Collective Labor Rights Dataset

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Available through Layna Mosley's Dataverse, http://dvn.iq.harvard.edu/dvn/dv/lmosley

This dataset contains several measures of collective labor rights; these measures capture the legal rights of workers to organize, associate freely, bargain collectively and strike, as well as the observation of these rights in practice. The dataset covers nearly all sovereign states, with annual data for the 1985-2002 period.[1]

The coding of these indicators is described in more detail in Layna Mosley, *Multinational Production and Labor Rights* (Cambridge University Press, 2011). Aahren DiPalma, Robin Macklin, Sarah Moore and Saika Uno assisted with the coding and entry of the data. Funds for the coding were provided by the Kellogg Institute for International Studies and the Institute for Scholarship in the Liberal Arts at the University of Notre Dame.

Please direct comments and inquiries about the dataset to mosley@unc.edu. Please also send working papers or published articles that use these data to mosley@unc.edu. Updates to the dataset are planned for the future; these will be posted to the Dataverse site as they are made available.

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Coding Methodology. The Collective Labor Rights indicators assess violations of labor rights in six broad categories: freedom of association and collective bargaining-related liberties; the right to establish and join worker and union organizations; other union activities; the right to bargain collectively; the right to strike; and rights in export processing zones. The coding rules for the collective labor rights indicator are based on Kucera's (2002) methodology, which aims to compare collective labor rights cross-nationally.

The coding template (see below; based on Kucera's template) records thirty-seven types of violations, in the six broad categories above. In each of these broad categories, specific violations include the absence of legal rights, limitations on legal rights, and the violations of

[1] Note that scores for the United States are based on only two, rather than three, sources, because there is no Country Report on Human Rights Practices for the United States.

legal rights by government agents or employers. A weighting is assigned to each violation (these weightings were developed by Kucera, on the basis of expert assessments). More serious violations (e.g. general prohibitions on unions) weighted more heavily than others (e.g. a requirement of previous authorization in order for a union to join a confederation of unions).

Kucera (2002) implemented his coding template to develop a cross-sectional measure – for the mid-1990s -- of labor rights in a wide range of countries; he uses this measure (FACB, freedom of association and collective bargaining) to address the linkages between labor rights and global economic factors (see above). Similarly, Neumayer and de Soysa (2006) employ Kucera's data to test the associations between labor rights and trade, as well as between FDI and labor rights. Each of these studies, however, relies on a single observation per country on the collective labor rights indicator. Cross-sectional analyses, therefore, are possible; but time series assessments are not.

We use the Labor Rights Coding Template (below) to generate global data on collective labor rights, covering each year during the 1985-2002 period. To reduce bias, these assessments of violations of collective labor rights are drawn from three sources: the U.S. State Department annual *Country Reports on Human Rights Practices*; reports from the International Labor Organization's Committee of Experts on the Applications of Conventions and Recommendations (CEACR) and the Committee on Freedom of Association (CFA); and the International Confederation of Free Trade Unions' (ICFTU; now ITUC) *Annual Survey of Violations of Trade Union Rights*.

The State Department's *Country Reports* have been submitted to Congress annually since 1977 (for reports covering 1976); these reports are mandated by the US Foreign Assistance Act of 1961 (amended) and by the Trade Act of 1974 (amended, Section 504). The Congressional reporting requirements apply to all countries that receive U.S. foreign assistance via the two Acts, as well as all other foreign countries that are members of the United Nations. The State Department routinely includes several other nations that are not covered by the mandate, so that annual country coverage is global, or nearly so. Initial drafts of the reports are prepared by embassy staff in each country, on the basis of information from government officials, opposition parties, human rights activists, academics and various others. These drafts are reviewed (and often revised) by staff of the State Department's Bureau of Democracy, Human Rights, and Labor, with further input from other State Department staff and outside experts. The reports have become more detailed over time; contemporary reports discuss six categories of human rights – respect for personal integrity; respect for civil liberties; respect for political rights; government attitudes regarding international or NGO investigation of alleged human rights violations; discrimination, societal abuses, and trafficking in persons; and worker rights. Various observers have criticized the State Department reports over the years; empirical analyses of the *Country Reports*, however, report limited systematic evidence of bias (see Mosley 2011 for a discussion).

The second source is reports from the International Labour Organization. Both the ILO's CEACR and the CFA provide information based on regular reports from governments as well as

(potentially) complaints filed by workers' organizations, employers' organizations, or other governments. The ILO mandates that governments report biennially on the steps they have taken to implement any of the eight core labor rights-related conventions they have ratified.[2] These reports also are submitted to national workers' and employers' organizations, which may comment on the reports – or on their governments' application of the conventions generally (see Böhning 2005, Weisband 2000).

The CEACR was established to examine these reports; it is made up of twenty independent experts (mostly in the area of labor law), appointed by the ILO's Governing Body (its executive committee) for three year terms. Committee members, who are drawn from a variety of geographic regions, are charged with offering technical, unbiased evaluations of governments' applications of international standards. The CEACR publishes an annual report, which contains general comments about member states' behavior and summarizes the Committee's observations on national applications of core labor standards. In some cases, the Committee also makes direct requests to member governments for additional information regarding their implementation of core conventions. In addition, the ILO constitution (Article 24) allows any workers' or employers' organization to bring complaints ("representations") against member states regarding their implementation of a ratified Convention. In the case of freedom of association, government ratification is not required for a complaint to be lodged. Similarly, under Article 26 of the ILO Constitution, governments may bring complaints against other governments – but if and only if the complainant government has ratified the convention in question. Throughout the life of the ILO, neither Article 24 nor Article 26 has been used very frequently.

The CFA is more widely utilized when it comes to reporting and addressing violations of core labor standards. During the last fifty-plus years, the CFA has examined over 2,300 cases, and its annual caseload has expanded markedly since the 1980s (ILO 2005). It is a Governing Body committee, comprised of three representatives from governments, employers and workers, for nine total members (plus an independent chairperson). The CFA accepts complaints regarding freedom of association violations from workers' or employers' organizations in the relevant country; from international associations of workers and employers, if one of them is involved in the alleged violation; and from international organizations of employers or workers with consultative status at the ILO. CFA complaints may be filed regardless of whether the targeted government has ratified Conventions 87 (freedom of association) and 98 (collective bargaining). When complaints are lodged, the CFA first decides whether to receive them; if it does so, the CFA then engages in a dialogue with the government, in order to establish the facts of the case. If the CFA finds that a violation has occurred, it promulgates a report and recommends means of resolving the situation. In such cases, the CFA asks governments to report on whether and how the violation has been addressed; in some circumstances, the CFA also may proposed a "direct contacts" mission to the country.

[2] The biennial reporting requirement also applies to the ILO's four "priority" conventions (Conventions 81, 122, 129 and 144). For other conventions, reports are required every five years.

The final source of our labor rights coding is the ICFTU's (now ITUC's) annual reports. The ICFTU is the major peak association of trade unions, an international confederation of national trade union associations. It is financed by fees from member associations, as well as by ad-hoc contributions for specific projects and issues. In 2006, the ICFTU merged with the World Confederation of Labour (WCL), to form the International Trade Union Confederation (ITUC). The ITUC counts approximately 175 million workers, in 155 countries and territories, and 311 national affiliates, as members (also see Croucher and Cotton 2009). The ITUC runs campaigns on specific issues, such as child labor, forced labor, and health and safety standards; it also cooperates closely with the ILO and has consultative status with UNESCO and several specialized UN agencies.

Since 1984, the ICFTU (and now the ITUC) has issued an annual[3] *Survey of Violations of Trade Union Rights,* which focuses on collective labor rights, including both the lack of legal rights (or many legal barriers to organization), violations of rights in practice (such as dismissals on the basis of human rights), and other interference with the exercise of trade union rights (including the murder, disappearance or detention of trade unionists). The reports are based on information reported by national union centers and their local affiliates, as well as by locally-active NGOs. ICFTU/ITUC staff sometimes supplement this information with data from country visits (National Research Council 2004). The *Survey* has, like the State Department *Country Reports*, expanded in length over time, reflecting greater country coverage and greater attention to (if not actual violations of) trade union rights. The 2004 *Survey*, for instance, summarized violations in 134 countries for calendar year 2003.

Overall Collective Labor Rights. When one of the three sources reports a violation for a country for one of the thirty-seven elements listed in the Labor Rights Coding Template, we assign a score of "1" for that category and year. If no violation is reported for a given category, we assign a score of zero. We then multiply these scores by the weighting (which increases with the severity of the violation) for each category; the sum of these category scores provides the annual measure of overall collective labor rights violations. If a violation is recorded more than once in a source, or in multiple sources, the maximum (unweighted) score per category remains one.

Possible scores on the labor standards indicator, then, range from zero to 76.5. In practice, however, no country exhibits violations in every category of labor rights, and maximum scores are in the mid-30s. Higher values of the labor rights indicator (**LaborRightsNeg**), then, indicate *worse* collective labor rights, and lower values represent greater respect for such rights. Scores of zero, then, indicate no recorded violations, while scores in the mid-30s indicate the worst cases. For ease of presentation, we reverse the scale of the labor rights indicator, so that higher

[3] ICFTU *Surveys* initially covered overlapping two year periods (1983/1984, 1984/1985 and 1985/1986). Beginning with the fourth survey (published in 1986, covering violations in 1985), the *Surveys* reviewed violations within a single year. The ITUC has continued to publish the *Annual Survey.*

values indicate *better* collective labor rights, and lower values represent less respect for such rights **(LaborRightsPos)**. Scores of zero, then, indicate the worst cases, while scores in the mid-30s indicate few or no violations.

Note that the weightings by category have little effect on the overall scores: the correlation between the weighted scores and an index of unweighted scores (where each category of violations is assigned a weight of "1"; **UnWLaborRightsNeg**) is .89 for the global sample of countries and .87 for developing nations.

For the 1985-2002 period, for all countries included, observations on the labor rights indicator range between zero and 37 (country-years with the largest violations), with a mean of 9.47 and a standard deviation of 7.73. Factor analyses indicate that each of the three sources of information tend to capture the same underlying dimension: when we analyze scores by source (ILO, State Department and ICFTU), all three scores load on a single factor.[4] While the coding scheme does not distinguish between single and multiple violations within the same category, and while most of our sources focus their reporting on workers in the formal rather than the informal sector, our measure allows us to capture an overall picture of variations in labor rights across countries and over time.

Collective Labor Rights in Law and Practice. The Labor Rights Coding Template also provides information regarding specific types of collective labor rights, both by subset of collective labor rights (e.g. the right to strike) and by legal rights versus practice observance of rights. In the case of the former, the six component areas (freedom of association and collective bargaining-related liberties; the right to establish and join worker and union organizations; other union activities; the right to bargain collectively; the right to strike; and rights in export processing zones) are positively and often strongly correlated with one another. Factor analyses of overall labor rights scores by component indicates a strong loading on a single dimension. This pattern is consistent with the content and implications of each indicator: the right to collectively bargain, for instance, is difficult to realize without a right to strike.

To highlight the frequent differences between labor rights in law and those in practice (e.g. see Greenhill, Mosley and Prakash 2009), we generate separate indicators for law and practice. Some elements of Labor Rights Coding Template measure whether legal rights exist (for instance, Item 6 assesses whether labor unions are permitted; Item 14 assesses whether independent labor unions are permitted; and Item 32 captures the legal right to strike). Other elements address violations of rights in practice: do authorities interfere with union rights of assembly (Item 4)?; do employers dismiss workers because of their union membership (Item 10)?; and do authorities intervene in collective bargaining processes (Item 27)? It may useful, therefore, to differentiate between the content of domestic legislation (rights in law) and its on-the-ground implementation (rights in practice).

[4] This remains true whether we use the entire sample (all countries), only non-OECD countries, or only non-OECD and non-Eastern European/former Soviet Union nations.

The **LaborLawNeg** (and **LaborLawPos)** indicator is the sum of Labor Rights Coding Template categories 6, 8, 13, 14, 15, 16, 18, 19, 20, 21, 22, 24, 25, 26, 29, 30, 32, 33, 34, 35 and 37. The practice measure **(LaborPracticeNeg** and **LaborPracticePos)** is the sum of Labor Rights Coding Template categories 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 17, 23, 27, 28, 31, and 36. On average, there are more violations of the legal elements (a mean violation score of 4.82, for the entire sample) than of the practical ones (an average of 4.57). For a discussion of comparisons between the law and practice indices, see Mosley (2011).

Variable Names and Descriptions

Country: Country name, string variable.

Year: Year of observation, ranges from 1985 to 2002.

LaborRightsNeg: the overall collective labor rights score, coded as described above, and using the Labor Rights Coding Template. Higher values indicate more violations of collective labor rights.

UnWLaborRightsNeg: unweighted version of LaborRightsNeg. Each of the thirty-six categories of violations in the Labor Rights Coding Template are given a weight of 1, rather than the weight that appears in the template.

LawNeg: the score for the legal elements of the items included in the collective labor rights coding template. The law indicator is the sum of weighted scores for the Labor Rights Coding Template categories 6, 8, 13, 14, 15, 16, 18, 19, 20, 21, 22, 24, 25, 26, 29, 30, 32, 33, 34, 35 and 37. Higher values indicate more violations.

PracticeNeg: the score for the "in practice" elements of the items included in the collective labor rights coding template. The practice measure is the sum of weighted scores for the Labor Rights Coding Template categories 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 17, 23, 27, 28, 31, and 36. Higher values indicate more violations.

StdLaborRightsNeg: standardized values of LaborRightsNeg; standardized with a mean of 0 and standard deviation of 1, using the egen function ["std"] in Stata.

StdPracticeNeg: standardized values of PracticeNeg; standardized with a mean of 0 and standard deviation of 1, using the egen function ["std"] in Stata.

StdLawNeg : standardized values of LawNeg; standardized with a mean of 0 and standard deviation of 1, using the egen function ["std"] in Stata.

LaborRightsPos: the overall collective labor rights score, coded as described above. After the coding of violations was performed, the scale for this variable was reversed. Therefore, higher values indicate fewer violations of collective labor rights. This is the version of the overall indicator used in *Multinational Production and Labor Rights* (Cambridge University Press, 2011).

LawPos: the score for the legal elements of the items included in the collective labor rights coding template. The law indicator is the sum of weighted scores for the Labor Rights Coding Template categories 6, 8, 13, 14, 15, 16, 18, 19, 20, 21, 22, 24, 25, 26, 29, 30, 32, 33, 34, 35 and 37. Again, the scale for this version of the variable is reversed, so that higher values indicate fewer violations.

PracticePos: the score for the "in practice" elements of the items included in the collective labor rights coding template. The practice measure is the sum of weighted scores for the Labor Rights Coding Template categories 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 17, 23, 27, 28, 31, and 36. Again, the scale for this version of the variable is reversed, so that higher values indicate fewer violations.

StdLaborRightsPos: standardized values of LaborRightsPos; standardized with a mean of 0 and standard deviation of 1, using the egen function ["std"] in Stata.

StdLawPos : standardized values of LawPos; standardized with a mean of 0 and standard deviation of 1, using the egen function ["std"] in Stata.

StdPracticePos: standardized values of PracticePos; standardized with a mean of 0 and standard deviation of 1, using the egen function ["std"] in Stata.

Labor Rights Coding Template

Mosley's coding notes are in italics

Category	Description	Weight, if observed
	Freedom of association/collective bargaining related liberties	
1	Murder or disappearance of union members or organizers	2
2	Other violence against union members or organizers	2
3	Arrest, detention, imprisonment, or forced exile for union membership or activities	2
4	Interference with union rights of assembly, demonstration, free opinion, free expression	2
5	Seizure or destruction of union premises or property	2
	Right to establish and join union and worker organizations	
6	General prohibitions	10
7	General absence resulting from socio-economic breakdown	10
8	Previous authorization requirements. Does not include requirements that unions register with governments, unless these requirements are deemed onerous by the ILO.	1.5
9	Employment conditional on non-membership in union	1.5
10	Dismissal or suspension for union membership or activities. Includes dismissal for strike activities.	1.5
11	Interference of employers (attempts to dominate unions)	1.5
12	Dissolution or suspension of union by administrative authority	2
13	Only workers' committees and labor councils permitted	2
14	Only state-sponsored or other single unions permitted. *Includes allowing only one union per industry or sector.*	1.5
15	Exclusion of tradable/industrial sectors from union membership	2
16	Exclusion of other sectors or workers from union membership. *Includes exclusion of public sector workers from union membership. Excluding "essential services" is acceptable, provided the definition of "essential services" is not excessively broad (i.e. following ILO guidelines, limitations on armed forces' union membership are acceptable).*	2
17	Other specific de facto problems or acts of prohibition	1.5
18	(No) Right to establish and join federations or confederations of unions	1.5
19	Previous authorization requirements regarding above row	1
	Other union activities	
20	(No) right to elect representatives in full freedom. *Includes requirement that union leaders must work full time in a given industry.*	1.5
21	(No) right to establish constitutions and rules	1.5
22	General prohibition of union/federation participation in political activities. *Includes limits on union contributions to political parties.*	1.5
23	(N) Union control of finances. *Includes situations in which unions receive a substantial portion of financing from government sources, or rules that unions may not receive financial contributions from abroad or from certain groups.*	1.5
	Right to collectively bargain	
24	General prohibitions	10
25	Prior approval by authorities of collective agreements	1.5

Category	Description	Weight, if observed
26	Compulsory binding arbitration. *Includes systems in which compulsory binding arbitration is necessary before a (legal) strike may be called.*	1.5
27	Intervention of authorities. Includes unilateral setting of wages by authorities.	1.5
28	Scope of collective bargaining restricted by non-state employers	1.5
29	Exclusion of tradable/industrial sectors from right to collectively bargain	1.75
30	Exclusion of other sectors or workers from right to collectively bargain. *Includes the exclusion of civil servants or all public sector workers. Excluding "essential services" is acceptable, provided the definition of "essential services" is not excessively broad.*	1.75
31	Other specific de facto problems or acts of prohibition. Includes "no legal right" to bargain collectively (but no legal prohibition on doing so).	1.5
	Right to strike	
32	General prohibitions	2
33	Previous authorization required by authorities. *Includes requirement for official approval prior to strike. A requirement to notify officials prior to a strike is not coded as a violation.*	1.5
34	Exclusion of tradable/industrial sectors from right to strike	1.5
35	Exclusion of other sectors or workers from right to strike. *Includes the exclusion of civil servants or all public sector workers. Excluding "essential services" is acceptable, provided the definition of "essential services" is not excessively broad.*	1.5
36	Other specific de facto problems or acts of prohibition	1.5
	Export processing zones	
37	Restricted Rights in EPZs. *Includes export processing zones, free trade zones, and/or special economic zones.*	2
	Total Score	

Sources used: ICFTU (ITUC), US State Dept, ILO. Template and methodology are adapted from Kucera (2002).

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