

INTERNATIONAL LABOR ORGANIZATION

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Undersecretary-General

Ranjana Ramchandran, *President*

The Ivy League
Model United Nations Conference
Nineteenth Annual Session

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Delegates,

Hello and welcome to the Economic and Social Council of the 19th annual Ivy League Model United Nations Conference! Over the past year, our staff has been hard at work writing background papers and planning events to bring you a smooth-running, dynamic, and fun conference. This year's Economic and Social Council is led by some of Penn's most experienced staff members, and covers topics that I hope you will find both pertinent and engaging.

To tell you a bit about myself, I am a sophomore from outside of Washington DC studying Management and Real Estate at the University of Pennsylvania. Between high school and college, I have participated in over twenty MUN conferences, in a variety of capacities both on staff and as a delegate. Outside of MUN, I work as a Team Advisor in the Management Department at Penn and I'm active in Penn's South Asia Society.

During conference, I will be working my hardest to ensure that your weekend is productive and stimulating, but it's up to you to truly capitalize on your ILMUNC 2003 experience. Research your country's position on the topics at hand, and be prepared to absorb yourself in intense and captivating debate. Over the course of the weekend, I would love to hear your feedback about the conference, so feel free to introduce yourself and tell me what you think. Between now and January 30th, if you have questions relating to ECOSOC or the conference in general, don't hesitate to email me at ecosoc@ilmunc.org. I look forward to hearing from you and meeting you soon!

Regards,

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Dear Delegates:

Welcome to the ILMUNC 2003 International Labor Organization. My name is Ranjana Ramchandran and I am very excited to be your director for this unique committee. I am a senior at the University of Pennsylvania in the Huntsman Program in International Studies and Business. The Huntsman Program allows me to earn a Bachelor of Arts from the College of Arts and Sciences, as well as a Bachelor of Science from the Wharton School. I am concentrating in finance and accounting at Wharton and majoring in international studies and French in the College. I am currently working on my senior thesis on international law and trade unions.

Academics aside, I volunteer to teach basic computer classes to adults in the West Philadelphia community and I work at Penn's Career Services. I am also a Model UN junky and have been actively participating in Penn's MUN conferences for the past three years.

Because the ILO is a relatively new committee, my job as Chair is to help you understand the topics and format of the committee simulation. I want the ILO to be a fun and educational experience for all of you. It is very important that you read and understand not only the topics, but also the ILO simulation. Your point of view as a government, employer, or worker representative will impact your research and preparation. The success of this committee depends on your energy and hard work before and during conference.

Please feel free to contact me if you have any questions regarding the substantive portion of the committee. Good luck and I look forward to seeing you in January!

Sincerely,

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COMMITTEE HISTORY

“All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in the conditions of freedom and dignity, of economic security and equal opportunity.”

-Article II, Clause a, Declaration of Philadelphia, 1944

The International Labor Organization was created in 1919 during the Peace Conference that marked the end of World War I. The Constitution of the ILO was adopted by the Labor Commission of the conference and was officially annexed as Part XIII of the Treaty of Versailles. In its formation, the ILO was to address labor issues in humanitarian, political, and economic spheres. Initial endeavors focused on the humanitarian front to improve the condition of workers and protect them from exploitation. Without such action, worker unrest could threaten the stability of governments. The ILO understood the trade-offs of social reform and the costs of production and sought to prevent disadvantages among countries by enacting international labor standards that applied to all member nations.

During the 1920s, the prolific publication of Recommendations and Conventions troubled some governments in their ability to implement such ambitious standards. However, the ILO was further embued with an international mandate as the International Court of Justice extended the ILO's domain to regulate the agricultural sector. In 1926 the Committee of Experts was established as a supervisory system on the application of standards. These independent jurists were responsible for studying government compliance with ratified Conventions and presented an annual report to the International Labor Conference. During the Second World War, the ILO adopted the Declaration of Philadelphia, which set out the purpose and objectives of the organization and was annexed to the existing constitution. In 1946, the ILO became the first specialized agency associated with the United Nations. In the period just after the war, the ILO adopted two of its most important Conventions, Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Convention, 1949 (No. 98). In 1960, the ILO created the International Institute for Labor Studies and in 1969 the International Labor Organization was awarded the Nobel Peace Prize as it commemorated the 50th anniversary of its founding.

As a specialized agency of the United Nations, the ILO not only formulates standards for basic human and labor rights, but also provides technical assistance and training to governments, as well as national and international organizations. To accomplish this task, the ILO possesses a unique tripartite structure consisting of

representatives from governments, employers and workers. The International Labor Conference is held each June in Geneva, where member States of the ILO meet to discuss important economic and social questions. The Conference establishes and adopts international labor standards and elects the Governing Body. The Governing Body is the executive council of the ILO that creates the budget and elects the Director-General. Both organs are composed of $\frac{1}{2}$ government representatives and $\frac{1}{4}$ each of employer and worker representatives. Although employers and workers express their views in line with their respective organizations, they are free to vote against each other or against their government representatives. The International Labor Office is the permanent secretariat of the ILO led by the Director-General, currently Juan Somavia of Chile (www.ilo.org).

ILMUNC 2003 SIMULATION

At ILMUNC 2003, the simulation of the International Labor Organization will be conducted under the model of the International Labor Conference of the ILO. This body is responsible for drafting and adopting international labor standards in the form of Conventions and Recommendations. The ILO will serve as a forum to discuss economic and social issues presented on the agenda. It is hoped that through this debate solutions can be derived based on consensus among the unique tripartite structure of employer, worker, and government representatives.

ILO Conventions are international treaties that are binding under international law for member states that ratify them. Recommendations are non-binding agreements that further elaborate aspects of Conventions and may provide additional guidelines for national or international plans of action. Both document forms lay the foundation of international labor standards and policies to protect the condition of workers and promote development around the world. Only one document will be passed for each topic, making compromise and collaboration very important to the success of the committee. Conventions and Recommendations do not follow standard UN resolution format. Guidelines will be provided to all delegates on the documents' required structure and style at the conference.

An important distinction of the ILO is its unique representation structure. The delegates will be divided into either employer, worker, or government representative. Having the views of these three parties provide a complete picture of labor issues when formulating international legislation. For those representing employers or workers, it is important to understand that their view as an employer or worker supercedes that of the Member State that they are representing. As such, the delegates are permitted to disagree with government policies if this is an *accurate and realistic* description of the position of an employer or worker representative from that State. There are usually four representatives for each Member State: two from the government and one each from worker and employer organizations. However, at ILMUNC 2003 there will be only one representative from each Member State. This delegate will be assigned as either a government, employer, or worker representative. A special insert will be provided detailing the country assignments, as well as a brief description outlining the differences between each representative. Please refer to this section when researching and writing position papers.

DELEGATE ASSIGNMENTS

The representation matrix for the ILMUNC 2003 ILO committee simulation is presented below. A brief description of each group is also included. Please refer to this section and take note of the issues that are important your particular representative.

Government Representatives

Australia
Bahrain
Bulgaria
Cameroon
Canada
Colombia
Czech Republic
Denmark
DR Congo (Zaire)
Egypt
Fiji
Finland
France
Germany
Iran
Israel
Kuwait
Morocco
Netherlands
Nigeria
Pakistan
Portugal
Russian Federation
Saudi Arabia
South Africa
Turkey
United States of America
Venezuela

Employer Representatives

Azerbaijan
Belgium
China
Costa Rica
Dominican Republic
Estonia
Honduras
Indonesia
Italy
Malaysia
Norway
Romania
Spain
Sweden
Tajikistan
United Kingdom

Worker Representatives

Argentina
Brazil
Chile
Cuba
Djibouti
Ecuador
Greece
India
Iraq
Jordan
Lebanon
Oman
Qatar
Switzerland
Syria
United Arab Emirates

Government Representatives

These delegates will have positions that are similar to that of their assigned countries. They will be concerned about how ILO recommendations and programs will affect their ability to make economic and social policies. Specifically, government representatives should focus on legislative measures to implement recommendations, financial expenditure of such programs, and potential limitations on the government's power and sovereignty.

Employer Representatives

Employers are responsible for following laws and regulations that govern all activities, including the protection of their workers. Representatives will be wary of any new financial and administrative burdens created by new ILO guidelines. Employers do not want to have the government or international community hinder their ability to manage their respective companies and organizations. Employer representatives will be concerned with the economic consequences of ILO programs, as well as the possible social impact on their workers as a result of company reorganization.

Worker Representatives

Workers are the intended beneficiaries of all ILO recommendations and standards. Protecting the social and physical well being of their members is the most important concern for this group. Worker Representatives will advocate the ILO to take any necessary steps to enforce workers' rights, as well as basic human rights. In addition, Workers want to utilize the forum of the ILO to compel Governments and Employers to focus on issues these groups may have previously overlooked.

TOPIC ONE

TELEWORK AND THE INFORMATION AND COMMUNICATION TECHNOLOGY SECTOR

“The death of distance as a determinant of cost of communications will probably be the single most important economic force shaping society in the first half of the next century.”

- “The Death of Distance,” The Economist,
30 September 1995

Statement of the Issue

In the past 20 years, the advancement of technology has resulted in the ability to inexpensively communicate information over great distances. This “death of distance” has led to significant changes in organizational and managerial structures in the workplace, namely the increased decentralization and independence of labor from the central office. This concept of working off-site or remotely from home has taken on a number of names, but the word “Telework” has been most commonly applied to incorporate the broadest definition of this new phenomenon. Telework uses information and communication technology (ICT) to accomplish tasks in a flexible work environment, often working from home or a satellite office. With this flexibility comes an increase in productivity and greater retention of staff who can set their own hours. In addition, telework offers marginalized group new employment opportunities, especially women who could benefit from flexible schedules in juggling work and family responsibilities. Rural development is another area that could benefit from telework by bringing jobs and increased information access for tele-education in remote and often depressed agricultural regions.

However, with the expansion of this new form of work come challenges in areas of employee legal status, workplace health and safety, as well as supervision and monitoring of work. Teleworkers can be considered anything from full-fledged employees commanding all benefits associated to free-lance contractors garnering limited remuneration. The specific definition of a workers status is left up to the employer and is often ambiguous. By working away from a central office, the lack of supervision can lead to long hours and questionable working conditions, especially at offshore company sites, such as international call centers. The inability for health and safety officials to inspect teleworking operations located in employee homes also poses significant challenges.

Current legislation on implementing telework strategies has been left to employers, while national means of protecting the rights of workers engaged in telework is sparse at best. Cooperation among employer and worker organizations, as well as government policy makers will be essential to draft guidelines in implementing telework programs for employers, while ensuring employees are not exploited in new “white-collar sweatshops.”¹

History and Analysis

Telework: An Evolving Definition

The impact of telework on the world economy has been difficult to analyze because the scope and nature of telework is interpreted differently among and within countries. The various definitions established by labor organizations and governments encompass some combination of the concepts of organization, distance from traditional workplace, and the use of communication technologies. For example, the United Kingdom Trades Union Congress defines teleworking as “Distance working facilitated by information and communication technologies.”¹ The European Community, in its Telework ’95 projects, defined telework as “new ways of working, particularly new divisions of working time between home, neighborhood offices, and city centre offices, and work in geographically dispersed groups.”¹ In addition, the concept is further complicated by the use of the term “telecommuting” in North America, particularly in the United States. The US Department of Labor initiated a five-year research program studying the impact of telework on businesses and society in the fall of 2000. It defines telework more precisely, along the lines of telecommuting, as “working at home, away from an employer’s place of business, using information technology.”²

The International Labour Organization proposed this definition of telework in 1990:

“Work carried out in a location where, remote from central offices or production facilities, the worker has no personal contact with co-workers there, but is able to communicate with them using new technology.”¹

This preliminary definition has expanded to include a number of variations on remote work. The more conventional tele-homeworking led to neighborhood centers and telecottages that provide electronic facilities and access to information and communication technologies for local communities, particularly in rural

areas. Satellite offices and offshore teleworking, where companies establish facilities away from the central office within or outside the home country to take advantage of new sources of labor and low-cost work environments, are also included in the scope of telework. These descriptions have been considered by individual nations, in part or in whole, as parameters for studying the phenomena of telework in their respective economies. Because of the lack of an official definition accepted by the international community, comparing standardized statistics and data can be difficult in assessing the global impact of telework and developing an effective strategy to address the challenges of this new form of work.

Development of Telework

During the 1980s, employers and governments began to explore the benefits of decentralized work using advanced communication technologies. Although cautious in this undertaking, organizations established pilot programs in telework and discovered advantages including productivity gains and cost savings.

The relatively high cost of telecommunications equipment during the start up of a telework program has been outweighed by the benefits of flexibility of work organization and production. Companies such as Rank Xerox of the United Kingdom incorporated telework in its networking models of work organization using satellite offices. By employing workers on project-based or part-time contracts, companies can more easily shift the position of employees by placing them on different projects and tasks during times of peak demand. Also, overhead and real estate costs are reduced as less office support and space is needed to accommodate employees who now work from home or other remote locations. In introducing its telework program in 1982, Rank Xerox planned to cut costs by 31 percent at the company's London office.¹ As teleworkers do not have to commute to their offices, traffic could be alleviated to a degree in congested cities such as Sao Paulo, Brazil and Los Angeles, California in the US. The time and energy saved by not traveling could result in productivity gains and improvement in worker concentration. In 1988, the State of California noted state employees were 3 to 5 percent more effective on the job after switching to a teleworking arrangement.² Recently, Sun Microsystems Korea initiated a telework program or "flexible office," where employees can choose to work at home, at the office, or a combination of the two. Engineers, marketing consultants, and field operators can adapt their schedule to the needs of their distinct jobs. As a result, a 30 percent productivity increase has been reported within the first three months under the new system.³

Recruitment and retention of staff has also been cited as a benefit of teleworking because companies can tap into new labor sources located away from the central office. Telework allows those considering leaving to continue working. Those taking advantage of this option are senior employees nearing retirement and pregnant women. In the Netherlands, studies have shown that permitting women data processors to work from home, while on maternity leave and after saved employers the equivalent of a year's wages in retraining costs.¹ This arrangement also allows women and men to attend to family responsibilities more easily than conventional working conditions. Telework has potential in rural development, as isolated and agricultural regions can be linked to major business centers fulfilling skills shortages for employers and creating jobs for workers living in these more remote areas. Sweden has made specific efforts to establish telecottage facilities to offer information and telecommunication services in less developed regions in an attempt to close the economic gap between urban and rural communities within the country.²

Industrialized Nations

Although the advantages of telework seem promising in economic development, one must question what evidence there is to suggest that this is a widespread phenomena. As with most technology, industrialized nations have been the first to adopt telework effectively. Countries such as the United States, Australia, Canada, Japan, and the nations in the European Union have had rapid growth of telework and have launched initiatives to study this practice in the economy.

A number of surveys have been conducted in the United States to assess the extent of teleworking in the labor force. The Bureau of Labor Statistics has put the number of home workers using modems and computers between 7.5 and 12.5 million, while a September 1999 survey by the International Telework Association and Council (ITAC) resulted in a figure around 19.6 million workers. These numbers constitute 6% to 10% of the total US workforce and that percentage is growing. According to another study, 70 percent of US businesses with more than 5,000 employees had or planned to initiate telework programs. As stated earlier, the US Department of Labor began a five-year study of the economic impact of telework in the fall of 2000 with a conference titled "Telework in the 21st Century."¹ The results of this research will aid in the development of legislation and organizational restructuring specific to telework.

In Japan, the Second National Survey of Telework Conditions in 1996 estimated a population of 680,000 regular teleworkers with more than 6 million being predicted by 2005. Japan's Ministry of Posts and Telecommunications conducted a teleworking study through the University of Tokyo, discovering the potential of urban and rural telework centers, as well as centers for use during times of disaster.¹ Australia's Bureau of Statistics identified 4.8% of the total population with a formal telework agreement with their employer, while 6.4% were able access an employer's computer network from home. A 1995 survey in Canada showed that more than one million people conducted most of their work activities at home. Underpopulated and rural regions, such the province of Alberta, have gained the most benefit from telework.² Canada's Information Highway Advisory Council composed of representatives from communications industries, business users, and academics has been established to promote universal access to information technologies for companies and the public at "reasonable cost."³

Nowhere has the growth of telework been more thoroughly analyzed than in the European Union. In 1993, the European Commission published a White Paper study "Growth, Competitiveness, Employment: The Challenge and Ways Forward into the 21st Century."¹ This study recommended the development of a European-wide infrastructure to promote information technology. In response the Commission set up detailed work programs in regulations, social aspects, and promotion of the information society. In 1998, the EU approved US\$3.8 billion under the Fourth Framework Program to develop communications technologies and applications to distance education, health care, and other social services.² The European Commission hoped to achieve 10 million teleworkers by the year 2000. The Commission has been largely successful as the third European Survey on Working Conditions, published in 2000, estimated the number of teleworkers to be about nine million.³

Globalization

Telework has expanded beyond industrialized nations to encompass the economies of countries around the world. Countries in the developing world are using leapfrogging technology by investing in telecommunications through wireless and satellite technology rather than laying down conventional copper wire. South Africa created the Universal Service Agency to address the disparity in telecom access and coordinate efforts to provide service in remote areas. In addition, within the last five years, South Africa, as well as Uganda, Mali, and Bangladesh established telecenters in rural and marginalized urban areas to

increase access to communication technology. These telecenters have not only provided telecom services for businesses, but also provided tele-training for jobs, crop and weather information for agriculture, as well as tele-education opportunities for women's groups. In March 1999, the United Nations Development Program (UNDP) set up the first in a series of pilot digital projects with three Technology Access Community Centers (TACC) in Egypt. More projects will be undertaken in Africa, Asia, Latin America, and the Caribbean.¹

Increasingly companies are using offshore sites to perform data processing and other information technology services because of the lower cost of labor. Below a case description outlines the benefits received from one type of teleworking facility, the Call Center.

Case: Call Centers

Call centers are facilities where automated telephone technology reroutes customer calls to operators at a single or multiple locations depending on volume. Call centers are often geographically remote from client sites, being located in rural areas, across national borders, or at other offshore sites. Industries such as banking, insurance, travel, and information technology utilize call centers for customer service and data processing. Increasingly technology is allowing home-based teleworkers to act as call center agents by being connected to a central call system through telecom networks. The "virtual call centers" provide staffing flexibility, allowing companies to offer faster customer service during peak periods.¹ Offshore call centers provide advantages of cheaper labor and the ability to serve clients around the clock with centers located in different time zones.

The move by many companies to offshore work has been a great economic opportunity for many developing countries. Morocco utilized its French speaking population to serve companies such as France Telecom and the French railway company SNCF. In the Philippines, the number of companies with call centers has expanded by a factor of seven in the last five years, nearly doubling in the last two years alone. Call centers in India have proven to be the starting point for educated graduates pursuing a technology-related career. The centers allow the expansion of India's labor force in the booming technology sector by not limiting jobs to highly skilled software developers and engineers. International call centers are expected to generate US\$8 million in revenue by 2008. This lucrative opportunity has prompted local entrepreneurs to establish customers service centers, such as the 24 hours a day, 7 days a week Customer.com, that serve

American and European clients.¹

Developed, as well as developing countries, view call centers as an important means to bolster economically declining areas by creating new jobs and more skilled workers. The Irish government's Industrial Development Agency (IDA) tries to attract US companies looking to set up call centers to serve the European continent. These centers are multi-lingual, employing Irish workers with good language skills and native speakers living in Ireland. Canada's economically depressed Maritime Provinces benefited from call centers, when traditional industries such as fishing and logging were in decline. In New Brunswick alone 9,000 call center jobs have been created serving companies such as UPS, IBM, and Xerox.¹

Legal Issues and Challenges

Despite the bright future and many opportunities provided by teleworking, many challenges exist in implementing telework programs and protecting workers in this new structure of work. Occupational safety and health standards are difficult to enforce in the more flexible environment created by telework. Protective legislation concerning the length of working time may be ineffective as workers combine family and work duties and feel pressured to work at night or during the weekend. Tele-homeworking may also cause adverse effects on morale and creativity with increased isolation from co-workers. Satellite offices and neighborhood work centers tend to prevent this isolation with more human interaction. Managers are wary of not being able to directly supervise work in telework situations. This is particularly a concern when confidential and secure information is being used by employees working at home or at other off-site locations. Also, the safety of the immediate work environment may be compromised because authorities do not have access to private homes to carry out inspections. This ambiguity in workplace and practice has led to questions regarding the legal status of teleworkers.

The level of remuneration and benefits depends on the status of teleworkers in relation to their employers. Often workers are paid less than their counterparts at the central office because they are viewed as contract workers or self-employed. These types of workers are paid on a piece-rate basis and do not receive overtime. This arrangement may be fine in some cases, but telework possesses the risk of an employee being classified as a contract worker or self-employed without their knowledge. This can be a dangerous practice as workers lose their rights to social security and other benefits. There is little existing

legislation that discriminates between the various forms of employment status in telework, but countries such as Sweden and Japan are attempting to set standards that clearly define employees. These criteria include equipment being provided by an employer, working for remuneration, and being subject to directive guidelines established by the employer.

The International Labour Organization does not have any specific policy concerning telework, but the Convention (No. 177) on protecting the rights of homeworkers and the accompanying Recommendation (No. 184) can provide a framework for future legislation. This Recommendation calls for the application of laws concerning minimum age, wage rates, and hours of work to be applied to homeworkers. In addition, homeworkers have the right to be informed of the specific conditions of their employment, including social security and maternity protection, additional training, and the right to organize and collective bargaining.¹ These guidelines can be adapted to telework, but do not substitute for specific international standards because the various forms of telework and the potential monitoring using information and communication technology make this way of work more complex than conventional homework.

Recent International Action

The World Employment Report 2001 examines the various issues created by the economic and social impact of information and communication technologies on work life. The report estimates that 160 million workers were unemployed at the end of 2000, and that 500 million new jobs need to be created to meet the demand of younger jobseekers in the next ten years.¹

The information and communication technology sector may provide a means to increase employment opportunities. As the ICT sector grows, new forms of work organization and management practices will be needed. With increased global competition, speed-to-market is critical for companies, who are relying on more decentralized decision-making and autonomous task oriented teams. Thus, the outsourcing of production and increased need for labor flexibility has put telework at the forefront of this discussion. The opportunity for development in off-shore teleworking has created the boom in India's software industry, which employs over 180,000 people and generates over US\$4 billion in revenue from exports. The South African software industry employs 54,000 people and also provides significant foreign exchange earnings.¹ The independence of work from location has created enormous opportunity for women

and other marginalized groups, but concerns remain that low skill jobs in data processing and call centers could create a new form of digital sweatshops.

The report points to trade unions as key players in organizing teleworkers and protecting their rights. The Union Network International (UNI) has comprehensive strategies and programs, such as “online rights for online workers” that emphasizes employee representatives’ rights to corporate email and internet communication, as well as the right for privacy and due process in monitoring of employee communications. In addition, agreements between unions and employer organizations establish legislation protecting the right to collective bargaining and ensuring that the employee’s status is clearly defined and will not be altered without their notice.¹

In April 2001, the European Union’s worker federation, UniEuropa Commerce, and employer federation, EuroCommerce, signed a telework agreement outlining the rights of both employers and teleworkers. This voluntary agreement can be viewed as a model document in implementing this new form of work. In clause four, telework is clearly defined as “all work comparable to those which could be carried out by an employee at the workplace, but which may also be done at a distance, using computer technology, normally connected to the information network of the company.” Provisions to prevent isolation, regulate work hours and ensure comparable employment rights, remuneration and promotion opportunities are included. Issues of privacy and confidentiality are addressed noting that workers must adhere to employer guidelines on confidential information, while worker privacy should be respected in good faith when being monitored by the employer. Occupational health and safety guidelines are set, allowing inspectors sanctioned by the employer to inspect the telework venue with advanced warning of the employee. The company is also responsible for all necessary equipment and installation. The last section deals with the teleworkers right to participate in trade union activities and calls for communication between worker and trade union representative to remain confidential.

Bloc Positions

The bloc positions in regards to the issue of telework depends on the tripartite structure of the ILO with respect to government, employer, and worker positions.

Governments

Governments are responsible for implementing strategies to regulate telework and increase access to information and communication technologies. Because of the relatively recent nature of this topic, governments will be searching for ways to assess the impact of telework on its economy. Thus, representatives will be interested in best practices from other nations as a benchmark and a proper international definition of telework, so that they may begin their own investigations. Governments will be wary of the cost of telecom technology and will need to be convinced of its benefits before proceeding to implement a strategy for the telework and the ICT sector.

Employers

Many employers recognize the value of telework in reducing overhead costs and increasing productivity. However, managers may be skeptical as to telework’s efficacy without the ability for proper supervision and monitoring of work practices. In addition, employer organizations will be concerned with restrictive legislation imposed by governments regulating telework, which diminish the main advantage of flexibility. Thus, they will be looking towards increased dialogue and a voluntary agreement versus binding legislative action. This idea would be similar to the voluntary European agreement.

Workers

Workers primary concern will be protecting the labor rights of teleworkers. Defining telework and employment status will be important. The right to organize and bargain collectively must be ensured for trade unions to have significant impact in promoting decent work in the ICT sector. Worker representatives will also advocate full disclosure telework agreements between employee and employer and stricter legislation protecting workers.

Conclusion

A significant amount of information has been presented on the topic of telework. This mainly to provide substantial background on this new issue and produce evidence citing the significant impact and opportunities created by this new of work. It is at this juncture that the International Labour Organization must act to establish international standards in the form of a Convention on telework. Members of the ILO will have the responsibility of defining the term telework and providing guidelines on formulating national strategies to expand access to information and communication technologies. In addition, members will be charged with the task of discovering national best

practices in telework legislation and incorporating them as potential models in discussion of the topic. Finally, the ILO should form concrete provisions that protect the rights of teleworkers in cooperation with employer organizations and governments.

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ENDNOTES

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¹³ Di Martino, Vittorio. *The High Road to Teleworking*., 33-34.

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¹⁹ Ibid., 13.

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²⁵ <http://www.ilo.org/public/english/support/publ/wer/overview.htm>

TOPIC TWO

MIGRANT WORKERS**Introduction**

The International Labor Organization concerns itself with “the promotion of social justice and internationally recognized human and labour rights.” In today’s rapidly globalizing marketplace, with its resulting increased emphasis upon technology, experience, and internationalism, many skills are required of workers which previously were not considered essential. As a result, many groups of people are encountering an increased number of seemingly insurmountable roadblocks in their quest for better employment, which is the gateway to providing a better quality of life for themselves and their families. One group of people greatly affected by this change in the status quo is the migrant worker. Defined by the United Nations as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national,” migrant workers have seen a dramatic rise in unemployment rates in the last several years and may be facing discrimination in the workplace as a result of their lack of training. The United Nations has begun a series of undertakings that have unearthed this problem and augur a better future for the migrant working class, if their research continues, if their findings are heeded, and if, and only if, a finalized set of measures can be agreed upon in the near future.

Statement of the Problem

The problem faced by migrant workers is several-fold. They “tend to face difficulties because of inappropriate types of education, language difficulties, administrative measures and social integration,” opening this people to the ills of discrimination.¹ Though it has long been known that migrant workers have been overworked and underpaid to the point of violating State law, a new force is making their lives even more complicated, and the situation must be ameliorated. Migrant workers are falling victim to our dauntingly high-tech world, causing the United Nations to explore other causes of discrimination: “Where did discrimination begin? Was it at the workplace or was it when a young girl did not receive education or have access to training?”² Because they move frequently, completing an education is often difficult, if not impossible; consequently, they lack the skills and background training necessary to earn a living which will provide not only for their well-being,

but for their families, as well. As the ILO has stated, “It is the responsibility of the social partners, with the support of the competent authorities, to ensure that migrant workers can fully integrate into the activities of ... enterprises without discrimination and have access to the training necessary for their optimal participation in all production activities.”³

This problem must be considered by an organization as large as the United Nations because it will ensure that a greater disruption in the international labor markets does not unfold as a result of attempts to rectify the migrant workers’ plight. No matter how far technology races ahead, “literacy and education cannot be leapfrogged... [and] the promotion of education and literacy generally, and digital literacy in particular”⁴ lies at the heart of the problem. If States handled this problem on their own, then progress would proceed at varying rates across the globe as a function of national wealth, instead of a controlled, constant pace. If this occurred, less developed countries (LDCs) would face a “brain drain:” as their lesser-skilled workers saw opportunities in foreign nations to attain training for higher-paying positions, they would leave the country, leaving LDCs with only their least skilled workers and further damaging their economies. The reason this problem has not been resolved yet is due to different styles of government and different systems of belief. Disagreements as to how much guidance should be provided by the United Nations, at what level the reforms are to be carried out, who should pay for the finalized plans to improve the living conditions of migrants, and how they should be aided in finding more well-paying jobs have gridlocked the progress of reform.

History of the Problem:

Our world is now one of rapid, constant change.⁵ Since the end of the Cold War, market-oriented economies have become the predominant features of international commerce. While the Americans took a hegemonic leadership role in the early years, cooperation between countries improved, having a chain reaction all the way down to the LDCs and increasing worldwide involvement in trade, which ultimately led to the concept of “globalization.” Foreign direct investment (FDI) from the wealthy, advanced economies targeted the LDCs, allowing many economies to sprint forward into the technological era, while leaving others limping behind. With the development of new technologies, especially the Internet, communication and transportation costs dropped dramatically, increasing the price sensitivity of consumers. As international trade barriers were

lowered, consumers began to purchase from foreign markets, increasing international competition, which drove prices still lower and created an even more pressing need for still more rapid technological developments just so firms could remain competitive. As soon as companies met consumer demand, newer technology stiffened competition, and the cycle continued. This cycle continues in the present, creating an environment that is not sensitive to the under- or average-skilled worker. What is one day considered adequate is the next day out of date, and to subsist in this economy it is necessary to have at least a modicum of computer literacy in order to comprehend higher training provided by employers; thus, the skills of the undereducated are consistently being outmoded due to the “digital divide,” where “disruption occurs as the inadequacies of existing institutions and regulatory frameworks are exposed to rapid change and new demands...[because] technological change always favours the prepared.”⁶

One major problem is that the majority of this increased international commerce was between the three most advanced regions of the world: the United States, Japan, and Western Europe. The LDCs were largely excluded from trade, so migrant workers were able to continue to live with low incomes and were able to find work with relatively low skill levels; however, as FDI increased, technology began to penetrate even the worst economies. Though students of international political economy will point out that the worldwide employment situation has remained largely the same, meaning that unemployment has not drastically increased or decreased and does not portend to do so in the near future, the lower-skilled jobs are being eliminated through “three main channels: obsolescence, automation, and ‘disintermediation’.”⁷ As new technology is developed and implemented in LDCs, machines become capable of doing the work migrant workers used to perform, especially at the base levels of the holdouts of migrant labor, such as textiles, clothing, footwear, leather, agricultural, and industrial fields. Technology has both destructive and creative properties, though, and just as quickly as jobs are eliminated in low-skilled fields, positions requiring some technical training become available; thus, changes in the unemployment situation cannot truly tell us the state of the economy, for though the world employment situation appears stable, the exigencies of these new jobs are greater and are therefore filled by people with higher skill levels, and migrant workers as a group are facing a significantly higher level of unemployment than other members of society as a result of their lack of training, which does not appear in most statistical analyses.

Now, in the present day, information and communication technologies (ICT) are changing and redefining all job descriptions. “The creation and loss of jobs, the content and quality of work, the location of work, the nature of the employment contract, the skills required and how often they can be obtained, the organization of work and the functioning and effectiveness of worker and employer organizations all are affected by the emerging era of digital globalization.”⁸ As can be readily understood, one who cannot adapt because of an inability to remain in one location for an extended period of time would find himself lacking, watching the world pass him by. Nevertheless, some potential benefits present themselves for the migrant worker: decreased transportation and communication costs are allowing work to become “independent of location,” the changes brought about by globalization are eliminating top-down management styles in favor of “flatter hierarchies,” and “the fast pace of competition means that, for some highly skilled activities, companies are relying on the external labour market for inputs of temporary duration.”⁹ These portents show that the migrant worker’s lifestyle is not meant to be eliminated, lost somewhere in the vast digital divide. Instead, the migrant workers are meant to evolve; they must adapt and acquire new skills for higher paying positions which currently await them, with new options for their careers developing with each new day.

Relevant International Action

The United Nations has seen the need for intervention in this situation. It has stated that:

“ICT is a ‘meta-technology’ characterized by pervasive effects on the economy as a whole, and on areas of scientific and technological advance well beyond the ICT sector itself. Barring a disaster scenario, the onrush of information itself is irreversible; however, its course is by no mean pre-ordained or pre-determined. This will clearly be a ‘steerable revolution’, in which wise policies and appropriate institutions will be essential toward directing change toward the greatest public good. Passivity will lead to marginalization.”¹⁰

The United Nations has also noted that it can have an impact in more than just industrialized countries on the status of migrant workers and others affected by this new technological era: “One estimate

suggests that up to 5 per cent of all service-sector jobs in industrialized countries could be ‘contestable’ by developing countries. This would amount to about 12 million jobs in which relocation to developing countries could occur.”¹¹ Finally, it has recognized three types of potential welfare gains for countries from ICT: some could be markets for “intangible products or ICT products generally” if they have the right combination of resources; many will be aided through “leapfrogging” or “the ability to bypass earlier investments in the time or cost of development,” and finally the ability to network could help alleviate poverty by linking the poor to information and activities which create livelihoods.¹²

Thus far, the United Nations has only taken preliminary action toward amelioration of the problems faced by migrant workers. They have mainly gathered data on the current state of the migrant worker population and held discussions at conventions about the technological difficulties faced by these people and how to aid them. Prior actions were taken for varying reasons. One such action was the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which was adopted by General Assembly resolution 45/158 on 18 December 1990, but is not currently in force. It focuses on “granting certain additional rights to migrant workers and members of their families in a regular situation [to] encourage all migrants and employers to respect and comply with the laws and procedures established by the States concerned,” and predominantly focuses on ensuring that “migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and...other conditions of work...[and] terms of employment,” in addition to the right to unionize and receive social security from the State of employment.¹³

In the *World Employment Report 2001*, the International Labor Organization and the United Nations acknowledged that the key factor is now education, stating that the wealthy countries gain their status as a result of knowledge instead of physical inputs to production. Knowledgeable people can “transform existing knowledge into new knowledge,”¹⁴ and thus these countries have a natural competitive advantage in the globalizing world of ICT, where the continual development of new technologies is completely reliant upon individuals who can develop revolutionary new ideas.

Beyond uncovering the source of difficulties faced by migrant workers and taking preliminary actions in the past to ensure that their basic human rights in the workplace were not being violated, the United Nations has not taken any great strides in aiding migrant workers, but their research and concern in the World Employment Report show a great concern on their part and promise action in the near future. What must be devised is a manner of aiding these people that is acceptable to the majority of parties involved.

Analysis

To further understand the framework in which this discussion is placed, it is necessary to spend a few moments comprehending the impact of recent technologies and the “phenomenon” spoken of as “globalization.” Many experts agree that globalization, while a very important aspect of the present era which possesses far reaching effects, is by no means the most influential series of events ever to occur in the workplace. The invention of the electric light had a far greater impact on the world than the personal computer will ever hope to have and the Industrial Revolution changed peoples’ lives and the workplace more than globalization. “Globalization...[is] characterized by lowered economic barriers, restructuring of business, and other economic/ social changes,” but it is by no means the awesome, destructive/creative force it may be made out to be.¹⁵ For that matter, the world is considered to have been more integrated before World War II than in its aftermath leading up to the present. Globalization may have been scandalized in the media by environmentalists, but in most cases the real culprit is a bad political decision by one or more governments or from one corporation or another. It has become a scapegoat for most of the world’s ills in recent years, but globalization is not the reason migrant workers are faced with the need to change and evolve; rather, it is because globalization gave way to and was enhanced by information and communication technologies. ICT raised the bar on expectations for qualifications in the workplace, and it is this recent development which causes migrant workers to scramble for decent employment.

The United Nations has reached an excellent conclusion in discovering that the root of the problem is education, in addition to being the root of most “discrimination” faced by migrant workers in the workplace. It is necessary to continue pressing for measures to ensure that migrant workers are not just hired on as “cheap labor,” forced to work lengthy hours for wages that are less than their indigenous

counterparts', but at the same time the focus should be on helping the migrants attain better employment so they do not have to accept low wages. Dividing energies between efforts to raise their wages and efforts to raise their skill levels are in the end counterproductive; if their skill levels rise, so will their wages. It should be ensured that they are not victims of wage discrimination, to be sure, but in the end, if they receive the training needed to attain higher-paying positions and the same wages as their indigenous counterparts, then the problem may begin to be resolved.

In addition, it is necessary to clarify the type of training that migrant workers need. Not only must they learn basic technological skills, such as how to operate the rudimentary functions of a computer, but they must be educated in the language of the country in which they are seeking employment in order to achieve better social integration and so they can receive employment that not only utilizes their technological skills, but their interpersonal skills, as well. This concept is further delineated by the United Nations in the *Worldwide Employment Report*, where they specify needed skills: "the ability to learn, to communicate, and to analyze and solve problems, all of which are essential to work environments that rely on rapid innovation, and the interpersonal exchange and creation of knowledge."¹⁶

Migrant workers need to first have access to education in the school system, and then through on-the-job training and distance learning in the future. Distance learning will, at first, play an integral role in any instituted educational reforms, as the workforce of many OECD (Organization for Economic Cooperation and Development) countries is aging. The same technology that spurs economic development and creates these problems for migrant workers is improving medicine, thereby allowing most individuals to live much longer lives than ever before. The problem with people living longer is that retirement at age 55 or 65 now rarely provides significant funding for a moderately comfortable lifestyle in the last years of one's life, especially for migrant workers, who, as is, have difficulty staying above the poverty line. In fact, at the end of 2000, "500 million workers are unable to earn enough to keep their families above the US \$1 a day poverty line. These are almost entirely in the developing world."¹⁷ Migrant workers make up a very significant portion of this statistic, which means that intervention is necessary on the part of the United Nations, though the question remains: how active of a role should the United Nations take? Should it just guide nations on the proper course, or should it step in and take a more proactive role, setting the example for

how reform should be implemented? In order to decide the future, it is necessary to examine the past.

Past international action may have failed for many reasons, so it is necessary to delve deeper into this subject. According to Robert Gilpin in *Global Political Economy*,

"Barriers to labor migration are built by policies intended to protect the real wages and social welfare of the nation's citizens, and the modern welfare state is based on the assumption that its benefits will be available only to its own citizens. Some reformers in industrialized countries have constructed an ethical case that national wealth should be shared with the destitute around the world, but to my knowledge, even they have not advocated elimination of the barriers to international migration in order to enable the poor to move to more wealthy countries and thus decrease international income disparities. I find it remarkable that in the debate over globalization, little attention has been given to the most important factor of production; namely, labor and labor migration. For the billions of people in poor countries, national borders certainly remain an important feature of the global economy."¹⁸

This could answer a lot of questions. People in market-oriented economies have a much greater tendency to be concerned about the allocation of wealth. With the fall of communism in the recent past, there are few nations left to hold out against the notion of guarding one nation's wealth for its own citizenry. In fact, the United Nations appears in many of its documents to be extremely vague about how it will go about financing all of this training it wants to provide for migrant workers. It is generally acknowledged that, in order to move up the socio-economic ladder today, there is no substitute for further education and training. Therefore, it is likely that the majority of resistance to policy implementation and reform comes not from disagreement with the core principles previously delineated, but rather from uneasiness with the financial aspect of the solution provided. In addition, though barriers to trade have been lowered, barriers to immigration have not. "The significant and sizable decline in migration is one of the major differences

between late-nineteenth-century globalization and globalization of the early twenty-first century. During the past half-century, the United States has been the only country to welcome large numbers of new citizens.¹⁹ Obviously, a vast array of political factors currently hinder further progress in this area, but a solution that is acceptable to all parties must be found soon, in order to allow migrant workers to catch up to the rest of the workforce before the digital divide causes them to be passed by.

Possible Solutions

As must by now be evident, the solutions to this problem hinge around the financial aspect. It is known that more training is required on the job, that education is the key to upward movement into more well-paying positions, and that the current emphasis must be on lifelong learning, as the workforce is aging. Not only children and young adults still in the school systems, but adults who have lived long past such times must be educated and trained with the skills of tomorrow. An interest in lifelong learning must be instilled in all people in order to motivate them to continue to update their knowledge base as new technologies unfold. Distance learning will become a very important factor in continuing this process.

Paying for such an undertaking, however, is a dilemma. Governments could be asked to pay for the training, incorporating it into the normal classroom learning and adding new opportunities for lifelong learning. Meanwhile, "The cost and availability of telecommunications determines the extent to which the Internet is used, and per capita access costs are most often higher in poorer countries. Coercive governments limit the extent to which information is exchanged, and evidence shows a higher level of Internet usage where political and civil freedoms exist."²⁰ Counterbalancing this is the fact that "technologies can make governments more transparent, extend their services more broadly, and at lower cost."²¹ If this occurs, then more money will be available, even in LDCs where Internet access costs are higher, to provide for continuing education.

If governments are to pay for the training, then the question is, which ones? Should the government of the State where a migrant worker seeks employment pay for his training, or should this be the responsibility of his home government? This is one problem which faces the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In this document, the State of employment is expected to provide equality with its own citizens in all aspects of the working environment, especially Social

Security benefits, but it must be explored whether or not this is the proper channel, or if the government of the worker's State of origin has a greater responsibility in paying for his training.

Governments could also partially subsidize training, but put the burden of payment of the balance on either the workers or their employers. Objections could easily be raised to this, as well, but it reduces either government's financial responsibility in the process. Finally, if businesses are to be involved in the process, should there be a set of standards created to ensure that discrimination does not result, favoring workers who are already trained over those who seek training? At some point, workers will have to be trained if they are to get jobs, so companies may need to either provide for training leave or some other method to ensure that their employees are not taken advantage of while training, but is this the best solution? In the end, it will take research and lengthy debate to reach the truth.

Bloc Positions

The relevant bloc positions are the developed or industrialized countries and the less developed countries (LDCs). The United States, Western Europe, and Japan constitute the developed world, in addition to a few smaller nations. The LDCs face several problems with their workforce, and aid may be needed in varying amounts in different areas of the world. For example, "Over the next ten years, although the growth rate of the world's labour force will slow down, there will be still some 460 million new, young jobseekers. Only 3 percent of them will be in all parts of Europe and North America. Two-thirds will be in Asia. Fewer than earlier projected will be in Africa because the HIV/AIDS epidemic is having a disastrous impact on the economy."²²

Conclusion

Migrant workers are faced with a plight in the dawn of a new era. As the world races ahead technologically, so does the workplace, but the less-skilled and under-trained are left behind. As the unemployment rate grows for certain groups of people who are left behind, it becomes increasingly difficult to help them. While there is still time before technology becomes so advanced that it is nearly impossible to train these workers, something must be done to ensure for their survival. The United Nations believes it is their responsibility to initiate measures to counter the digital divide in this "steerable" revolution, and the time to act is now. The United Nations is plagued with disagreements and embroiled in debate, and something

must be done to break the stalemate that currently helps no one, in order that the rights of all are ensured as the world steps forward into the future.

Endnotes

¹ Tripartite Meeting on Labour Practices in the Footwear, Leather, Textiles and Clothing Industries, Geneva, 16-20 October 2000, ILO office of Geneva.

² Tripartite Meeting on Labour Practices in the Footwear, Leather, Textiles and Clothing Industries, Geneva, 16-20 October 2000, ILO office of Geneva.

³ Tripartite Meeting on Labour Practices in the Footwear, Leather, Textiles and Clothing Industries, Geneva, 16-20 October 2000, ILO office of Geneva.

⁴ These paragraphs rely heavily on the following document, but individual quotations will be cited.

<http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

⁵ These paragraphs also rely heavily upon Global Political Economy by Robert Gilpin, especially pages 5-7

⁶ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

⁷ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

⁸ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

⁹ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

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¹¹ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

¹² <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

¹³ See the introduction to the aforementioned document.

¹⁴ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

¹⁵ Gilpin, page 367.

¹⁶ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

¹⁷ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

¹⁸ Gilpin, page 366.

¹⁹ Gilpin, page 365.

²⁰ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

²¹ <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.

²² <http://www.ilo.org/public/english/support/publ/wer/overview.htm> - an overview of the World Employment Report 2001.