

APPENDIX B: INFORMATION CHECKLIST

LABOR LAWS AND RIGHTS

- Which of the ILO Conventions relating to core and other international labor standards have been ratified by the country?
- Are labor rights, particularly ILO core labor standards, protected in the country's Constitution, laws, regulations, and procedures?
- Is the country signatory to any international, regional, or bilateral agreements that require or encourage protection of workers' rights?
- Which labor rights concerns are priorities for
 - Organized labor and for non-represented workers in the country?
 - International organizations working in the country?
 - The informally employed in the country?
- Do laws exist that ensure equal employment opportunities for, and prohibiting discrimination against, women, ethnic and racial minorities, individuals with disabilities, and other vulnerable populations?
- Does collective bargaining take place, and if so, how prevalent is it and how well does it work?

ORGANIZATIONS

Trade Unions

- What is the historical origin of the labor movement in this country, where does it "fit" in the country's political economy, and what factors have shaped it more recently?
- Does the law prohibit discrimination against workers based on union membership and union activities? Can unions be created easily, and are union leaders and members protected in the workplace? What rules regulate the registration of trade unions? Does the registration of trade unions and employee organizations face excessive delays?
- What is the extent of union coverage of the local labor force (across sectors of the economy, regions, total workforce)? What percentage of labor unions is "free and democratic"? How are unions consolidated on a local and national level, i.e. general federations, sectors, etc.?

- To what extent do labor unions represent the voice of workers? What are the channels of communication between union leaders and the rank and file? How responsive are trade unions to the issues/concerns raised by workers? Where is the center of power in the trade union structure – with an elite national leadership or rooted within local organizations and rank and file? How democratic are the decision-making processes within the trade union structure, e.g., how are leaders chosen and what input do workers have in determining the agenda for collective bargaining? To what extent do women participate actively in union rank-and-file and leadership?
- What is the internal capacity of existing unions to organize and represent their members in both workplace issues with their employers, as well as political issues vis a vis the government?
- How effective are trade unions at negotiating collective agreements addressing the needs of the workers?
- How involved are trade unions in ensuring enforcement of both existing labor laws as well as ensuring employer's comply with collectively bargained agreements using domestic mechanisms, e.g. filing complaints with government agencies, using labor courts, mediation, arbitration?
- How involved are trade unions in ensuring enforcement of legal rights using international mechanisms, e.g., ILO complaints or petitions based on labor rights protection clauses in trade agreements or other international instruments?
- How effective are trade unions in mobilizing worker support? What are the barriers affecting the ability to mobilize (e.g., worker passivity, fear of reprisal, feelings of futility, unfavorable labor market conditions, unwillingness of union leadership, lack of trust by workers in union leadership)?
- What is the extent of strike activity in the country, both activity sanctioned by trade unions as well as wildcat strikes? What types of issues tend to form the basis for the majority of strike activity?
- How active are trade unions in performing their stewardship function, e.g. providing leadership or job training and resources for workers, educating workers about their rights, representing workers in disputes with their employers?
- How involved are trade unions in communicative functions, i.e. getting their message out to the broader society through news interviews or union newspapers; letter writing and petition campaigns to support labor issues; expressions of support for specific issues relating to worker rights?
- How involved are trade unions in political activity, i.e. lobbying for legislative changes; political demonstrations; lobbying the executive branch for more effective enforcement of labor laws?
- Which trade union(s) participate in social dialogue with employers and the government? How effective is the social dialogue mechanism in providing trade union input into governmental decision-making?
- Are trade unions involved in collaborative activities with domestic or international NGOs, with sister trade unions affiliated to different national federations, or with international labor organizations such as the ITUC or Global Union Federations?
- How do trade unions finance their activities? What are their sources of income?

- To what extent do they represent the work-related interests of non-union members (the unorganized)? In what areas are there strengths and weaknesses?
- To what extent do they represent the voice of broader civil society on non-workplace related issues? To what extent does the labor union agenda extend beyond the workplace (for example, social protections e.g., health insurance, old age insurance, disability insurance)?
- To what extent does the government interfere in the selection of union leaders or later work out understandings with them that may co-opt their independence?
- Do other worker or professional associations exist, how are they organized, and how effective are they at representing members' interests?
- Can public sector workers form unions? What restrictions exist on their activities? Do their members enjoy special privileges or do they bear extra political responsibilities? How does this compare with members of private sector unions?¹⁸

Employer Associations

- How many employer associations exist? Which are the most representative and/or the most influential? Which private sector or foreign investor associations, if any, play a role in labor relations? Which associations participate in tripartite discussions with government and labor?
- Do legal impediments exist to establishing employer associations?
- What is the relative role of the business sector with respect to labor dialogue? What labor issues are seen as problematic by employers or employer associations?
- Are employers relatively comfortable dealing with trade unions or does a discernable level of animosity exist between employers and union-represented workers?
- Does legislation exist establishing a social dialogue mechanism between the government, employers and trade unions regarding labor issues? What private sector or foreign investor associations, if any, play a role in labor relations? Which association participates in tripartite discussions with government and workers? Which particular labor issues are priorities for the tripartite discussions? How well does the tripartite relationship work as a whole?
- Does collective bargaining take place, and if so, how prevalent is it and how well does it work?

Civil Society Organizations

- What is the civil society organization profile, and what relative role do labor unions and other labor-related non-governmental organizations play therein? Do other worker or professional associations exist, how are they organized, and how effective are they at representing members' interests?

¹⁸ The very different role of public sector labor organizations is a real issue in Latin America and possibly in other regions as well. Public sector unions, while often prohibited from striking, often honor that prohibition in the breach, are politically very well connected, their members may be required to donate part of their salary to the party that appointed them and may be required to participate in political activities.

- What labor sector issues are on the advocacy agenda of local or international non-governmental organizations? How effective are these organizations at building partnerships with labor sector organizations? How effective are they in improving labor rights, working conditions, etc.?
- How responsive is the government to issues raised by CSOs? Do CSOs face interference from the government?
- What forms of non-state labor sector governance exist, and what are the organizations that implement them? Are codes of conduct and monitoring regimes present, and if so, who operates these regimes, and how do these regimes interact with government institutions?

GOVERNMENT INSTITUTIONS

Public Agencies

- What government agencies play a specific role with respect to labor sector issues, e.g. labor/employment policy, wages, workplace inspections, occupational health and safety, arbitration and conciliation, social protection, workforce development and professional training, child labor, women and employment, in/out migration and labor statistics gathering?
- How well are these agencies funded and staffed? Do they have sufficient resources and training to effectively perform their functions?
- How well do these agencies disseminate to workers, enterprises, and the general public information regarding labor laws, regulations, and commitments to core labor standards? How well do workers, enterprises, and the general public understand their rights and responsibilities with regard thereto?
- What procedures are required to register a new union? Are these procedures expedient or protracted? Are unions and workers satisfied that freedom of association is duly respected?
- Are labor inspections unified (i.e., covering all areas of inspection) or specialized (e.g., occupational safety and health inspections may require specially trained inspectors and equipment)? How many inspectors are employed, what training have they had, where are they based? How many workplace inspections are conducted per month, by region and industry? What information management system is available for tracking inspections, findings, and results?
- What sanctions are imposed by the labor administration and/or courts for infractions of the labor codes? How effective are these at incentivizing behavior modification?
- To what extent are external actors (e.g., donors, international organizations, international buyers) involved in the oversight of workplace conditions, either as independent monitors or as recipients of monitoring or inspection information?
- What mechanisms are available for workers, trade unions, and employers to communicate with the appropriate agencies concerning workplace issues? What mechanisms are available for international buyers and other external actors to communicate with the appropriate actors concerning workplace issues?
- How efficient and effective are government agencies in responding to complaints?

- Does the government provide employment services to firms seeking to hire labor and individuals seeking work? How are employment offices organized, staffed, and otherwise resourced to link labor market supply and demand? Are coaching programs available to guide job seekers? Are vocational training programs available to skill/re-skill job seekers?
- What safety net programs are available to the unemployed, i.e. those actively seeking work, and what is their duration?
- What mechanisms exist for collecting statistics on the labor sector and how well do the relevant institutions perform this function?
- Do trade unions and employer organizations have an effective voice through social dialogue in influencing government policy regarding labor issues? How responsive are the legislative and executive branches to lobbying by trade unions and employer organizations regarding labor issues?
- What other government agencies have a specific role with respect to labor sector issues (for example, a legislative committee on labor) and how well do they function?
- Does the government provide an office that oversees human/labor rights of women, the disabled, minorities, migrants, and other vulnerable populations, and if so, how effective is it at protecting these rights on behalf of the particularly unempowered?

Dispute Resolution

- What are the strengths and weaknesses of the general and/or labor courts system, as assessed by both staff and clients? What measures are being undertaken or under consideration to improve performance?
- Does the judicial system have credibility with workers, trade unions, and employers?
- How effective and efficient is the judicial system in handling workplace disputes? What is the median length of time between the filing of a lawsuit and a court decision? What percentage of cases is won by workers vs. employers?
- Is implementation of judicial decisions problematic, and if so, what recourses are available?
- Are alternative dispute avoidance and resolution mechanisms (e.g., negotiation, conciliation, mediation, arbitration) available to resolve individual and/or collective labor disputes?
- How are these mechanisms administered (e.g., government-sponsored or private providers), and how effective are they? How are these mechanisms funded?
- How many cases do the various mechanisms handle annually?
- Do these mechanisms have credibility with trade unions and employers?
- Who can access these mechanisms (i.e. can individual workers file cases or are these mechanisms only accessible to trade unions and employers)?
- How effective are the different dispute resolution mechanisms in terms of claimants' willingness to use them, time required for processing, percentage of potential claims actually presented for

resolution, the fairness of outcomes, and impact on larger problem (do they deter further abuses?)? Do they succeed in reducing the occurrence of work stoppages and strikes?

- Do workers have appropriate access to legal representation should they need to access the courts on a grievance or dispute? Are there legal aid offices which can represent workers at low cost or no cost? Do trade unions have standing to represent workers in court?
- What is the quality of legal representation and the judiciary? Is legal counsel generally available to workers? Do local universities train labor lawyers, how available are they to work on labor issues, and how effective are they? What kind of compensation arrangements are most common (contingency fees, payment by time or action,...)? Does the state provide counsel for workers who cannot afford it?

Political Parties

- Does organized labor play an important role in the country's political arena and party system? How has this changed over the past decade or two?
- What is the relationship of labor unions (and the labor movement in general) to parties or factions and collaborations or conflicts among them?
- Are trade unions directly affiliated with a particular political party? If so, what is the extent of party control over the trade union and what is the level of influence of the trade union over the political party?
- Do trade union leaders hold elective or appointive leadership positions within the legislative or executive branches?
- Do trade unions mobilize worker support for particular political parties or candidates?

UNDERSTANDING OF THE LOCAL POLITICAL ECONOMY

- What is the historical origin of the labor movement in this country, and what factors have shaped it more recently?
- What is the nature of relationships between workers and employers, workers and the state, workers and political parties, various business groups and the state? How well does the tripartite relationship work as a whole?
- What is the nature of this country's position in the international political economy?
- What cultural factors shape the country's labor sector? What adaptations has the country introduced or had to contend with that may alter those cultural factors?

LABOR MARKETS

Formal and Informal Market Mechanisms

- *General macroeconomic overview:* What is the country's level of per capita income, what are the GDP and GDP per capita trends over time, what is the inflation rate, how stable/overvalued/undervalued is the domestic currency?

- *General economic structure:* What is the overall structure of the economy, i.e. what percentage of GDP is generated by the agriculture, industry, and service sectors? What share of the labor force works in each of these sectors? What is the overall trade balance, and what are the country's primary exports and imports?
- What is the general structure of the labor market, i.e. are there many buyers and sellers competing in the market? If not, what signs of labor surpluses or shortages do you observe? How long do employers contend with unfilled positions or job candidates seek employment (by occupation, region, age, education/skill level, gender)?
- What are the rates of formal and informal labor force participation by sector, gender, age, and region? To what extent is formal employment growing, and in what sectors? To what extent is informal employment in micro, small, and medium enterprises growing? To what extent is such employment connected to future employment in the formal sector?
- What has been the effect of trade liberalization on the agricultural, textile, and other sectors of the economy as part of its accession to the WTO or in response to its participation in free trade agreements or preferential trade arrangements? To what extent is economic reform (including trade liberalization) affecting levels of employment, skills needs, and wages in the labor market? Do effects differ by gender, skill/education level, age, etc?
- Are the skills needs and competitiveness requirements of various sectors communicated between employers and workers? Do education and training opportunities to improve labor productivity and employment in new sectors exist?
- What economic policies affect wages and employment? Is there a minimum wage policy, and if so, does the minimum wage vary by sector or region? What is the unofficial "minimum" wage at which casual day laborers (in construction, child care, urban transport,...) are willing to work? What is the starting wage for a high school graduate? What is the starting wage for a university graduate (by occupation, region, age, education/skill level, gender)? What laws govern the hiring and firing of workers, and how "flexible" is the local labor market?
- Do free trade or export processing zones exist, and if so, do different employment laws and regulations apply there compared with the rest of the country? If so, what are the key differences?
- To what extent is unemployment an issue, in general and by region, gender, and age group? How well do public and private employment services advertise available job opportunities and connect job seekers to them? What workforce development programs exist to train job seekers and match them with employment opportunities? How equitably distributed is access to these programs? Do employers connect with education and training agencies?
- What is the current status of labor migration within the country and beyond its borders? How do trends in destination countries' economies (in general) and labor markets (in particular) affect migration from the country? How important are overseas workers' remittances to this economy?
- What is the current rate of incidence of forced labor, child labor, and labor trafficking, by region, age, gender, and other breakdowns (as available)?

Social Protection Programs

- What is the structure of domestic social protection programs (such as unemployment support, health insurance, disability insurance, support to the elderly, and pensions for retirees) and safety

net programs (such as public assistance for food consumption, transportation, heating, and other services; child care support; education; farming inputs) and to what extent are these generally available to all citizens or only to targeted groups of workers?

- To what extent do unions and/or employers seek to broaden the public debate about beneficiaries of social protection and safety nets beyond formally employed workers?

International Trade Agreement And Preference Programs

- *General trade policy:* Is the country a member of the World Trade Organization (WTO)? With which countries does this country have bilateral, regional or preferential trade agreements, with what effects on trade flows over the last five years?
- What has been the effect of liberalization in the agricultural, textile, and other sectors of the economy as part of its accession to the WTO?
- What is the nature of this country's position in the international political economy?

ROLE OF THE LABOR SECTOR IN OVERARCHING DEVELOPMENT THEMES AND STRATEGIC CONSIDERATIONS

- With regard to the Foreign Assistance Framework, how is the current development program organized? Which functional objectives, program areas, elements, and sub-elements are priorities for this mission? Which are not prioritized? Why? What results metrics are monitored by the mission in each program area?
- What is the status of USG-funded labor sector programs? What programs exist and what is the level of funding of each? What is included in their work programs and in their monitoring and evaluation plans?
- What is the current status of other donor-funded labor sector programs? It is important to identify key multi- and bilateral donors and international NGOs that operate in the labor sector in country. What activities are funded, at what level, over how many years, with which local partners do they work, and what objectives do they seek to achieve? What "results" do they seek to measure or for which they aim to be accountable?

SYNTHESIS

Of greatest interest to the USG mission, it is important to bear in mind from the outset the analysis/synthesis questions that drive the overall assessment, so as not to leave them for consideration at the end of the report-writing process:

- What strengths and weaknesses are identified by those who work for and those who depend on the four components of the labor sector? What strengths and weaknesses of each are apparent to the expert team?
- How might particular strategic interventions in the labor sector help the USG mission to accomplish specific development and diplomacy goals in the country?