



# Social Responsibility Topics of the 21st Century

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# About the Fair Labor Association



The Fair Labor Association (FLA) is an international network of companies, universities, and civil society organizations collaborating to ensure that millions of people working at the world's factories and farms are paid fairly and protected from risks to their health, safety, and well-being.

FLA has approximately 140 member colleges and universities across North America. Students are an essential part of this relationship because on campuses everywhere they are some of the most passionate and vocal defenders of workers' rights.

The FLA Student Committee offers students enrolled at member colleges and universities an opportunity to learn about social responsibility and connect with others who share similar interests. This year, select student committee members chose to write articles about social responsibility and human rights. This collection of their articles is the fourth issue of the Student Committee Journal. FLA is pleased to provide a platform through which students may share their ideas and opinions about protecting and promoting workers' rights. Share your feedback and questions with FLA at [services@fairlabor.org](mailto:services@fairlabor.org).

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# Forced Labor Amongst a Silent Genocide

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Initiating change and rectifying the appalling conditions of exploitation pose significant challenges. Conversely, demanding rightful compensation, advocating for economic and political freedom, and striving to enhance the plight of unlawfully detained individuals amid government denial of an ongoing genocide seem nearly insurmountable. Central to these concerns is the plight of the Uighur Muslims, a religious and ethnic minority primarily concentrated in Xinjiang province. Since 2017, a staggering [number](#) ranging from 800,000 to 2 million Uighurs have endured captivity in Xinjiang's concentration camps, rebranded as "re-education camps." While their suffering encompasses multiple dimensions, this discourse specifically delves into the issue of Uighur forced labor, which not only inflicts profound harm on the victims but also casts a dark shadow on global trade, infiltrating various sectors and undermining fundamental principles of global business ethics.

In recent years, the global community has grappled with alarming revelations surrounding the use of forced labor, particularly within China's Xinjiang province, targeting the Uighur and other ethnic minority populations. The rise of multi-billion-dollar fast fashion empires, including Shein and Temu, has brought to [light](#) the troubling connection between their success and the exploitation of Uighur labor, ultimately contributing to the [enrichment](#) of the Chinese Communist Party (CCP). Behind the facade of accessible fashion lies a harsh reality—the exploitation of Uighur and other ethnic minorities in Xinjiang province, where reports of forced labor, mass detentions, cultural assimilation, intense surveillance, and [involuntary sterilizations](#) have surfaced. This article delves into the timeline of Uighur forced labor, explores the necessity for heightened awareness, and emphasizes the urgency for collective action against the ongoing Uighur genocide.

The success of these fast fashion empires is partly attributed to their access to what amounts to free slave [labor](#). By tapping into Xinjiang's vast pool of forced labor, these companies can manufacture products at significantly lower costs, bolstering their profit margins. The use of forced labor not only undercuts fair labor practices, but also fuels a system of oppression with far-reaching consequences for affected communities.

Despite increasing global awareness regarding the Uighur forced labor crisis, attempts to address this issue on the international stage have encountered significant challenges. Notably, the United States has endeavored to disrupt Xinjiang cotton supply chains through legislative actions such

as the 2021 Uighur Forced Labor Prevention Act. However, these initiatives have fallen short of achieving the intended impact due to the intricate nature of global supply chains and the complexities arising from economic interdependencies. Even after this law was implemented, Shein and Temu have found trade [loopholes](#) to continue using Uighur forced labor. Another instance highlighting the discrepancy between intended and actual impact is the revelation that a substantial portion of [seafood](#) reaching America and Europe involves the exploitation of Uighur forced labor.

Yet another industry impacted by—or arguably taking advantage of—Uighur forced labor is the car industry. A recent [report](#) by Human Rights Watch alleges that major automakers, including Tesla, General Motors, Volkswagen, and Toyota, are not ensuring that their supply chains in China are free from forced labor. The U.S.-based nonprofit connects these automakers to aluminum production in China, specifically in Xinjiang, where Uighurs and other ethnic minorities are allegedly subjected to forced labor. China has been accused of running labor transfer programs, forcing minorities to work in factories as part of a broader assimilation campaign. The report claims that aluminum, a key material in car manufacturing, is linked to these labor transfer programs, making it challenging to trace the origin of the material. The Chinese government denies allegations of forced labor in Xinjiang, calling them [absurd](#) and part of an anti-China agenda. The report emphasizes the difficulty in tracking the origins of aluminum, especially as it is processed and shipped to various parts of China.

The Uighur forced labor issue necessitates sustained and widespread awareness to facilitate meaningful change. Consumers, corporations, and governments must acknowledge the ethical implications of supporting industries that thrive on the exploitation of vulnerable populations. Heightened awareness can drive informed consumer choices, compel corporations to reassess their supply chains, and prompt governments to implement more effective legislation against forced labor.

To decouple from slavery supply chains, the U.S. and the international community must prioritize collective action. This involves holding corporations accountable for their sourcing practices, imposing stricter regulations, and ensuring that legislative measures are robust enough to withstand the challenges posed by global supply chain complexities. Moreover, diplomatic efforts must be intensified to encourage China to address human rights violations and engage in constructive dialogue to find sustainable solutions.

The timeline of Uighur forced labor reflects a complex web of economic, political, and ethical considerations that demand urgent attention. The rise of fast fashion empires at the expense of exploited Uighur labor necessitates a concerted effort to raise awareness, enforce accountability, and drive systemic change. This urgency extends to industries such as food and automobiles. The global community must unite in its commitment to eradicating forced labor, recognizing that the path to a more ethical and sustainable future requires collective action against the Uighur genocide and broader human rights violations in Xinjiang province.

# Challenging Limited Liability: How to Merge Social Responsibility and the Private Sector

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Basic labor rights violations are a constant occurrence in global supply chains, and despite the global community's best efforts, worker welfare does not appear to be improving. In 2011, the UN Human Rights Council (UNHRC) [unanimously](#) endorsed the [United Nations Guiding Principles on Business and Human Rights](#) (UNGPs), a set of standards for corporate social responsibility (CSR). Since then, [27 industrialized nations](#) have developed and approved National Action Plans to implement the UNGPs. Regardless, from 2016 to 2021, the world saw an increase in [2.7 million](#) people living under conditions of forced labor. In 2021, The International Labour Organization (ILO) estimated that [49.6 million people](#) were living in conditions of modern-day slavery. For comparison, at the height of human chattel slavery in the United States, the 1860 census counted [3.9 million](#) slaves. Slavery continues to be embedded in the [cotton sector](#), and it is claimed that today [more humans](#) than ever before in recorded history are living in conditions of slavery. Furthermore, the [UN Global Compact](#) estimates that 2.78 million workers die annually from workplace related causes, exceeding annual deaths from road accidents (999,000), war (502,000), violence (563,000), and HIV/AIDS (312,000).

There are several proposed and implemented solutions to global labor issues. Multi-stakeholder initiatives (MSIs), for one, are voluntary alliances between brands, trade unions, NGOs, and other stakeholders to facilitate positive change for workers. Additionally, there are legal measures such as mandatory human rights due diligence laws and customs regulations. Lastly, a social auditing industrial complex is a prevalent approach to grasping working conditions. At best, these measures collect and report data, advocate for workers, and provide employment for altruists in a growing industry. At worst, they produce inaccurate data, waste resources, and provide cover for unethical practices.

All things considered, a key reason these measures have not fully achieved their objective in eliminating labor abuses is because they do not drive at a big root cause of these abuses: the corporate mandate to seek profit above all else. As the global economic system currently functions with its emphasis on profit, it is virtually impossible to make a business case for worker dignity. However, if we update corporate law and remove one element

in the relationship between corporations and shareholders, limited liability, the welfare of humankind could be just as much a motivational pillar for the private sector as profit.

**Limited liability** is a common law relic of the early 17th century and continues to dominate the private sector. Corporations are **structured** so that company assets are separate from shareholder assets, and the fiduciary duty of the company is to the shareholder. In other words, the sole purpose of the corporation is to generate wealth for its owners, and its owners bear no financial responsibility when the corporation is found to have perpetuated unethical practices and redress is necessary. The behavior of corporate managers is determined solely by a duty to benefit shareholders.

Limited liability establishes that the difference between corporate ownership and other classifications of ownership is the lack of a **maintenance obligation**. For example, a property owner is **personally liable** for any injury incurred as a result of poor maintenance, regardless of third-party management employment, so if a shingle comes loose and causes injury or death, the homeowner's personal assets are accessible for remediation. In contrast, shareholders are shielded from personal liability when their business practices perpetuate harm, like labor abuses, and redress is needed. On the other hand, if their individual assets were tied to their business investments, shareholders would probably implore management to make kinder choices.

Limited liability originated in 1602 with the formation of the first publicly traded company, the **Dutch East India Company**, or the VOC from the Dutch: Vereenigde Oostindische Compagnie. Established in the age of European colonialism, the VOC was marked by **violent dispossession, forced relocations, and coerced labor regimes**, wherein the local natives and their dignity were cast aside in favor of maximizing shareholder profit. At the time, western values reflected a crueler ethical standard than what we strive for today. This standard remains embedded in how modern systems are designed, despite all our best efforts to effect positive change for our fellow human beings.

Today, voluntary measures like MSIs are commonplace ways for the private sector to address labor issues. **The Fair Labor Association** (FLA) is an example of an MSI that **requires** its members to publish all Tier 1 manufacturing facilities in supply chains and update annually. FLA also has an **accreditation** process for assessing agriculture suppliers at the raw materials stage, the start of the supply chain, important because forced labor is most concealed and at **risk** at this stage. Though beneficial, MSIs are not above criticism. Their voluntary nature leaves room to **question** their legitimacy as brands have the potential to evade accountability while benefiting from the optics of their membership. In addition, a conventional feature of MSIs is a power imbalance between workers and labor unions and their private sector fellows.

Legislative efforts also attempt to address working conditions. **Several European countries and entities** have proposed or passed corporate due diligence legislation. The French Law on Duty of Vigilance is the only statute which **includes** civil liability provisions. Even still, labor abuse victims seeking redress must undergo an arduous process with a high potential of failure. The first case brought under the French law was thrown out on

procedural grounds after being held up in the courts for four years. Other legislative measures regulate customs imports suspected of being produced by forced labor. The US Uyghur Forced Labor Prevention Act (UFLPA) endeavors to prevent goods presumed to originate from Xinjiang Uyghur Autonomous Region of the People's Republic of China, an area marked by government imposed forced labor, from entering the country. For this reason, global markets are increasingly looking elsewhere to source raw materials, but it is challenging to guarantee zero presence of modern slavery in a supply chain. Besides, products stopped at the border can simply be re-exported to countries with lax import laws. Finally, laws like UFLPA do not offer any form of redress to workers.

These voluntary and regulatory frameworks heavily rely on the social auditing industry, worth around \$50 billion, with an estimated annual growth rate of 9.2 percent. Social auditing is meant to provide clarity into working conditions, but reports are not always accurate. Suppliers are motivated to hide labor abuses from auditors to keep contracts with their brand buyers. Meanwhile, subcontractors often fall out of scope, leaving a blind spot in the supply chain where the risk is high. Lastly, as auditing companies compete with each other for business, they are incentivized to underreport labor abuses.

Each measure we apply to address labor abuses provides much value in a complex economic system. Stakeholder partnerships, regulatory intervention, and formal review are necessary if we are to live in a slave free world. However robust these mechanisms are, they will not bring about a solution, not if shareholders are incentivized by the same human exploitation as the VOC more than 400 years ago. At that time, a group of people decided limited liability for the owners would be the way to do things. Today, a group of people can decide a different way – a new precedent where owners and workers share a common interest, and we can finally live up to our values.



# Bridging the Gap: Fair Compensation and the Global Apparel Industry

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## Introduction

Today's global cost-of-living crisis has heightened the challenges faced by workers across various industries, especially in the apparel sector. Despite incremental progress, significant hurdles remain in achieving fair compensation, notably the living wage standard. Underscoring the current situation, in recent years, workers in apparel supply chains have reported having to pay nearly [\\$4,000 \(USD\)](#) to obtain employment. Furthermore, approximately [27%](#) of workers in global apparel supply chains were paid below the minimum wage in 2021, a number typically far below a living wage in the first place.

According to the [Global Living Wage Coalition](#), a living wage is a compensation based upon a standard work week, which is suitable for a worker to obtain basic necessities of life, including food and water, housing, clothing, education, healthcare and other essential needs. The Fair Labor Association (FLA) echoes this sentiment in its [FLA Fair Labor Code](#), mandating that "every worker has the right to compensation for a regular work week sufficient to meet basic needs and provide some discretionary income." Despite these articulated principles, the reality remains marked by global exploitation and insufficient compensation, perpetuating a cycle of poverty and insecurity among workers, their families, and communities.

Living wages have many [direct impacts](#) and even create a ripple effect through communities and economies; when workers are not paid living wages, there are many direct consequences. They may struggle to afford housing which offers a decent standard of living, such as protection, privacy, sanitation, and clean water. Further, families may rely on their children to bring in extra income, often going to work rather than school, ultimately, having a generational impact.

The ultimate vision for [FLA](#) is for all workers in affiliate supply chains to earn a living wage and have some discretionary income. The 2020 [Fair Compensation Strategy](#) has provided a strong foundation for achieving this ultimate goal by outlining organizational commitment. In 2024, fair

compensation will remain a top priority and concern for FLA as many workers in the apparel supply chain are still not receiving a living wage. Ultimately, there are still gaps in realizing the vision of a living wage which needs to be addressed by companies.

As the issue of fair compensation in the global apparel industry is explored, it becomes imperative to examine the issue and determine who is ultimately responsible for ensuring a living wage for apparel workers. This paper delves into this complex issue, revealing that the responsibility is distributed among various stakeholders, necessitating collaborative efforts to effect meaningful change. Drawing upon key insights, the paper presents recommendations directed at corporations to bridge the gap between existing practices and the vision for fair worker compensation.

## FLA Fair Compensation Blueprint

To understand the gaps in fair compensation, we must outline what has been achieved thus far. The [fair compensation blueprint](#) report, published June 2021, is a strong action plan toward the goal of prioritizing living wage progress. The blueprint provides requirements which align with the goal of fair compensation and reflects the Fair Labor Accredited companies' commitment to these standards.

The first step of the blueprint requires companies and suppliers to collect a data sample representative of their supply chain, especially focusing on high-risk and high-production countries. In terms of high-production countries, China remains the largest exporter of apparel goods; however, after the COVID-19 pandemic, trade patterns have started to show the global supply chain diversifying away from the country. Less industrialized countries are [becoming popular](#) sourcing destinations for apparel products. The next section highlights the most popular production countries as well as the ones which pose the greatest risk in terms of wages.

## Apparel Producing Countries

It is critical that companies are aware of essential wage-related statistics in countries from which they source. The chart below shows popular apparel sourcing countries' wage data from 2022. As gross domestic product (GDP) and inflation increase in a country's economy, there is typically also an increase in the cost of living. Therefore, it is expected that an increase in GDP and inflation result in minimum wage raises which align with the new costs of living. Unfortunately, as outlined below, this is not typically the case in most apparel sourcing countries.

Country	Population in millions (2022)	Real GDP growth (2022)	Inflation (2022)	Share in world clothing exports (2021)	Monthly base wages for manufacturing workers US\$ (2022)	<a href="#">Approximate monthly living wage US\$ (2022)</a>
Bangladesh	171.2	7.1%	6.5%	6.5%	127.0	624.8
Cambodia	16.8	5.2%	5.3%	1.5%	246.0	701.0
China	1,412.2	3%%	1.9%	32.1%	607.0	1,033.7
India	1,417.2	6.3%	5.5%	2.9%	330.0	451.1
Indonesia	275.5	5.3%	4.2%	1.7%	374.0	579.1
Pakistan	235.8	-0.5%	29.2%	1.5%	174.0	384.0
Việt Nam	98.2	8.0%	3.2%	5.7%	277.0	549.7

[Fung Business Intelligence 2023 Country Sourcing Report, 2023](#)

## Have We Made Progress?

While there are still gaps in realizing the vision of a living wage, we must acknowledge that progress has been made. According to [FLA fair compensation strategy status](#), as of June 2021, 79% of Fair Labor Accredited companies met the blueprint requirements toward fair compensation. Through [wage data collection](#), FLA is able to gain transparency into affiliate supply chains. FLA members provided 362 wage data sheets from their supply chains for living wage analysis. Additionally, companies collected wage data for a decent portion of their supply chain: 30% of companies collected data from more than 25% of their supply chain, 53% of companies collected data from more than 10% of their supply chain, and 90% of companies collected data from more than 5% of their supply chain. The largest volume of wage data collected is from China, Việt Nam, Bangladesh, Cambodia, and Honduras, all high-exporting and/ or high-risk countries.

There is promising headway for the future of living wages. Specifically, [case studies](#) offered examples of two factories successfully meeting living wages. The Việt Nam apparel factory [pilot scheme](#) shows a promising outlook for living wages and provided recommendations on how to achieve this goal as an industry.

## The Path Ahead

Moving forward, it is critical to question who is ultimately responsible for ensuring fair compensation and living wages of factory workers. Suppliers? Brands? Governments? Consumers?

The correct answer is all of the above; however, government and corporations hold the greatest responsibility. Governments of major apparel importing

countries, including those in Europe and the United States (US), are pressing for legislative action to enforce fair wages, while also urging corporations to ensure fair compensation throughout their supply chains. For example, if passed in the US, the potential wage legislation called the [The FABRIC Act](#), will create institutional change by supporting dignified jobs for garment workers. One of the major goals of this bill is to [get rid of the piece-rate system](#), enforce minimum wage standards, and eliminate wage theft. In addition to governments, brands are also liable for ensuring adequate wages for garment workers in their supply chains. While in an ideal world, suppliers would be responsible for ensuring fair compensation for their workers, there are far too many suppliers compared to brands; ultimately, brands hold '[monopsony power](#).'

## Brands' Responsibilities

To fill these gaps and execute a vision for the future of fair compensation, brands must take responsibility for their own supply chains. By doing so, not only are brands [protecting their reputations; they are also reaping other benefits of living wages](#), such as greater supplier reliability and higher quality products due to increased worker retention and a lower turnover rate.

The first step toward fair compensation within a brand's supply chain is understanding and educating workers across the supply chain about what living wage looks like in relevant countries. Outlined in the chart above is the estimated living wage for the identified high-production and high-risk apparel producing countries. Brands can also take action by adopting tools such as the [living wage calculator](#), so they consistently stay up to date with current living wages and hold their suppliers accountable.

The second step toward a dignified supply chain with fair compensation is an increased collaboration between buyers and suppliers. According to [Sourcing Journal](#), buyer/supplier collaboration plays a critical role in living wage progress by ensuring the key drivers are in line such as "removing overtime hours from the production plan, investing in new equipment and worker training, and committing to substantive supplier, union and worker engagement." Additionally, collaboration between companies' internal and external partners, as well as stakeholders (such as unions and government agencies), plays a critical role in working toward fair industry-wide practices.

Third, for brand initiatives to contribute to the advancement of a living wage, apparel and footwear companies must invest in data collection. Data analysis of worker wages across the industry-wide supply chain will provide enhanced transparency. [Wage data collection](#) increases collaboration between brands, improving their understanding of company supply chains and outlining key gaps toward the ultimate goal of living wages industry-wide. FLA encourages companies to participate in providing data of their supply chains through utilizing tools such as the [FLA Wage Data Collection Tool](#).

Finally, through [public commitment](#) and [public reporting](#), companies can ensure progress toward fair compensation. Public commitment to fair compensation and responsible purchasing and production practices holds companies accountable for taking necessary steps to uphold a worker's right to fair compensation. To ensure transparency into the actual progress being made, it is essential to pair this commitment with public reporting, which presents quantitative data on wage indicators.

# The Children Behind Our Cheap Clothes

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Exploited, abused, and intimidated. Across the world, countless children work daily to fuel the global supply for cheap clothing. According to an article by [The Guardian](#), the global child labor force exceeds 170 million children. What was once merely an industry of style and trends has swiftly evolved into a system that exacerbates the suffering of the vulnerable, perpetuating their marginalization by robbing them of education, well-being, and basic rights.

To tackle the pressing issue of child labor, we must confront the darker aspects of the fast fashion movement. It is necessary to look at the darker parts of this movement and learn how children work in the shadows of fast fashion. Delving into these shadows is imperative to grasp how children become ensnared within its supply chains. By gaining insight into their experiences, we can pivot towards a future that places the well-being of these vulnerable children at the heart of our solutions.

## What are fast fashion and child labor?

Fast fashion represents a contemporary trend where major clothing corporations rapidly reproduce the latest styles and trends, providing consumers with access to the newest fashion trends at the lowest prices possible. In pursuit of this goal, fast fashion has resorted to exploiting workers. Commonly referred to as a “[race to the bottom](#),” this trend ultimately leads fast fashion retailers and manufacturers to rely on child labor because it is an inexpensive, and often convenient, form of labor.

The [International Labour Organization](#) defines child labor as a broad spectrum of paid or unpaid work that deprives children of their childhood, potential, and dignity, while also impeding their mental and physical growth. This includes any activity that jeopardizes children’s well-being, whether physically, mentally, socially, or morally, and impedes their access to education.

## What is the lived experience of children in fast fashion supply chains?

Children in the fashion industry begin at the earliest stages: cotton production. During this process, they produce cotton seeds, pick cotton, spin yarn in the production of textiles, and cut and construct the final garments. [One poignant example from India highlights the exploitation of young girls](#), leveraging their small fingers and low cost of their labor. Despite legal restrictions prohibiting children from working until the age of 16, girls as young as 10 or 11 are found feeding raw cotton into machines, a hazardous practice. The cotton production process generates a thick white cloud that poses risks of lung disease, especially for these young workers. Tragically, instances of exhaustion-induced sleep leading to suffocation in piles of raw cotton have been reported.

Beyond this specific case, the report “[Children Behind Our Cotton](#),” highlights that children generally work from sunrise to sunset, sometimes in harsh weather, on backbreaking, dangerous, and repetitive activities on cotton farms. Comfort and care are alien: they may be separated from their homes and families, having been trafficked across countries and subjected to horrific living conditions. They receive little or no pay for their adult-like contributions, and attending school is not an option. This dire situation underscores the failure of ensuring the protection and welfare of children in the industry.

## Why does child labor exist in fashion?

Despite the numerous issues associated with child labor, there are [arguments](#) that overlook the profound toll it takes on the well-being of children. Supporters of child labor justify this practice based on economic reasons or the need for children to work to support their families. However, advocates against child labor emphasize that no economic gain or poverty alleviation justifies subjecting children to harsh working conditions, denying them education, and exposing them to physical and emotional harm.

Importantly, poverty remains a driving force behind children’s involvement in supply chain labor. Contrary to the claims of child labor supporters, who argue that it provides a way out of poverty, child labor perpetuates it. Often, adult workers earn such low wages that they struggle to meet their families’ basic needs, prompting their children to join the workforce to augment their household income. There exists a stark correlation between child labor and low wages for adult workers, evident in both agricultural (such as cotton production) and garment factory settings. As children are easy to exploit and are cheap laborers, companies often prefer to hire them in comparison to adults. If there is an effective ban on child labor, labor would become scarcer, empowering adult workers to negotiate for fairer wages and improved working conditions. Moreover, children who work and do not go to school are more likely to end up in low paid jobs later, and so will their children— thereby, perpetuating the vicious cycle of poverty.

It’s also important to note the difficulty in identifying the precise locations within supply chains where child labor occurs. This challenge stems from the intricate dynamics of globalization and the evolving business tactics of fast fashion corporations, which have resulted in increasingly intricate supply

chains. Major brands often depend on numerous subcontractors to manufacture the products that eventually reach their stores. While the complexity of these supply chains makes it difficult to pinpoint instances of child labor in fast fashion supply chains, it is not impossible.

## What can be done about child labor in fast fashion supply chains?

Tackling child labor in the fashion industry has remained a complex issue to solve as it requires navigating the intricate social landscape of poverty, debates on child labor, and global supply chains. [In the past](#), the United States has tried and failed to take on the issue of child labor due to the complexity. Between 1992 and 1999, Congress proposed legislation aiming for a complete ban on imported products made by children in other countries. The bill was driven by the belief that “children in developing countries should be in schools and not in factories, working long hours for little or no pay under hazardous conditions for the sake of their future and that of their economies.” Unfortunately, the immediate aftermath of the proposed law resulted in significant adverse outcomes. Around 50,000 Bangladeshi child garment workers lost their jobs. Subsequently, the International Labour Organization and UNICEF reported that many of the affected children turned to more perilous forms of labor, such as stone crushing or prostitution, in order to make ends meet. Thus, it is imperative to craft legislation concerning child labor meticulously, with careful consideration given to potential unintended consequences.

Currently, the primary approach to eradicating child labor in fast fashion supply chains revolves around mandatory disclosure laws in several countries, including the United States. An [example](#) of such legislation is the recent United States bill, the Business Supply Chain Transparency on Trafficking and Slavery Act of 2020. However, these laws currently do not mandate companies to proactively address child labor in their supply chains. Instead, companies only need to disclose the origins of labor in their product supply chains and whether they are taking measures to eradicate forced or child labor. Consequently, it falls upon the companies themselves to ensure that child labor exploitation is not occurring within their supply chains.

Given that the burden of responsibility lies with the companies, it is imperative that they take their obligations seriously. For instance, companies could opt to participate in multistakeholder initiatives like the Fair Labor Association, which offer third-party accountability for implementing systems to prevent child labor. Only through collective efforts and unwavering dedication can we aspire to build a future where every child is granted their inherent rights and shielded from exploitation.

# Solidarity and Struggle: Unraveling Argentina's Labor Dispute Landscape

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Known for its vibrant history and diverse culture, Argentina boasts a passionate workforce alongside a long tradition of labor activism and union engagement. The country's labor force is characterized by a deep-rooted sense of solidarity and commitment to collective bargaining, underpinned by a robust framework of labor laws that have evolved over decades. This passion is a testament to the country's history of labor movements, which have been instrumental in shaping national policies on wages, working conditions, and social security. A notable milestone in the country's history is the establishment of the General Confederation of Labor in the 1930s, which has played a pivotal role in advocating for workers' rights. However, Argentina also confronts labor-related challenges, predominately among public sector employees.

This article aims to shed light on a recent labor dispute in Argentina, exploring its origins, consequences, and potential solutions. As the eighth-largest country by land mass, Argentina's varied economy has strong sectors in agriculture, manufacturing, and services. Despite this, its workforce encounters numerous labor issues. This article focuses on the struggle faced by public sector workers, including teachers, healthcare workers, and civil servants, which centers around wage disparities, working conditions, and government policies.

At the heart of the labor dispute in Argentina are the wage disparities faced by public sector employees. These workers argue that their compensation falls short of adequately reflecting their contributions, particularly against the backdrop of Argentina's soaring inflation rates – which have been among the world's highest in recent years, with [figures reaching double digits annually](#). Rapid inflation erodes the purchasing power of salaries, making it increasingly difficult for workers to maintain their living standards. Public sector employees, therefore, demand significant salary adjustments to offset these economic pressures.

Argentina's economic landscape has been marked by volatility. This economic instability directly impacts wage rates and the overall quality of life for many Argentinians. While exact figures for median household income fluctuate, the consistent theme is that salaries have struggled to keep pace with



inflation. Considering the median monthly household income, it is evident that wages barely cover essential living expenses for a significant portion of the population, to say nothing of savings or discretionary spending.

This situation is compounded for public sector employees, who often find their wage increases lagging behind the private sector. The gap between wage growth and inflation means public employees' purchasing power continues to decline even with periodic salary adjustments. In response, labor unions and public sector workers have been vocal in their demands for more substantial and frequent wage adjustments. These adjustments are seen as vital not only for preserving living standards but also for acknowledging the critical roles these employees play in society.

Additionally, public sector workers are outspoken about their poor working conditions. Complaints include overcrowded classrooms, understaffed hospitals, and obsolete infrastructure, impacting not only job satisfaction but also the quality of public services.

The austerity measures implemented globally, including in Argentina, as a response to financial crises and the COVID-19 pandemic, have had profound impacts on public sector workers and services. These measures often involve wage freezes and cuts in the public sector, affecting essential workers such as teachers, nurses, and other public service employees. A global report highlighted the widespread nature of these austerity measures, noting that 143 countries (representing 85% of the world's population) started scaling back public spending in 2021, with expectations of continued cuts through 2025. The austerity policies include a wide range of measures, from targeting social protection systems to cutting health expenditures, which have detrimental impacts on populations, particularly affecting women and exacerbating inequalities.

[Oxfam's analysis of International Monetary Fund \(IMF\) COVID-19 loans](#) found that the majority encourage or require recipient countries to adopt austerity measures, such as public healthcare system cuts, pension scheme adjustments, and wage freezes for public sector workers. These measures can leave millions without access to healthcare or income support, hindering sustainable recovery efforts and increasing inequality.

[Further research by ActionAid reports](#) the specific consequences of such austerity policies on the public sector, emphasizing the negative impacts on the recruitment and retention of essential public service workers. The imposition of public sector wage bill constraints has led to recruitment blocks for new teachers, nurses, and other crucial workers, even where severe shortages exist, and has limited pay for existing workers, undermining the quality of public services.

These findings underline the need for alternative approaches to fiscal consolidation that do not rely on harmful austerity measures. Instead of cutting public expenditures, governments are encouraged to explore various financing options to support recovery and progress towards equitable and sustainable development goals.

Understanding the labor unrest in Argentina requires an examination of its underlying causes:

1. **Economic instability:** Recurrent economic crises, hyperinflation, and currency devaluation have hampered the government's ability to offer stable salaries and public services. Argentina's economic crisis, ongoing since 2018, involves severe devaluation of the Argentine peso due to high inflation and loss of currency value, prompting a loan request from the IMF.
2. **Political turmoil:** Political instability and frequent changes in leadership have obstructed the development of consistent labor policies.
3. **Union influence:** While labor unions play a crucial role in advocating for worker rights, their significant influence can sometimes impede productive negotiations and reforms. One notable example is the 2016 Verizon strike in the United States, where nearly 40,000 Verizon workers represented by the Communications Workers of America and the International Brotherhood of Electrical Workers, went on strike. The dispute centered around contract negotiations, with the unions opposing the company's proposed changes to worker benefits, job security, and outsourcing. The strike, lasting over a month, significantly disrupted Verizon's operations. While it showcased the unions' capacity to advocate for worker rights, it also highlighted how such influence could stall negotiations and operational reforms.

The labor unrest in Argentina has far-reaching implications such as disrupted public services. Strikes and protests have interrupted essential services like education and healthcare, affecting the general public and deepening social inequalities. Political polarization shown through labor disputes has fueled political polarization and social unrest, with differing views on public sector employees' roles and government policies. Finally, labor disputes can destabilize the economy, deter foreign investment, and reduce productivity, further exacerbating the nation's economic difficulties.

A multifaceted approach involving various stakeholders is necessary to address Argentina's labor unrest:

1. **Dialogue and negotiation:** Constructive dialogue between the government, labor unions, and public sector employees is essential to finding common ground.
2. **Economic stability:** Stabilizing the economy, curbing inflation, and implementing long-term economic strategies are critical to ensuring stable wages and working conditions.
3. **Labor reforms:** Revising labor laws and regulations can better accommodate public sector workers' needs by ensuring fair compensation, improving working conditions, and promoting job security, all while upholding fiscal responsibility. This approach involves implementing flexible labor policies that adapt to economic changes without compromising the quality of public services. By fostering a supportive work environment and engaging in constructive dialogue with labor unions, governments can achieve a balance between meeting workforce demands and maintaining budgetary constraints.

4. **Social investment:** Enhancing education, healthcare, and public infrastructure can improve working conditions and service quality, benefiting workers and the general population.

The labor unrest in Argentina highlights the intricate relationship between economic, political, and social factors affecting worker rights and labor relations. To progress, Argentina must balance addressing public sector employees' legitimate concerns with ensuring economic stability. A collaborative effort from the government, labor unions, and civil society is vital to resolving current labor issues and fostering a more equitable and prosperous future.

# Increasing the Effectiveness of Grievance Mechanisms

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## Introduction

Grievances arise in workplaces of every industry but reporting and remedying these complaints requires a diverse set of approaches that must make consideration for workers, workplace environments, technology available, and the industry. How a grievance is defined and how a system for grievances is structured may vary depending on the workplace, but what is most important is that workers be familiar with that system. A grievance (or complaint) is defined in the FLA Grievance Mechanisms Toolkit as:

Worker discontent or dissatisfaction regarding any situation that:

1. Represents a violation of legal regulations, code of conduct, workplace rules/policies, employment contract, or collective bargaining agreement.
2. The worker believes or feels is unfair, unjust, or inequitable.

Creating and monitoring an effective grievance mechanism requires cooperation with the employees who use the mechanism. In communication with workers, it is important for the employer to not assume what the worker thinks or knows. Because of this, employers are responsible for promotion of grievance tools and workers' awareness of their rights. Workers can often provide valuable information to employers, so grievance mechanisms should be designed, implemented, and monitored with input and cooperation from [unions and workers](#).

## The Scope of the Grievance Mechanism

A crucial step in building a grievance mechanism is [defining the scope](#) of grievances. Working with employees, the employer should identify the breadth of the grievances that may arise. For instance, they should not be limited to the worst violations and issues where human rights have already been violated or important laws have been broken. This limited approach could allow seemingly smaller issues to escalate into serious problems before they are reported, leaving remedies that are more expensive and have had a greater impact on workers. A wider scope allows an employer more options to identify issues that can be remedied before escalating to serious violations.

The grievance mechanism should be designed to collect a range of concerns that can be properly addressed by the employer while [filtering out frivolous complaints](#). When the scope of the grievance mechanism has been defined, it is crucial that workers be informed of what is included. It should not be assumed that the workers will know what issues can and should be reported through the grievance mechanism. Lacking a clear definition of “grievances” could lead to an underreporting of issues, decreasing the effectiveness of the system and the amount of communication with employees on working conditions.

## Communication with Employees Before, During, and After

A good grievance mechanism is part of the framework of protecting workers’ rights and complying with laws, policies, and due diligence processes. Grievances are only one channel of open communication, allowing workers to submit complaints, issues, and concerns about their jobs and workplaces. In the creation and execution of these mechanisms, it is important to engage workers from the start because these are the people who are going to be the [users of the mechanism](#).

Worker representation, through unions or other means, aids in the understanding of the design process. Using language and a process that workers understand allows for better communication from anyone filing a grievance. Unions’ and or workers’ involvement in the design [increases the transparency of the mechanism](#), boosting the credibility and trustworthiness of the process to the workers.

After implementing the grievance mechanism, employers must continue to monitor and adjust the system. Employers should have a tailored approach to the design and modifications of their system. As the workers, culture, industry, and technology change, so should the grievance mechanism in place. Continuing the dialogue with unions and workers provides employers with the opportunity to learn how and why needs have changed.

## Educating Workers

Grievance mechanisms provide a means for workers to voice their concerns and issues and identify when and how their rights have been violated. For this to be an effective channel, workers must know where to find the grievance mechanism, how to use it, and which potential problems in the workplace have been identified. Keeping in mind the goal of the grievance mechanism, the employer must ensure that the workers have the necessary knowledge to know when it is appropriate to use the system. Although a worker may trust that the system in place works, if the worker is unable to properly identify violations, a complaint will not be filed by the worker, and the employer will be unaware of any violations to redress. Workers who can identify and report issues when they arise allow employers the [opportunity to fix the issue](#) before it escalates into a bigger and more costly problem.

## Conclusion

To identify and address human rights violations and noncompliance with laws, policies, and regulations, grievance mechanisms are an important method of communication. Having a system in place that workers trust to be effective for remediation and safe to use without any risk of punishment or retaliation will result in better reporting of grievances. Employers should seek input from unions and workers on how to structure the system of reporting and addressing grievances to achieve a framework that is user friendly and provides benefits to the workers and employers.

The grievance mechanism must be able to adapt and evolve within the changing workplace environment. As employers identify, remedy, and monitor past grievances, the reports also provide a learning opportunity to identify patterns of risk, improve workplace conditions, and upgrade the grievance mechanism for the prevention of future violations.

# Labor Rights Backsliding: An Indonesian Case Study

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Indonesia has a steadily growing economy and large population. However, concerns over the growth trends of its economy and the changing composition of its workforce have driven the proposal of new economic policies. Indonesia's role as one of the primary economic powerhouses of its region makes a movement away from worker protections found in these changes of particular concern. To preserve the ideals set out in its signing of international rights declarations and turn-of-the-millennium labor legislation, Indonesia's policies and protections should evolve so that new and existing labor concerns are not abandoned. Striking a balance between labor and growth concerns could forge a meaningful economic consensus.

## Background

Following the fall of the Suharto regime in 1998, the new Indonesian government responded quickly to improve the labor rights of its workers. Through the signing of the [International Labour Organization's Convention 87](#) concerning freedom of association in 1998 and the 2003 [Act 13 concerning manpower](#), Indonesia established improved working conditions and regulation of outsourcing and severance pay that prevented companies from circumventing the spirit of the policies avowed in ILO 87. These advancements were followed by the establishment of an Industrial Relations Court in 2006 to oversee labor disputes, which ensured that conflicts between management and labor could be fairly mediated by an apolitical organization. However, many of these advancements were threatened in November of 2020 with the [Omnibus Law on Job Creation](#). The law reversed the Manpower Act's protections for collective bargaining, its special consideration of women and youths, and its minimum severance payment. The new law allowed for a 12-hour workday and removed the right to a five-day work week. This resulted in a massive labor backlash and union calls for an amendment or repeal of the law if the protections were not returned. When the law was ruled unconstitutional by Indonesia's Industrial Relations Court in November of 2021, President Widodo used an emergency measure to assert the [provisions by executive fiat](#). Although Widodo's government argues the bill is necessary for economic stimulus, many of its elements represent a backsliding in the freedoms of Indonesian workers. It is just one example of how Widodo's concern for economic stimulus could put at risk Indonesia's status as a democratic nation in an unstable region.

## Established Labor Rights and Backsliding

The previously cited ILO convention 87 and 2003 Manpower Act established the philosophical and practical position of organized labor in Indonesia. The 2020 and 2021 bills represent a backslide from this status quo in three major ways: changes in minimum wage, worker leave, and outsourcing.

1. **Minimum Wage:** The original Job Reform Act and its amended version remove the ability for labor unions to negotiate minimum wages. Removing this capacity and delivering it to provincial executives leaves the wages of laborers in the hands of figures without the direct interests of workers at the center of their concerns.
2. **Worker Leave:** The new legislation removes the previously negotiated time off offered to workers. The previous agreement on worker leave was negotiated between unions and management. The agreement represented a policy agreed to by parties involved directly with production. Additionally, this new policy removes a guarantee of paid maternal leave. This new policy, justified as an economic stimulus, substantively distances worker leave from the reality of a company's workforce outside of the place of work.
3. **Outsourcing:** Although outsourcing is often associated with western economies transitioning to service economies, outsourcing is a reality even in the manufacturing heavy economy of Indonesia. The 2003 Act laid out definite regulations for the type of work that could be outsourced and the procedure by which it must be done. This finite scope was overridden by the new policy which now allows for outsourcing for any kind of labor. Because of the importance of manufacturing and farming in Indonesia, implementing this act could accelerate the labor arbitrage between countries in Southeast Asia. By loosening regulations on how companies can move labor, the market could be disrupted by the loss of jobs in particular communities. This economic disruption will reduce the bargaining power of unions and the job improvement that can accompany it.

## Means of Remediation

To ameliorate this regression in the workers' rights movement in Indonesia, the means of remediation should be wide in scope.

1. **Repeal:** The most obvious move to improve labor rights would be to repeal the 2021 bill that replaced the original Job Reform Act. The widespread and sustained protests of the bill's passage and the implications it has on the labor market in Indonesia establish its unpopularity. Though this is the simplest form of solution, it is also the most unlikely. The act was meant to spur foreign investment and it seems to be achieving that goal despite its threats to labor rights. A more realistic approximation of this solution would be to enact a new bill with the same goal of spurring foreign investment but constructed in direct consultation with the public and unions. If the unions decide to halt production in the same manner as recent French actions, foreign investment could be even more dissuaded. It would be ideal to reach a middle ground through consultation with the stakeholders in the labor movement.



2. **Consultation with Relevant Stakeholders:** Much of the criticism of the original legislation related to a lack of consultation with labor groups and the public. To balance the consideration of the rights of workers and political concerns of economic growth, collaboration between the four major trade union confederations of Indonesia and the legislature seems rational. This is a concrete way the government can avoid further turmoil and better protect labor.
3. **Protections for Non-Union Labor:** Although Indonesia has the third highest trade union density in Southeast Asia, behind communist Vietnam and highly developed Singapore, only 13% of its labor force is unionized. This consideration leaves the majority of Indonesians unprotected by the mechanisms of union negotiation. Consequently, an adequate movement to protect the rights of workers, and reverse the tide of labor violations, should include additional legislation to provide national protections to those outside of the union-management paradigm. The loosening regulation of work hours and leave is of particular concern for the non-union workforce. From the perspective of a Widodo government trying to increase foreign investment, persistent violations of the rights of these workers could result in a similar halt in production that resistance to union collaboration could produce. This concern can be addressed by also proactively addressing the concerns of non-union labor in Indonesia.

## Conclusion

Considering the substance of and reaction to Widodo's recent labor legislation, it is clear that the previous status quo which affirmed and protected basic worker rights is being eroded. Central to halting this trend is an understanding of Indonesia's unique economic position. Widodo's bill emerged from an Indonesian economy that is rapidly shifting, and which requires the injection of foreign capital to transition. The substance of the bill asserts the only option for increasing this investment is to relax protections for workers. However, the reality is that continued worker protections can accompany increased foreign capital expenditures in the country if the bureaucratic barriers at the heart of the government's concern over growth are removed with the concerns and input of all workers at the forefront. This will facilitate the goals of the government and potentially avoid the backlash that could result from a lack of worker consultation. If the movement away from labor protections continues, the ultimate impacts could be the opposite of Widodo's goals; for example, the labor market could actually destabilize, and the Indonesian economy could appear even less friendly to foreign capital. Ultimately, without a strong concern for the interests of workers, Indonesia's economic growth may be one sided or short lived. Companies with current or future ties to the labor force in Indonesia should be aware of these concerns. Along with the government's adoption of more worker-centered policies, companies using the same approach can help to better protect the interests of workers while simultaneously avoiding unnecessary labor market agitation.

# Connecting Education to Action Through Worker's Compensation

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Occupational hazards and injuries are serious and continuing threats to employees. "[Private industry employers](#) reported 2.8 million non-fatal workplace injuries and illnesses in 2022, up 7.5% from 2021." To stop the increase in workplace injuries and illnesses, employees must understand their rights, and employers need to know the legal capacities employees will utilize to protect themselves. Without this mutual understanding, employers will overstep their bounds and employees won't understand when to report an unsafe work environment that threatens themselves and their colleagues. This article aims to recognize the avenues employees can utilize to protect themselves from unsafe work environments, to show the discrepancies that exist among states in terms of worker protections, and how groups of individuals can be affected differently than the mainstream. Education is the key component to advocating for better work environments for employees, allowing those affected to feel empowered to bring reports forward that create safer work environments for all involved.

[The Occupational Safety and Health Administration](#) (OSHA)'s guidelines protect workers in the United States by ensuring a hazard-free environment. Some of OSHA's specific guidelines include, but are not limited to, workers "...receiving workplace safety and health training in a language [they] understand, working on machines that are safe," and so on. Workers are also encouraged to report any complaints to OSHA directly through their website. All complaints remain confidential, but workers are encouraged to tell their employer they are filing a complaint. Lastly, if a [whistleblower](#) is retaliated against, there is a whistleblower complaint form that prevents firing, transfer, or demotion based on their complaint to OSHA by using their legal rights to a safe work environment. Based on OSHA's website, it remains unclear as to why they encourage employees to reach out to employers notifying them of the report, an encouragement that might be considered unnecessary and endangering to the employee making the claim.

Employees will be protected by the OSH Act, providing workers with a healthy and safe environment to work, if their state has an "OSHA-approved state program." However, some states only cover "public sector workers," but "state-run health and safety programs must be at least as effective as the

Federal OSHA program.” However, some individuals are not protected by the OSH Act, including “self-employed workers, immediate family members of farm employers, and workers whose hazards are regulated by another federal agency.”

Even though OSHA protects 130 million workers across the United States (US), accidents and fatalities still occur. The [agricultural industry](#) is reportedly “one of the most dangerous industries to work in.” In addition to OSHA, workers’ compensation is another protection offered to agricultural workers (including other industries as well). Employers purchase workers’ compensation insurance, which is used to remediate work-related injuries in an effort to protect workers who cannot perform their duties due to injury. Despite workers’ compensation and a high incidence of work-related injuries for the [agricultural field](#), 21 states only have limited coverage for agricultural workers, and 15 states do not require employers to have workers’ compensation.

There are different groups of individuals one can look at to understand the difference in laws regarding workers’ compensation. While there is a long road ahead in protecting the people who are most disenfranchised, there are laws that protect our most vulnerable populations and give them the right to workers’ compensation. There are currently 36 states, including Washington, DC, that include undocumented workers in their workers’ compensation policies. Most states are not allowed to retaliate on undocumented workers that are seeking compensation for work-related injuries. Undocumented workers are also protected under the OSHA act which protects them from a retaliating employer when making a claim for a work-related injury or about an unsafe work environment. This is an important enactment of statutes, because if undocumented workers are not safe in the workplace, then other vulnerable populations could be deemed to scrutiny as well.

By protecting undocumented workers with these statutes, states are protecting all other workers in those spaces. Another important aspect of workers’ rights for [undocumented individuals](#) is that “federal immigration policy states that immigration agents should not interfere in a labor dispute.” These guidelines must be known by all undocumented workers, so they are able to seek workers compensation without employers threatening the retaliation of deportation. If any of the laws protecting undocumented workers are violated, the attorney or the undocumented worker can submit a complaint to OSHA to protect their residence in the US.

The [Fair Labor Association](#) (FLA) has strict guidelines on Health, Safety and Environment for workers. For example, employers are not only responsible for creating a safe and hazard-free work environment; they are also responsible for “mitigate[ing] negative impacts that the workplace has on the environment.” FLA creates guidelines to protect employees, communities, and other individuals who could be impacted by the company’s operations.

Due to the variation in requirements for states, it is important for agricultural and undocumented employees to know their rights on the job. It is also important for all employees to know the possible methods of ensuring a hazard-free work environment – by reporting violations. Information is the key to protecting workers’ rights, and guidelines need to be communicated properly and fully so workers can protect themselves. In the future, I hope to see more encompassing laws that protect all workers in each state and that do not contain gaps threatening the amount of coverage employees might see. Through the process of educating ourselves and others, that future will soon be a reality and will affect positive change in every employee’s workplace environment.

# NLRB Expands Interpretation of “Protected Concerted Activity” in Recent Labor Disputes

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Employees everywhere are organizing. Organized labor is having a moment. Recent headlines indicate that America is experiencing a “union boom,” a phenomenon in which labor unions are suddenly increasing in popularity, [reaching their highest approval rates since 1965](#). As of June 2023, [almost 10,000 employees at over 360 Starbucks stores in the United States have voted to unionize](#), and workers at big-name corporations such as Amazon, Whole Foods, and Apple are following suit.

This union boom has spurred increased awareness of workers’ legal rights, including the concept of “protected concerted activity,” which is explained in [Section 7](#) of the National Labor Relations Act of 1935 (the “NLRA”). This concept protects workers engaging in “concerted activities for the purpose of collective bargaining or other mutual aid or protection” so that they cannot be fired, disciplined, or retaliated against when engaging in such activities. Determining whether a specific case brought by a specific worker or workers qualifies as “protected concerted activity” is the job of the National Labor Relations Board (the “Board”), the governing body that interprets the NLRA’s provisions and investigates its alleged violations. The recent increase in awareness of workers’ legal rights has resulted in a rise in cases related to “protected concerted activity,” providing more opportunities for the Board to interpret the scope of this protection and determine what does or does not qualify. This article will show that the trajectory of recent court cases has been to expand the interpretation of “protected concerted activity,” presenting significant implications for both employees and employers.

In the 1930s, the Supreme Court viewed labor laws primarily as a tool to help workers unionize and a bureaucratic mechanism to resolve industrial disputes quickly. The Norris-LaGuardia Act of 1932 first codified the right to “engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” In doing so, it affirmed these activities as fundamental labor rights that deserve protection for their own sake.

While Section 7 of the NLRA included the same language, cases tended to apply the provision only when claims directly involved unions. In a 1986 outlier case, [Meyers Industries, Inc.](#), the Board provided the pivotal interpretation that concerted activity “encompasses those circumstances where

individual employees seek to initiate or to induce or to prepare for group action, as well as individual employees bringing truly group complaints to the attention of management.” It also established a more expansive standard “based on the totality of the evidence” to determine whether an employee engaged in concerted activity. Although the Board never overturned Meyers Industries, Inc., subsequent cases deviated from its standard.

A 2019 Trump-era case, [Alstate Maintenance, LLC](#), established that an activity must satisfy five restrictive factors to constitute “concerted activity” under Section 7, thereby making it more difficult for employees to invoke the NLRA’s protections. For instance, an employee must make a complaint at a staff meeting specifically announcing new wages, hours, or terms of employment to be protected. The Alstate Maintenance, LLC standard for determining protected concerted activity significantly narrowed the Meyers Industries, Inc. totality of evidence test and undermined the spirit of the Norris-LaGuardia Act. If the new precedent narrows the determination of what is protected, workers are less likely to be protected.

Amid the recent uptick in labor cases, the Board issued two landmark decisions in August 2023. In [Miller Plastics Products, Inc.](#), the Board found that an employee’s protest against a company’s decision to stay open during COVID-19 was not “individual griping,” as the company argued. Instead, it constituted protected concerted activity because the employee tried to bring group complaints to management. The Board based its open interpretation of concerted activity on a thorough review of the context in which the complaint was made, overruling Alstate Maintenance, LLC and restoring the totality of evidence standard in Meyers Industries, Inc. Sharon Block, a professor at Harvard Law School, adds that the Board “will not rule certain facts per se irrelevant. Instead, the board will look to any facts that help determine whether there is a link between the employee’s protest and group action.”

The other critical case, [American Federation for Children, Inc.](#), expanded the scope of Section 7’s “mutual aid or protection” clause to include advocacy for nonemployees in situations that could benefit statutory employees. The Board ruled that a worker’s urging that an employer should rehire her immigrant coworker after she reapplied for employment and obtained her work authorization constituted protected activity under the NLRA. While the NLRA already considers applicants prospective employees, the Board went a step further and held that the complaining worker could benefit from advocating from her colleague. It based its decision on [NLRB v. Peter Cailler Kohler Swiss Chocolates Co.](#), which established that an employee who helps another could reasonably expect help in return, and [Eastex, Inc. v. NLRB](#), which held that mutual aid or protection embodies matters outside the immediate employment context.

The Board’s recent expansion of Section 7 interpretations is shifting the tide in labor disputes for union and nonunion workplaces. Kenneth Jenero, an attorney with Holland & Knight in Chicago, argues that the totality of evidence standard “makes it virtually impossible for any employer to know with any reasonable degree of certainty whether any individual employee’s activity is concerted.” Given that the Board will heavily consider subsequent evidence of whether the individual’s complaint led to group action, it is likely to view many actions relating to workers expressing workplace concerns as protected under the NLRA. The totality of evidence approach may also override the importance of precedent because every case has different facts.

In addition, the American Federation for Children, Inc. decision extends protection to nonemployees and the employees supporting them. To provide guidance, the Board has already posted new pages on its website providing various applications of the expanded definition of protected concerted activity. For example, it covers some instances of nonunion individuals’ social media usage and conversations between two people if they have the potential to spark employee self-organization. While some cynical attorneys express that protected concerted activity is now essentially “whatever the board says it is,” it is at least certain that the Board will have greater power in arbitration and that these matters will be prosecuted more frequently.

While it will likely be easier for union and nonunion employees (or potential employees) to obtain legal protection for concerted work-related activity, employers face a future of uncertainty and legal risk in handling disruptive workplace behavior. In light of the Board’s recent decisions, employers should tread with caution before taking disciplinary action against individuals who raise workplace complaints by demonstrating that they would have taken the same action despite the concerted nature of the activity. Furthermore, the Fair Labor Association has established standards to help companies comply with best labor practices. Adhering to relevant [Employment Relations sections \(ER\) 1.1, 3.1, 4, 5, 17.1, and 17.6](#) of the Fair Labor Association’s 2023 Workplace Code of Conduct and Compliance Benchmarks can help employers prevent or mitigate employee labor disputes.

Specifically, ER.1.1 advises employers to have written policies and practices governing all aspects of employment, including company rules, grievance systems, and national laws regarding workers’ rights. ER.3.1, ER.4, and ER.5.1 recommend that these provisions be posted in workplace common areas and presented at new employee orientations and regular supervisor trainings. Educating employees and supervisors about what currently constitutes protected concerted activity can help them make more informed decisions and minimize disputes. Additionally, ER.17 stipulates that employers have a “system of worker and management communication that enables workers to consult with and provide input to management” and ER.17.6 suggests adding a system to prevent retaliation against workers filing grievances.

If consistently enforced, worker committees and regular check-in meetings between workers and their supervisors can create a culture of transparency and trust in the workplace. By implementing these Fair Labor Association Code elements, employers can take measures to comply with updated interpretations of U.S. labor law, develop awareness and proper treatment of employees’ concerns, and foster better relationships with their employees.

# Shadows in the Supply Chain: The Grim Reality of Child Labor in DRC's Mineral Industry, and the Corporate Responsibility to Protect Them

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Across the globe, [160 million children ages five to seven](#) are forced to work as child laborers. Around [70% of them harvest natural resources](#) we use and consume daily: lithium in electric cars and batteries; fruits and vegetables in grocery stores; cocoa and coffee in our desserts; cotton in textiles; gems and precious metals, among others. In 2024, products of child labor can be found in all corners of the Earth.

The International Labour Organization (ILO) recognizes that more than [one million children](#) currently work in mines and quarries worldwide. Deprived of education and adequate social development, the consistency at which children are forced to begin laboring at a young age means entire generations of kids are denied their rights to adequate growth, health, and safety. Today, headlines concerning children working in mines in the Democratic Republic of the Congo (DRC) are harrowing. Journalists argue that cobalt mining for smart device companies and electric vehicle markets [drives the necessity of child labor](#), and reports documenting how child laborers are [violently recruited](#) reinforce this discomfoting truth. Given that consumer choices will not directly lead to significant improvements in a global value chain, it is the responsibility of boards of directors to be transparent about their compliance with responsible recruitment and the necessity of protecting children forced to work at a young age.

## Framing The Challenge

The DRC holds the world's largest natural deposit of cobalt, yet is consistently one of the [top ten poorest countries on Earth](#). Children and adults are digging and dying for minerals fueling the Global North's green energy revolution but reap no benefit from their efforts. In addition to addressing how corporations enable the supply of child labor and exploitation, I seek to address how businesses could leverage their partners to address child labor, forced recruitment, and wage theft in these settings under the auspices of the [United Nations Guiding Principles on Business and Human Rights](#); local regulations prohibiting child labor in the DRC are not effectively enforced.

[Democratic Republic of the Congo ratified](#) the ILO's Child Labour Conventions No. 138 and No. 182 in 2001, and the Convention on the Rights of the Child in September 1990. Failure to uphold these commitments is largely the product of poor enforcement and accountability mechanisms from corporations that own the mines and the international community that fails to condemn these suppliers' practices. While it is unrealistic to expect immediate, drastic change, the Fair Labor Association (FLA) and other non-governmental organizations [offer guidelines](#) for business practices that specifically address how companies can act against child labor in their supply chains. Compliance is arguably a matter of will, as the financial means exist.

## On The Ground

The lifestyle of a child laborer is intense. A typical season in the mines is characterized by [verbal and physical abuse](#) when workers don't deliver on mining quotas, and traumatic injury as [collapsed tunnels trap workers](#) in underground burrows without ventilation. [Transplanted hundreds of miles away from home by militia networks](#) that profit by stealing their wages, children are effectively stuck in this violent cycle of poverty unless they choose to venture out alone.

Economic insecurity is therefore the primary driver of the necessity of child labor. Fortunately, the Protect, Respect, Remedy framework of the UN Guiding Principles on Business and Human Rights affords a variety of suggestions for redress. Supporting economic development initiatives that diversify the DRC's labor market or mandating that corporations who illegally source from artisanal miners that employ children pay their laborers at least a living wage are two actionable points of relief. Lowering the hazards of mining by enforcing safety standards with verified accredited international certification schemes is another.

## Moving Forward

To engage the operational staff who interact with mines every day, businesses should consider attending the annual conference that delegates portions of the DRC's mining licenses to Westerner profit scavengers: [DRC Mining Week](#). Leveraging the profitability of abiding by safety precautions in a space where mine owners are already thinking about money – given that their presence at Mining Week is driven by an incentive to grant access to certain facilities – is a reasonable strategy for inspiring and stimulating a change of behavior from those in looking to maximize profit. In theory, upholding safety standards would incentivize those in demand of minerals to source from their more sustainable operations, too.

Businesses with any connections on the ground would benefit from more intentional engagement with the mining communities by empowering [groups advocating for actionable reforms](#) on health and safety, or supporting the development of the school system, for example. After all, children who are attending school are less likely to be subjected to the dangers of working in mines.

Furthermore, businesses that believe they might be connected to minerals obtained through forced or child labor in their supply chain might investigate



such claims and make strides to source elsewhere, leveraging their supplier codes of conduct to enact change from within and pressuring mining companies to address child labor head-on. If a company was funding a fleet of EVs for a sustainable delivery brand, they have an unquestionable responsibility to address the source of the minerals in the EV batteries.

A significant hurdle to improving conditions for child minors is repressive violence against residents of mining communities and human rights advocates who call for change. In May 2022, [35 civilians were killed in a mining town](#) in Djugu territory after an armed group violently looted the town's riches. In 2023, four garment workers protesting in Bangladesh against unfairly low wages [lost their lives](#) during a violent clash with police in the streets. Any loss of life that is rooted in unaccountable business operators is an entirely avoidable reality if those with agency to ensure a living wage, or uphold conventions against violence, felt compelled to do so. To uphold fair labor standards, governments must be thorough in how they uphold civil rights and the humans organizing for better working conditions and be receptive to the potential requirement of restructuring how they understand sustainable business. Through explicit written commitments and working groups, businesses can take responsibility for their oversight and center ethical sourcing practices throughout their value chain; creating a role where the sole responsibility is to engage with and leverage suppliers to structurally eradicate child labor is a place to start, but should ultimately be followed by entire offices dedicated to verifying the authenticity of operations audits, communicating with rights advocates in the mines themselves, and implementing effective avenues for redress in partnership with the affected communities given the greater business responsibility to protect.

## Why We Should Have Hope

In the spirit of optimism, it's important to remember that there are [people whose sole purpose at work is to monitor and address child labor across their business' operations](#) — it's a matter of identifying who, or making space for such a role in businesses that commit to corporate social responsibility. Mandating a connection with a specific mine's operations crew and a summative written follow-up with actionable suggestions for redress, for instance, is but one example of an initiative that has the potential to alleviate some pressures. Relatedly, requiring that an audit passes through multiple independent eyes before being deemed acceptable, or considered passing, speaks to the thoughtful mindset necessary to adequately address child labor and prevent dishonest practice that is swept under the rug.

The pervasive reality of child labor in the DRC's mineral supply chain demands urgent attention and action. It isn't unreasonable to suggest that consumers should acknowledge how their purchasing power works to perpetuate this injustice, as the exploitation of children to produce everyday goods is a stain on our collective conscience. A dedicated team, council, or committee will enable governments and international organizations to enforce existing regulations on fair labor practice and uphold financial commitments to uplift miners out of poverty by expanding education and social services. The task is mighty and can seem daunting, but there is hope; through conscious collaboration, we can create a world in which kids are no longer forced to sacrifice their childhoods for the products we use, acting on our moral obligation to stand up against child labor and ensure human rights protections for all.

# The Impact of Technology on Workers' Rights

LOREN STEINBERG | UNIVERSITY OF MICHIGAN

From Henry Ford's efficient [assembly line](#), which revolutionized production and raised concerns about worker fatigue, to today's artificial intelligence (AI)- powered factories potentially [displacing millions](#) of workers, technology's impact on workers' rights has always been a complex issue. Although technology has positively affected workers' safety and well-being, those achievements are not without costs. As technology rapidly evolves, it is crucial to proactively consider its influence on employment opportunities and workers' rights.

Individuals, companies, suppliers, non-governmental organizations (NGOs), and governments need to work together to understand the positives and negatives associated with workplace technology implementation and its impact on worker rights. This article will shed light on those advantages and drawbacks of technology and provide recommendations on how it should be implemented in the workplace to ensure technological advancements benefit both workers and society in the future.

## Positives of Technology

Technology brings numerous benefits to the modern workplace. It can offer tracking tools that increase transparency of working conditions and empower workers to raise concerns. Employers can provide their workers with information and updates regarding organization and company training through [mobile devices](#). Interactive voice response, text messages and unstructured supplementary services are most commonly used. These devices also allow workers to express their needs and complete surveys that inform their employers about issues in their current working conditions, such as sexual harassment or forced labor.

[Blockchain technology](#) is another method that improves transparency in labor practices. By recording information about working conditions and wages on a secure, public platform, it can educate and empower consumers to make ethical purchasing choices. By leveraging consumer purchasing power, this increased transparency can put pressure on companies to improve worker treatment. Furthermore, [eliminating paper documentation](#) through blockchain technology could streamline processes, enhance data security, and simplify record-keeping for workers.

[Drones](#) are another technology that offers significant benefits, such as increased productivity, improved safety, and amplified income across the value chain. In agriculture, drones can be used to help predict when farmers should harvest by observing crop, soil, and land conditions and patterns, which leads to higher incomes for farmers. Plus, bird's-eye imagery helps reduce deforestation by providing information on illegal logging, [large-scale mining, and palm oil production](#).

Finally, [AI](#) can pinpoint poor working conditions by compiling information from many sources, such as supplier data, audits, news articles, and social media. AI can also monitor working conditions in real time and provide insight on organizational metrics for companies' supply chains to ensure full transparency and accountability of all workers involved in production.

## Negatives of Technology

Ensuring [equitable access to technology](#) remains a crucial challenge. Not all workers have access to good network infrastructures or mobile devices, and even if they do, surveys collecting data on workers' negative experiences may never be considered by their employers or companies at the top tier of the supply chain. The reliability of these surveys remains uncertain, and surveys alone cannot be used to ensure workers' rights are upheld.

While [drone technology](#) offers numerous benefits, it also has its costs. The initial cost of acquiring a drone can be high, and additional maintenance and upkeep are ongoing expenses. Furthermore, regulations are still evolving, creating uncertainty for drone users. Additionally, there are security concerns around unauthorized surveillance, data breaches, and potential misuse of drone technology.

Despite its benefits, blockchain technology has drawbacks. According to the [Institute of Supply Chain Management](#), setting up a blockchain network is expensive, requiring hardware, software, and skilled personnel to establish and maintain its complex infrastructure. Additionally, the rise of blockchain technology [presents potential legal challenges](#), particularly regarding data protection and privacy. The lack of harmonized regulations across borders can create vulnerabilities, potentially leading to the misuse of workers' private information. These barriers may outweigh the benefits this technology can provide.

Finally, as previously mentioned, AI has taken jobs from millions of workers whose lives depend on employment. According to [Elijah Clark at Forbes](#), this technology can be more efficient in manual positions with routine tasks such as data entry, customer service, and basic analysis, putting those workers at risk for job displacement. [AI has already displaced 14% of workers](#), and 45 million American jobs are projected to be taken over by AI in 2030. This impact extends far beyond lost jobs, as many workers support their families as well as themselves. Workers' displacement could lead to financial strain and a decline in overall living standards.

## Conclusion

Companies looking to use technologies that express workers' voices shouldn't see them as the sole resolution. For a truly comprehensive approach to upholding worker rights, these technologies should be used alongside strong trade union engagement and thorough human rights due diligence.

Furthermore, beyond simply evaluating their benefits, companies considering blockchain, drone, or AI technology must also conduct a thorough risk assessment of potential negative impacts on worker well-being. This approach can help mitigate risks and ensure ethical implementation.

Ultimately, using these technologies responsibly can contribute to strengthening human rights. Companies and suppliers must work with NGOs and researchers to experiment with new technology and tools. This collaboration ensures ethical development, preventing worker exploitation. Additionally, it guarantees accessibility for all workers in using these technologies, regardless of language, literacy, or location. Finally, collaboration with experts can produce robust data security and privacy measures, protecting worker anonymity and preventing data misuse. As technology continues to evolve rapidly, proactive consideration of its impact on workers' rights is crucial.

# FLA Student Committee Biographies

## Authors and Peer Editors

### SUPARNA AGRAWAL (PEER EDITOR)

Suparna Agrawal is a junior at Cornell University, pursuing a bachelor's degree in industrial and labor relations. She is deeply passionate about social justice and advocating for individuals who lack access to essential resources and opportunities, championing their causes and pushing for meaningful change and reform. Suparna has gained an extensive background in labor law through her university coursework and semester internship at the Equal Employment Opportunity Commission. Through her work with the FLA Student Committee, Suparna has deepened her interest in the global supply chain and fighting for the rights of international workers. Suparna plans to pursue a law degree in the near future and ultimately aims to practice law, using her legal expertise to fight for justice and equality for marginalized communities.

### ATHENA GARCIA (AUTHOR)

Athena Garcia is a junior at the University of Maryland-College Park studying public policy. She is passionate about human rights and working towards a world where equity and ethics are at the forefront of business decisions. She is also fascinated by history and culture, and wholeheartedly adores traveling. This pushed her to write about the genocide against Uighur Muslims, a horrific event that is rooted in history and geopolitics. Athena's research and love for advocacy extend beyond her participation in the FLA Student Committee. She has extensive volunteer and nonprofit related experience, is a Thurgood Marshall Fellow and Rawlings Undergraduate Leadership Fellow, and hosts the podcast "Deconstructing the True Impact of Corporate Social Change."

### JANET GILBERT (AUTHOR AND PEER EDITOR)

Janet Gilbert is a 1L at CUNY School of Law, and this is her first time participating in the FLA Student Committee. She previously obtained a master's degree in sustainable management from the Kellstadt School of Business at DePaul University, where she focused on the apparel sector. A freelance tailor and lifelong fiber artist, Janet is a proud garment worker in the repair economy. Her affinity with workers and background in corporate social responsibility drives her work in business and human rights. Janet is most interested in identifying leverage points and simplifying overly complex systems so that people and the planet are valued as much as profit.

### **GABRIELLA D. GOODEN (PEER EDITOR)**

Gabriella D. Gooden is a current senior at the University of Delaware completing a bachelor's degree in communications with a focus in public relations. In addition to her degree, she is double-minoring in fashion management and sustainable apparel & textile innovation and receiving a certificate in social innovation and entrepreneurship. Gabriella's passion for corporate social responsibility and human rights started at an early age after watching a video about the environmental impact of the fashion industry and garment workers who tirelessly work hard to have the clothes we all wear. Currently, she is a member of the FLA Student Committee, and is an ambassador for Fashion Revolution & Remake.

### **ZOE KOZLOWSKI (PEER EDITOR)**

Zoe Kozlowski is a rising 3L at the University of Utah SJ Quinney College of Law, where her focus is international law. Her interest in corporate responsibility began during her undergraduate studies at the University of Utah while pursuing her honors degree in health, society, and policy. She has sought to advance human rights through her work and volunteer contributions, including clinical research with women experiencing housing instability. After completing her law degree, Zoe intends to continue these efforts to advance human rights domestically and internationally. This is her second year participating in the FLA Student Committee.

### **RENA LAHN (PEER EDITOR)**

Rena Lahn is currently pursuing her MBA and M.S. in Environment and Sustainability at the University of Michigan, Ann Arbor. She is passionate about improving the sustainability of supply chain and sourcing practices while focusing on workers' rights. Throughout graduate school, Rena has focused her time and energy on strategic sourcing and the environmental risks of supply chain practices. She looks to utilize these skills in her future job and continue to advocate for sustainability practices in large corporations. This is her second year as a member of the FLA Student Committee.

### **HANNAH LAURITS (AUTHOR)**

Hannah Laurits, a recent graduate of the University of Delaware's fashion and apparel master's program, is deeply committed to advancing social and environmental causes within the textile and apparel industry. Her passion lies in improving supply chain and sourcing practices, with a keen focus on sustainability and workers' rights. Throughout her graduate studies, Hannah dedicated herself to promoting responsible practices and conducted data-driven research on the opportunities and challenges of positioning the US as a sustainable apparel sourcing destination. She is determined to continue to advocate for enhanced sustainability practices and standards throughout her career journey.

### **NICHOLE LAWRENCE (PEER EDITOR)**

Nichole Lawrence recently received her master's degree in sustainability management at Columbia University, driven by her passion for elevating ethical and sustainable standards. With a personal interest in fashion and beauty, she directed her studies towards enhancing brands' business models and

sustainability reporting. Additionally, she founded a sustainable clothing line utilizing excess and deadstock scrap fabric and served as an ambassador and writer for the nonprofit organization, Remake, advocating for better garment worker conditions in the fashion industry. Nichole's expertise as a freelance copywriter for BCorp-certified corporate businesses furthers her mission of communicating sustainability initiatives effectively. She currently serves as a sustainability intern for Woodbridge Township, applying her knowledge to implement sustainable practices within the local community.

### **SENA LEE (AUTHOR AND PEER EDITOR)**

Sena Lee holds a bachelor's degree in sociology and international development from McGill University and is currently pursuing a master's degree in public policy and public administration, specializing in social policy at Columbia University. Growing up with immigrant parents in Canada, she's learned firsthand that diversity isn't just a catchphrase—it's woven into the very fabric of society. Sena firmly believes that genuine inclusion requires intentional action, especially in dismantling the systemic barriers faced by marginalized and racialized communities in the workforce. Through her academic journey, she's gained a deep understanding of our world's complexities and the urgent need to engage with global issues on a human level.

### **ADITYA MADUPUR (AUTHOR)**

Aditya Madupur is a sophomore at the University of Pittsburgh interested in raising awareness about global sustainability. As a participant in the Fair Labor Association's Student Committee, he has been thinking critically about labor and producing art and writing as a representation of various human rights topics. Before joining the Student Committee, Aditya shadowed an undergraduate at the Conn Center for Renewable Energy in Louisville, Kentucky where he innovated sustainable energy sources like dye-sensitized solar cells, solar concentrators, and lithium batteries. Aditya hopes to continue to advocate for workers' rights and energy conservation through his art and involvement with the Fair Labor Association.

### **CAIT MCKEE (AUTHOR)**

Cait McKee is from Salt Lake City, Utah. She has a business background with a bachelor's degree in business management and a minor in marketing, and in spring 2024 was awarded a JD from the University of Utah S.J. Quinney College of Law, with an emphasis in international law. Cait plans to continue her work in advocating for and protecting human rights of marginalized individuals domestically and internationally.

### **PATRICK MURRAY (AUTHOR AND PEER EDITOR)**

Patrick Murray is a sophomore at the University of Notre Dame, studying economics and the program of liberal studies. He is interested in the economics of labor unions and the impact of changing federal policy on unionization. Through his work with the FLA Student Committee, he has also developed an interest in labor rights in Southeast Asia. To that end, during the summer of 2024, he will pursue an internship with the International Labor Affairs Bureau of the Department of Labor in Washington, DC. He is an organizer and participant of Notre Dame's "Labor Café," a student-faculty discussion group about contemporary labor issues. He hopes to eventually pursue a career in labor law.

## **EMMA ROMANO (AUTHOR)**

Emma Romano is a junior majoring in molecular and cellular biology with a minor in health and human values at the University of Arizona. Emma has an extensive background in leadership and community service as the Honors Service Club President, PATH Program Lead, and member of the Franke Leadership Forum. To combine her academic and social interests, Emma plans to apply for a JD/MD program focusing on healthcare restructuring and prioritizing underserved populations.

## **NOEL SEO (AUTHOR AND PEER EDITOR)**

Noel Seo is a junior at Stanford University, pursuing a major in sociology and minors in human rights and ethics in society. Noel has an extensive background in human rights and corporate legal accountability, through her internships with the National Labor Relations Board Division of Judges and the National Center on Sexual Exploitation, known for its annual “Dirty Dozen” list of mainstream corporations not doing enough to reduce sexual exploitation on their platforms. She plans to continue empowering workers and at-risk individuals through a career in public interest law post-graduation.

## **AMINA SHAKEEL (AUTHOR)**

Amina Shakeel is a fourth-year business, human rights, and sociology student at the University of Connecticut. A proponent of just transitions, sustainable business practice, and human-centered development, and a student who appreciates field work, Amina enjoys monitoring corporate commitments to human rights and contrasting them with input from supplier operations. Concerned primarily with displaced humans at the intersection of human rights, climate, labor, and technology too, she hopes to eventually be involved with humanitarian aid operations on the ground; Amina is also being cleared to serve in the Peace Corps as an early child literacy teacher in Uganda for 27 months starting August 1. Regardless of where she lands thereafter, she will continue to uphold human rights in a variety of capacities and looks forward to continuing research and investigative work after she graduates this May.


## **LOREN STEINBERG (AUTHOR AND PEER EDITOR)**

Loren Steinberg is a first-year graduate student at the University of Michigan in the School for Environmental and Sustainability who is particularly interested in the role of corporate supply chains, and how businesses can work with their suppliers to reduce their negative environmental and social impacts. She holds a bachelor’s degree in environmental studies from Santa Clara University and will continue to advocate for sustainable and ethical practices in the business world.



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