

Published in the Richmond Journal of Global Law and Business, 2  
(Fall 2001), 183 - 195.

## **THE ECONOMIC CASE FOR LABOR STANDARDS: A LAYMAN'S GUIDE**

### **Abstract**

This paper explores the economic case for international labor standards which represents an affirmative stand alone case that complements the human rights approach. Labor standards played a key role in the creation of a prosperous nationally integrated U.S. economy. The earlier process of national economic integration and today's process of global economic integration share much in common, pointing to the importance of labor standards. Contrary to received wisdom labor standards are not hidden protection. Instead, they constitute good development policy. They can help developing countries by contributing to institutional and political development, and by improving income distribution that in turn fosters deep development rooted in domestic markets. This will also benefit the global economy by alleviating global deflationary pressures caused by over- reliance on export-led growth. The world community has repeatedly endorsed labor standards. It is time to make them an integral part of the system of global economic governance now being constructed.

**Key words:** Core labor standards, free association, collective bargaining, economic growth.

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This paper was presented at a conference on the "Changing Labor Markets of the Western Hemisphere" held at the University of Richmond School of Law, Friday, October 5, 2001.

## **I Introduction**

The place of labor standards in the global economy has figured prominently in recent discussions of trade and globalization. Labor standards figured prominently in the Seattle meeting of the World Trade Organization (WTO) in 1999, and they promise to figure prominently in discussions about a proposed Free Trade Area of the Americas (FTAA). For both the American labor movement and the international trade union movement labor standards represent a critical issue, being central to making globalization work for working people.

At the analytic level, there are a number of different approaches that can be taken regarding this issue. These include a “human rights” approach, a “parity with property” approach, and an “economic” approach. The “human rights” approach makes a compelling case on its own. The argument here is that work is central to self-identity, personal development, and personal fulfillment. Most adults spend a large portion of their waking time at work, and given the centrality of work to personal identity and development, people should have some core rights at work.

The “parity with property” approach begins by recognizing that we have steadily enacted standardized global protections for property and investors through numerous trade and investment agreements. It then argues that if property and capital have been given such rights, then working people should also be given similar rights.

This paper details the “economic case” for labor standards which constitutes an affirmative self-standing case, and adds another dimension to the debate. When joined with the human rights and parity with property approaches, it now transpires that not only are labor standards the ethically right course of action, but they are also the economically right course of action. The clear policy implication is that the International Labor Organization’s (ILO) core labor standards should be a central element of the system of global governance now being constructed, and all countries should be given appropriate incentives to conform to these standards. The WTO and the international financial institutions (IFIs) -- consisting of the International Monetary fund (IMF), the World Bank (WB), and the multilateral regional

development banks -- should all officially promote labor standards as part of their “core mission.” With regard to the IFIs, their articles of agreement require them to adopt policies that are “economically justified.” The fact that there is a robust economic case for labor standards is therefore especially important.

All too often opponents of labor standards seek to present labor standards as standing in opposition to trade. This representation is a distortion. The question is not whether to trade; it is what the rules governing trade should be. Trade should be viewed as an instrument for development, as are labor standards. Viewed from this perspective, optimal development policy calls for trade with labor standards.

## **II Labor standards: what they are**

Before turning to the details of the economic case for labor standards, it is worth briefly describing the ILO’s core labor standards. They consist of five core standards: three are prohibitive in character, while two are affirmative. The three prohibitive standards ban (1) labor market discrimination including discrimination by race, religion, ethnicity, gender, or political opinion; (2) forced or compulsory labor, with limited exceptions for military service and national emergencies; and (3) exploitative child labor. The baseline minimum working age is set at fifteen, though if a country is insufficiently developed or only light work is involved, the age can be lower. For hazardous occupations the minimum working age is raised to eighteen.

The two affirmative standards grant (1) the right to freedom of association which gives workers the right to form and join organizations of their own choosing, including unions. Though the focus is clearly on unions, this right is more extensive and includes other social activities. Also, governments may not dictate the form, affiliations, or internal operations of these organizations. (2) The right of workers to engage in collective bargaining with employers who cannot discriminate against workers who join trade unions. Moreover, governments must encourage voluntary collective bargaining.

It is important to recognize that these five core labor standards are “qualitative” in nature, and almost akin to rights. There is widespread misapprehension that core labor standards are

“quantitative” in nature, and that they set regulations such as a global minimum wage or a global standard work week. Such quantitative standards clearly depend on a country’s level of economic development, and therefore have to be set by reference to specific national conditions. Core labor standards are qualitative in nature, akin to economic rights, and should apply regardless of a country’s stage of development. Unfortunately, all too often in the debate labor standards are misrepresented as involving requirements such as a global minimum wage.

### **III Case for labor standards**

In many regards the development histories of the industrialized countries provide the strongest evidence in favor of labor standards. Their histories make abundantly clear, in concrete fashion, why there is a need for the type of rights embodied in core labor standards. No country has achieved successful democratic market development without giving workers these rights.

This argument is clearly illuminated by reference to U.S. economic history. Over the course of the 19<sup>th</sup> century the U.S. was marked by the formation of an integrated national economy. The steamboat, the railroad, the telegraph, and later the internal combustion engine, all contributed to fusing together the separate regional economies that then existed into a unified national economy. This process of national integration was marked by many of same problems that are seen today in the global economy. Thus, workplace conditions were unsafe, wages were low, and employment conditions were marked by exploitation of the sort described in Upton Sinclair’s (1905) epic novel about the meat-packing industry, *The Jungle*. There was widening income and wealth inequality, and the shortage of demand generated by workers’ inability to buy the things they produced contributed to periodic gluts. The economy was marked by periodic destructive cyclical fluctuations, the worst of which was the Great Depression of the 1930s. These conditions, combined with lack of representation of working people, also made for political conflict. All of this parallels today’s process of globalization, which is breaking down barriers between national economies and forging an integrated global economy

The United States’ response, which saved the system from itself, was multi-faceted. The Sherman Anti-Trust Act of 1890 began the process of creating a body of law guarding against

corporate abuse of monopoly power. In 1913 the Federal Reserve System was established to manage and ensure the soundness of the banking system, and the Securities Exchange Commission was established in 1933 to ensure the probity and soundness of securities markets. The resonance of these measures with today's debate over need for reform of the international financial architecture is striking. However, the creation of anti-trust laws and a system of financial regulation was but part of the solution. Another critical component was the introduction of national labor standards. The Wagner Act of 1935 and the National Labor Relations Act of 1938 gave workers the rights of freedom of collective association, and enshrined the right to form and join unions and bargain collectively. The Fair Labor Standards Act of 1940 went a step further and established both a national minimum wage and rules on overtime predicated upon a standard forty hour week. In 1970 the Occupational Safety and Health Administration Act established a new agency to oversee the workplace environment, and in the same year the Environmental Protection Agency was established to oversee the broader environment.

It is no accident that all of the above legislation was explicitly applied at the federal level to stop a race to the bottom amongst the states. Elmslie and Milberg (1996) review the history of interaction between U.S. inter-state commerce and national labor law, and show how legislators have always been keenly aware of the problem of "social dumping" that can result if laws are applied on a piecemeal state-by-state basis. In Europe, exactly the same story can be told, and a similar outcome has been achieved through the application of a "social clause" to the entire European Union.

The result of this legislation was to improve financial markets and raise workplace standards. The changed nature of labor relations encouraged firms to enhance productivity by innovation rather than exploitation. It also ensured that working people received the income needed to buy what they produce, thereby solving the problem of demand shortages that underlay gluts and depressions. This in turn made for deep development based on robust mass markets, and enabled us to harvest the benefits of mass production which requires mass consumption. Higher wages also reduced wealth and income inequality, which in turn reduced

political conflict. Finally, the development of trade unions contributed to the emergence of a healthy politics in which cronyism and monopoly tendencies are largely blocked.

National economic integration was the problem of yesteryear: global economic integration is the problem of today. However, the two share a common underlying economic logic, and it is for this reason that the family of policy responses that worked earlier remain relevant. The lessons of the past can serve as a useful guide for today's problems, but there is one enormous difference. National economic integration took place within a single national jurisdiction. Global integration is taking place across national jurisdictions, and this makes reaching solutions a far more difficult affair.

Reflection upon the history of the industrialized economies helps make concrete the economic case for labor standards, but such reflection must be backed by abstract analytic reasoning. With regard to labor market discrimination, not only is it morally repugnant but it is also economically inefficient. Discrimination means that society is failing to fully use the economic potential of all its members.

The issue of child labor is more complicated. In its most extreme form child labor is abusive, but child labor also has a "stage of development" dimension that calls for a more nuanced discussion. Child labor has a long history of use in family owned farms, and it was certainly used at an earlier stage in American agriculture. That said, it is also clear that over the medium term human capital accumulation is key to development. Having children in school, rather than earning a meager family income supplement, therefore constitutes good development policy. For this reason, rules that prompt developing countries to move in this direction are a good thing.

However, successful eradication of child labor requires more than just promulgation of laws banning this practice. It also requires three other interventions. First, governments must invest in education and provide schools and school teachers. If children are to be taken out of the workplace in the name of educating them, then they must have schools in which they can learn. Second, jobs must pay wages on which a family can subsist. This is why labor standards relating

to freedom of association and the right to collective bargaining are so important. Child labor exists because it helps supplement family incomes. If policy makers act to stop children from working, then adult workers must be able to support their families. Third, there is a need for jobs. Not only must jobs pay family supportive wages, but there must also be a sufficient supply of jobs so that adult workers can earn those wages. Once again this is where the rights of freedom of association and collective bargaining enter since, as is argued below, these rights contribute to economic growth and development.

The above arguments illustrate the inter-dependent and synergistic nature of development policy. Policies often only work if implemented collectively, and there are also considerable synergies so that the whole is greater than the sum of the parts. It is tempting to view abusive child labor as problem caused by a just few bad actors, so that all that is needed is to pass laws prohibiting this practice and it will go away. The reality is that child labor is a development problem that is linked to bad labor market conditions. Consequently, laws prohibiting child labor must be accompanied by policies that tackle underlying labor market conditions.

These reflections on child labor lead naturally to the consideration of the case for rights of freedom of association and collective bargaining. These rights are key, and absent them the other core labor standards -- prohibiting discrimination, forced labor, and exploitative child labor -- are unlikely to amount to much in practice. Thus, it will be impossible to create the labor market conditions needed to eliminate child labor, and nor will it be possible to create the political conditions needed to bar discrimination and forced labor.

Paradoxically, despite their essential nature, it is the rights of freedom of association and collective bargaining that are usually viewed with the greatest hostility by critics of labor standards. Thus, some support a prohibition on exploitative child labor while opposing rights to freedom of association and collective bargaining, yet it is only through these rights that effective prohibition can be achieved. Proponents of these rights are accused of being “hidden protectionists” and “promoting labor market distortions.” Both of these charges are wrong and miss the point since these rights spur both economic and political development.

For the last twenty five years policy makers have been guided by what has become termed “the Washington Consensus.” This has involved pushing a development agenda that emphasizes export-led growth, financial liberalization, privatization, and the elimination of labor market protections. Yet, it is now becoming clear that this agenda has not produced faster growth. Indeed, the opposite is true as is shown in table 1. World economic per capita GDP growth has been slower in the period after 1980, the period of globalization, and the slowdown has been sharpest amongst low income countries. There is also evidence that income inequality has widened both within and between countries (Milanovic, 1999; Bernstein and Mishel, 1995; Mishel et al., 2000). If the history of the U.S. is any guide, rising wages and improved income distribution are key to deep development based on the growth of robust domestic markets. Yet, the Washington Consensus has promoted “enclave” development, as exemplified by export processing zones. Such zones are the modern equivalent of the earlier plantation economy.

Labor standards can foster deep development by improving the distribution of income. This contributes to growth of domestic markets by creating a virtuous circle whereby rising wages encourage market development, and market development promotes rising wages. Rodrik (1999) has shown that democracies pay higher wages. Empirical work that I have done (Palley, 1999) suggests that improvements in rights of freedom of association correlate with faster growth.<sup>1</sup> There is also evidence (Palley, 2000) that income distribution is more equal and wages are higher in countries with better rights of freedom of association. These findings qualify Rodrik’s arguments about democracy. Democracy matters because it promotes freedom of association, but it is freedom of association that actually generates improved income distribution and higher wages in labor markets.

These arguments run counter to thinking of the mainstream economics profession which maintains that unions are a market distortion, and that income distribution does not matter for development. Far from being a market distortion that lowers employment, unions are in fact a

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<sup>1</sup>. Measures of country freedom of association rights have been constructed by the OECD (1996).



private sector solution to market failure -- and that market failure is the huge imbalance of power that exists between individual workers and business. Economic efficiency, according to the mainstream's own economic logic, requires the absence of market power. The reality is that labor markets are characterized by significant imbalances of power that favor firms over individual workers. Long ago, Adam Smith (1936) wrote in *The Wealth of Nations*:  
..[T]he common wages of labor depend everywhere upon the contract usually made between two parties, whose interests are by no means the same. The workmen desire to get as much, the master to give as little as possible...It is not, however, difficult to foresee which of the two parties must, upon all ordinary occasions, have the advantage in the dispute...In all such disputes the masters can hold out much longer. Many workmen could not subsist a week, few could subsist a month, and scarce any a year without employment. In the long run the workman may be as necessary to his master as his master is to him, but the necessity is not so immediate."

These conditions still hold in labor markets, and particularly so in developing countries where social safety nets are lacking. Moreover, the employer advantage has been increased by the growth of capital markets which gives firms enhanced access to capital, and by technological developments that have increased the mobility of business. Seen in this light, unions correct the imbalance of power and create a level playing field, and are a corrective to market failure.

A second contribution of labor standards concerns the promotion of good governance and reduction of corruption. There is now growing recognition that development depends on good governance. The IMF now talks of a "second generation reform" approach.<sup>2</sup> First generation reform was predicated on a hydraulic model of economics which had the IMF asserting that all that was needed for growth and development was for countries to get their exchange rates, interest rates, and budget deficits right. Now there is awareness that institutions are essential for development. Transparency, accountability, and good governance help prevent mis-allocation of resources and guard against kleptocratic government.

Labor standards fit with this new approach. Freedom of association and unions can be viewed as creating the counter-vailing powers that can check such practices. The mainstream

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<sup>2</sup>. In November 1999 the IMF organized a conference titled Second Generation Reforms in Washington, DC, at which the new thinking was explicitly laid out.

counter is that open markets can compete away the problem of corruption, yet the reality is that open markets simply get captured by corruption. The logic of capture can be understood by considering the problem of bribery which partakes of the prisoner's dilemma. Figure 1 illustrates the problem. There are two firms, and each must make a decision whether to bribe or not bribe. If one firm bribes and the other does not, then it receives a pay-off of 7 while the firm that does not bribe receives 0. If neither bribes, each receives a pay-off of 5: and if both bribe, each receives a pay-off of 3. This pay-off structure captures the fact that bribery is wasteful, and allocating business on the basis of bribes promotes economic inefficiency. Despite this, a decentralized market will only sustain an equilibrium in which both firms bribe. The socially optimal equilibrium involves no bribery, but each firm has a private incentive to defect and bribe. Consequently, absent legal prohibition of bribery and enforcement of anti-bribery measures, the market will generate a sub-optimal equilibrium in which bribery flourishes. Political action is needed to deal with the problem of bribery. Labor standards and the promotion of the right of freedom of association -- which extends beyond just the right to join trade unions - - can be viewed as fostering political conditions supportive of such measures. In this regard, cross-country evidence (Palley, 2000a) shows that countries with improved freedom of association are marked by lower corruption, greater economic security, and are more democratic.

Another argument in favor of labor standards is that by promoting good governance, they draw on all elements of civil society which in turn facilitates economic crisis management. Such reasoning is supported by the experiences of South Korea and Indonesia in face of to the East Asian financial crisis of 1997. In many regards these two countries were similar in terms of stage of economic development, but South Korea had begun a process of democratization and implementation of improved labor standards. As a result, it was able to put together a coherent national response to the crisis, whereas Indonesia found itself politically divided and unable to craft a similar response. Furthermore, there is empirical evidence (Palley, 2001) that countries with improved labor standards appear to be less susceptible to financial crisis. A possible explanation for this finding is that financial markets recognize the benefits of sound civil society

institutions and give economies with such institutions more financial space.

Not only are labor standards good for developing countries, they can also benefit the international economy. In this sense, they represent win - win policy. Today, the international economy is afflicted by the contradictions of export-led growth. The export-led growth paradigm embodies “the fallacy of composition” whereby it works when just one country pursues such policy, but fails when all countries pursue export-led growth simultaneously. This is because one country’s exports are another’s imports, and all cannot therefore run trade surpluses. If all try to grow on the back of demand growth in other countries, the inevitable result is a shortage of demand and global deflation.<sup>3</sup> Recognition of this contradiction compels the need for a new development strategy that has countries grow their domestic markets. This in turn brings questions of wages, income distribution, and labor standards to the fore.

For developing countries, a particular manifestation of the contradictions of export-led growth is the problem of declining terms of trade. This is an old problem first identified by Hans Singer (1950) and Raoul Prebisch (1950). The Singer-Prebisch findings concerned commodity prices, but today there is some evidence that the world economy may have entered a new era in which terms of trade for low end manufactured goods are also subject to secular decline (Kaplinsky, 1993; Muscatelli et al., 1994, Sarkar and Singer, 1991; Sapsford and Singer, 1998;). Consequently, developing countries have to export ever more just to maintain existing export earnings. This exacerbates financial instability since countries need earnings to service their foreign debts, and the need for earnings then drives prices down further. Part of the solution must therefore have these countries consume more of what they produce, thereby reducing supply on the international market and driving prices up. But for this to happen countries will have to improve their patterns of income distribution.

In addition to creating deflationary international macroeconomic conditions, export-led

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<sup>3</sup>. The economic logic of exporting deflationary conditions by poaching demand in other countries is very clear in Keynesian macroeconomic models of the international economy (see Palley, 1990).

growth is also marked by an incentive structure that encourages a race to bottom. This because countries try to gain international competitive advantage by exploiting every possible margin. Good competition focuses on productivity and quality: bad competition eats away at workplace safety, the environment, and income distribution. Labor standards can contribute to ruling out bad competition, and once again the logic is that of the prisoner's dilemma which gives each country an incentive to erode standards to gain a competitive advantage. This logic is illustrated in figure 2 in which the payoff structure to eroding standards gives each country an incentive to do so. Though all would be better off in a world with standards, the private incentive is to lower standards and, consequently, that is the equilibrium which the market supports when left to itself.<sup>4</sup> Interestingly, the race to the bottom has been widely viewed as an issue of North - South competition, but there is now evidence that it may be even more acute amongst southern countries. Berik (2001) illustrates this through an examination of the Pakistani soccer ball industry which agreed to do away with child labor, only to find that production then moved to India which had no restrictions on child labor.

In sum, labor standards can help block-off the "race to the bottom" that export-led growth encourages. And by improving income distribution in developing economies, it can contribute to the promotion of domestic market based development, thereby shifting the direction and dynamic of growth away from exclusive reliance on export markets. This will allow workers in developing countries to consume and enjoy more of their productivity.

#### **IV Labor standards and global governance**

The above arguments explain why labor standards are good development policy, and this is why they should become a core part of global governance. The International Labor Organization (ILO) has critical role to play regarding the monitoring of labor standards. Only it has the capability to monitor and advise governments on issues of enforcement, and for these

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<sup>4</sup>. Evidence of a race to the bottom in the context of NAFTA is provided by Bronfenbrenner (1996).

reasons it should be beefed up.

More sunlight is always better than less, and the ILO can expose countries that fail to comply with labor standards. But the IFIs must also be brought in. The economic development benefits of labor standards and their positive impact on developing country financial stability mean that they are consistent with the Articles of Agreement of both the IMF and WB. Both the IMF and the WB are in the “business of development,” and that is why labor standards should be part of their standard policy agenda. To this effect, the IMF should make the following policy changes. Article IV country reviews should expressly report on country adherence to labor standards. Enhanced Structural adjustment Loans (ESAFs) should be made conditional on a requirement that countries have in place plans to conform to core labor standards within a reasonable time frame, and the same requirement should hold for countries to have access to Special Drawing Rights (SDRs). The World Bank should ensure that Country Assistance Strategies (CASs), which guide all bank lending, should incorporate a program for implementation and enforcement of labor standards. All loans are already screened with regard to their environmental impact, and they should now also be made subject to a “Core labor Standards” screen. Finally, core labor standards need to be made part of the WTO’s system of governance of international trade. Just as the WTO has in place global rules for the protection of intellectual property rights that are backed with legal sanctions, so there is a need to design a system that protects labor rights.

## **V Conclusion**

Opponents of core labor standards as rich country imperial bullying, hidden protection for industrialized countries, and a distortion of markets. None of these charges stand up to close examination. The charge that labor standards are a form of hidden protection, aimed at giving unfair protection to workers in industrialized countries by taking away the comparative advantage of workers in developing countries, fails to recognize the benefits of labor standards both for developing countries and the global economy. The charge that labor standards are a form of market distortion is fundamentally wrong in that it fails to recognize the huge

imbalances of bargaining power that exist between individual workers and employers. Market efficiency is predicated on the absence of power, a condition that manifestly does not hold in labor markets anywhere. Seen in this light, labor standards are in fact a corrective of market failure.

The reality is that labor standards are good economic policy: They are good for developing countries, good for developed countries, and good for the international economy. In this they resonate with Polanyi's (1944) classic insights of the need for successful market economies to be properly embedded into societies. The IMF's Second Generation Reform approach embeds a new realization of the importance of good institutions for successful development, and represents a movement away from the "hydraulic" economic development policy which talked of simply getting prices and the budget deficit right. Labor standards fit squarely within this new paradigm, being an institution that promotes development. The world community has repeatedly endorsed labor standards at the Copenhagen Summit, through the Singapore WTO ministerial declaration, and at the ILO. Now, it is time for the world community to match these endorsements with actions that make core labor standards an integral part of the global system of governance. Labor standards are not a matter of left versus right: they are a matter of right versus wrong.

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		Country A	
		Maintain Standards	Lower Standards
Country B	Maintain Standards	A. Core labor Standards (5,5)	B. (0,7)
	Lower Standards	C. (7,0)	D. No Core Labor Standards (3,3)

Figure 2 The race to the bottom as represented in terms of the prisoner's dilemma.

		Firm A	
		Not Bribe	Bribe
Firm B	Not bribe	A. Anti-bribery convention (5,5)	B. (0,7)
	Bribe	C. (7,0)	D. No anti-bribery convention (3,3)

Figure 1 The problem of bribery represented in terms of the prisoner's dilemma.

	<i>1965-1980</i>	<i>1980-1989</i>	<i>1990-1996</i>
Low and middle income countries	5.9	3.1	1.9
High income countries	3.8	3.2	1.7
U.S.	2.7	3.0	2.5
Japan	6.6	4.1	1.2
World	4.1	3.1	1.8

Table 1 Trends in GDP growth for developing regions and the industrialized countries, 1965 - 1996 (average annual % growth). Source: Singh (1999).