

Jonathan Chaparro
SBS-381
Dr. Shenk & Dr. Tran
05/20/13

Social Justice: International Labor Standards

In Vietnam during the United States Diem Regime “5,000 villagers – young and old, men and women – were gathered and forced to destroy hundreds of acres of lush rice plants already bearing young grains bursting with milky sap... The Government said it is concerned about the life of the people but haven’t done anything to prove it. Now it is forcing us to tear down our houses, destroy and burn our properties, dig up the graves of our ancestors, and perform exhausting corveé tasks. How are the people going to survive? ” (Gettlemen, p. 175). These words were written by Mrs. Nguyen Thi Dinh whom was once the Deputy Commander of the National Liberation Front Armed Forces that was in opposition of the US/Diem Regime in South Vietnam. She expresses the agony the people experienced when they were forced to destroy their livelihoods. What were the Regime’s motives? Was the Regime protecting the peasants from the Viet Kong troops? Did the Regime have plans for agrarian reform? Was it an effort to push the peasant farmers into the cities to work in factories? The matter is, whichever the motive of the Regime, it practiced in an unfair, unethical and unmonitored fashion.

The above is an extreme example, from which an institution’s policy completely took advantage of its citizens. Human rights were abused and the people were plunged into poverty. More often than not, the incentive for political decisions is for economic growth. Good people can be distracted or loose focus when they are dedicated to a

specific outcome. As globalization moves forward it is imperative that nations take care of one another and monitor each other's actions to prevent injustices amongst the people.

Globalization has instigated a world economy where nations produce, distribute and consume goods and services with each other. An organization that currently monitors nation's imports and exports is appropriately named the World Trade Organization. The WTO is also a policy maker for world trade. WTO's mission is to promote domestic and global economic growth and development. A goal and strategy of the WTO is to liberalize trade worldwide. The liberalization policy is also known as "free trade". Free trade is encouraged by eliminating import tariffs and other barriers to trade such as, local governmental subsidies. In 2010 there were 159 countries signed with the WTO, of which 117 are developing countries (WTO Geneva: 2010). Why does the WTO seek out developing countries for free trade? Is it advantageous for developing countries to be involved in free trade? W. Niel Adger is a social economist research specialist. Adger states, that: "economic growth masks a number of crucial microeconomic and social impacts emerging from the liberalization process" (Adger, p. 739). Adger points out that one of the potential social impacts due to the liberalization of trade is the exploitation of laborers. The approach that this essay proposes to protect the laborers is a top down tactic from a North American standpoint. The labor force of developing countries must have a voice. The United States International labor affairs Bureau should mandate and enforce US corporations to purchase goods from international sub contracting production manufacturers whom correspond to Internationally recognized Labor Standards.

Around the world, laborers are being taken advantage of. Child labor is a detrimental theme amongst labor exploitation. In Peru, 20% of the children between the ages of five and fourteen work and do not attend school. In the Philippines, 15% of children between the ages of five and fourteen work and do not go to school. In Albania, 20% of the children between the ages of five and fourteen work and do not attend school (*Worst Forms of Child Labor*, ILAB 2010). These three locations are in three completely different regions of the world. It is important that, as the world market continues to develop, there is an active voice for the laborers of the world. There are three institutions that have the potential to come together and create a policy that protects the rights and the welfare of laborers.

The three institutions that should unite to enforce international labor standards are: The United States International Labor Affairs Bureau (ILAB), The International Labor Organization (ILO) and local governments whom contain tier one and tier two production and distribution factories. The ILAB is an organization that advocates for human rights amongst international laborers, and conducts research on the conduct of international labor. The mission statement of the ILAB is: The Bureau of International Labor Affairs leads the U.S. Department of Labor's efforts to ensure that workers around the world are treated fairly and are able to share in the benefits of the global economy. ILAB's mission is to use all available international channels to improve working conditions, raise living standards, protect worker's ability to exercise their rights, and address the workplace exploitation of children and other vulnerable populations (ILAB). The word to focus on is "effort". For the most part the ILAB is not an enforcement agency. The only enforcement role that the ILAB assumes is done so in result of Free

Trade agreements with cooperating countries. The ILAB has only nineteen countries that have signed agreements on labor rights. These nineteen countries are mostly developed, democratic countries like Chile and Australia. To submit a violation of the labor provisions, the interested party must submit the complaints to the US Office of Trade and Labor Affairs (OTLA). According to the OTLA it takes six months to review the violation of the labor commitments that were presented to decide whether or not the case is worthy of investigation. Then, only if the case is worthy of investigation the ILAB will investigate. If the cooperating country cannot hold up to the labor rights agreements that were agreed upon, the FTA will be revoked. According to the ILAB only once ever was a petition granted for investigation. On July 30th 2010, the labor-related petition regarding child labor in Guatemala was passed for investigation. According to the report done by the OTLA, the conditions were improved. The consultation process for labor agreements under the FTA is ineffective due to the lengthy submission process and for the fact that there has only been one investigation passed by the OTLA. Another institution that has inherent fallacies is the Fair Labor Association.

The Fair Labor Association (FLA) is a collaborative organization that mirrors corporate social responsibility of US corporations. The Mission of the FLA is to combine the efforts of business, civil society organizations, and colleges and universities to promote and protect workers' rights and to improve working conditions globally through adherence to international standards (FLA). The FLA is a cover head to emulate corporate social responsibility of US corporations. Affiliated corporations are those of Apple, Nike, Adidas and other companies within the textile and garment industry. On the Nike website, the institution claims that their "greatest responsibility as a global company

is to play a role in bringing about positive systematic change for workers within our supply chain and in the industry. We're looking end to end, from the first phase of our product creation process to the impacts of our decisions on the lives of workers that bring our factories to life"- Nike, Inc. This is a very poetic statement from Nike's website, but what exactly is being done to ensure these promises? Through my research within the FLA, I discovered that the case studies were very vague and did not always name the companies that were being audited or the people who were affiliated. The FLA was founded in 1999. Conveniently after the media publically exposed a Taiwanese manufacturing company in the early 1990's for the mistreatment of its workers because of dangerous and unlivable conditions, the FLA was established. Nike and Apple were ridiculed for contracting with Foxconn. The FLA has proven to be more of a figurehead than a social activist institution. Another challenge in creating International labor standards is the strength and policy of national governments.

When governments do not comply with the international labor standards it is difficult for the three tiers of production and distribution to establish common ground. Vietnam does not allow the freedom of Association, which is the first of the internationally recognized labor standards. A bottom up initiative along with a top down approach would be ideal to achieve social justice amongst the workers. A tripartite approach amongst: local governments, the International Labor Organization and the US Bureau of International Labor Affairs is a realistic method to achieve international labor standards.

The United States International labor affairs Bureau should mandate and enforce US corporations to purchase goods from international sub contracting production

manufacturers whom correspond to Internationally recognized Labor Standards. The International Labor Organization (ILO) was adopted by the United Nations as a special project in 1949. The ILO was founded in 1919 after WW1 with the vision that social justice can create universal peace. The ILO's mission is "to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues (ILO). The ILO has already composed a declaration of international labor policy. Within the declaration is a list of International Labor Standards that includes:

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
 - Forced Labor Convention, 1930 (No. 29)
 - Abolition of Forced Labor Convention, 1957 (No.105)
 - Minimum Age Convention, 1973 (No. 138)
 - Worst Forms of Child Labor Convention, 1999 (No. 182)
 - Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

I am proposing that the ILO and the ILAB join forces to enforce US corporations to only purchase products from international manufacturers that follow these International Labor

Standards. Along with the International Labor Standards is a list of governance conventions, which include:

- Labor Inspection Convention, 1947 (No. 81)
- Employment Policy Convention, 1964 (No. 122)
- Labor Inspection (Agriculture) Convention, 1969 (No. 129)
- Tripartite Consultation (International Labor Standards) Convention, 1976 (No. 144)

Manufacturers who uphold to the International Labor Standards will give the workers a fair chance to live healthy comfortable lives.

The Fair Labor Association does influence its affiliated manufacturing companies to recognize the International Labor Standards within the declaration of the ILO. The FLA, to evaluate Acushnet Inc. in Thailand performed an external verification report. Acushnet Inc. is a textile garment production and packaging factory. The report found that the employer was not holding the once every three-month welfare meeting in 2008. The FLA proposed a plan for Acushnet Inc. to develop a new committee and establish a concrete date of reunification. A new committee was elected in December of 2008 and the first meeting with the new committee happened in February 2009. The FLA can encourage factories to treat the workers fairly, but there is low incentive for a factory to comply to the Labor Standards unless it is enforced to do so.

The tripartite approach amongst the ILAB, the ILO and local governments, to enforce International Labor Standards, will give workers the chance to live healthy comfortable lives. The original vision of the International Labor Organization was that

social justice could bring universal peace. Inequality leads to poverty, poverty leads to social and individual despair. Each micro socio-economic problem has a macro socio-economic effect.

Works Cited

Adger, W. Neil, *Institutional Adaption to Environmental Risk under the Transition in Vietnam*. "Association of American Geographers", pp. 738-758. Blackwell Publishers, MA 2000.

Borras, M. Saturnino, *'Free Market', export-led development strategy and its impact on rural livelihoods, poverty and inequality: The Philippine experience seen from a South East Asian*. "Review of International Political Economy", Vol. 14, No. 1. Taylor & Francis, LTD 2007.

"Fair Trade Association"- Last modified 2013, <http://www.fairlabor.org>.

"International Labor Organization"- Last modified 2013, <http://www.ilo.org>.

"US Department of International Labor Affairs Bureau"- Last modified 2013, <http://www.dol/ilab.com>.

Tran, Ngoc Angie, *Vietnamese Textile and Garment Industry in the Global Supply Chain: State Strategies and Workers' Responses*. "Institutions and Economics" Vol. 4, No. 3, 2012.