Rethinking Global Labor Standards: Controversies, Constraints, and Possibilities

James Heintz

Most people worldwide rely on their own labor to generate income for themselves and their families. Employment is central to our economic survival. However, simply having access to employment is not enough. The quality of employment varies enormously, both within and across countries, and there is no guarantee that paid employment will generate sufficient income to meet basic needs, provide adequate savings for unforeseen emergencies, and sustain the material and emotional well-being of working people. Labor standards have been used to set basic benchmarks of decency: protecting the rights of workers and defining the conditions under which labor can be exchanged. However, as developing countries continue to become increasingly integrated into the world economy, the relevance of labor standards for many of the world’s low-income workers has been called into question—do labor standards actually help vulnerable workers and, if not, might they do more harm than good?

This paper argues that labor standards—as they have been traditionally conceived and implemented—may be increasingly limited in their ability to protect working people. Specifically, old models—in which national governments regulate formal, wage employment for their citizens—are insufficient and may be biased against vulnerable groups, including women working in informal employment. This is not to say that labor standards, broadly defined, are irrelevant. Indeed, social protections for workers may be more relevant today than in the past in order to check the imbalances introduced by global market forces, which often work to the disadvantage of labor. However, the thinking around global labor standards needs to be transformed if interventions to improve the quality of employment are to stand a chance.

Labor Standards and Employment: The Debate

Are better labor standards good for working people? This controversial question lies at the heart of much heated debate around global labor standards. At first, the answer may appear trivial—regulatory interventions which improve working conditions should also improve the welfare of working people. Moreover, if labor standards are appropriately designed to target the most vulnerable segments of the labor market, including women workers, labor standards should also reduce poverty and mitigate inequalities. However, the issue is more complex and hinges on the possibility of unintended consequences. If labor standards reduce the number of available employment opportunities, then the welfare impacts become more ambiguous. In developing countries with weak social safety nets, a bad job may be better than no job.1

Opponents of the idea of global labor standards often draw on international trade theory to make their point. The argument goes as follows. Developing countries have an abundance of low-wage labor, but a shortage of other factors of production, such as capital equipment or a technologically savvy workforce. Their competitive advantage therefore lies in low-wage production. In this context, global standards compromise the competitive position of developing countries with an abundance of low-skill, low-wage labor.2 Moreover, such protections shield workers in more affluent economies from global competition. The end result will be more protected jobs in rich nations and fewer economic opportunities in poor countries.

A similar set of arguments against labor protections are based on the premise that labor markets are generally efficient and maximize total welfare within an economy. In an ideal world with perfectly functioning markets, global labor standards become inefficient regulatory distortions in which the gains in terms of better jobs are more than offset by lower levels of employment.3 However, this efficiency argument depends on the existence of a seamless link between price adjustments and the allocation of productive resources in which unemployment only occurs when regulators tamper with the market mechanism. The introduction of market imperfections, externalities, or transactions costs fundamentally changes this picture.

Although the assumptions and theoretical details of these economic models are open to question, the more general point is relevant. As production and supply networks become increasingly integrated and competitive pressures intensify, employment will generally become more sensitive to changes in the cost of production.4 Meaningful improvements in working conditions—in terms of better wages, safer workplaces, and basic social protections—generally translate into higher costs. The risk is that higher costs will cause production to shift to countries with less stringent standards. Improvements in labor productivity may help temper the cost increases to some extent, but the possibility that improved labor standards may reduce employment cannot be lightly dismissed.

The argument that competitive pressures create an employment quality/quantity trade-off only holds when the implementation of labor standards is not coordinated internationally. Imagine a
situation in which all countries implemented a global system of labor standards simultaneously. Under this coordinated approach, no single country would be placed at a competitive disadvantage by improving its labor standards. A globally integrated world requires a coordinated approach to labor standard. This idea is appealing in theory, but difficult to put into practice, particularly when we acknowledge that there is enormous heterogeneity among the world's economies. Patterns of employment and levels of development vary significantly. Therefore, a coordinated, global approach to labor standards must take into account the fact that the economic playing field is far from level. One size will not fit all.

Proponents of the idea of global labor standards point to the dangers of uncoordinated action in a competitive global economy—often called the 'race to the bottom.' According to this line of reasoning, global integration creates a situation in which the deterioration of basic standards is rewarded by increased competitiveness and profitability. In the absence of cooperation, individual countries cannot raise labor standards without jeopardizing production and employment. Therefore, countries, acting individually, will adopt the same low standards, even if social welfare falls below its potential optimum. Because of this, competitive advantages derived from weak labor standards are frequently seen as 'unfair' competition, since international cooperation in the form of global standards could produce a better outcome.5

For women, the jobs in the international spotlight—that is, labor-intensive manufacturing in export sectors—often represent important economic opportunities.6 Women frequently constitute a disproportionate share of workers in light manufacturing and assembly operations, typical of production in maquiladoras, export-processing zones, and similar sites of global productive activities.7 Women working in export sectors represent an inexpensive source of labor that keeps costs low and helps to support profitability. The footloose character of these industries allows them to credibly threaten to relocate if production costs rise. This limits women's bargaining power and reduces the chances of improving working conditions.8 In some cases, access to these manufacturing jobs may not improve earnings relative to other types of employment available to women, although the income earned is often less volatile.9

However, these low-wage jobs also provide economic opportunities for women outside of the household and, in turn, can grant them a greater degree of choice in their lives.10 This enhanced freedom gives women the latitude to delay marriage and childbearing, gain labor market experience, protect their economic options outside of the household, and increase their long-run earnings potential. Furthermore, access to money income improves women's bargaining position at home, thereby affecting gender dynamics and strengthening women's influence over the distribution of household resources.11 It is important to note that access to remunerative employment does not, in itself, guarantee that gender relations will be transformed. Much depends on household dynamics, including who controls the household's income and makes expenditure decisions.12 Nevertheless, insofar as better standards reduce employment in these sectors, the job losses will disproportionately affect women, directly through a loss of wage income, but also indirectly by potentially exacerbating other gender-specific inequalities.

Does the Job Quality/Quantity Trade-off Exist?

The debate over whether labor standards will help or hurt workers largely depends on whether a trade-off actually exists between maintaining jobs and improving working conditions. The evidence on this score is mixed and depends on how the idea of a trade-off is interpreted. One fact is almost universally accepted: over the past several decades, labor-intensive manufacturing has spread across the globe and such production is often attracted to low-wage economies. Clothing production is perhaps the quintessential example. There is a clear negative relationship between the initial wage rates in a country's garment industry and the subsequent growth of employment.13 The rapid growth of outsourcing to manufacturing and assembly operations in China reflects this same dynamic. During this era of global integration, labor-intensive manufacturing has been attracted to low-wage countries.

What is less clear is whether, once established, employment in labor-intensive activities responds negatively to improvements in the conditions of work. In thinking about this issue, we can use wage rates as a proxy for other improvements in working conditions, since there is a direct link between wages and labor costs. A relevant question then becomes: do better wages mean less employment in highly globalized, labor-intensive production? Studies of the global garment industry suggest that there is no simple trade-off between wages and employment when other factors are allowed to adjust along with employment.14 Other studies have found that wages remain an important, but not the most important, variable in determining international competitiveness in clothing.15 A stark trade-off between employment and wages may only exist under specific circumstances: when factors other than wages and employment are held constant and not allowed to adjust in response to competitive pressures.16

This evidence suggests that labor standards can indeed help workers and avoid unintended consequences, but only if they are appropriately designed, implemented, and enforced. The potential negative impact of higher labor costs on employment should be explicitly recognized and global standards crafted in such a way as to address this stumbling block. One of the ways in which
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this can be done is by recognizing the institutional context in which global production is organized, and to design policies and strategies that take these factors into account.

Commodity Chains and Global Governance

In the high-income countries of the global North, the issue of global labor standards is often raised in the context of subcontracted manufacturing linked to large multinational retailers and industrial producers, often through a series of intermediaries. These production and distribution systems are often called ‘supply chains’ or ‘commodity chains’. Large multinational players source or subcontract labor-intensive manufacturing or assembly activities to low-wage producers. Often the lead multinationals in these commodity chains have some degree of market power, while the subcontracted producer faces competitive conditions. The various intermediaries involved in the chain act as gatekeepers, determining which producers have access to the relatively affluent, high-income retail markets. Under these conditions, much of the value produced along a given supply chain will be captured by those players with the greatest market power—the lead multinationals and, where relevant, influential intermediaries.

In regulating these cross-border production and distribution networks, the organizational structure of the supply chain must be taken into account. Often the lead multinationals invest significant resources to build intangible assets, such as name recognition, brand identities, and consumer goodwill, in order to compete in modern consumer markets. This makes these firms vulnerable to sanctions in the form of consumer boycotts, negative publicity campaigns, or tarnished brand images. One common practice that has emerged over the past 15–20 years has been the adoption of codes of conduct, which commit multinational firms to certain guidelines with respect to environmental or labor protections throughout the entire supply chain. The market power of the lead firm makes these standards enforceable. The credible threat of sanctions if a company is found to be in violation of basic standards of decency provides an incentive for multinational firms to adopt such codes of conduct.

In some cases, multinationals design and implement their own internal codes of conduct and monitoring systems. These internal approach lack credibility, since the multinational has an incentive to find itself in compliance and not to disclose any violations. Therefore, independent monitoring of labor standards is necessary if this approach to the question of global governance is to work. There are many nuances to be considered when determining the degree of independence of global monitors, and these issues are explored at length elsewhere (see, for example, O’Rourke, 2006). For the purposes of this paper, it is important to note that poorly designed monitoring schemes will undermine the success of this approach to governing laboring standards.

If properly designed, the employment/labor standards trade-off can be avoided when the entire supply chain is regulated, as opposed to regulating the subcontracted producer alone. As mentioned above, subcontracted producers face an intensely competitive environment that makes them particularly sensitive to the cost of production, specifically labor costs. However, other actors along the supply chain do not face the same competitive pressures and often enjoy a degree of market power that allows them to capture a disproportionate share of the value produced in the production network. Often, lead multinationals have both the resources and, if pressure from independent NGOs and monitoring organizations is present, the incentives to finance improvements in working conditions. This could be done, for example, by modestly raising the final retail prices of their products without negatively affecting consumer demand. The result would be an improvement in working conditions without a loss of employment. This underscores the point made earlier—when other factors adjust in response to the implementation of global labor standards, the unintended consequences that critics worry about may not materialize.

In its current form, the codes of conduct approach to the global governance of labor standards has several practical drawbacks. There is no universal code of conduct and substantial variations are evident among the established codes. The multiplicity of different codes makes implementation more complex and compliance more costly than it has to be. Furthermore, these governance systems rely on professional auditors with little or no experience with local workers’ organizations and communities involved on the ground. These limitations can be addressed in a number of ways. For example, a single enforcement agency to monitor multinational behavior could be established—either as an independent multinational body or as a specialized agency within a system like the United Nations. The enforcement agency could establish a network of NGOs, trade unions, and informal sector organizations to develop a mechanism of lodging complaints and grievances. A subset of the local non-governmental and labor organizations could also be encouraged to undergo training to serve as external auditors in the certification of compliance. Such an arrangement would take into account the need to govern economic relationships across the commodity chain while providing space for influence from domestic organizations.

Cambodia and the Better Factories Program

Although regulating global supply chains through instruments like the various codes of conduct represents one, high profile, approach to the issue of labor standards, the scope such interventions have for improving the welfare of low-income workers worldwide remains limited. From a global perspective, most workers surviving on very low employment earnings do not work
in formal factory settings that fully comply with a well-developed corporate code of conduct. Therefore, it becomes important to locate the issue within the broader context of global employment, social protection, and long-run economic development. To illustrate the limitations of the supply chain approach, we turn to a specific case study—Cambodia, its garment sector, and women’s employment.

The garment industry in Cambodia provides a useful case study of the possibilities and limitations of creating a system of labor standards for export production in partnership with an established international organization—the International Labor Organization (ILO). In 1999, Cambodia negotiated a bilateral trade agreement with the United States which grants Cambodia preferential access to U.S. markets if producers comply with a set of core labor standards in their factories. This agreement allows Cambodia to avoid import duties of 16 percent on exports to the U.S. The ILO is charged with monitoring compliance with the labor standards under the rubric of its ‘Better Factories Program.’ The ILO has periodically released public reports on working conditions in Cambodian factories since 2001. In this way, Cambodia has the unique opportunity to secure market access by positioning itself as an ethical producer with the backing of the ILO and the U.S. government. Cambodian garment exports to the U.S. increased significantly after the agreement came into effect showing that labor standards need not adversely impact employment opportunities.

The Better Factories Program falls short of attempting to regulate global supply chains and instead uses trade agreements to implement its specific codes of conduct. Therefore, lead multinationals play a relatively passive role—they benefit from the program by being able to import Cambodian clothing at lower prices and with the ethical seal of approval of the Better Factories Program. Factories in Cambodia have an incentive to comply with the program because they enjoy preferential access to U.S. markets. In this case, U.S. trade policy, not multinational actors, adjusts in order to realize better working conditions in the Cambodian garment sector.

The clothing industry in Cambodia provides a compelling example of truly globalized production, in the sense that the sector has almost no long-term linkages to the domestic economy and its labor market. The garment industry dominates Cambodian industrial production—currently accounting for 75 percent of value-added in manufacturing and 17 percent of GDP. Garments are the single most important category of exports, comprising about 80 percent of the total value of products sold overseas. Garment production rose to dominance at a breakneck pace. As recently as 1994, garment production accounted for less than 1 percent of GDP.

Nearly all garment firms operating in Cambodia are entirely foreign-owned. Most foreign investment in the garment sector comes from other Asian economies in the region: Hong Kong, Taiwan, China, Korea, and Singapore. Multinational retailers source their garments from these foreign-owned companies through subcontracting arrangements. Much of the subcontracted clothing production is CMT (cut, make, and trim) in which inputs are imported, garments are assembled, and the finished products exported. Because of the reliance on imported inputs for the production of clothing for export, there are few linkages between the Cambodian garment industry and other sectors (e.g. a domestic textile industry is virtually non-existent). In short, the garment industry is not ‘embedded’ to any real extent in the domestic Cambodian economy. This lack of embeddedness not only makes the industry particularly footloose—the foreign investment could leave as quickly as it came—but it also circumscribes the overall benefits of the sector’s spectacular growth.

The garment industry in Cambodia employs an estimated 225,000 workers and 82 percent of these employees are women. In contrast, women account for 50 percent of all employed individuals in Cambodia and only 42 percent of wage employees. Approximately one-third of all women who work as wage employees in Cambodia work in the garment sector. Therefore, the garment sector is a critically important source of wage employment for women. The women working in the garment sector are young—about 92 percent are less than 35 years old and nearly three-quarters of all female garment workers are 15–24 years of age. Women working in the garment sector are more likely to be literate and have somewhat higher levels of education compared to other women employed in non-agricultural activities.

Within-country migration is an important factor determining the labor supplied to the garment industry. Individuals from provinces with higher-than-average incidences of poverty migrate to take up jobs in the garment sector. According to the 2004 Cambodian Social and Economic Survey, a significant fraction of garment workers live apart from the households from where they originally come. Moreover, an estimated 71 percent of all garment workers send 30 percent or more of their earnings back to the households where they live in the form of remittances. For women, estimated hourly earnings in the garment sector are actually higher than in other forms of wage employment. However, it is important to note that there is considerable variability in reported hourly wages and wages vary significantly across occupational categories in the garment sector. In addition, workers in the garment sector work longer hours each week than is typical for other wage employees.

Clearly, employment in the garment sector is important, particularly as a source of wage income for young women.
Because many of these women migrate from poor households and remit financial resources back home, the impact on poverty and living standards is broader than the statistics on direct employment income would lead one to believe. Therefore, an international effort to improve working conditions and protect jobs—such as the Better Factories Program—is likely to have a positive impact on the lives of garment workers and their extended families.

However, there are limits to the benefits generated. As noted—most of the garment workers are young. The sector does not provide life-long employment opportunities for Cambodian women. Instead, tenure in garment jobs may be relatively short—a matter of several years—and garment employment provides few stepping stones to other economic opportunities. Just as the garment industry is weakly attached to the Cambodian economy, the industry’s workforce is tenuously attached to their jobs. A recent UNIFEM gender assessment of the socio-economic situation in Cambodia found that women who leave to work in the garment factories often cannot return home afterwards due to the social stigma attached to young, single working women.28 Former garment workers who have been cutoff from their families face a precarious economic future.

The available data do not allow us to track women who work or who have worked in the Cambodian garment sector over time to see how their economic lives evolve. However, we can look at a cross section of women at various ages to get a sense of the lifecycle issues around employment and labor markets. Figure 1 shows women’s employment status in Cambodia by different age cohorts. Women’s labor force participation is generally high, but begins to decline after the age of 50, when a growing share of women reduce their involvement in paid employment and become economically ‘inactive.’ Unemployment rates are fairly constant across age groups. Garment employment is only a significant source of employment for young women, but even among women aged 15–24 a larger fraction are employed as unpaid workers on family enterprises (many of these enterprises being small-scale farms). As women become older, self-employment as own-account workers becomes increasingly significant and is the dominant form of employment for women over 40.

These employment patterns raise important questions about the limitations of campaigns to improve labor standards in order to help export workers, many of whom are women. Often efforts to improve labor standards focus only on: (1) workers in export sectors; (2) workers employed in a factory setting; and (3) workers in wage employment. In Cambodia, such jobs account for an important, but relatively small fraction of total employment. Instead, many women are employed informally, often in forms of self-employment. Moreover, the opportunities for women are not long-lasting and the contributions to women’s economic independence may be short-lived, leaving women more vulnerable when their jobs disappear. Finally, labor standards that assume workers will be employed in wage employment within an enterprise will, by their very design, exclude the majority of employed individuals.

Figure 1. Women’s employment status by age cohort, Cambodia 2004
At one level, the Better Factories Program appears to have enjoyed a degree of success in Cambodia. At another level, important questions remain unanswered. These questions are relevant for a broader discussion of the relevance of global labor standards. Can labor standards be promoted in the context of a broader economic development agenda—one that aims to build lasting linkages with the domestic economy and provide a sustainable source of life-long employment? Can a more inclusive approach to labor standards be developed, one which aims to extend social protections to the majority, instead of a select minority, of workers?

Rethinking Labor Standards

If the goal of creating a system of global labor standards is to provide a set of basic social protections to employed individuals, and specifically to the most vulnerable workers, then labor standards should ideally reflect the realities of employment. In most developing countries, the majority of workers are employed in unregulated, informal activities. Informal forms of employment include urban street vendors, waste collectors, paid domestic workers, contingent agricultural workers, and home-based producers of clothing or other manufactured goods. In most countries, women disproportionately work in informal employment. The income workers receive from informal employment is, on average, very low, often consigning these workers and their families to a poverty-level standard of living. Since informal employment is largely unregulated, these workers are excluded from labor standards as typically conceived. Indeed, government interventions may be hostile to informal workers, as is the case when municipalities clean up the streets by displacing street vendors and other informal service providers.

In addition, the coverage and scope of labor standards are typically based on a single type of employment relationship—wage employment. However, wage employment is not necessarily the dominant form of employment, particularly when workers are employed informally. Table 1 shows the share of own-account workers and wage workers in non-agricultural informal employment for a select set of countries for which estimates are readily available. In many countries, wage employment represents a smaller share of total informal employment. Also, own-account employment tends to be more important for women than for men. This suggests that labor standards that are designed with wage workers in mind may implicitly exclude a large share of informal women workers. Even if existing labor standards were extended to informal workers, those labor standards may not apply since they presume a particular employment relationship.

How might labor standards be reconceptualized to protect a larger share of employed individuals? There are many possibilities. For example, many workers who produce goods in their homes, instead of factories, are classified as self-employed independent contractors, and not wage workers, even if they are integrated into multinational supply chains. Because of this, most labor standards do not apply to them and many ‘codes of conduct’ fail to make provisions for monitoring work that takes place outside of a factory setting. In 1996, the ILO established a Convention on Homework (Convention #177) that outlines basic rights and standards for homeworkers, including basic conditions of employment. The convention has not been widely adopted. Nevertheless, it provides a concrete example of how the scope of labor standards could be broadened to reflect the realities of global employment.

Along similar lines, countries such as Costa Rica, Thailand, Ghana, and India have recently taken steps to include informal workers in social security schemes, including medical care programs and social insurance funds. In this way, more workers can pay into and receive benefits from national social protection policies. Previously, such programs would have been available to a small minority of employees. These innovations to social protection policies have come about as policy makers have gradually recognized the legitimacy of a wider range of employment.

Table 1. Own-account workers and wage workers as a share of total non-agricultural employment by gender.

<table>
<thead>
<tr>
<th>Country</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Own-account</td>
<td>Wage worker</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>39%</td>
<td>21%</td>
</tr>
<tr>
<td>El Salvador</td>
<td>54%</td>
<td>17%</td>
</tr>
<tr>
<td>Ghana</td>
<td>83%</td>
<td>11%</td>
</tr>
<tr>
<td>India</td>
<td>30%</td>
<td>40%</td>
</tr>
<tr>
<td>South Africa</td>
<td>18%</td>
<td>48%</td>
</tr>
</tbody>
</table>

Source: Calculations based on Chen et al. (2005).
Note: Domestic workers are not included in the category of wage workers. The data are from the following years: Costa Rica, 2003; El Salvador 2003; Ghana 1998/9; India 2000; and South Africa, 2003.
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This is not to suggest that efforts to improve working conditions among under-protected wage workers in export sectors linked into global commodity chains are unimportant. Appropriately designed strategies along these lines have a significant role to play. However, we do want to suggest that the ‘code of conduct’ approach should be seen as only one aspect of the need to rethink labor standards more broadly. There is a great need to develop a variety of methods of improving the quality of employment opportunities worldwide. A fresh approach to labor standards and similar social protections will make a significant contribution towards realizing this goal.

The recognition of informal employment adds another dimension to the employment quality/quantity trade-off discussed earlier in the paper. The argument that better labor standards will hurt poor workers by eliminating their jobs implies that a reduction in existing standards should generate more employment opportunities. In other words, any additional jobs that are created must be increasingly informal and unregulated, particularly in sectors exposed to global competition. In contrast, we contend that existing regulatory structures must change to reflect the realities of informal employment. From one perspective, this could be seen as a step towards ‘formalizing’ informal employment—i.e. bringing informal employment into the formal regulatory system. Perhaps a more accurate interpretation would be that, instead of bring informal workers into existing regulatory structures, we need to recognize that our current models for regulating employment are outdated and new approaches that aim to protect all workers are needed.

Conclusions

Are there broad lessons that can be learned from the above discussion? A number of points come to mind.

First, labor standards should no longer be seen as a set of policies determined, implemented, and enforced at the national level which regulate formal wage employment country-by-country. Global coordination of national policies is important as is the regulation of multinational players, as highlighted in the discussion of supply chains. However, a global governance approach is insufficient. National policies must continue to play a central role along with locally grounded organizations representing working people. It is this combination of global coordination, relevant national policies, and local participation that is crucial.

Second, labor standards and social protections need to be designed to maintain existing levels of employment while improving the quality of these opportunities. A stark trade-off between the quality and quantity of employment can be avoided if policies are appropriately designed. This involves a careful assessment of the risks involved and what complementary adjustments must be made in order to maintain, and increase, the number of better-quality employment opportunities. Extreme stances—either claiming that countries must choose between more or better jobs or suggesting that existing employment can be taken for granted—are unhelpful. In many respects, striving for more and better employment opportunities requires seeing the issue of labor standards—broadly defined—within the context of an overall development strategy.

Finally, current models of labor standards need to be transformed if they are to be relevant for all employed people. Labor standards that are designed to protect enterprise-based wage employees will exclude a significant number of workers. Such an approach to labor standards frequently contains an explicit gender bias, even if we take into account the fact that women may account for a large number of low-wage export workers. Labor standards need to be inclusive of own-account workers, home-based workers, and other self-employed workers in high dependent and precarious employment relationships. Policymakers need to think outside of the box in order to extend basic social protections to all working people. With greater global integration, working people face a heightened degree of economic risk and labor standards provide an important means of addressing the social impact of greater uncertainty. However, without a fresh look at labor standards—their design, implementation, and enforcement—this potential will be lost.

James Heintz is Associate Research Professor and Associate Director at the Political Economy Research Institute of the University of Massachusetts. He has written extensively on global employment and labor market issues.

Endnotes

1. Open unemployment may be relatively small in developing countries. Therefore, having “no job” often actually means having no alternative to basic survivalist activities (Krugman 1998, Kristof 2002).
15. ILO 2000.

References


