CODING GOVERNMENT RESPECT FOR WORKER RIGHTS

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Fall 2021

CODING INSTRUCTIONS

INTRODUCTION

This is a manual for the coding of government respect for worker's rights. In this manual, you will find the information (above and beyond what has already been given to you) necessary to accurately code the level of government respect for a variety of internationally recognized worker's rights.

WHAT SOURCES DO I USE?

Your primary source will be the *US State Department Country Reports on Human Rights Practices*. You will use this source for all variables. These reports can be found online. Reports issued from 1993 to 1998 can be found at http://dosfan.lib.uic.edu/ERC/democracy.html. Reports issued since 1999 can be found at http://www.state.gov/g/drl/rls/hrrpt/.

WHAT UNITS AM I CODING?

The basic unit you are coding is something called a "country-year." A country-year is a particular country in a particular year. For instance, "United States 1998" is a particular country-year. It is a single snapshot of space and time -- one country in a particular year. "Ghana 1995" would be another example, and so on. You will be given a list of country-years for which you will code the level of government respect for the human rights contained in this manual.

WHY CAN THE YEARS OF THESE REPORTS BE CONFUSING?

The US State Department Report is not very confusing. For purposes of illustration, let us imagine you have been asked to code the "Ghana 1999" country-year. First, you will need to find the correct US State Department Report that *covers events that happened in 1999*. You will need to use the US State Department's *Country Reports on Human Rights Practices for 1999*. From the early 1990s on, the year in the *title* of the report is the calendar year a report covers. Reports are always issued the February after the calendar year they cover. For instance, the report covering the 2000 calendar year was issued in February 2001. Don't let the publication date throw you off -- stick with the date in the title.

THE REPORT MENTIONS THINGS THAT HAPPENED IN MORE YEARS THAN THE CALENDAR YEAR THE REPORT IS SUPPOSED TO COVER

You are ONLY to code things that actually happened during the calendar year for which you are assigned. For instance, of you were assigned the Egypt 1996 country-year, you are ONLY to code things that the Egyptian government did in 1996 -- not any other year, even though the report may mention things that happened in the past. This is very important!!

If your report mentions new information about *past* abuses, note the abuses and bring them to our attention --- but do not include the information into the coding for the country-year on which you are working.

INADEQUATE INFORMATION

For any worker right, if at any time there is no sufficient information to make a reasonable decision as to what the coded number should be, the right should be coded as "999." Any potential "999" code, however, should be brought to the attention of one of the principal investigators.

EXAMPLE: Afghanistan

The Bonn Agreement revived the 1964 Constitution's broad provisions for protection of workers and a mixture of labor laws from earlier periods; however, little is known about labor laws, their enforcement, or practices. Labor rights were not defined beyond the Ministry of Labor, and, in the context of the breakdown of governmental authority, there was no effective central authority to enforce them. The only large employers in Kabul were the governmental structure of minimally functioning ministries and local and international NGOs.

INFORMAL ECONOMY

When coding worker rights, we are typically discussing those rights that workers have in the "formal economy." Therefore, it is important to take notice of those instances when the "informal economy" is mentioned for the purpose of not over-penalizing a state. That said, if a gross violation of worker rights is found in the informal economy that the state is aware of but doing little or nothing about, please bring it to the attention of one of the principal investigators.

International statistical definition of employment in the informal sector

The 15th ICLS *(ILO 2000)* defined *employment in the informal sector* as comprising all jobs in informal sector enterprises, or all persons who, during a given reference period, were employed in at least one informal sector enterprise, irrespective of their status in employment and whether it was their main or a secondary job.

Informal sector enterprises were defined by the 15th ICLS on the basis of the following criteria:

- They are private unincorporated enterprises (excluding quasi-corporations), i.e. enterprises owned by individuals or households that are not constituted as separate legal entities independently of their owners, and for which no complete accounts are available that would permit a financial separation of the production activities of the enterprise from the other activities of its owner(s). Private unincorporated enterprises include unincorporated enterprises owned and operated by individual household members or by several members of the same household, as well as unincorporated partnerships and co-operatives formed by members of different households, if they lack complete sets of accounts.

- All or at least some of the goods or services produced are meant for sale or barter, with the possible inclusion in the informal sector of households which produce domestic or personal services in employing paid domestic employees.

- Their size in terms of employment is below a certain threshold to be determined according to national circumstances, and/or they are not registered under specific forms of national legislation (such as factories' or commercial acts, tax or social security laws, professional groups' regulatory acts, or similar acts, laws or regulations established by national legislative bodies as distinct from local regulations for issuing trade licenses or business permits), and/or their employees (if any) are not registered.

- They are engaged in non-agricultural activities, including secondary nonagricultural activities of enterprises in the agricultural sector.

Example of a report in which the coder should acknowledge the size of the informal economy:

EXAMPLE: Bolivia

The Government establishes the minimum wage for the public and private sectors by supreme decree following traditional negotiation with the COB, and the wage increased in January by almost 9 percent to approximately $57 (430 bolivianos) per month, plus bonuses and fringe benefits. The minimum wage did not provide a decent standard of living for a worker and family, and most formal sector workers earned more, although many informal sector workers earned less. Although the minimum wage fell below prevailing wages in most jobs, certain benefit calculations were pegged to it. The minimum wage did not cover members of the informal sector, who constituted the majority of the urban work force, nor did it cover farmers, who accounted for 30 percent of the working population.

WHERE TO FIND INFORMATION ABOUT THESE VARIABLES

Always read the overview at the top (beginning) of the report. There is often valuable information there, plus it points out information to look for in the detailed sections that follow. Information about this indicator will be contained in the United States State Department (USSD) reports.

In the USSD reports, you will find information in Section 2 (1981-1985), Section 5 (1986-1987), Section 6 (1988-2008), or Section 7 (2009-Present).

GROUNDING IN INTERNATIONAL LAW:

International Covenant on Civil and Political Rights: Part III Article 22
International Covenant on Economic, Social and Cultural Rights: Part III, Articles 7, 8
International Labor Organization: Many Conventions

THE RIGHT TO FORM WORKER UNIONS (ASSOCIATION)

Definition

The ILO refers to this right as the right to Freedom of Association. We change the label to avoid confusion with the more general human right to freedom of association. The right to form worker unions includes the right of workers and employers to establish and join organizations of their choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority. The score a country receives on this variable indicates the extent that worker unions are protected against antiunion discrimination, both in law and practice?

Related Conventions and Recommendations

1. C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
2. C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
3. C141 - Rural Workers' Organisations Convention, 1975 (No. 141)
4. R149 - Rural Workers' Organisations Recommendation, 1975 (No. 149)
5. C135 - Workers' Representatives Convention, 1971 (No. 135)

ILO Standards

1. Workers should have the right to form trade union organizations without previous authorization. Employers should not be allowed to discriminate against those who seek to form trade unions in the workplace (Article 2, C087).
2. The law should not permit long delays between the time workers freely choose to form a trade union and its formal recognition by the relevant employer.
3. Neither the government nor the employer should interfere with the formation of a trade union organization. This means that trade unions must be able, without any interference from the public authorities or employers, to draw up their constitutions and rules, to elect their representatives democratically, to organize their administration and activities and to formulate their programs (Article 3, C087).
4. Trade union leaders should be provided adequate opportunities to communicate with the workers they represent during normal working hours.
5. Trade union organizations should have civil liberties such as freedom of speech and be allowed to form associations of trade unions and to engage in political activities. (Article 5, C087)
6. Employers who take extraordinary measures to prevent workers from forming trade union organizations should be assessed fines and/or other meaningful sanctions.
7. If “welfare-to-work” programs exist, welfare-to-work employees should be allowed to form trade union organizations if they wish to do so.

8. Effective remedy requirement. Workers who feel that this right has been violated should have an opportunity to remedy their situation through access to a judicial or quasi-judicial procedure.

Coding Scheme

Workers' association rights receive

Coding Score	Law	Practice
(0)	No legal protection	No protection in practice
(1)	Some legal protection	Some protection in practice
(2)	Full legal protection	Full protection in practice

Coding Instructions

In coding the Right to Form Worker Unions, read both sections 7a (The Right of Association) and 7b (The Right to Organize and Bargain Collectively). Valuable information for coding this right is contained in both of these sections.

If in describing the **national constitution and/or the relevant national laws**, all of the ILO criteria listed above are satisfied, the country's law should be coded as TWO. If, in describing the national law, most of the ILO criteria are satisfied, but there are some limitations in the legal protection of workers' association rights, the country's law should be coded as ONE. If few, if any, of the ILO criteria are met and workers' association rights are not protected in law, then the country should be coded as ZERO.

If in describing the ability of workers to exercise this right, all of the ILO criteria listed above are satisfied, the **country's employer and government practices** should be coded as TWO. If, in describing the ability of workers to exercise this right, most of the ILO criteria are satisfied, but the enjoyment of workers' association rights are somewhat limited the country's practices should be coded as ONE. If few, if any, of the ILO criteria are met in practice, then the country should be coded as ZERO.

Antiunion Discrimination: If the State Department report states that there is no legal protection from antiunion discrimination, then the country should receive, at a maximum, a ONE for law and a ONE for practice. If the report suggests that such legal protection does exist, but that it is not properly enforced, the country may still receive a TWO for law, but may only receive, at a maximum, a ONE for practice.

Required Government Registration: If a government requires unions to register with the government to gain legal status and official recognition, it is **NOT** necessarily a restriction on the right to association. However, if the State Department suggests that government registration in onerous or that registration is leading, intentionally or unintentionally, to a reduced ability of workers to form unions, then the state should receive, at a maximum, a ONE for law and a ONE for practice.

Government Protection versus Worker Enjoyment: If the government provides full legal protection of the right to associate and that right is not violated by either the government or the country's

employers, then the country should receive a TWO for law and a TWO for practice, even if the country's citizens do not attempt to organize unions themselves.

Minimum Membership Requirement: If the government requires that a union has more than 100 members before it can be officially recognized, then the country should receive, at a maximum, a ONE for law and a ONE for practice. Furthermore, if the report states that any minimum membership requirement serves to restrict workers' association rights, then the country should receive, at a maximum, a ONE for law and a ONE for practice.

Time until Official Recognition: If it usually takes longer than one year for a union to receive formal recognition by the government or employers, it should be treated as a restriction on workers' association rights, and the country should receive, at a maximum, a TWO for law and a ONE for practice.

Workers Associations: If unions are prohibited, but worker associations are allowed to fill most of the functions of a union, then the country is still eligible to receive a ONE in law and a ONE in practice if there are no other restrictions on workers' association rights.

Some helpful hints for coding this variable:

1. Remember that for both LAW and PRACTICE, we are trying to place countries into three groups (none, some and full protection). For law, the lowest scoring countries are those with no law protecting the right in question (ZERO). The highest scoring countries (TWO) are those with laws fully protecting the criteria listed above. All other countries have some legal protection and should be scored as ONE.
2. Do the same thing when scoring PRACTICE. But remember that the score for PRACTICE should RARELY be higher than the score for LAW. For example, if you give a country a score of ONE for LAW, and the report says that the law is effectively implemented, then you should give it a ONE for PRACTICE as well. Effective implementation of a weak law does not result in strong government protection of the right, which is what a TWO indicates. If you think the PRACTICE score should be higher than the LAW score, check with your supervisor and/or instructor.
3. When scoring both LAW and PRACTICE, always give the country the "benefit of the doubt." No mention of a criterion means that there is no problem with that criterion. In most cases, only one or two of the criteria listed above will be mentioned. In those cases, assume that all other criteria are met. However, if there is noy sufficient information to make a reasonable decision as to what the coded number should be based on any of the listed criteria, the right should be coded as "999." Any potential "999" code, however, should be brought to the attention of your instructor and/or supervisor.
4. Make your coding decisions based only on what is written in the Country Reports. We make no other assumptions about the laws or practices.

EXAMPLE: Austria
Law: 2
Practice: 2

Workers have the right to form and join unions without prior authorization, under general constitutional provisions regarding freedom of association. In practice trade unions had an important and independent voice in the political, social, and economic life of the country. An estimated 50 percent of the work force were organized into 13 national unions belonging to the Austrian Trade Union Federation (OGB), which had a highly centralized leadership structure. Association of national unions with the OGB was voluntary. Individual unions and the OGB were independent of government or political party control, although formal factions within these organizations were allied closely with political parties.

In cases of disputed terminations, the law obliges employers of enterprises with more than five employees to prove to a labor court that job dismissals are not motivated by antiunion discrimination. Employers found guilty of this offense are required to reinstate workers. Labor and business representatives remain in a longstanding disagreement over how to provide legal protection to employees against arbitrary dismissals in firms with five employees or fewer.

THE RIGHT TO BARGAIN COLLECTIVELY

Definition

This right includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers.

Related Conventions and Recommendations

1. C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
2. C135 - Workers' Representatives Convention, 1971 (No. 135)
3. R143 - Workers' Representatives Recommendation, 1971 (No. 143)
4. C151 - Labour Relations (Public Service) Convention, 1978 (No. 151)
5. R159 - Labour Relations (Public Service) Recommendation, 1978 (No. 159)
6. C154 - Collective Bargaining Convention, 1981 (No. 154)
7. R163 - Collective Bargaining Recommendation, 1981 (No. 163)
8. R091 - Collective Agreements Recommendation, 1951 (No. 91)
9. R113 - Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)

ILO Standards

1. Trade unions must be able to bargain collectively to regulate the terms and conditions of employment and other matters affecting the livelihood of workers. (Article 2, C154)
2. Trade unions must have the right to strike, which is essential for ensuring the freedom of workers to bargain collectively with employers. (ILO supervisory bodies, including the Committee on Freedom of Association).
3. Trade union representatives should be protected from employer retaliation.
4. The permanent replacement of workers who exercise their right to strike should be prohibited for at least 90 days after a strike begins.
5. Effective remedy requirement. Workers who feel that this right has been violated should have an opportunity to remedy their situation through access to a judicial or quasi-judicial procedure.

Coding Scheme

The right to collectively bargain is:

Coding Score	Law	Practice
(0)	Not protected in law	Not protected in practice
(1)	Somewhat protected in law	Somewhat protected in practice
(2)	Fully protected in law	Fully protected in practice

Coding Instructions

If in describing the **national constitution and/or the relevant national laws**, all of the ILO criteria listed above are satisfied, the country's law should be coded as TWO. If, in describing the national law, most of the ILO criteria are satisfied, but there are some limitations in the legal protection of workers' collective bargaining rights, the country's law should be coded as ONE. If few, if any, of the ILO criteria are met and workers' collective bargaining rights are not protected in law, then the country should be coded as ZERO.

If in describing the ability of workers to exercise this right, all of the ILO criteria listed above are satisfied, the **country's employer and government practices** should be coded as TWO. If, in describing the ability of workers to exercise this right, most of the ILO criteria are satisfied, but the enjoyment of workers' collective bargaining rights is somewhat limited, the country's practices should be coded as ONE. If few, if any, of the ILO criteria are met in practice, then the country should be coded as ZERO.

In coding the Collective Bargaining, read both sections 7a (The Right of Association) and 7b (The Right to Organize and Bargain Collectively). Valuable information for coding this right is contained in both of these sections.

Association as a Necessary Condition: Collective bargaining can only occur if workers have selected representatives to bargain with the employer. Thus, the level of protection of this right must be coded as a ZERO in law if the right to association is coded as ZERO in law. Likewise, if the right to associations is coded as ZERO in practice, then the level of protection for the right to collectively bargain must also be coded as ZERO in practice. Thus, the collective bargaining variable should always be coded in tandem with the right to association.

The Right to Strike: If workers are allowed some freedom of association at the workplace, then the issue is often whether or not those workers also have the right to bargain collectively. In the vast majority of cases, this judgement will rest on whether organized workers have the right to strike. The right to strike is the ultimate weapon of workers who are faced with employers who do not wish to bargain in good faith.

Thus, when coding the legal protection of collective bargaining rights, if the right to strike is not protected by laws enacted by the government, you should code the level of protection of the right to collectively bargain as "ZERO" in law. If there is a limited right to strike protected by the law, then you should code the level of protection of this right as "ONE" in law. If the right to strike is protected by law and no other legal limitations on the right to collectively bargain are mentioned, you should code the level of protection of the right to collectively bargain as "TWO" in law.

When coding the enjoyment of collective bargaining rights in practice, if the right to strike is not enforced in practice, then the right to collectively bargain should be coded as a "ZERO" in practice. If there is some limited enjoyment of the right to strike, but that enjoyment is subject to some limitations, then the right to collectively bargain should be coded as a "ONE" in practice. Finally, if there are no limitations on the right to strike, the government is an honest and neutral broker when it is called upon to settle disputes between employers and workers, and no other impediments to the enjoyment of the right to collectively bargain are mentioned, then the right to collectively bargain should be coded as "TWO" in practice.

If a government requires prior notice of a strike, the right to bargain collectively should be coded, at best, as a "ONE" in both law and practice. For instance, if the report states, "The Labor Code explicitly recognizes workers' right to strike but only after mandatory arbitration. Arbitration proceedings are not legally enforceable and can be overturned by the Government" (US State Department, Cameroon 1997), then the right to collectively bargain should be coded as a "ONE" in law and practice.

If a government prohibits striking for political reasons, the right to bargain collectively should be coded, at best, as a "ONE" in both law and practice.

Likewise, if a supermajority vote is required in order for a union to a call a strike, the right to bargain collectively should be coded, at best, as a "ONE" in both law and practice. Required voting for striking is acceptable; however, the supermajority requirement is considered restrictive.

Finally, if a government distinguishes between legal and illegal strikes and requires that certain conditions be met before a strike the right to bargain collectively should be coded as a one. For instance, if the report states that the government "…protects the right to strike, but there are requirements for calling a strike legal. (US State Department Dominican Republic 1997), the right to bargain collectively should be coded, at best, as a "ONE" in both law and practice.

Other Limitations on Collective Bargaining: If the State Department report states that, while strikes are allowed, the government does not formally recognize the right to bargain collectively, then the government should receive, at best, a "ONE" in both law and practice for the right to collectively bargain.

Further, if the government prohibits the formation of closed union shops, then the government should receive, at best, a "ONE" in both law and practice for the right to collectively bargain.

What Actions Do NOT Qualify as Restrictions on Collective Bargaining? There are certain actions taken by governments that **DO NOT** qualify as restrictions of this right. Many governments prevent the police, military, emergency medical personnel and firefighters from striking. If the police, military, emergency medical personnel, and firefighters are allowed to form unions but are not allowed to strike, this fact also should **NOT** be used as evidence of lack of respect for the right to collectively bargain. This is because international law recognizes the right of governments to prohibit strikes of employees whose work is essential to the public's safety. Limitations on the right of any other employees (such as doctors, teachers, or nurses) should be coded as limitations on the right to collectively bargain.

Some helpful hints for coding this variable:

1. Remember that for both LAW and PRACTICE, we are trying to place countries into three groups (none, some and full protection). For law, the lowest scoring countries are those with no law protecting the right in question (ZERO). The highest scoring countries (TWO) are those with laws fully protecting the criteria listed above. All other countries have some legal protection and should be scored as ONE.
2. Do the same thing when scoring PRACTICE. But remember that the score for PRACTICE should RARELY be higher than the score for LAW. For example, if you give a country a score of ONE for LAW, and the report says that the law is effectively implemented, then you should give it a

ONE for PRACTICE as well. Effective implementation of a weak law does not result in strong government protection of the right, which is what a TWO indicates. If you think the PRACTICE score should be higher than the LAW score, check with your supervisor and/or instructor.

3. When scoring both LAW and PRACTICE, always give the country the "benefit of the doubt." No mention of a criterion means that there is no problem with that criterion. In most cases, only one or two of the criteria listed above will be mentioned. In those cases, assume that all other criteria are met. However, if there is noy sufficient information to make a reasonable decision as to what the coded number should be based on any of the listed criteria, the right should be coded as "999." Any potential "999" code, however, should be brought to the attention of your instructor and/or supervisor.
4. Make your coding decisions based only on what is written in the Country Reports. We make no other assumptions about the laws or practices.

EXAMPLE: Brunei
Law:0
Practice: 1

The Government did not interfere with lawful union activity during the year. It is illegal to refuse employment or discriminate against an employee on the basis of membership or non-membership in a trade union. The law is silent on collective bargaining, and it occurs in only a few industries. Wage and benefit packages were based on market conditions and tend to be generous. An individual contract is required between an employer and each employee, but legal trade union activities may not be deemed to violate employee contracts. Some local legal experts have interpreted this provision as conferring the right to strike. However, under the law, strikes are illegal.

FORCED OR COMPULSORY LABOR

Definition

This is defined as work or service exacted from any person under the menace of penalty and for which the person has not volunteered. "Work or service" does not apply in instances in which obligations are imposed to undergo education or training. "Menace of penalty" includes loss of rights or privileges as well as penal sanctions. Constitutional provisions concerning the obligation of citizens to work do not violate this right so long as they do not take the form of legal obligations enforced by sanctions and are consistent with the principle of "freely chosen employment."

Related Conventions and Recommendations

1. C029 - Forced Labour Convention, 1930 (No. 29)
2. P029 - Protocol of 2014 to the Forced Labour Convention, 1930
3. C105 - Abolition of Forced Labour Convention, 1957 (No. 105)
4. R035 - Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)
5. R203 - Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

ILO Standards

1. Forced labor should be prohibited as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. (Article 1, C105)
2. Forced labor should be prohibited as a method of mobilizing and using labor for purposes of economic development. (Article 1, C105)
3. Forced labor should be prohibited as a means of labor discipline. (Article 1, C105)
4. Forced labor should be prohibited as a punishment for having participated in strikes. (Article 1, C105)
5. Forced labor should be prohibited as a means of racial, social, national or religious discrimination. (Article 1, C105)
6. Slavery, indentured servitude, and the abduction of people to force them to work should be prohibited. (Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery)
7. Effective legal remedy requirement. Workers who feel that this right has been violated should have an opportunity to remedy their situation through access to a judicial or quasi-judicial procedure. (Article 2, C105)

Coding Scheme

The right to be free from forced or compulsory labor is:

Coding Score	Law	Practice
(0)	Not protected in law	Not protected in practice
(1)	Somewhat protected in law	Somewhat protected in practice
(2)	Fully protected in law	Fully protected in practice

Coding Instructions

If in describing the **national constitution and/or the relevant national laws**, all of the ILO criteria listed above are satisfied, the country's law should be coded as "TWO." If, in describing the national law, most of the ILO criteria are satisfied, the country's law should be coded as "ONE." If few, if any, of the ILO criteria are met, then the country's law should be coded as "ZERO."

If, in describing the ability of workers to exercise this right, all of the ILO criteria listed above are satisfied, the **country's employer and government practices** should be coded as "TWO." If, in describing the ability of workers to exercise this right, most of the ILO criteria are satisfied, the country's practices should be coded as "ONE." If few, if any, of the ILO criteria are met in practice, then the country should be coded as "ZERO."

Human Trafficking: While human trafficking often involves terrible human rights abuses, we do not consider human trafficking in coding forced or compulsory labor. We hope to consider this issue in a separate project in the future.

Some helpful hints for coding this variable:

1. Remember that for both LAW and PRACTICE, we are trying to place countries into three groups (none, some and full protection). For law, the lowest scoring countries are those with no law protecting the right in question (ZERO). The highest scoring countries (TWO) are those with laws fully protecting the criteria listed above. All other countries have some legal protection and should be scored as ONE.
2. Do the same thing when scoring PRACTICE. But remember that the score for PRACTICE should RARELY be higher than the score for LAW. For example, if you give a country a score of ONE for LAW, and the report says that the law is effectively implemented, then you should give it a ONE for PRACTICE as well. Effective implementation of a weak law does not result in strong government protection of the right, which is what a TWO indicates. If you think the PRACTICE score should be higher than the LAW score, check with your supervisor and/or instructor.
3. When scoring both LAW and PRACTICE, always give the country the "benefit of the doubt." No mention of a criterion means that there is no problem with that criterion. In most cases, only one or two of the criteria listed above will be mentioned. In those cases, assume that all other criteria are met. However, if there is noy sufficient information to make a reasonable decision as to what the coded number should be based on any of the listed criteria, the right should be coded as "999." Any potential "999" code, however, should be brought to the attention of your instructor and/or supervisor.

4. Make your coding decisions based only on what is written in the Country Reports. We make no other assumptions about the laws or practices.

EXAMPLE: Syria
Law:0
Practice:1

There is no law prohibiting forced or bonded labor, including that performed by children. There were no reports of forced or bonded labor by children, or forced labor involving foreign workers or domestic servants. Forced labor has been imposed as a punishment for some convicted prisoners.

MINIMUM AGE OF EMPLOYMENT

Definition

This concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. In addition, young people should not be employed in hazardous conditions or at night.

Related Conventions and Recommendations

1. C138 - Minimum Age Convention, 1973 (No. 138)
2. R146 - Minimum Age Recommendation, 1973 (No. 146)
3. C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)
4. R190 - Worst Forms of Child Labour Recommendation, 1999 (No. 190)
5. C077 - Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
6. C078 - Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
7. C124 - Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)
8. R079 - Medical Examination of Young Persons Recommendation, 1946 (No. 79)
9. R125 - Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125)

ILO Standards

1. Children under the age of 14 should be prohibited from employment in any public or private undertaking. (Article 2, C138)
2. The minimum age for working on board ships should be 18.
3. The minimum age for working in occupations dangerous to life, health or morals should be 18.
4. The minimum age for working at night in industry should be 18. Exceptions can be made for purposes of apprenticeship or vocational training of young persons between 16 and 18 years. (R190 Part II Hazardous Work)
5. Children and young persons under 18 years old shall not be admitted to employment unless they have been found healthy in a thorough medical examination (at least annually until the age of 18, until age 21 for occupations which involve high risks). (Article 2, C124)
6. Children of school age should be prohibited from being employed during normal school hours. (R146 Part IV Conditions of Employment and Part V Enforcement)
7. The commercial sexual exploitation of children should be banned in all forms (Article 3, C182)
8. Children should not serve as soldiers in conflict in any context (R190 Part III Implementation 12)
9. Effective legal remedy requirement. Workers who feel that this right has been violated should have an opportunity to remedy their situation through access to a judicial or quasi-judicial procedure.

Coding Scheme

Children's labor rights are:

Coding Score	Law	Practice
(0)	Not protected in law	Not protected in practice
(1)	Somewhat protected in law	Somewhat protected in practice
(2)	Fully protected in law	Fully protected in practice

Coding Instructions

If in describing the **national constitution and/or the relevant national laws**, all of the ILO criteria listed above are satisfied, the country's law should be coded as TWO. If, in describing the national law, most of the ILO criteria are satisfied, the country's law should be coded as ONE. If few, if any, of the ILO criteria are met, then the country should be coded as ZERO.

If in describing the ability of workers to exercise this right, all of the ILO criteria listed above are satisfied, the **country's employer and government practices** should be coded as TWO. If, in describing the ability of workers to exercise this right, most of the ILO criteria are satisfied, the country's practices should be coded as ONE. If few, if any, of the ILO criteria are met in practice, then the country should be coded as ZERO.

Informal Economy: Please keep in mind that, in this measure, we are attempting to gauge the use of child labor in the FORMAL economy. As such, the use of child labor in agriculture (as mentioned above) or in other portions of the informal economy is not to coded as a violation of the ILO standards for this variable.

Some helpful hints for coding this variable:

1. Remember that for both LAW and PRACTICE, we are trying to place countries into three groups (none, some and full protection). For law, the lowest scoring countries are those with no law protecting the right in question (ZERO). The highest scoring countries (TWO) are those with laws fully protecting the criteria listed above. All other countries have some legal protection and should be scored as ONE.
2. Do the same thing when scoring PRACTICE. But remember that the score for PRACTICE should RARELY be higher than the score for LAW. For example, if you give a country a score of ONE for LAW, and the report says that the law is effectively implemented, then you should give it a ONE for PRACTICE as well. Effective implementation of a weak law does not result in strong government protection of the right, which is what a TWO indicates. If you think the PRACTICE score should be higher than the LAW score, check with your supervisor and/or instructor.
3. When scoring both LAW and PRACTICE, always give the country the "benefit of the doubt." No mention of a criterion means that there is no problem with that criterion. In most cases, only one or two of the criteria listed above will be mentioned. In those cases, assume that all other criteria are met. However, if there is noy sufficient information to make a reasonable decision as to what the coded number should be based on any of the listed criteria, the right should be coded as

"999." Any potential "999" code, however, should be brought to the attention of your instructor and/or supervisor.

4. Make your coding decisions based only on what is written in the Country Reports. We make no other assumptions about the laws or practices.

EXAMPLE: Paraguay
Law: 2
Practice: 0

The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws; however, in general the Government did not enforce minimum working age regulations, and child labor was a problem. Minors between 15 and 18 years of age may work only with parental authorization and may not be employed in dangerous or unhealthy conditions. Children between 12 and 15 years of age may work only in family enterprises, agriculture, or apprenticeships. The Labor Code prohibits work by children under 12 years of age.

MINIMUM WAGE

Definition

The legal requirement that employers provide a minimum hourly wage for workers. The objective is to provide a decent standard of living for workers and their families. Almost always the report will say whether the country has adopted a minimum wage for those working in the formal sector.

Related Conventions and Recommendations

1. R084 - Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84)
2. C095 - Protection of Wages Convention, 1949 (No. 95)
3. C173 - Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)
4. R180 - Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992 (No. 180)
5. C131 - Minimum Wage Fixing Convention, 1970 (No. 131)
6. R135 - Minimum Wage Fixing Recommendation, 1970 (No. 135)

ILO Standards

1. National policy should require employers to pay a minimum hourly wage (C131).
2. The minimum wage should provide a reasonable standard of living for a single individual who works 40 hours per week. (Article 3, C131)
3. The minimum wage should be adjusted at least annually to be consistent with changes in the cost of living. (Article 3, C131)
4. There shall be no lower minimum wage for young persons.
5. Wages should be paid at regular intervals and not withheld. (Article 12, C095)
6. Effective legal remedy requirement. Workers who feel that this right has been violated should have an opportunity to remedy their situation through access to a judicial or quasi-judicial procedure.

Coding Scheme

An adequate minimum wage is:

Coding Score	Law	Practice
(0)	Not protected in law	Not protected in practice
(1)	Somewhat protected in law	Somewhat protected in practice
(2)	Fully protected in law	Fully protected in practice

Coding Instructions

If in describing the **national constitution and/or the relevant national laws**, all of the ILO criteria listed above are satisfied, the country's law should be coded as TWO. If, in describing the national law, most of the ILO criteria are satisfied, the country's law should be coded as ONE. For instance, if a country's laws meet most of the ILO criteria laid out above, but the minimum wage is described as inadequate, that country's law should be coded as ONE. If few, if any, of the ILO criteria are met, then the country should be coded as ZERO.

If in describing the ability of workers to exercise this right, all of the other ILO criteria listed above are satisfied, the **country's employer and government practices** should be coded as TWO. If, in describing the ability of workers to exercise this right, most of the ILO criteria are satisfied, the country's law should be coded as ONE. Furthermore, as with law, if most of the ILO criteria above are met in practice, but the minimum wage is described as inadequate, that country's practices should be coded as ONE. If few, if any, of the ILO criteria are met in practice, then the country should be coded as ZERO.

Adequacy of the Minimum Wage: Once again, if no specific incidents of employers paying below the minimum wage were reported and all of the other ILO criteria are met in law and practice, but the report says that the wage is "insufficient," the country should receive a ONE in law and a ONE in practice.

Some helpful hints for coding this variable:

1. Remember that for both LAW and PRACTICE, we are trying to place countries into three groups (none, some and full protection). For law, the lowest scoring countries are those with no law protecting the right in question (ZERO). The highest scoring countries (TWO) are those with laws fully protecting the criteria listed above. All other countries have some legal protection and should be scored as ONE.
2. Do the same thing when scoring PRACTICE. But remember that the score for PRACTICE should RARELY be higher than the score for LAW. For example, if you give a country a score of ONE for LAW, and the report says that the law is effectively implemented, then you should give it a ONE for PRACTICE as well. Effective implementation of a weak law does not result in strong government protection of the right, which is what a TWO indicates. If you think the PRACTICE score should be higher than the LAW score, check with your supervisor and/or instructor.
3. When scoring both LAW and PRACTICE, always give the country the "benefit of the doubt." No mention of a criterion means that there is no problem with that criterion. In most cases, only one or two of the criteria listed above will be mentioned. In those cases, assume that all other criteria are met. However, if there is noy sufficient information to make a reasonable decision as to what the coded number should be based on any of the listed criteria, the right should be coded as "999." Any potential "999" code, however, should be brought to the attention of your instructor and/or supervisor.
4. Make your coding decisions based only on what is written in the Country Reports. We make no other assumptions about the laws or practices.

EXAMPLE: Sweden
Law: 2
Practice: 2

Each year the Government revises its minimum wage for workers over age 18, in line with the consumer price index. In December the Government raised the minimum wage for 2003 by two percent, to $482 (451.2 euros) monthly or $16 (15.04 euros) daily. The national minimum wage provided a decent standard of living for a worker and family. The Ministry of Labor effectively enforced the minimum wage.

OCCUPATIONAL SAFETY AND HEALTH

Definition

The goal of an occupational safety and health program is to foster a safe and healthy work environment. National standards ought to include the checking and maintaining of elements of work (workplace, tools, equipment, chemicals, work process, etc.), and training for the use of possible hazardous machines and materials.

Related Conventions and Recommendations

1. C155 - Occupational Safety and Health Convention, 1981 (No. 155)
2. P155 - Protocol of 2002 to the Occupational Safety and Health Convention, 1981
3. R164 - Occupational Safety and Health Recommendation, 1981 (No. 164)
4. C161 - Occupational Health Services Convention, 1985 (No. 161)
5. R171 - Occupational Health Services Recommendation, 1985 (No. 171)
6. C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
7. R197 - Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)
8. R097 - Protection of Workers' Health Recommendation, 1953 (No. 97)
9. R102 - Welfare Facilities Recommendation, 1956 (No. 102)
10. R194 - List of Occupational Diseases Recommendation, 2002 (No. 194)
11. R128 - Maximum Weight Recommendation, 1967 (No. 128)

ILO Standards

1. There should be a national policy to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work, by minimizing the causes of hazards inherent in the working environment. (Article 4, C155)
2. The national law should protect workers from white phosphorus, white lead, anthrax, benzene, carcinogenic substances and agents, radiation, atmospheric pollution, excessive noise, excessive vibration, asbestos, and other dangerous chemicals. (ILO Codes of Practice)
3. The use of machinery of which the dangerous parts are without guards should be prohibited. (Articles 4, 5, 12, C155)
4. No worker shall be required or permitted to engage in the manual transport of a load of more than 110 pounds for men. The maximum load shall be substantially less for women. The minimum age to the regular manual transport of loads should be 18. (R128 Part VI Maximum Weight)
5. Employers are required to provide workers with information about health risks they may encounter in the workplace. (Article 12, 16, C155)
6. Workers must have the right to refuse excessively dangerous work without having their employment terminated or being otherwise punished. (Article 13, C155)
7. There should be a policy protecting workers against the risk of major accidents (such as explosions or fire) at their workplace. (Article 18, C155)
8. Employers who knowingly place their employees in dangerous positions must be subject to penalties that are sufficient to deter future violations.

9. Effective legal remedy requirement. Workers who feel that this right has been violated should have an opportunity to remedy their situation through access to a judicial or quasi-judicial procedure.

Coding Scheme

Occupational safety and health standards are:

Coding Score	Law	Practice
(0)	Not protected in law	Not protected in practice
(1)	Somewhat protected in law	Somewhat protected in practice
(2)	Fully protected in law	Fully protected in practice

Coding Instructions

If in describing the **national constitution and/or the relevant national laws**, all of the ILO criteria listed above are satisfied, the country's law should be coded as TWO. If, in describing the national law, most of the ILO criteria are satisfied, the country's law should be coded as ONE. If few, if any, of the ILO criteria are met, then the country should be coded as ZERO.

If in describing the ability of workers to exercise this right, all of the ILO criteria listed above are satisfied, the **country's employer and government practices** should be coded as TWO. If, in describing the ability of workers to exercise this right, most of the ILO criteria are satisfied, the country's practices should be coded as ONE. If few, if any, of the ILO criteria are met in practice, then the country should be coded as ZERO.

If there are no reported instances of violations of the ILO Health and Safety standards and the report makes no mention of laws protecting occupational safety and health, but it is reported that enforcement is "lax," "uneven," or "inadequate," both the degree of protection and the ability of workers to exercise this right should be coded as a ONE. However, if the report makes clear that strong laws enforcing the ILO Health and Safety standards exist, but are merely not enforced, then this right should be coded a TWO in law and a ONE in practice.

Some helpful hints for coding this variable:

1. Remember that for both LAW and PRACTICE, we are trying to place countries into three groups (none, some and full protection). For law, the lowest scoring countries are those with no law protecting the right in question (ZERO). The highest scoring countries (TWO) are those with laws fully protecting the criteria listed above. All other countries have some legal protection and should be scored as ONE.
2. Do the same thing when scoring PRACTICE. But remember that the score for PRACTICE should RARELY be higher than the score for LAW. For example, if you give a country a score of ONE for LAW, and the report says that the law is effectively implemented, then you should give it a ONE for PRACTICE as well. Effective implementation of a weak law does not result in strong

government protection of the right, which is what a TWO indicates. If you think the PRACTICE score should be higher than the LAW score, check with your supervisor and/or instructor.

3. When scoring both LAW and PRACTICE, always give the country the "benefit of the doubt." No mention of a criterion means that there is no problem with that criterion. In most cases, only one or two of the criteria listed above will be mentioned. In those cases, assume that all other criteria are met. However, if there is noy sufficient information to make a reasonable decision as to what the coded number should be based on any of the listed criteria, the right should be coded as "999." Any potential "999" code, however, should be brought to the attention of your instructor and/or supervisor.
4. Make your coding decisions based only on what is written in the Country Reports. We make no other assumptions about the laws or practices.

EXAMPLE: India
Law: 1
Practice: 0

The enforcement of safety and health standards also was poor. Although occupational safety and health measures varied widely, in general state and central government resources for inspection and enforcement of standards were adequate. However, as awareness grew, the courts began to take work-related illnesses more seriously.
Industrial accidents continued to occur frequently due to improper enforcement of existing laws. Chemical industries were the most prone to accidents. According to the Director General of Mines' safety rules, mining companies must seal the entrances to abandoned underground mines and opencast mines were to be bulldozed and reforested. These rules seldom were obeyed. According to the Government, during the period from January to September 2001, 192 persons were killed in mining accidents. In February 2001, the collapse of a mine wall led to the death of more than 30 miners. An investigation into the cause of the disaster began during the year. Illegal mining was rampant. In October a fire in the firecracker manufacturing company in Andhra Pradesh killed 13.

REASONABLE LIMITATION ON WORKING HOURS

Definition

This is a regulation upon employers that the number of working hours required of employees per week be limited.

Related Conventions and Recommendations

1. C001 - Hours of Work (Industry) Convention, 1919 (No. 1)
2. C014 - Weekly Rest (Industry) Convention, 1921 (No. 14)
3. C106 - Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
4. R103 - Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)
5. C175 - Part-Time Work Convention, 1994 (No. 175)
6. R182 - Part-Time Work Recommendation, 1994 (No. 182)
7. R116 - Reduction of Hours of Work Recommendation, 1962 (No. 116)

ILO Standards

1. The standard workday shall consist of 8 hours. When the hours of work on one or more days of the week are less than 8, the limit may be exceeded on the remaining days, but not by more than an hour. (Article 2, C001)
2. The standard workweek shall consist of 40 hours. (Article 1, C047, R116)
3. The rate of pay for overtime work shall not be less than one and one-quarter times the regular rate. (Article 6, C001)
4. Overtime work shall be voluntary, not mandatory.
5. All workers should enjoy, in every period of seven days, a period of rest comprising at least 24 consecutive hours. Whenever possible this period of rest should be granted simultaneously to the whole of the staff of each undertaking and should coincide with the days already established by the traditions or customs of the country. (Article 6, C106)
6. Effective legal remedy requirement. Workers who feel that this right has been violated should have an opportunity to remedy their situation through access to a judicial or quasi-judicial procedure.

Coding Scheme

The reasonable limitation of working hours is:

Coding Score	Law	Practice
(0)	Not protected in law	Not protected in practice
(1)	Somewhat protected in law	Somewhat protected in practice
(2)	Fully protected in law	Fully protected in practice

Coding Instructions

If in describing the **national constitution and/or the relevant national laws**, all of the ILO criteria listed above are satisfied, the country's law should be coded as TWO. If, in describing the national law, most of the ILO criteria are satisfied, the country's law should be coded as ONE. If few, if any, of the ILO criteria are met, then the country should be coded as ZERO.

If in describing the ability of workers to exercise this right, all of the ILO criteria listed above are satisfied, the **country's employer and government practices** should be coded as TWO. If, in describing the ability of workers to exercise this right, most of the ILO criteria are satisfied, the country's practices should be coded as ONE. If few, if any, of the ILO criteria are met in practice, then the country should be coded as ZERO.

Some helpful hints for coding this variable:

1. Remember that for both LAW and PRACTICE, we are trying to place countries into three groups (none, some and full protection). For law, the lowest scoring countries are those with no law protecting the right in question (ZERO). The highest scoring countries (TWO) are those with laws fully protecting the criteria listed above. All other countries have some legal protection and should be scored as ONE.
2. Do the same thing when scoring PRACTICE. But remember that the score for PRACTICE should RARELY be higher than the score for LAW. For example, if you give a country a score of ONE for LAW, and the report says that the law is effectively implemented, then you should give it a ONE for PRACTICE as well. Effective implementation of a weak law does not result in strong government protection of the right, which is what a TWO indicates. If you think the PRACTICE score should be higher than the LAW score, check with your supervisor and/or instructor.
3. When scoring both LAW and PRACTICE, always give the country the "benefit of the doubt." No mention of a criterion means that there is no problem with that criterion. In most cases, only one or two of the criteria listed above will be mentioned. In those cases, assume that all other criteria are met. However, if there is noy sufficient information to make a reasonable decision as to what the coded number should be based on any of the listed criteria, the right should be coded as "999." Any potential "999" code, however, should be brought to the attention of your instructor and/or supervisor.
4. Make your coding decisions based only on what is written in the Country Reports. We make no other assumptions about the laws or practices.

EXAMPLE: Germany
Law: 1
Practice: 2

Federal regulations limit the workweek to a maximum of 48 hours, but the number of hours of work per week was regulated by contracts that directly or indirectly affect 80 percent of the working population. The average workweek for industrial workers was 36 hours in the western part of the country and approximately 39 hours in the eastern states; rest periods for lunch were accepted practices. Provisions for overtime, holiday, and weekend pay varied depending upon the applicable collective bargaining agreement.