b) European societies experienced a problem of declining income. In the second half of the 13th century, inflation became very disruptive. To maintain similar levels of luxury, some nobles illegally raised rents, stole, cheated, and, as historical evidence indicates, used outright violence to take what they wanted,
- c) Kings decided to raise inflation and taxation in many countries across Europe to finance their wars, and support devaluing currencies,
- d) Europeans experienced severe famine, plague, and war between the 13th and 16th

centuries. Experts remark that the Black Death killed from 30% to 60% of Europe's population, thus reducing the world's population by nearly 100 million lives. Therefore, workers could demand higher incomes as there were not enough workers on the market (in economic terms, worker supply was inferior to worker demand, giving them more bargaining power).

bourgeois—middle class

Peasants in the countryside and the bourgeois in towns mutinied over the poor working conditions. At that time, workers often appealed to traditional rights. Although some of these revolts did not lead to immediate establishment of workers' rights, these events initiated progressive changes in the labor law across the globe. The following years flourished in the violations against workers, which were followed by crimes against humanity. At the turn of the 17th and 18th centuries, African-Americans experienced severe limitations of their rights including the cutting of their avenues to freedom. According to 1691 Virginia law, slaveholders were prohibited from emancipating slaves unless they paid for their transportation outside the borders of Virginia. At the same time, Virginia criminalized marriages between people of different races, and abolished African-American people's rights to hold office, vote, and bear arms. As a matter of fact, in 17th and 18th centuries, slavery and the exploitation of workforce significantly developed in all regions of the world, including the United States of America and some parts of Europe. At the end of the 18th century and beginning of the 19th century, abolitionist movements managed to eradicate slavery in the United States and Europe.

Christophe Vigneau, an author of many publications regarding labor laws, deems that "the development of modern labor law coincides with the development of heavy industry and the problems linked to this phenomenon. It is also during the late nineteenth-century and the beginning of the twentieth that the legal conditions for collective labor law were established." He asserts that the French Revolution (1789-1799) and industrialization had significant contributions to the modern concept of labor rights.

In the advent of the 19th century, the United Kingdom was one of the first countries to begin establishing some fundamental laws regarding labors' rights. The Factory Acts were a series of acts concerning regulations on working time, workers' age, and many more aspects of employment and labor. Originally, these laws embraced those working in the textile industry. Later, however, the content of those documents included labor involved in all possible industries. These laws include: the Factory Act of 1802, Cotton Mills, etc. Act of 1819, Labour in Cotton Mills Act of 1831, Labour of Children, etc., in Factories Act of 1833, Factories Act of 1844, Factory Act of 1847, Factory Act of 1850, Factory Act of 1856, Factory Act of 1878, Factory Act of 1891, Factory and Workshop Act of 1901, Factories Act of 1937, Factories Act of 1959, and Factories Act of 1961. These acts regulated the following aspects of employment: working hours for men, women and young people, death records, routine inspections, safety and health regulations, and many more. In fact, these documents can be considered as little first steps to formalize and normalize rights of workers.

Whereas all European countries were influenced by the French Revolution and labor law changes in the UK, little is known on the impact of development of workers' rights in other regions of the world. In Iran, for instance, the Constitution of 1906 granted basic rights to the People of Persia, establishing equality before the law for everyone, and the rights to form, join and participate in the societies and associations. In 1922, the Iranian Government passed the Civic Servants Employment Act which gave special legal protection to civic servants and workforce. A year later, the states of Baluchestan and Sistan issued decrees to protect carpet makers' rights. The

documents tackled the minimum age, maximum working hours, leaves, and many more. These decrees are considered to have been the first national documents embracing rights of labor. In 1928, the Iranian Parliament handled the employment contracts dividing employer and employee relations. As the time went by, the state tried to regulate employer-employee relationships. In 1936, the Cabinet issued the document embracing minimum hygiene conditions in factories operating in the country. One of the first labor bills was passed by the Council of Ministers on 18 May 1946. Few years later, the White Revolution of 1962 entailed more developed labor protections, such as profit sharing, company housing, minimum wage, and an improved Social Security Act.

ILO—*International
Labor Organization*

In Mexico, a Latin American state, the rights of workers were initiated at the Mexican Revolution of 1910-1929, during which the Mexican Government formed the Constitution of 1917. Article 123 of that Constitution provided workers with some of the most important rights, i.e. the right to organize labor unions, and strike. Furthermore, the Constitution regulated the employment of women and children, working hours as well as minimum wage. The Ley Federal de Trabajo (Federal Labor Law) established Juntas de Conciliación y Arbitraje (the Boards of Conciliation and Arbitration) which aimed to enforce the rights included in the Constitution. The Board of Conciliation and Arbitration consisted of the representatives of the government, employers and labor unions.

International Labor Organization

The League of Nations formed the International Labor Organization (ILO) as its agency following the Treaty of Versailles after World War I, in 1919. The main purpose of this agency was to “reflect the belief that universal and lasting peace can be accomplished only if it is based on social justice.” In other words, the ILO was established as a result of atrocities of World War I, and severe violations against workers in countries around the globe. The international community began to understand the importance of social justice in securing peace, “against a background of exploitation of workers in the industrializing nations of that time.” States understood that economies are interdependent, and require close cooperation of different markets. Therefore, States whose markets competed with one another strove for similar working conditions. Given all these issues, the ILO has declared in its Preamble that:

- “1. [...] universal and lasting peace can be established only if it is based upon social justice;
2. And [...] conditions of labour exist involving such injustice hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required;
3. [...] the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries.”

After World War II, the ILO became incorporated into the United Nations (UN), which replaced the League of Nations. The UN itself supported workers rights by including Articles 20, 23 and 24 in the United Nations Declaration of Human Rights – a non-binding agreement between the UN Member States aiming to normalize human rights everywhere in the world. These articles read: “Article 20. Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association. [...] Article 23. [...] Everyone has the right to form and to

join trade unions for the protection of his interest. [...] Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.”

However, many experts criticize the UN and the ILO for failing to classify rights of workers as inseparable from human rights. James A. Gross, an internationally renowned professor at Cornell University School of Industrial and Labor Relations, says that “[t]he Western tradition of human rights, which focuses mainly the individual’s right to freedom from being coerced by the State, is narrow and has ignored workers rights.” As a matter of fact, he asserts that rights of workers are part of the third generation of human rights, which have been recognized by neither the United Nations nor any other international organization. Barbara Shailor, Special Representative for International Labor Affairs at the U.S. Department of State (in charge since May 2010), and other experts on labor policy and human rights, defend the concept of “universally recognized worker rights as human rights, [which] is so powerful [that] it has the ability to transform the global economy.” James Atleson, Professor of the University of Buffalo Law School, had already asked the question of “how do you talk to people who don’t believe that labor rights are human rights? It seems instinctively right that fairness in the workplace is a human right.” Robert Wagner, a Democratic U.S. Senator from New York from 1927 to 1949, understood, “it is not only the State that has power to violate people’s rights. Employers have explicit power over individuals’ lives, and implicit power can be found in the supposedly free market. A human being has a right to be free from domination regardless of the source.” These experts noticed the need and urgency to regulate and standardize working conditions around the globe.

Department of State—
the US governmental agency responsible for diplomatic actions and relations

To afford workers proper working conditions, the ILO has delineated four strategic objectives. These objectives include (1) the promotion and realization of standards and fundamental principles and rights at work, (2) creation of greater opportunities for women and men to decent employment and income, (3) enhancement of the coverage and effectiveness of social protection for all workers, and (4) consolidation of tripartism (economic corporatism based on tripartite contracts of business, labor, and state affiliations within the economy) and social dialogue. Juan Somavia, the current Director-General of the International Labor Organization, says that “working for social justice is our assessment of the past and our mandate for the future.”

Although the ILO managed to formalize several categories of rights as globally fundamental for all workers, many States are yet to sign and ratify documents embracing those rights. As they fail to do so, abuses of rights of workers are rampant around the globe. Moreover, although some States have committed to respect and protection of rights included in the ILO treaties and other internationally recognized documents, many of them fail to comply properly with these agreements. There is an increasing need for more developed and enhanced definitions of rights and instruments protecting labor. So far, the ILO has worked out four main fields of workers’ rights, which, as the organization claims, should be applied internationally. These rights include: Freedom of Association and the Effective Recognition of the Right to Collective Bargaining, Elimination of All Forms of Forced or Compulsory Labor, Effective Elimination of Child Labor, and Elimination of Discrimination in Respect of Employment and Occupation.

Freedom of Association and the Effective Recognition of the Right to Collective Bargaining

Freedom of association for workers has long been internationally recognized

as a fundamental right that should be granted to people of all occupations. Gross says that “[a] widely accepted body of international norms has established standards for workers’ freedom of association covering the right to organize, the right to bargain collectively, and the right to strike.” In 1980, Ronald Reagan, the President of the United States of America, said, “[...] where free unions and collective bargaining are forbidden, freedom is lost.” The right to bargain collectively was recognized by the UN through the Universal Declaration of Human Rights (UDHR). The UDHR identifies the ability to organize trade unions as one of the most important human rights. In addition, the ILO has also included the right to organize, and collectively bargain in its legally-binding treaties. The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up identifies “freedom of association and the effective recognition of the right to collective bargaining” as “fundamental rights.”

UDHR—*Universal Declaration of Human Rights*

In June 2007 the Supreme Court of Canada made the following observations on these types of workers’ rights:

“The right to bargain collectively with an employer enhances the human dignity, liberty and autonomy of workers by giving them the opportunity to influence the establishment of workplace rules and thereby gain some control over a major aspect of their lives, namely their work. [...] Collective bargaining is not simply an instrument for pursuing external ends... rather [it] is intrinsically valuable as an experience in self-government... Collective bargaining permits workers to achieve a form of workplace democracy and to ensure the rule of law in the workplace. Workers gain a voice to influence the establishment of rules that control a major aspect of their lives.”

Elimination of All Forms of Forced or Compulsory Labor

Since there is a vast financial and economic inequality between different regions of the world, and thus its States and societies, people may be forced to consciously (sometimes even unconsciously) give up their freedoms and rights in order to afford daily expenses. In such situations, human beings deal with labor exploitation, which is also known as forced labor. Labor exploitation occurs whenever a State or individual has the will and power to jeopardize workers with serious deprivations, which include but are not limited to: the withholding of food and/or land and/or wages, physical violence, sexual abuse, and limitations of personal freedom. Through the Declaration on Fundamental Principles and Rights at Work, the ILO requires all member States to eliminate forced labor. Article 2 of the Declaration provides for “the elimination of all forms of forced or compulsory labour.” Therefore, the workplace should be freely chosen by the workers of all member States. Not only does the ILO provide its minimum expectation of the elimination of forced labor, but many States have their own definitions of and instruments to eradicate forced labor as well. Despite such extensive security measures, many millions of workers are victims of forced labor. The ILO estimates that at least 12.3 million people are victims of forced labor, and 2.5 million are forced to work by a State or rebel military groups. Among victims of forced labor, nearly 2.5 million people have been victims of human trafficking, and 9.8 million are exploited by private agents.

Violations against the human rights of workers occur both in the developed and developing world. Domestic workers and villagers are especially vulnerable to any type of abuses. Domestic workers, for instance, may face serious and unlawful threats from their employer, such as the withholding of identity papers the prohibition of movement, physical violence, and incredibly low wages. Villagers, on the other hand, can be exploited by the States. Government administrators or police officers may threaten local people if they do not help with the construction of roads and/or bridges,

the digging of irrigation channels, and more. In a number of developing countries, forced labor is usually imposed on poor and illiterate peasants who pledge labor services to landowners or intermediaries in order to work off a debt over a period of time. The social obligation is usually passed from one generation to another, thus making it a slave-like situation.

Effective Elimination of Child Labor

Children are especially susceptible to the exploitation and forced labor in the contemporary world. The ILO recognized this issue, and adopted the ILO Convention No. 182 – known as the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (the Worst Forms of Child Labour Convention) – in 1999. This convention is one of eight fundamental ILO conventions. The Worst Forms of Child Labour Convention requires that all ratifying States take immediate actions to proscribe and eliminate the worst forms of child labor.

Since the issue of Child Labor has been granted a special status by not only the ILO but also entire international community, the ILO established the International Programme on the Elimination of Child Labor (IPEC), which is responsible for assisting States in establishing instruments and structures to fight child labor, as well as monitoring the implementation and compliance regarding the Worst Forms of Child Labour Convention. The Worst Forms of Child Labour Convention includes *predefined* worst forms of child labor. Article 3 of the Convention lists the following: “(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

As of May 2011, the convention had been ratified by 174 out of ILO 183 member States. States that have not ratified the convention yet are: Cuba, Eritrea, India, Maldives, Marshall Islands, Myanmar, Solomon Islands, Somalia, and Tuvalu. In addition, Aruba, Curaçao, Saint Maarten, the Caribbean Netherlands, Man, Jersey and other UK dependent territories have not been embraced by the Convention.

Elimination of Employment and Occupational Discrimination

Discrimination against workers – both migrant and non-migrant– seems to be one of the most common and serious problems around the globe. As a matter of fact, discrimination can affect men and women on the basis of, among others: sex, race, skin color, national extraction, social origin, religion, political opinions, disability, HIV status, and age. Unequal treatment of employees may occur in many different working settings from official administration positions to home-settings to rural villages.’

The experts on human rights have distinguished two types of discrimination at the work place: direct and indirect. Workers deal with direct discrimination if laws, rules, and practices of a State, individuals, or other entities unambiguously indicate a specific trait or characteristic, such as religion, skin color, or sex, to deny equal treatment at work. The illustration of direct discrimination might be the following example: John has been looking for a job for 6 months. He recently read a job advertisement for a receptionist in the hotel. He decided to call the employer to inquire further details

IPEC—International Programme on the Elimination of Child Labor

regarding this position. The manager of the hotel, however, told him that John would be wasting his time on this position since John was a man.

In addition, workers often deal with indirect discrimination. At a surface level, laws, practices and rules seem to be the same for all people, yet in practice they lead to certain exclusions. In fact, it is difficult to differentiate between indirect discrimination and working standards at the working place. It seems, however, that if the policy or practice established by the employer is “not reasonable” (i.e. not supported by any justifiable explanation), it may be considered as indirect discrimination. The illustration of indirect discrimination might be the following example: Marc works in a company. The manager of that company decided to print all information concerning workplace health and safety in English, even though the majority of the workers, including Marc, do not speak that language. As a matter of fact, upon their employment, they were not informed that the knowledge of English would be necessary or even useful. Therefore, those who do not know English may be at risk for safety and health.

infringed—violated

The ILO has recognized problems of discrimination which occur in most, if not all, countries in the world. To counteract unequal treatment of workers, the ILO has established the 1951 Equal Remuneration Convention (Convention No. 100), 1958 Discrimination (Employment and Occupation) Convention (Convention No. 111), and 1981 Workers with Family Responsibilities Convention (Convention No. 156). Convention No. 100 ensures that all workers (male and female) receive equal remuneration for work of equal value. Article 1 of the Convention No. 100 declares, “(a) the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment; (b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.” Convention no. 111 advances the aforementioned Convention, as it defines discrimination as “origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.” It requires all ratifying States to promote equal opportunity for people, and eliminate discrimination on any basis. Last but not least, the Convention no. 156 extends rights of men and women, who have settled down and established families. The Convention implies that States should “make it a goal of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.”

Although the International Labor Organization has undertaken serious steps to prevent violations of workers' rights, and thus the human rights of workers, in many countries such rights are still seriously infringed upon.

Recent Developments

International organizations such as the ILO, Human Rights Watch (HRW), or Amnesty International (AI), report a number of violations of rights of workers every year. Such infringements performed by both States and individual employers can be traced in a wide variety of countries at all levels of development, from the Organization for Economic Co-operation and Development (OECD) Member States to developing countries. Thus, rights of non-migrant workers have become of special interest not

only among scholars but also among international organizations promoting and protecting human rights.

The rights of workers are especially important in the contemporary world, as their violation may be concurrent with violations of human rights. Emily Spieler, Dean and Edwin W. Hadley Professor of Law at Northeastern University School of Law, remarks that “labor rights should be seen as human rights. [...] [H]uman rights violations occur when employers’ deliberate and intentional actions expose workers to preventable, predictable, and serious hazards.” Her stance on the convergence of worker rights and human rights is supported by other experts such as Barbara Shailor and James Atleson. As such, labor rights should be protected by binding international agreements and treaties, as well as mechanisms and structures monitoring the situation internationally.

AFL-CIO—*American Federation of Labor and Congress of Industrial Organizations*

Although there are some regional or national instruments protecting workers’ rights, these documents do not exhaust the topic of labor rights. Many States still commit severe violations against labor rights, thus infringing upon the rights of individuals as outlined by the UDHR. John Hiatt, the General Counsel to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), emphasizes the importance of the internationally-established declarations. He says, “the main achievements of the declaration could be to end the debate over whether [...] core universal labor rights are applicable to every worker in every country.” Such a declaration would not only establish and unify standards of workers rights, but also protect those norms around the world.

The present document will briefly discuss the labor rights situation (ratified documents and violations against workers) in certain regions in the world such as Africa, Asia, Americas and Europe, focusing on the following: the United States of America, the European Union, India, Iran, and South Africa. The discussed countries represent the developing and developed world. The study guide does not exhaust the subject, since there are many more regions and examples of labor rights that could be discussed. This part of the study guide serves to illustrate how certain regions in the world deal or fail to deal with the rights of non-migrant workers.

Case Study: European Union

The European Union (EU) has been developing extensive instruments to protect the rights of workers since its establishment. Member States not only have to comply with the rules and directives established at the EU level, but have also formed their own systems and mechanisms for safeguarding workers. Therefore, the EU Member States are bound by three main sources of workers rights, which include: ILO and other international documents and treaties, EU directives and laws, and local and national laws. Steve Charnovitz, an analyst in international labor issues at the U.S. Department of Labor from 1975 to 1986, discussed collective labor rights in the EU. He asserted that “no one has any illusions that the EU, whatever its limits, is a model that will be easy to follow in the rest of the world.”

At the EU Community level, labor law covers two main fields: “(a) working conditions, including work time, part-time and fixed-term work, and posting of workers, and (b) information and consultation of workers, including in the event of collective redundancies and transfers of undertakings.” All member States are required to abide by the Treaty on the Functioning of the European Union, which notes in Article 153(1) the EU’s competence in the field of labor law. It declares that the Union shall “support and complement the activities of the Member States” in a number of improve-

ments, such as working conditions, social security and social protection, representation and collective defense, working conditions, etc.

Besides this main document regulating the existence and role of the European Union, there are many directives which establish norms and standards for worker rights in the EU. These directives are classified into several groups. These are:

EU—European Union

Employment contracts:

Lawrie-Blum v Land Baden Wurttemberg (1986) C-66/85, which states that “the essential feature of an employment relationship is that a person performs services of some economic value for and under the direction of another person in return for which he receives remuneration.”

Pfeiffer v Deutsches Rotes Kreuz (2005) C-397/01, which states that “the worker must be regarded as the weaker party to the employment contract and it is therefore necessary to prevent the employer being in a position to disregard the intentions of the other party to the contract or to impose on that party a restriction of his rights without him having expressly given his consent in that regard.”

Free movement:

Citizens Rights Directive 2004/38/EC, which declares that workers have the right to move freely and work anywhere in the EU, without discrimination on grounds of nationality, subject to exceptions to preserve public policy, security and health.

Equality:

Part-time Workers Directive 97/81/EC,
Fixed-term Work Directive 99/70/EC,
Equality Framework Directive 2000/78/EC,
Race Equality Directive 2000/48/EC,
Equal Treatment Directive 2006/54/EC.

Child care and working time:

Pregnant Workers Directive 92/85/EEC,
Parental Leave Directive 96/34/EC and 97/75/EC,
Working Time Directive 2003/88/EC.

Health and Safety:

Health and Safety of Atypical Workers Directive 91/83/EEC,
Health and Safety Framework Directive 89/391/EC,
Minimum Workplace Safety Directive 89/654/EC.

Social security:

Equal Treatment in Occupational Social Security Directive,
Equal Treatment in Social Security Directive 97/7/EC,
Social Security Regulation 1408/71/EC and 883/2004/EC,
Directive 2005/36/EC.

Collective bargaining:

Article 11 of the European Court of Human Rights (ECHR),
Wilson and Palmer v United Kingdom – a case which concerns discrimination by employers against workers who join and take action through trade unions,
Demir and Baykara v Turkey (2008) – a case which concerns the right to engage in collective bargaining.

Although the EU has managed to establish extensive instruments which intend to safeguard workers’ rights, there are still minor cases of violations of labor rights in the EU Member States. Those infringements include discrimination against

women, minorities as well as union-members. Discrimination against women in the workforce and the workplace remains the most important problem of the EU, as it does in other regions in the world. According to Eurostat statistics dating February 2005, the difference between men and women in terms of unemployment rates was that the rate was 1.6% higher for women than for men. The unemployment rates for men and women, however, vary from country to country. For instance, Finland showed no sex inequality in terms of unemployment, while Greece had as much as 9.6%. Furthermore, the European Union declares on its websites that “some women are paid less than men for doing the same job. This factor only explains a small part of the gender pay gap, due to the effectiveness of the European Union and national legislation.”

Gender pay gap—the difference in average income between male and female workers

There are several cases of discrimination against union-activist workers in the European Union. Recently, DHL Express, an Express Logistics company with its headquarters in Bonn, Germany, was accused of anti-union tactics at a number of its branches around the world, including those in Italy and Portugal. The reports prepared by the organizations promoting and protecting workers’ rights inform that the company has committed several violations against its workers, including alleged intimidation of workers fighting for decent work conditions and for the right to form unions.

Case Study: India

As a country that is still considered to be developing, India does not provide sufficient resources and tools for its workers. As a result, many workers may be prone to State and individual employer abuse. Many experts argue that India’s labor legislation should be reformed. According to a 2008 report published by World Bank, labor law in India should be heavily reformed. The executive summary declared that:

“India’s labor regulations - among the most restrictive and complex in the world - have constrained the growth of the formal manufacturing sector where these laws have their widest application. Better designed labor regulations can attract more labor-intensive investment and create jobs for India’s unemployed millions and those trapped in poor quality jobs. Given the country’s momentum of growth, the window of opportunity must not be lost for improving the job prospects for the 80 million new entrants who are expected to join the work force over the next decade.”

The Indian Government has worked to improve the condition of rights of workers. Until today, the state has worked to implement some instruments that intend to protect workers from violations in the workplace. Those documents include: The Industrial Disputes Act (1947), which requires companies employing more than 100 workers to ask for government’s permission before they can fire employees or close down. Practice shows that such approvals are granted very rarely,

The Contract Labour Act (1970), which prohibits companies from hiring temporary workers. In addition, it does not allow women to work night shifts,
The Trade Unions Act 1926,
The Provisions of the Factories Act 1948,
The Minimum Wages Act 1948,
The Weekly Holidays Act 1942,
The Payment of Wages Act 1936,
The Workmen’s Compensation Act 1923.

In addition, India has ratified certain international and ILO documents. Although the Freedom of Association and Protection of the Right to Organize of 1948,

Right to Organize and Collective Bargaining of 1949, Workers' Representatives of 1971, and Labour Relations (Public Service) and Minimum Age Convention of 1973 are yet to be signed, India has committed itself to respect and protect the rights of workers enshrined in the following Acts: Equal Remuneration of 1951, Discrimination (Employment and Occupation) of 1958, Rural Workers' Organizations of 1975, and Abolition of Forced Labour of 1957.

Remuneration—
salary, compensation

The International Federation of Building and Wood Workers, International Union of Food and Allied Workers' Associations, Asia Regional Organization of the International Textile, and Friedrich-Ebert-Foundation observe many cases of violations of the ILO's four labor standards in the country. The large proportion of the Indian working population outside the organized sector has not managed to exercise its right to organize trade unions. Therefore, it was impossible for them to not only defend, but also to advance their economic and social interests. As a result, the working population of India has not been able to guarantee the establishment of labor laws designed to provide at least minimum standards of life, or to push the government to ratify the remaining ILO Conventions.

Human rights organizations indicate that discrimination against women as well as certain social classes is still prevalent. Such violations are a result of the deeply-rooted caste system, also known as the cast hierarchy. The caste system has entailed serious and widespread social oppression of the lower castes by the upper ones. Experts note that this process has had an economic impact through the extraction of forced labor and even through discriminating employment and payment of wages.

Abuses in the area of child labor are another important aspect of the violations of workers' and thus human rights in contemporary India. India has ratified the ILO Minimum Age (Industry) of 1919, which obliges ratifying countries to respect the rule that children under 14 years of age should not be employed. In accordance with the ILO Convention, the Article 24/35 of the Indian Constitution states that children below the age of 14 should not be employed in a factory, mine, or in any other hazardous occupation. Despite all these provisions, children are still exposed to a number of health hazards at work. Thousands of children working in the glass bangles factories of Firozabad work in dangerous proximity to raging fires, which exposes them to a great risk of eye diseases, asthma, and bronchitis. Research on child labor in India shows a worrying picture when it comes to the areas of children exposed to severe health hazards at their place of work. Among other examples, children working in the slate factories of Mandsur in the state of Madhya Pradesh "are driven to an early death due to silicosis caused by continuous inhalation of slate dust over a period of time". Research by Bachpan Bacho Andolan, a non-governmental organization in India working to eradicate child labor, revealed that hundreds of children work in order to help support their families in two Indian villages of Jalandhar and Meerut. Children are involved in the hand stitching of soccer balls. The place of employment is not registered under the Factory Act and has no supervision of the Formation of Sports Goods Foundation of India, since it is a home-based business. Nearly all children "work 10-15 hour work days, suffering neck and back injuries. The children's eyes and hands are also under much strain in poor working conditions. From cutting the string on the soccer balls with sharp razors, children showed the cameramen their overworked hands scarred with cuts." The aforementioned examples of the violation of international standards of workers' rights are just a few that have been discovered by the international community. It seems that the violations of workers' rights, and, thus, human rights systematically occur in India. The employers show little respect to the international standards on which the Government of India has agreed. Similar situation may take place in other

developing states since the state apparatus may not be effective enough to control and implement the international standards and norms.

Case Study: Iran

As a still developing state, Iran is considered to be behind international standards of workers' rights. Although the Iranian Government has ratified two basic Conventions of the ILO, namely Elimination of Forced and Compulsory Labour, and Elimination of Discrimination in Respect of Employment and Occupation, the state has failed to ratify and thus respect Freedom of Association and Collective Bargaining, Collective Bargaining and one of the two Conventions regarding Abolition of Child Labour.

Compulsory—*forced, mandatory, not optional or free*

As of today, the basic sources of Iranian labor law and rights of workers are:
The Constitutions of 1906, 1907, and 1979, and their amendments,
Council of Ministers and Ministry of Labor decrees and procedures,
Judiciary verdicts and cases,
Collective bargaining contracts and agreement,
International Labor Organization,
ILO Conventions,
ILO Recommendations, and
International declarations and agreements.

Despite those national and international sources of labor law, and rights of workers, Iranian workers are not provided with sufficient resources and tools to exercise their rights. Many international organizations, such as Amnesty International or Human Rights Watch, note that there is no union system in Iran, even though Iranian workers have a right to form labor unions. Amnesty International has investigated the case of Mansour Ossanlu, a head of the Union of Workers of the Tehran and Suburbs Bus Company, who “has struggled to build a strong and independent trade union movement in Iran capable of defending the human rights of workers against discriminatory laws and practices.” Amnesty International informs that Ossanlu has been imprisoned since 2007 for the “acts against national security” and “propaganda against the system.” In addition, the right of workers to strike has not been respected by the state. Since 1979, any sort of strike has been met by police action. Thus, Iranian employees are deprived of the most essential rights which are exercised by their counterparts in other parts of the world.

The Iranian Labor Law provides certain standards an employer must respect when signing a contract with an employee. The Law determines the minimum age for workers in Iran to be 15 years, yet some sectors of economy, such as small businesses, agricultural concerns, and family-owned enterprises, are exempted from that rule. Some non-governmental institutions, such as the Voices of Children in Iran, note that Iran “fails to provide the most essential needs of children.” Based on the qualitative data collected by child rights activists, the organization estimates that nearly 15% of Iranian children “are forced to work in deplorable and often dangerous conditions. This atrocity destroys children’s health, contributes to illiteracy and destroys the chance for a better life for thousands and thousands of children.” Such a condition of child labor may exist in other developing countries, as states insist on the quick and effective economic development.

Case Study: South Africa

The U.S. Department of State notes that South Africa's economy is highly developed in many areas, yet apartheid and many distortions contributed to the country's international isolation, and, thus, certain current weaknesses. The U.S. Department further notes that "[t]he economy is in a process of transition as the government seeks to address the inequities of apartheid, stimulate growth, and create jobs." Since the democratization of the country after April 1994, South Africa placed labor law as one of the main priorities of the state reforms. The sources of South African labor law and rights of workers include the following:

- Legislation,
- Judicial precedent,
- Collective agreements,
- Common law,
- ILO Conventions,
- ILO Recommendations, and

International declarations and agreements.

apartheid—a former South African policy of racial division

South Africa became a member state of the ILO in 1919, yet the country was forced to leave the Organization because of the government's apartheid policy in 1966. In 1994, South Africa resumed its membership in the ILO. As of today, the state has "ratified 21 conventions, of which 18 are in force [...], including the eight ILO fundamental conventions." In addition to this, the employment law is regulated by the following:

- The Labour Relations Act 66 of 1995,
- The Basic Conditions of Employment Act 75 of 1997,
- The Basic Conditions of Employment Amendment Act 2002
- The Employment Equity Act 55 of 1998,
- The Skills Development act 97 of 1998,
- The Unemployment Insurance Act of 2001,
- The Occupational Health and Safety Act 85 of 1993, and
- The Compensation for Occupational Injuries and Diseases act 130 of 1993.

Despite those provisions, the rights of workers and thus human rights are not fully respected in South Africa. As a matter of fact, Amnesty International recorded eleven incidents of xenophobic violence at the workplace in the first five months of 2010. Those acts of aggression are often aimed at the migrants and refugees, particularly those from Somalia and Ethiopia. The local police usually fail to respond "swiftly or, in a few cases, to connive with the perpetrators of the violence." Those workers found it difficult to access justice and compensation for their losses. Moreover, there are many recorded cases of discrimination at work based on the health condition (e.g. HIV status), age, gender, race, and nationality.

One of the turning points in the rights of workers was the 2010 FIFA World Cup in South Africa. Vasco Pedrina, a Swiss union activist and a member of the Swiss Labour Assistance, noticed that the football World Cup "has helped significantly improve South African workers' rights." He notes the development and improvement of the condition of many workers' rights, including the right to associations, right to form labor union, wages, as well as collaboration between unions from developed and developing countries. It seems that although certain rights of workers are infringed, the South African workers begin to enjoy better standards and norms of labor.

Case Study: United States of America

At the time of the establishment of the ILO, the US Government refused to be

its member as it had rejected the Covenant of the League of Nations. It seems, however, that the USA recognized its international responsibility to honor workers' rights at some point in the history. Of the most important internationally-binding agreements, the American Government has agreed to respect or committed to the following international human rights instruments:

- The Universal Declaration of Human Rights (1948)
- The International Covenant on Civil and Political Rights (1966)
- The International Covenant on Economic, social, and Cultural Rights (1966)
- Minimum Age (Sea) Convention (C58, 1936)
- Abolition of Forced Labour Convention (C105, 1957)
- Worst Forms of Child Labour Convention (C182, 1999)

NLRB—*National Labor Relations Board*

However, the United States has not ratified most of the ILO's basic human and workers' rights standards, even though the ILO and the U.S. Government have worked on some of them jointly. This may be due to the fact that US standards and norms of worker rights differ from those in other parts of the world. Although the US Government has developed its own labor rights system which intends to protect the rights of workers from any sort of violation, it seems that worker rights are not fully guaranteed and safeguarded under existing laws and instruments in the United States. Experts indicate the weak points of the US labor laws include reproductive rights, discrimination, privacy, and the right of all workers to a safe and healthy workplace.

As reported by the ILO, the United States remains one of the few countries in the world which accepts and exercises the concept of employment "at-will". With the exceptions of the States of Arizona and Montana, the Commonwealth of Puerto Rico, and the non-metropolitan territory of the US Virgin Islands, there is no legislation that specifically focuses on employment termination. As a result, the "at-will" employment doctrine permits the dismissal of employees for any reason, or no reason at all. The ILO reports that in the period from 2003 to 2005, nearly 4 million workers were dismissed from their occupations for unspecified reasons. In 2007, the rate of worker discharge and lay-offs amounted to 16.4% of the total labor market. In 2010, the amount from 2007 was repeated; that is, the annual layoffs and discharges rate reached 16.4%. It seems that the concept of employment "at-will" poses a threat to other rights of workers such as collective bargaining, freedom of association, right to paid holiday, right to social security, right to know the nature and potential hazards of the substances they work with, and many more.

The right to form a union and collectively bargain is a basic right universally recognized and protected not only by the commitment to the ILO standards, but also to U.S. federal law. Despite that, American workers who organize and take part in union activities are exposed to groundless dismissals, discrimination, and much more. According to 1993-2003 National Labor Relations Board (NLRB), over 20,000 workers received back pay from their employers. The NLRB orders employers to award back pay to workers they illegally fired, laid off, suspended without pay, or denied work as a result of their union engagement. The American Rights at Work, a nonprofit advocacy organization dedicated to promoting the freedom of workers to organize unions and bargain collectively with employers, notes that "25% of employers fire at least one pro-union worker." HRW reported serious violations of the freedom of association in the USA. In 2010, HRW discovered that multinational firms, most of which were Europe-based, conducted aggressive campaigns to discourage workers in the United States from bargaining and organizing, which, consequently, violated international standards. In the document titled "A Strange Case," HRW names the multinational

companies' violations which include, but are not limited to: "captive audience' meeting to hear anti-union harangues while prohibiting pro-union voices, threatening dire consequences if workers form unions, threatening to permanently replace workers who exercise the right to strike, spying on employee organizers, and even firing workers who support organizing efforts at companies." Such activities are protected by international labor standards and documents. Arvind Ganesan, director of the Business and Human Rights Program at Human Rights Watch, said that "[e]ven self-proclaimed 'progressive' companies can and do take full advantage of weak US laws to stifle freedom of association. Unless the US strengthens and enforces labor standards, it's hard to see how workers in the US will exercise their rights." Research conducted by Peter D. Heart Research Associate, one of the survey research firms in the United States, in December 2006 shows that nearly 60 million U.S. workers would join a union if they could. However, as soon as workers try to express their demands by forming a union, employers routinely intimidate, harass, and retaliate against their employees.

**HRW—Human Rights
Watch**

Furthermore, human rights organizations have documented multiple cases of child labor in the USA. According to a 2009 petition by HRW, "Hundreds of thousands of children are employed as farmworkers in the United States, often working 10 or more hours a day. They are often exposed to dangerous pesticides, experience high rates of injury, and suffer fatalities at more than four times the rate of other working youth. Their long hours contribute to alarming drop-out rates. Government statistics show that one-third never finish high school. Agriculture is the most dangerous occupation in the United States open to children. However, current US child labor laws allow child farmworkers to work longer hours, at younger ages, and under more hazardous conditions than other working youths."

Young farm-workers are oftentimes exposed to dangerous substances (such as pesticides) and working conditions (such as being exposed to heat for long periods), which can lead to illness, injuries, and life-long disabilities. Long-term consequences of pesticide poisoning include, among others: cancer, brain damage, and learning and memory problems. In addition, as noted by a HRW report from 2000, thousands of young farm-workers are "forced to work without access to toilet facilities, hand washing facilities, and adequate drinking water, the three most basic sanitation requirements." The National Safety Council (NSC) notes that agriculture is considered to be the second most dangerous occupation in the United States. In 2005, there were nearly 700 deaths and 90,000 disabling injuries of people engaged in this sector, as compared to the total number of 5703 of fatal work injuries in 2004.⁷ Despite that fact, current US child labor laws do not prohibit child farm-workers from working longer hours and under much more hazardous conditions than other working young people. According to current law, the minimum age to be employed is 12, yet working time cannot exceed 3 hours on a school day. In agriculture, however, children can work at age 12 for unlimited hours before and after school.

Past International Actions

The debate over a wide variety of rights of workers is inherently an international issue, discussed and compared here within the frames of the labor laws functioning in the United States, European Union and India. The issue of rights of workers became significant as soon as performing services for other people appeared in the world. Substantive and normative differences of labor laws were noticed by the international community which decided to contradict inequalities in the world. Not only did the States establish the Universal Declaration of Human Rights, but also formed the International Labor Organization – both instruments have served to protect workers' and human rights, as they are usually interrelated. The worldwide society has taken

some other steps to gather and include workers' rights (and thus human rights) in the declarations, conventions, charters and other documents ratified by its member States.

International Instruments

The Universal Declaration of Human Rights is the most important document embracing universally-recognized human rights. The UDHR was approved in 1948 and is now signed by the all UN Member States. When it comes to the rights of workers, Articles 20, 23, and 24 seem to provide the most fundamental and basic guidelines. The UDHR declares: "Article 20. (1) Everyone has the right to freedom of peaceful assembly and association. [...] Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests. Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay."

ICCPR—*International Covenant on Civil and Political Rights*

Secondly, the UN noticed the need for additional international mechanisms to protect the workforce in its member States. In 1966, the United Nations General Assembly voted for the International Covenant on Civil and Political Rights (ICCPR) as well as the International Covenant on Cultural, Economic, and Social Rights (see subsection: The International Covenant on Cultural, Economic, and Social Rights in the History and Discussion of the Problem). The ICCPR lays out the following: "Article 21. The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. Article 22. (1) Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. [...] (3) Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention." As of December 2010, the Covenant had 72 signatories and 167 parties.

The UDHR, ICCPR, and ICESCR and were insufficient to improve the overall condition of rights of workers worldwide. Therefore, the ILO (for more information, see subsection: International Labor Organization in the Relevant Partners section) has worked to address workers' needs and advance labor rights in all countries of the world. As of today, 183 member States share membership in the ILO. It seems that the international community has decided to focus on the four most important standards which, as they deem, should be globally recognized and respected. These standards include: Freedom of Association and the Effective Recognition of the Right to Collective Bargaining, Elimination of All Forms of Forced or Compulsory Labor, Effective Elimination of Child Labor, and Elimination of Discrimination in Respect of Employment and Occupation. To solidify its attempts, the ILO has created a number of documents, including the following conventions:

Freedom of Association and the Effective Recognition of the Right to Collective

Bargaining:
 Freedom of Association and Protection of the Right to Organize Convention (C87, 1948),
 Right to Organize and Collective Bargaining Convention (C98, 1949).

Elimination of All Forms of Forced or Compulsory Labor :
 Forced Labor Convention (C28, 1939),
 Abolition of Forced Labor Convention (C105, 1958).

Effective Elimination of Child Labor:
 Worst Forms of Child Labor Convention (C182, 1999),
 UN Convention on the Right of the Child (1989),
 Minimum Age Convention (C138, 1973).

Elimination of Discrimination in Respect of Employment and Occupation:
 Equal Remuneration Convention (C100, 1951),
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 International Convention on the Elimination of all Forms of Racial Discrimination (1965),
 International Covenant on Economic, Social, and Cultural Rights (1966),
 International Convention on the Suppression and Punishment of the Crime of Apartheid (1973),
 Convention on the Elimination of All Forms of Discrimination against Women (1979).

convergence—*the meeting of or intersection between*

Possible Solutions

Although international conventions and documents defined certain specific types of workers, the universal definition of non-migrant workers has yet to be provided. One of the most fundamental issues is that there is currently no international standard or norm defining the convergence of rights of workers and human rights. It is crucial to indicate that rights of non-migrant workers (as well as rights of migrant workers) are, in the most part, inseparable from human rights. As such, labor rights not only supplement, but also become an inherent part of individual rights. Such defined rights would provide extensive backgrounds for further steps to protect entire groups of workers and thus individuals.

Respecting the boundary of rights of workers is not an inherent limitation on economic, political, and social growth. The challenge is to craft a solution that finds a balance between those and does not compromise either workforce or development. Due to the universality of labor abuses as a problem facing all countries (to varying extents), possible solutions are numerous but success might be limited. Finding a solution therefore requires more than choosing certain policies, but rather a deeper examination of workers' rights.

Amnesty International, Human Rights Watch, and the International Labor Organization have done through studies on cases of labor abuses around the world. It appears that the abuses of workforces may be a result of both State activities and private employers. One of the solutions towards countries with repeated cases of proven workers' rights abuses is to institute international pressure on the country to stop the mentioned violations. Such international pressure might include imposing economic and political sanctions on the governments until an institutional and legal changes ensure protection of workers' rights. It is important to note, however, that poor conditions of workers' rights are oftentimes kept by Western industries taking advantage of lower costs in other regions of the world. When such violations are performed by employers, the international community should demand that the affected State resolve the problem in an effective manner. Therefore, the international community should support efforts to

propagate and establish rights of workers. It might be necessary to found certain structures, mechanisms and tools to protect workers.

Interest Group Perspectives ***Block Positions***

China:

China has recently shown significant improvements in the areas of protection of rights of workers. Although “China hasn't exactly been known as a bastion of workers' rights, [...] the country's new labor regulations—which took effect Jan. 1 [2008]—are designed to better protect workers' rights, including signed, written contracts for all employees.” China is willing to cooperate with ILO, yet the country will also protect its own interests, i.e. economic development. China wants to attract as many investors as possible with its cheap workforce. This usually happens at the expense of some workers' and thus human rights.

European Union (EU):

The EU would not only be supportive to but also accept any initiatives aiming at the improvement of workers' rights situation. As the representatives of the EU deem, “the drive for more and better jobs is not at any cost, however. The Union's long tradition of ensuring a decent working environment throughout the EU and of protecting workers' rights continues to hold good. Common standards for all cover minimum rules on working conditions, collective redundancy, part-time and temporary work, health and safety at work, maternity and parental leave, equal pay for equal work, and protection against sexual harassment. Social dialogue between worker representatives and employers is also a cornerstone of EU policy. Sound labour relations strengthen worker protection, while at the same time contributing to competitiveness.” Moreover, the EU is one of the staunchest adherents of democratization in the undemocratic world. Therefore, the EU member States could impose social, political and economical embargos on the states which violate rights of workers.

India:

The Government of India as well as the society are fully aware of the necessary changes in the current labor law which does not sufficiently protect workers. Manmohan Singh, the Prime Minister of the Republic of India since 2004, said, “the country needed new laws for new times. Laws which provided safety standards catered to the basic needs of workers, took care of their welfare and were flexible enough to create rather than destroy jobs.” India, however, deals with the problems of rampant poverty. Therefore, the country pays particular attention to its economic and political development, sometimes regardless of the good of its workers.

Latin America:

As states that are classified as more corrupted countries by the Transparency International, except for Chile and Uruguay, Latin American countries might be unable to grant some addition rights to workers. Although the countries have ratified several

Maternity leave—*time taken off from work immediately after childbirth*

significant ILO conventions, they emphasize the importance of their social and economic advancement. At the same time, the political situation is not very conducive to changes in national labor law. The countries, however, may be willing to improve the workers' rights situation within the frames of their current laws.

Saudi Arabia:

Saudi Arabia has established its own labor law and rights of workers, which differ from the internationally recognized standards. The Right of Association and Right to Organize and Bargain Collectively and many more are not respected by the state. Furthermore, any indications of unions and collective bargaining are severely punished by law. Saudi Arabia has ratified certain ILO conventions, yet the country is not willing to sign any documents interfering with its own customs, traditions and laws.

The United States:

The USA is one of the last developed countries which do not recognize international labor standards delineated by the international community through the ILO. In fact, "the United States [...] has been hesitant to ratify ILO conventions on the federal level" since the establishment of ILO in 1919. The U.S. Government may support actions and activities undertaken by ILO but will not accept laws proposed by ILO and any other international organization.

Relevant Partners

Anti-Slavery International (ASI):

ASI is a non-governmental organization founded in 1839 in London, Great Britain. The organization is known for drawing attention to the continuing problem of slavery worldwide. It campaigns for the abolition and eradication of slavery in the countries that are affected. The main specializations of the ASI are Forced Labor and Child Labor among other human rights issues. The organization notes that it works "collaboratively with other NGOs, inter-governmental bodies and trade unions, and focus on the worst forms of child labour and slavery-like practices."

Bachpan Bacho Andolan (BBA):

BBA is a non-governmental organization based in India, which aims to initiate a change in the society. Established in 1980, the organization has been engaged in "identifying, liberating, rehabilitating and education children in servitude through direct intervention, encouraging child and community participation, building partnership and coalitions, leading consumer actions, promoting ethnics in trade, [and] unionizing workers." In addition, BBA has been involved in different campaigns for "education trafficking, forced labor, descent work, building child friendly villages and mobilizing the masses on common actions." Therefore, the organization not only investigates different cases of abuses of child labor, but also propagates and consolidates knowledge on rights of workers among nations.

Human Rights Watch:

HRW is an international organization that opposes violations of what it considers basic human rights by bringing international attention to instances or regions where human rights are violated. Based in New York, with many offices around the globe, Human Rights Watch has worked to prevent discrimination and protect human rights for a wide variety of offenses since its establishment in 1978. HRW reports include, but are not limited to, issues of social and gender discrimination, discrimination on the basis of sexual orientation, and violence against children. One of the main focus areas of the HRW is labor. HRW has reported a number of violations against workers around the globe; for example, those in the United Arab Emirates, Bahrain, and in the USA.

International Labor Organization:

The ILO is a specialized agency of the United Nations that deals with labor issues pertaining to international labor standards. Established in 1919, the ILO has been a major provider of labor statistics up to this day. Those statistics are an extremely important tool to not only monitor member States' progress toward enhancing labor standards, but also in controlling the level and type of abuses of workers' rights. The ILO, as already mentioned, maintains several databases. Based on the information gathered in those databases, the ILO publishes a number of compilations of labor statistics, such as the Key Indicators of Labor Markets (KILM). KILM covers 20 main indicators on items such as labor participation rates, employment, unemployment, educational attainment, labor cost, and economic performance.

The Committee of Experts on the Application of Conventions and Recommendations (the Committee of Experts):

The Committee of Experts is an ILO organ that consists of twenty members, from all parts of the world, to allow the committee to apply the experience of different political, economic, and social systems more effectively and sufficiently. The Committee of Experts conducts the first part of regular supervision by examining nearly two thousand government reports each year. After thorough examination, the Committee prepares and makes comments on these reports. The Committee's own reports, containing the observations and general comments, are submitted to each session of the International Labor Conference.

The Conference Committee on the Application of Standards (the Committee on the Application):

The Committee on the Application is responsible for the examination of the reports submitted by the Committee of Experts. The Committee then selects about thirty cases each year in which it requests the government concerned to appear before it and discuss their domestic situation relating to ratified ILO's conventions. The Committee's report include states' "failures to comply with formal obligations, concerning, for instance, reporting or submission of conventions and recommendations to the competent national authorities, and failure to apply ratified conventions."

Institute for Global Labour and Human Rights (NLC):

NLC is a non-profit, non-governmental organization that has been investigating human and labor rights abuses committed by U.S. companies producing goods in the developing world since its foundation in 1980. The NLC has its headquarters in Pittsburgh, PA, the United States, and offices in El Salvador and Bangladesh. The mission of the Institute is to: "help defend the human rights of workers in the global econ-

omy, empower workers in the developing world by educating them about their fundamental legal rights and assisting them to organize, and educate global citizens about their role as responsible consumers.”

Voices of Children in Iran (VCI):

The Voices of Children in Iran is a project that aims to protect Iranian children from human rights violations, including labor abuses. The founders of the VCI believe that “(1) we are citizens of the international community, (2) we dream of a better life for the citizens of Iran, (3) and our dream is achievable and Iran is destined to change.” The members of the VCI propagate rights of children, organize events supporting change in Iran, and gather qualitative and quantitative data regarding human rights violations.

Questions a Bill Should Address

Should the universal definition of non-migrant workers be included in the internationally recognized documents such as the Universal Declaration of Human Rights, which is respected not only by the G-15 Member States, but also all countries in the world?

How should the G-15 define rights of workers to indicate their inseparability from human rights?

What should be the standard and components of an international definition of non-migrant workers and their rights?

What jurisdiction does the G-15 have over issues of rights of non-migrant workers? To what extent should the G-15 as a whole oversee rights of workers?

Is it necessary to propagate and spread knowledge and sensitivity on rights of workers, and their intersection with human rights?

What can states and international organizations such as NGOs, non-profit and many more do in order to change local politics towards workforce in the developing world?

How to enforce international labor standards into countries that are not willing to accept them?

What other actions should the G-15, non-governmental and non-profit organizations undertake to protect groups of workers whose rights are violated?

What structures, mechanisms and control mechanisms should be implemented in and by the developing countries?

Would it be reasonable to design structures and mechanisms which would verify the implementation of rights of workers?

What jurisdiction should such organizations have to oversee such an implementation?

Summary

As already mentioned, the issue of rights of non-migrant workers is extremely important as nearly everyone can relate to these issues in one way or the other. The following study guide is a fundament which intends to present the problem of un-unified standards. The study guide should facilitate further research on the suggested norms of workers' rights, and their violations in some specific regions of the world.

It might be helpful to supplement information included in this booklet with the conventions, declarations and other legally binding and non-binding documents signed and/or ratified in international, regional and domestic arenas. The **International Labor Organization conventions** constitute a fundament of rights of workers. The richest sources for information on recent legislation concerning labor rights, conventions and ratifications may be the ILO database. Labor statistics published on the official website of the ILO might be especially useful to compare the situation of workers in different parts of the world. In fact, this statistical database might be helpful in investigating various cases of legislations and violations of rights of workers.

It is important to pay special attention to reports of some governmental and non-governmental organizations such as HRW, AI or the U.S Department of State, which document and publish instances of labor rights violations. Their reports contain reliable data on the situation of workers in the countries around the globe.

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