



Cornell University
ILR School

ILR Review

Volume 57 | Number 3

Article 84

April 2004

Making Human Rights Work Globally

Anthony Woodiwiss

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Making Human Rights Work Globally

community colleges. They document large variations in the “value-added” from these courses and suggest that information on such outcomes should be provided to workers enrolling in them. A related paper by Randall Eberts looks at the assignment of employment services in Michigan’s Work First program for welfare recipients. Eberts shows that targeting individuals to appropriate services based on employability scores from a statistical model achieved considerably higher gains than did a more haphazard assignment process. Anu Rangarajan, Peter Schochet, and Dexter Cho use data from the NLSY to show that similar targeting might be used for job retention services for welfare recipients. But it is unclear whether enough is known about the efficacy of such services to make this targeting worthwhile.

Although this book mainly focuses on experiences in the United States, two papers are devoted to evidence from Canada. Neither of these provides actual empirical evidence on targeting, but each offers some useful lessons. Terry Colpitts recounts the roller-coaster experience of the Service and Outcome Measurement System (SOMS) that sought to link administrative data from many sources as an aid to frontline employment service staff. SOMS itself appears to have worked quite well—the availability of longitudinal earnings data from tax records made the data source uniquely valuable. But the system seems to have run afoul of privacy concerns in Canada, and its long-run viability is now uncertain. Ging Wong, Harold Henson, and Arun Roy examine the rising incidence of long-term unemployment in Canada. They achieve some success in predicting long unemployment spells from data collected in the Canadian Out of Employment Panel—a relatively new data source on laid-off workers. However, although the authors present some data that are suggestive of the benefits such workers might obtain from targeted services, they have no direct evidence on the matter.

In all, then, the high-quality papers in this volume are supportive of using statistical models to target employment services. The effectiveness of that approach, however, will largely depend on three factors: the completeness of our understanding of how the social benefits of employment services differ for different types of workers; the extent to which statistical models can predict labor market problems well enough to allocate workers to services that are most productive for them; and our success in identifying ways to integrate targeting of employment services with other strategies (such as

information provision or savings/loan plans) that might more efficiently address some underlying problems. In short, we need a more complete conceptual model of how employment services should be allocated before we can decide precisely what the role of statistical targeting should be.

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Labor and Employment Law

Making Human Rights Work Globally. By Anthony Woodiwiss. London: Cavendish, 2003. 160 pp. ISBN 1-9043-8508-7, £19 (paper).

Ever since the principles in the Universal Declaration of Human Rights were divided into two fundamental human rights treaties—one addressing civil and political rights, and the other addressing economic, social, and cultural rights—a rift has existed in the human rights community between these two groups of rights. Western states, and particularly the United States, have touted the former, while communist, non-aligned, and, more recently, Asian states have emphasized the latter. Anthony Woodiwiss seeks to bridge this long-standing rift in order to make the global human rights project more universally responsive to the needs of all nations. In particular, he argues that the western emphasis on civil and political rights fails to accommodate differing socio-economic and cultural conditions in non-western states. He concludes that in order for the peoples of all nations to benefit from the human rights project, two reforms must occur. First, economic and social rights must be viewed as “translatable” with civil and political rights and as legally enforceable, both through domestic courts and through the United Nations system. Second, a social clause must be added to the protocols of the WTO to enhance the international enforceability of economic and social rights.

“Translation” to Woodiwiss means the interchangeability, for practical purposes, of economic and social rights with civil and political rights. In other words, the two sets of rights should be recognized to some degree as alternative means to the common end of protecting human dignity. Woodiwiss focuses on labor rights to illustrate his thesis, since labor rights

are simultaneously civil/political and economic/social in nature. He briefly summarizes the evolution of labor rights protections in countries that he portrays as organized around individualist and liberal principles (Great Britain, the United States, France, Sweden, Canada, and Australia) and in states that he identifies as being structured in part on a communitarian or "familialist" basis (Japan, Argentina, Brazil, Taiwan, Hong Kong, and Singapore). He uses his examples to argue that whereas the United States advances labor rights primarily by protecting the civil and political freedoms of workers to organize and bargain collectively, the "familialist" countries have protected worker rights as effectively, if not more so, through substantive packages of economic and social rights, such as by legislating specific obligations for employers and bestowing extensive social welfare benefits.

Woodiwiss is a sociologist of human rights, and part of his project is to ensure that human rights norms are sensitive to differing socioeconomic and cultural contexts. He argues that democratic governance, rule of law, and independent trade unions are necessary prerequisites to the "translation" of labor rights by any state, but that within this framework, modes of protection that are appropriate in one cultural and economic context may not be in another. For example, in familialist societies such as Japan and Singapore, bestowal of rights in the workplace must reflect and incorporate the values of the familialist culture. Thus, lifetime employment in Japan may be valued over freedom of association, collective bargaining, and the right to strike. In Singapore, he notes that the state deliberately weakened labor's right to freedom of association, in exchange for granting workers powers of political representation and rights to good-quality housing, educational opportunities, and economic security through compulsory savings programs (p. 63). Moreover, he argues that the economies of developing countries may not be appropriate for the traditional collective bargaining model. Workers who strike to influence employers who themselves lack economic leverage may simply be "free to fail" (p. 66). He asserts that workers in Singapore as a whole have received far greater protections than they likely would have achieved through robust protection of collective bargaining (p. 63).

The author concedes that in Singapore rule of law is weak, social benefits are generally unenforceable, and freedom of association rights cannot legally be asserted. He argues

that his Asian examples are not necessarily adequate translations of civil and political rights, but that the overall "imperfections in at least some of these labour rights regimes are not qualitatively worse than those in many western societies, notably those in Britain and the United States" (p. 81, n. 2). Moreover, Woodiwiss asserts that worker protections in Australia, France, Japan, and Sweden, which are based on economic and social rights, are far more effective than the U.S. protections based primarily on the liberty of freedom of association (p. 65).

As the second part of his thesis, Woodiwiss urges that economic and social rights should be made internationally enforceable through a WTO social clause. This clause would encompass an expanded version of the four core labor rights identified by the ILO (freedom of association, nondiscrimination, and bans on child labor and forced labor). Woodiwiss views the ILO core as western-centric and urges instead a "hybrid core" that includes the economic and social rights set forth in Article 7 of the International Covenant on Economic, Social, and Cultural Rights (regarding "just and favorable conditions of work"). This would include rights to fair wages, equal pay for equal work, a decent living standard, safe and healthy working conditions, nondiscrimination in promotion, rest, leisure, a reasonable limit on working hours, and holidays with pay. Woodiwiss contends that this hybrid core would recognize the substantial achievements Asian states have made in protecting the economic and social welfare of workers and would lead such states to accept a WTO social clause that is enforceable through trade sanctions (p. 78). He also claims that inclusion of these rights would impose few costs on employers and governments.

The author's main purpose appears to be to give Asian nations, and particularly China, "credit" in the international community for the economic and social progress they have achieved in recent years. Woodiwiss notes that China's present labor rights regime would not satisfy the current ILO core standards, and in the final chapter he considers the extent to which China's system would satisfy his "hybrid" core, based on conditions in China's most advanced region—the Guangdong province. He concedes that lack of democratic governance, independent trade unions, and the rule of law currently make it difficult for China to satisfy his translation model (84). He argues, however, that China is moving toward making its labor rights regime legally enforceable as it transitions from state-mandated employment to an individual labor

contract system, and he paints a fairly rosy picture of the evolving employment conditions and enforcement mechanisms in Guangdong province. For Woodiwiss, the glass in Guangdong is at least half full, and should be recognized as such.

Woodiwiss's core point—that the same human rights goals can be achieved through a variety of means, and that civil/political and economic/social rights overlap in their functions and are thus to some degree substitutable—is very interesting and a useful contribution to human rights debates. The book fails, however, to convincingly illustrate either the thesis of translation or the author's vision of enforcement through a WTO social clause. The examination of the labor rights protections in various countries is cursory, and offers very few specific examples of the protections that workers in the various countries enjoy. Although the success of the translation thesis turns on the assumption that protections afforded workers through alternative packages of civil/political and economic/social rights are, or can be, equivalent, the book does not provide any meaningful basis for comparing overall worker conditions in the different countries. The reader is expected to accept Woodiwiss's assertion of equivalence on faith.

The 600-pound gorilla in the book is the question of what minimal level of protection for freedom of association is required, regardless of cultural context, to adequately preserve the fundamental quality of life in the workplace. Woodiwiss acknowledges that active trade unions are ultimately essential to any effective model for protecting worker rights, and he concedes that many of the shortcomings of the systems in Asian economies relate to limits on freedom of association. He does not explain what an adequate substitute for freedom of association would be, however, or what aspects of civil and political rights are irreducible. Nor does he suggest any reason, other than governmental benevolence, why governments in a competitive global economy would bestow economic and social protections on workers, absent a robust labor movement that is able to demand economic and social benefits, an economy sufficiently developed to underwrite such benefits, and (probably) a tight labor market. Governments do adopt high-performance workplaces as an enlightened strategy for economic development, but generally only when outside political and economic forces push them in that direction.

Woodiwiss's theory of international enforce-

ment through a WTO social clause is even less well developed. As a general matter, Woodiwiss is probably too optimistic about the willingness of Asian states to accept the enforceability of core labor rights through trade sanctions in the WTO. As stated in the 1996 Singapore Declaration, Asian states accept the core ILO standards; it is the *enforceability* of those standards that Asian and other states object to, and the inclusion of additional economic and social obligations in the core is unlikely to alter this opposition. Even many western states are unenthusiastic about enforcing international labor rights through trade sanctions.

Since the adoption of the ILO's core labor standards, a number of commentators have called for an "expanded" core that would include economic and social benefits such as a living wage, work hour limits, and health and safety measures, and Woodiwiss joins this group. The analysis of his proposed "hybrid" core is superficial, however. He never meaningfully addresses what role free association and child labor would play in the hybrid core, nor does he consider what health and safety standards, limits on working hours, and paid vacations would be appropriate, or what costs they would impose on governments and employers.

Finally, the book does not illustrate how the WTO would enforce a social clause. Many trade, labor, and human rights law scholars have considered this issue, and the book would have benefited from a concluding chapter speculating about how China's evolving labor rights system would fare in the WTO if Woodiwiss's social clause were in place. Could foreign states impose trade sanctions on China for failure to pay a fair wage, for example? And if so, who would define a fair wage? Perhaps more centrally to Woodiwiss's thesis, if Singapore were challenged for inadequately protecting workers' freedom of association, how would it be decided whether Singapore had adequately "translated" that right into a package of economic and social benefits? These questions are fundamental to the functioning of an international enforcement system of the type Woodiwiss proposes, but the book fails to consider them.

The fundamental lessons to be gleaned from this book are that worker rights may be protected through combinations of civil/political and economic/social rights; that the appropriateness of these combinations will vary depending on a state's social, cultural, and economic conditions; and that none of these rights can be perfectly substituted for the others. Western states, especially the United States and United

Kingdom, should abandon some of their human rights hubris and accept greater economic and social obligations toward workers, and Asian countries need to provide greater respect for free trade unions, democracy, and the rule of law.

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Economic and Social Security and Substandard Working Conditions

Genders in Production: Making Workers in Mexico's Global Factories. By Leslie Salzinger. Berkeley: University of California Press, 2003. xi, 217 pp. ISBN 0-520-22494-9, \$55.00 (cloth); 0-520-23539-8, \$21.95 (paper).

This study counters the still pervasive perception that female workers in the world's export processing industry are inherently passive and obedient and therefore productive. Salzinger dubs this perception of female workers the "transnational trope of productive femininity." Furthermore, Salzinger offers a powerful new model for understanding how gender operates in global production. Rather than explain why export processing employers hire women, as much of the early work on this topic does, this study examines "how gendered meanings emerge . . . , and how profitable gendered subjects are evoked with them" (pp. 25–26)—that is, how the self-perceptions of workers as men and women are shaped in ways that optimize productivity. This shift may partly reflect the fact that Salzinger collected her data in Mexico after men constituted a growing proportion of export processing, or *maquiladora*, workers.

Salzinger uses nearly two years of ethnographic fieldwork (1991–93) conducted in Ciudad Juárez—the Mexican border city that claims Mexico's largest concentration of *maquiladora* jobs—to describe a panoply of gender practices on the shop floor. While high-heeled, well-coifed women are the quiescent objects of male supervisory voyeurism at one predominantly female factory ("Panoptimex"), assertive young women hold each other accountable to their team's production goals at another ("Particimex"). At one mixed-sex plant, women adopt male combativeness to gain a productive

edge on a shop floor, where the workers' blue smocks and caps mute gender visibility ("Andromex"). At another, distracted women giggle and preen in response to catcalls from their male co-workers ("Anarchomex"). These portraits of shop-floor gender practices highlight gender's malleability and erode the assumption, made by managers and earlier feminist analyses alike, that docile productive female workers come "made to order" (p. 13). While workers at all factories but Anarchomex are highly productive, only at Panoptimex do female workers conform to the notion of "productive femininity."

Salzinger attributes this wide range of shop-floor gender practices to variation in managers' own gender and national identities. Labor control practices that produce assertive female subjects (at Particimex and Andromex) enable Mexican managers to distance themselves from a macho masculinity marked simultaneously as Mexican and working-class by their foreign counterparts and superiors. Salzinger reveals that *maquiladora* managers are pivotal intermediaries of transnationalism and extends efforts to explore the strategic uses of gender.

This study will be of particular interest to those who wish to disaggregate labor control mechanisms. Salzinger's rich ethnographic account of shop-floor interactions at Panoptimex uncovers "the social processes which produced quiescent women workers" (p. 14). Managers "ogle" workers through the bank of windows surrounding the assembly lines while brazen male supervisors alternately monitor the production quality, hairstyles, and legs of their underlings. At Panoptimex managers control workers "by focusing on who workers are rather than on the work they do" (p. 64). Salzinger's accounts of shop-floor interactions, together with a penetrating rereading of Frederick Taylor's treatise on scientific management, demonstrate that managers invariably shape how workers come to view themselves. Thus, Salzinger illustrates how "the process whereby a subject is created through recognizing her or himself in another's naming, is a primary mechanism of workplace control" (p. 17). Moreover, Salzinger argues that other workers, not just managers, can play an important role in shaping how workers see themselves. Andromex management, for example, stepped aside and allowed conflict over production materials to forge competitive masculinized workers.

Even though the book reveals worker agency in constructing shop-floor gender practices, it contains precious few examples of female work-